

**ORDINANCE NO. 2011-26**

**AN ORDINANCE OF THE CITY OF WILLIAMSTOWN, KENTUCKY AMENDING ORDINANCE 2010-07 AS PREVIOUSLY AMENDED AND ESTABLISHING USER CHARGES BY THE CITY OF WILLIAMSTOWN TO PROVIDE FUNDS NEEDED TO PAY FOR OPERATION, MAINTENANCE AND REPLACEMENT (OM&R) AND DEBT SERVICE EXPENSES ASSOCIATED WITH THE CITY OF WILLIAMSTOWN'S WASTEWATER TREATMENT WORKS AND AMENDING SECTION 10.04 OF THE WILLIAMSTOWN CODE OF ORDINANCES AS TO WASTEWATER TREATMENT.**

**WHEREAS**, the City of Williamstown, Kentucky has constructed wastewater treatment works; and

**WHEREAS**, it is the City of Williamstown's intent to establish proportionate user charges that place the costs of abatement directly on the sources of pollution, conserve potable water, and maintain financial self-sufficiency; and

**WHEREAS**, the City of Williamstown must pay the OM&R and debt service expenses associated with the said treatment works and charge the users of said treatment works accordingly;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF WILLIAMSTOWN, KENTUCKY, THAT THE FOLLOWING USER CHARGES ARE ESTABLISHED.**

**ARTICLE I**

The City of Williamstown Ordinance No. 2011-27, as previously amended, is hereby amended with the words and numbers being added indicated by a single, solid line beneath them and the words and numbers being deleted indicated by a broken or straight line through them as require by KRS 83A.060(3) as follows:

**ARTICLE II**

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

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

A. “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).

B. “Normal Domestic Wastewater” shall mean the water carried waste produced from non-commercial or non-industrial activities and which result from normal human living processes.

C. “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 for which such works were designed and constructed. The term “operation and maintenance” includes replacement as defined in D.

D. “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.

E. “Residential User” shall mean any contributor to the City of Williamstown’s treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

F. “Commercial User” shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

G. “Industrial User” (IU) shall mean a source of Indirect Discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Clean Water Act.

H. “Institutional User” shall include social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

I. “Governmental User” shall include legislative, judicial, administrative, and regulatory activities of Federal, State and Local governments.

J. “Shall” is mandatory; “May” is permissive.

K. “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.

L. “Treatment Works” shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal wastewater, domestic wastewater or liquid industrial wastes. These include intercepting sewers, outfall sewers, wastewater collection 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 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.

M. “Useful Life” shall mean the estimated period during which a treatment works will be operated.

N. “User Charge” shall mean the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, replacement and debt service expenses of the wastewater treatment works.

O. “Water Meter” shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by the City of Williamstown.

P. “Debt Service” shall mean charges levied on users of the wastewater treatment works to support the annual debt service obligations of the system.

#### **ARTICLE IV**

A. The revenues collected, as a result of the user charges levied, shall be deposited in a separate non-lapsing fund know as the Operation, Maintenance and Replacement Fund.

B. Fiscal year-end balances in the Operation, Maintenance, and Replacement Fund shall be used for no other purposes than those designated. 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 six months of the fiscal year in which the monies were borrowed.

#### **ARTICLE V**

##### **CHARGES AND FEES.**

(A) The city hereby adopts charges and fees which shall include:

- (1) Fees for reimbursement of costs of setting up and operating the city’s Pretreatment Program;
- (2) Fees for monitoring, inspections and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;

- (4) Fees for permit applications;
- (5) Fees for filing appeals,
- (6) Fees for consistent removal by the POTW of pollutants otherwise subject to federal pretreatment standards including any and all administrative, labor and laboratory fees for carrying out such pretreatment monitoring.
- (7) Other fees as the city may deem necessary to carry out the requirements contained herein.
- (8) The City is not responsible for any pump equipment from the house/dwelling to the City's Manhole. The City's responsibility starts at the manhole.
- (9) New and/or remodeled restaurants shall provide plans, intent and steps to install grease traps. Said plans and installation shall provide how it intends to install, type of grease trap equipment required to have in place prior to approval and opening. The owner and/or operator shall have to have approval by the City of Williamstown prior to presenting said plans to the applicable health department.

