

ORDINANCE NO. 208-2013

TITLE: SEWER RATE INCREASE

AN ORDINANCE AMENDING ORDINANCE NO. 79-2004 AND ENACTING A NEW ORDINANCE INCREASING THE SEWER RATES TO BE CHARGED TO USERS OF THE CITY OF BARBERTON’S SANITARY SEWAGE SYSTEM, AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That Sections 2 and 3, of Ordinance No. 79-2004, “Sewer Rate Increase,” which now reads as follows:

SECTION 2. RATES FOR WATER USERS

If a Residential, Commercial, Industrial or Institutional User, who discharges sanitary sewage into the City’s sanitary sewage collection system, is a user of water supplied by the City and it is measured by a City water meter or by a meter acceptable to the Superintendent of Utilities, a Sewer Service Charge and Use Charge based upon the metered consumption of water shall be billed to the User at the following rates:

SEWAGE RATE SCHEDULE

	<u>May 10, 2004</u>	<u>January 1, 2005</u>
First 30,000 gal. per month	\$3.56/1,000 gallons	\$3.65/1,000 gallons
Over 30,000 gal. per month	\$2.85/1,000 gallons	\$2.92/1,000 gallons

and increasing 2.5% on January 1st of each succeeding year

MINIMUM RATE PER MONTH ACCORDING TO METER SIZE

<u>Meter Size</u>	<u>Minimum Charge</u>		<u>Usage in Gallons</u>
	<u>May 10, 2004</u>	<u>January 1, 2005</u>	
5/8”	\$ 8.90	\$ 9.12	2,500
3/4"	\$ 21.36	\$ 21.90	6,000
1	\$ 49.84	\$ 51.10	14,000
1 ½”	\$ 67.64	\$ 69.35	19,000
2	\$ 85.44	\$ 87.60	24,000
3	\$118.20	\$121.18	34,000
4	\$163.80	\$167.90	50,000
6	\$249.30	\$255.50	80,000

All rates outside the corporate limits of the City of Barberton shall be 200% of the above rates except as authorized by Council ordinance.

SECTION 3. RATES FOR NON-WATER USERS

If a Residential User, who discharges sanitary sewage into the City’s sanitary sewage collection system, is not a user of water supplied by the City and it is not measured by a City water meter or by a meter acceptable to the Superintendent of Utilities, the Superintendent of Utilities shall estimate the usage in gallons per month of sanitary sewage discharged into the City’s system and a Sewer Service Charge and Use Charge shall be billed to the Residential User at the following rate:

		<u>Rate per Month</u>					
<u>No. of Persons in Residence</u>	<u>Estimated Usage in Gals per Month</u>	<u>Inside Corp.</u>	<u>Outside Corp. Norton</u>	<u>Outside Corp.-All Others</u>	<u>Inside Corp.</u>	<u>Outside Corp. Norton</u>	<u>Outside Corp.-All Others</u>
		<u>May 10, 2004</u>			<u>January 1, 2005</u>		
2	4,800	\$17.09	\$25.63	\$34.18	\$17.52	\$26.28	\$35.04
3	7,200	\$25.63	\$38.45	\$51.26	\$26.28	\$39.42	\$52.56
4	9,600	\$34.18	\$51.26	\$68.36	\$35.04	\$52.56	\$70.08
5	12,000	\$42.72	\$64.08	\$85.44	\$43.80	\$65.70	\$87.60
6 – 8	14,400	\$51.26	\$76.90	\$102.52	\$52.56	\$78.84	\$105.12
over 8	16,800	\$59.81	\$89.71	\$119.62	\$61.32	\$91.98	\$122.64

If a Commercial, Industrial or Institutional User, who discharges sanitary sewage into the City’s sewage collection system, is not a user of water supplied by the City, and it is not measured by a City water meter or by a meter acceptable to the Superintendent of Utilities, the Superintendent of Utilities shall estimate the usage in gallons per month of sanitary sewage discharged into the City’s system or shall require the installation of a meter to measure such usage and a Sewer Service Charge and Use Charge shall be billed to the User at the rate set forth in Section 2.

be and the same is hereby amended to read as follows with changes in bold:

SECTION 1. That Ordinance No. 79-2004, “Sewer Rate Increase,” be amended and Ordinance No. -2013 be enacted to increase sewer rates to be charged to users of the City of Barberton’s Sanitary Sewage System as follows:

SECTION 1. DEFINITIONS

“User Charge” - shall mean the charge assessed users of the sewage system to recover the cost of operation, maintenance, and replacement of the sewage collection and sewage treatment system, and the cost of rendering bills and collecting sewer service charges.

“Operation and Maintenance Costs” - shall mean the costs incurred in the act of keeping all facilities for collecting, pumping, treating, and disposing of sewage, in a good state of repair and functioning properly, including the replacement of said facilities when necessary.

“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.

“Debt Service” - shall mean the funds used for the retirement of principal and interest on bonds and/or notes authorized and issued by the City of Barberton, Ohio to construct sewage system facilities.

“Sewer Service Charge” - shall mean the total charge levied against users of the sewage system for sewer service. The charge shall include user charges plus the cost of debt service.

“Residential User” - a principal family residence or habitation classified as a single family, multifamily, or apartment dwelling

that discharges domestic sanitary wastewater having characteristics of 250 milligrams per liter (mg/l) biochemical oxygen demand (BOD) and 250 mg/l suspended solids (SS) into the public wastewater treatment system.

