

Chapter 705

WASTEWATER TREATMENT WORKS — USER FEE SYSTEM

ARTICLE I

General Provisions

Section 705.010. Statement of Purpose. [R.O. 2013 §705.010; CC 1991 §705.010; Ord. No. 86 WRB-04 Art. I, 6-16-1987]

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.

Section 705.020. Definitions. [R.O. 2013 §705.020; CC 1991 §705.020; Ord. No. 86 WRB-04 Art. II §§1 — 10, 6-16-1987]

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

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

NORMAL DOMESTIC WASTEWATER — Wastewater that has a BOD concentration of not more than two hundred (200) milligrams per liter and a suspended solids concentration of not more than two hundred forty (240) milligrams per liter.

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.

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.

SS — 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.

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 treatments; 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.

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

USER — Any contributor to the City's treatment works whose lot, parcel or real estate, building, living unit or trailer is used for domestic dwelling and/or business purposes.

USER FEE — 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.

ARTICLE II Billing Procedures

Section 705.030. Billing — Generally. [R.O. 2013 §705.030; CC 1991 §705.030; Ord. No. 86 WRB-04 Art. III §§1 — 7, 6-16-1987; Ord. No. 15-03, 12-29-2003]

- A. The user fee system shall generate adequate annual revenues to pay costs of annual operation and maintenance, including replacement, and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user fee system. That portion of the total user fee which is designated for operation and maintenance, including replacement, of the treatment works shall be established by this Chapter.
- B. All users shall be billed based upon the average monthly usage during the months of December, January and February.
- C. The average monthly usage so determined shall apply for a two (2) year period. Every two (2) years rates will be recomputed on basis of usage. Customers without historic data of usage will be billed for an amount equal to the average usage of that class of customer until the next usage determination period.
- D. Users who are not serviced by the water company and have no water usage information will be billed at a rate equal to the average usage of that class of customer.
- E. For businesses and commercial users, schools and colleges, who use in an excess of fifty thousand (50,000) gallons of water per month, shall be billed on the basis of the water usage during the current month. During the periods when water estimates are used for billing, the sewer usage fee shall be based on the latest actual monthly reading.
- F. *Delinquent Bills.*
 1. Whenever a bill for sewer service remains unpaid for sixty (60) days for monthly

service after it has been rendered, the City Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the City claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

2. If the user whose bill is unpaid is not the owner of the premises and the City Clerk has notice of this, notice shall be mailed to the owner of the premises if his/her address be known to the Clerk whenever such bill remains unpaid for the period of forty-five (45) days for a monthly bill after it has been rendered.
3. The failure of the City Clerk to record such lien or to mail such notice or the failure of the owner to receive such notice shall not affect the right to foreclose the lien.
4. Property subject to a lien for unpaid charges shall be sold for non-payment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be by bill-in-equity in the name of the City. The City Attorney shall institute such proceedings in the name of the City in any court having jurisdiction over such matters against any property for which the bill has remained unpaid forty-five (45) days in the case of a monthly bill after it has been rendered.

G. The sewer service fee rate which shall be applied under this Article is set out in Section 700.015 of this Code.

Section 705.040. Method of Billing. [R.O. 2013 §705.040; CC 1991 §705.040; Ord. No. 86 WRB-04 Art. III §8, 6-16-1987]

All sewer service fees and extra charges established by this Article shall be stated on a bill rendered monthly.

Section 705.050. Adjustments. [R.O. 2013 §705.050; CC 1991 §705.050; Ord. No. 86 WRB-04 Art. III §9, 6-16-1987]

When it appears that an inequity has occurred, the sewage superintendent or City Clerk may submit a report of the circumstances and make recommendations for adjustments of sewage service charges to the Board of Aldermen. Any recommendation for adjustments must be approved by said Board before such adjustments shall be effective.

Section 705.060. Inspection — Inspectors — Powers and Authority. [R.O. 2013 §705.060; CC 1991 §705.060; Ord. No. 86 WRB-04 Art. III §10, 6-16-1987]

The elected officials of the City of Tarkio and other duly authorized employees of said City bearing identification shall, at reasonable times, be permitted to enter upon all properties for the purposes of inspection, observation, measurements, sampling and testing in accordance with the provisions of this Article.

Section 705.070. Accounting System for Sewer Funds. [R.O. 2013 §705.070; CC 1991 §705.070; Ord. No. 86 WRB-04 Art. III §11, 6-16-1987]

All monies collected under the authority of this Article shall be accrued to one (1) of four (4) sewer funds which shall herewith be established. A Sewer Operation and Maintenance Fund shall be established to provide for routine expenses incurred in providing sewer service. A Sewer Depreciation Fund shall be established to provide for replacement of major items of equipment as their useful life expires. A Debt Service Account shall be established to provide for payments of the sewer system revenue bonds. A Wastewater System Surplus Account shall be established for the residual balance of any monies remaining after the necessary deposits have been made in the before-mentioned three (3) accounts.

Refer to Ordinance No. 86 WRB-03, passed and approved the twelfth (12th) day of May, 1987, Section 15, Page 18, for further explanation of the creation of wastewater fund accounts.

Section 705.080. Billing — Penalty for Delinquent Payment. [R.O. 2013 §705.080; CC 1991 §705.080; Ord. No. 86 WRB-04 Art. III §12, 6-16-1987]

A late payment penalty of ten percent (10%) of the user bill will be added to each delinquent bill after due date.