(B) These fees related solely to the matters covered by this chapter and are separate from all other fees chargeable by the city and shall be distributed between those participating users in the City of Williamstown Pre-Treatment Program on a *pro rata* basis.

#### CONDITIONS FOR CHARGES.

The following shall be general conditions for charges:

(A) The user charge shall reflect the costs of operation and maintenance, including replacement of the POTW.

(B) Each user shall pay its proportionate share of operation and maintenance (including replacement cost based on volume of flow).

(C) The city shall review, not less often than annually, the user charge system. The user charge shall be revised as necessary to accomplish the following:

- (1) Maintain the proportionate distribution of operation and maintenance costs among users as provided herein; and
- (2) Generate at least sufficient revenue to pay the total operation and maintenance costs necessary for the proper operation and maintenance, including replacement, of the sewage works.

- (3) Excessive strength and toxicity surcharges shall be reviewed at the time of and in conjunction with the review of user charges. Surcharge rates shall be revised where necessary to reflect current treatment and monitoring costs.

(D) All flow to the sewage works not directly attributable to user (i.e. infiltration/inflow) shall be distributed among all users of the sewage works based upon the volume of flow of the users.

(E) Each user shall be notified, at least annually, in conjunction with the regular bill, of the rate and that portion of the user charge which is attributable to operation and maintenance of the POTW.

**ARTICLE VI**

**SEWER RATE SCHEDULE.**

(A) Each user shall pay a monthly billing charge of \$3.85 in addition to usage charges hereinafter provided.

(B) Each user shall pay to the city a monthly sewer use charge of \$4.67 for each 1,000 gallons of sewage, based upon the user's water consumption as shown by the user's water meter for the monthly billing period.

The City hereby establishes the following monthly sewer use charge and its effective date(s) for the years as follows:

Effective Date	6-1-09	6-1-10	6-1-11
All over 1,000 gallons (per 1,000 gallons)	\$6.30	\$8.20	\$11.06

(C) Each user whose water consumption during the monthly billing period is less than 1,000 gallons shall pay, in lieu of the charges set out in (A) and (B) above, a minimum monthly charge of \$8.52.

The City hereby establishes the following monthly sewer use charge for the first 1,000 Gallons and its effective date(s) for the years as follows:

Effective Date	6-1-09	6-1-10	6-1-11
All over 1,000 gallons	\$11.50	\$14.95	\$20.19

For the Sewer Rate Schedule every two (2) years, the City ~~can~~ **shall** add a Cost of Living Adjustment based upon the Consumer Price Index in January of that year as provided by the Secretary of Economic Development.

(D) Septic vault cleaners shall pay a fee of \$50.00 for each load (maximum load, 1,500 gallons) discharged into the wastewater collection and treatment system. These charges shall be paid prior to the dumping of wastes.

(E) All sewage treatment fees except those fees provided in (D) above are based upon a calendar monthly billing and shall be paid on or before the fifteenth day of the month in which the billing is rendered.

(F) A late payment fee equal to ten percent (10%) of the bill shall be added to and collected for each billing paid after the fifteenth day of the same month.

(G) A late payment fee, which shall be equal to five Percent (10%) of the delinquent utility bill for each month or part of a month any billing provided for herein remains unpaid after the fifteenth day of the month in which the bill was rendered, shall be added to such billing and paid. Returned check fee shall be \$25.00 per check.

(H) All billing for water service may be paid at: The City Clerk’s Office, 400 North Main Street, Williamstown, Kentucky 41097 or any of its branch offices within the city limits of Williamstown, Kentucky; or Grant County Deposit Bank, 106 North Main Street, Williamstown, Kentucky 41097 or any of its branch offices within the city limits of Williamstown, Kentucky; or Forcht Bank, 203 South Main Street, Williamstown, Kentucky 41097 or any of its branch offices within the city limits of Williamstown, Kentucky; on or before the fifteenth day of the same month in which rendered and thereafter at the City Clerk’s office.

(I) Each user shall have the option to pay fees and/or charges by credit card or any electronic means once established by the Mayor and City Clerk/Treasurer or their designee.

**ARTICLE VII**

(A) The following schedule of user charge rates shall apply to each user of the wastewater treatment works. This schedule includes rates for OM&R and rates for debt service charges, each based on the volume of metered or estimated water consumption.

Wastewater Services  
Monthly Rate Schedule

	OM&R	Debt Service	Total User Chg.	Minimum Bill
Total Gallons Water Consumption/mo From                      To	per 1000 gal. Rate	per 1000 gal. Service	per 1000 gal. Rate	= gal.

					6-1-2009	6-1-2010	6-1-2011
<u>First 1000 Gals.</u>				8.52	\$11.50	\$14.95	\$20.19
1001	2,000 Gals.	4.33	.34	4.67	\$ 6.30	\$ 8.20	\$11.06
2001	5,000 Gals	4.33	.34	4.67	\$ 6.30	\$ 8.20	\$11.06
5001	10,000 Gals	4.33	.34	4.67	\$ 6.30	\$ 8.20	\$11.06
10,001	25,000 Gals	4.33	.34	4.67	\$ 6.30	\$ 8.20	\$11.06
25,001	over Gals	4.33	.34	4.67	\$ 6.30	\$ 8.20	\$11.06

(B) For residential, industrial, institutional and commercial users, monthly user charges will be based on actual water usage. If a residential, commercial, institutional, 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.

(C) Excessive Strength Surcharges.

(1) In the event a user discharges wastes to the sewage works having an average BOD content in excess of 200 mg/l, or an average nitrogen content in excess of 30 mg/l, the user shall pay a surcharge based upon the excess strength of its wastes.

(2) The following surcharge rates shall apply to each user of the sewage works that contributes excessive strength sewage:

BOD - \$0.075 per pound

Suspended Solids - \$0.113 per pound

Ammonia-nitrogen - \$0.339 per pound

(3) The costs of treatment for each pound of BOD, Suspended Solids and Ammonia-nitrogen removed by the POTW shall be reviewed at the time of and in conjunction with the review of the user charge. Surcharge rates shall be revised where necessary to approximate current treatment costs. These rates shall be in effect until the next rate review.

(D) Method of Billing Surcharge.

(1) The excessive strength surcharge shall be based on the following formula, with the total applied to the monthly bill of affected users:

$$A(D-200) + B(E-200) + C(F-30) \times 0.00834 \times G = \text{Surcharge Payment}$$

(\$/mo.)

Where formula components are as follows:

- A - surcharge rate for BOD, in dollars per pound
- B - surcharge rate for SS, in dollars per pound
- C - surcharge rate for NH3-N concentration, mg/l
- D - user's average BOD concentration, mg/l
- E - user's average SS concentration, mg/l
- F - user's average NH3-N concentration, mg/l
- G - user's monthly flow to sewage works, in 1,000 gal.

- (2) No reduction in sewage service charges, fees or taxes shall be permitted because of the fact that certain wastes discharged to the sewage works contain less than 200 mg/l of BOD, 200 mg/l of Suspended Solids or 30 mg/l of Ammonia-nitrogen.

**ARTICLE VIII**

**CONNECTION FEES OR CHARGES.**

All costs or expenses incidental to the installation and connection of the building sewer to the POTW shall be borne by the owner. The owner shall indemnify the city for any loss or damage that may directly or indirectly be occasioned by the construction and installation of the building sewer.

At the time of submitting an application for a building sewer connection permit, the owner shall pay to the city a permit and inspection fee as follows:

	1-2 Units	3-6 Units	7 or More
Residential buildings	\$ 800.00	\$1,200.00	\$1,500.00
Commercial Buildings	\$2,000.00		
Industrial establishments	\$3,000.00		

**ARTICLE IX**

**DISCHARGE OF UNPOLLUTED WATERS INTO SEWER AND SURCHARGE**

(A) No persons shall discharge or cause to be discharged through any leak, defect, or connection any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, building sewer, building drain or building plumbing. The Superintendent or his representative shall have the right, at any time, to inspect the inside or outside of building sewers and require disconnection or repair of any pipes carrying such water into the building sewer. Such waters shall not be removed through the dual use of a

sanitary drain sump or a sump pump to building sanitary sewer. Discharge of such waters by a manual switch-over from sanitary sewer to storm drainage will not be an acceptable method of separation. In case both storm and sanitary sewage is present, separate drainage or pumping systems shall be included.

(B) Stormwater, groundwater and all other unpolluted drainage may be discharged to such sewers as are used as storm sewers approved by the Superintendent. Unpolluted cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer or natural outlet. Under no circumstances shall sanitary sewage be discharged to a storm sewer.

(C) The owners of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

(D) Any person violating any of the provisions of this section shall pay \$100.00 monthly user charge/surcharge until such time as the connections, leaks or defects resulting in discharge of unpolluted waters into the Williamstown wastewater system are removed and/or remedied and said person shall be liable under all provisions of Section 51 et. seq. of the Williamstown Code of Ordinances.

#### **ARTICLE X**

The City of Williamstown shall maintain financial records to accurately account for revenues generated by the treatment system and expenditures for operation and maintenance of the system, including normal replacement costs.

#### **ARTICLE XI**

This Ordinance and Section 10.04 of the Williamstown Code of Ordinances are hereby amended as follows:

A. In computing any period of time prescribed or allowed by Order of Court or by any applicable ordinance the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is Saturday, a Sunday, a legal holiday, or a day on which the public office in which a document is required to be filed is actually and legally closed in which event the period runs until the end of the next day which is not one of the days just mentioned...If the day thereby computed on which or by which the act is required to be done falls on a Saturday, Sunday, legal holiday or a day on which the public office in which the act is required to be completed is actually and legally closed, the act may be done on the next day which is none of the days just mentioned, and shall be paid by the close of business to the City of Williamstown in which its business office is legally opened.

C. If any proceeding is directed by law to take place or any act is directed to be done on a particular day of the month and that day is Sunday, the proceeding shall take place, or the act shall be done, on the next day that is not a legal holiday by the close of business that the City offices are legally opened.

**ARTICLE XII**

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

**ARTICLE XIII**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extend of such conflict.

**ARTICLE XIV**

This ordinance shall be effective as soon as possible according to law.

**ARTICLE XV**

This ordinance shall be published in summary pursuant to KRS 83A.060(9) and shall be effective as soon as possible according to law.

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Rick Skinner, Mayor  
City of Williamstown, Kentucky

ATTEST:

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Vivian Link, City Clerk/Treasurer

2011-26

1st Reading	<u>09/20/11</u>
2nd Reading	<u>10/03/11</u>
Publication	_____

## CERTIFICATION

The undersigned Vivian Link, City Clerk of the City of Williamstown, in Grant County, Kentucky hereby certifies as follows:

1. The foregoing Ordinance No. 2011-26 was introduced in writing and read to the City Council of the City of Williamstown at regular or special meetings thereof on the 20<sup>th</sup> day of September, 2011, and the third day of October, 2011, at which quorums were present; and said Ordinance was enacted by the City Council of the City of Williamstown upon the affirmative vote of at least a majority of a quorum thereof, at the meeting thereof on the third day of October, 2011, with the vote of each member of the city council entered upon the official record of such meeting; and

2. After the passage and adoption of the foregoing Ordinance by the City Council of the City of Williamstown, it was submitted to the Mayor of the City of Williamstown who approved said Ordinance by affixing his signature thereto within ten (10) days after the submission thereof to him; and

3. The foregoing Ordinance and/or summary was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, in the Grant County News, a newspaper qualified therefore, pursuant to the provisions of K.R.S. Chapter 424.

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Vivian Link, City Clerk/Treasurer