“Commercial User” - retail or wholesale businesses or any other business establishment that discharges wastewater into the public wastewater treatment system, works, or facility.

“Industrial User” - shall include users discharging waste resulting from manufacturing activities involving the mechanical or chemical transformation of materials or substance into other products. These activities occur in establishments usually described as plants, factories, or mills and characteristically use power-driven machines and material handling equipment.

“Institutional User” - hospitals, nursing homes, schools, city, county, state, or federal buildings or facilities that discharge wastewater into the public wastewater treatment system, works, or facility.

SECTION 2. RATES FOR WATER USERS

If a Residential, Commercial, Industrial or Institutional User, who discharges sanitary sewage into the City’s sanitary sewage collection system, is a user of water supplied by the City and it is measured by a City water meter or by a meter acceptable to the Superintendent of Utilities, a Sewer Service Charge and Use Charge based upon the metered consumption of water shall be billed to the User at the following rates:

SEWAGE RATE SCHEDULE

	<u>January 1, 2013</u>	<u>January 1, 2014</u>
First 30,000 gal. per month	\$4.14 /1,000 gallons	\$4.35 /1,000 gallons
Over 30,000 gal. per month	\$3.32 /1,000 gallons	\$3.49 /1,000 gallons

and increasing up to 5% on January 1st of each succeeding year

MINIMUM RATE PER MONTH ACCORDING TO METER SIZE

<u>Meter Size</u>	<u>Minimum Charge</u>		<u>Usage in Gallons</u>
	<u>January 1, 2013</u>	<u>January 1, 2014</u>	
5/8”	\$ 10.35	\$ 10.88	2,500
3/4"	\$ 24.84	\$ 26.00	6,000
1	\$ 57.96	\$ 60.90	14,000
1 ½”	\$ 78.66	\$ 82.65	19,000
2	\$ 99.36	\$104.40	24,000
3	\$137.48	\$144.46	34,000
4	\$190.60	\$200.30	50,000
6	\$290.20	\$305.00	80,000

All rates outside the corporate limits of the City of Barberton shall be 200% of the above rates except as authorized by Council ordinance.

SECTION 3. RATES FOR NON-WATER USERS

If a Residential User, who discharges sanitary sewage into the City’s sanitary sewage collection system, is not a user of water supplied by the City and it is not measured by a City

water meter or by a meter acceptable to the Superintendent of Utilities, the Superintendent of Utilities shall estimate the usage in gallons per month of sanitary sewage discharged into the City’s system and a Sewer Service Charge and Use Charge shall be billed to the Residential User at the following rate:

		<u>Rate per Month</u>					
<u>No. of Persons in Residence</u>	<u>Estimated Usage in Gals per Month</u>	<u>Inside Corp.</u>	<u>Outside Corp. Norton</u>	<u>Outside Corp.-All Others</u>	<u>Inside Corp.</u>	<u>Outside Corp. Norton</u>	<u>Outside Corp.-All Others</u>
		<u>January 1, 2013</u>			<u>January 1, 2014</u>		
2	4,800	\$19.87	\$29.76	\$ 39.74	\$20.88	\$ 31.31	\$ 41.76
3	7,200	\$29.81	\$44.64	\$ 59.62	\$31.32	\$ 46.96	\$ 62.64
4	9,600	\$39.74	\$59.52	\$ 79.49	\$41.76	\$ 62.62	\$ 83.52
5	12,000	\$59.62	\$89.28	\$119.23	\$52.20	\$ 78.27	\$104.40
6 – 8	14,400	\$51.26	\$		\$62.64	\$ 93.93	\$125.28
over 8	16,800	\$59.81	\$		\$73.08	\$109.58	\$146.56

If a Commercial, Industrial or Institutional User, who discharges sanitary sewage into the City’s sewage collection system, is not a user of water supplied by the City, and it is not measured by a City water meter or by a meter acceptable to the Superintendent of Utilities, the Superintendent of Utilities shall estimate the usage in gallons per month of sanitary sewage discharged into the City’s system or shall require the installation of a meter to measure such usage and a Sewer Service Charge and Use Charge shall be billed to the User at the rate set forth in Section 2.

SECTION 4. DISTRIBUTION OF FUNDS

Council hereby authorizes the distribution of the monies received by the City in Section 2 and 3 above as follows:

<u>INDUSTRIAL AND INSTITUTIONAL USERS</u>				
<u>Minimum Charge</u>	<u>Inside City</u>		<u>Outside City</u>	
	<u>05-10-04</u>	<u>01-01-05</u>	<u>05-10-04</u>	<u>01-01-05</u>
Billing and General Admin.	\$1.39/month	\$1.42/month	\$ 1.39/month	\$ 1.42/month
Debt Service	<u>\$7.51/month</u>	<u>\$7.70/month</u>	<u>\$16.41/month</u>	<u>\$16.82/month</u>
	\$8.90/month	\$9.12/month	\$17.80/month	\$18.24/month

<u>First 30,000 Gallons/Month</u>				
Operation, Maintenance, and Replacement	\$1.79/k gal.	\$1.83/k gal.	\$1.79/k gal.	\$1.83/k gal.
Industrial Pretreatment	\$0.28/k gal.	\$0.29/k gal.	\$0.28/k gal.	\$0.29/k gal.
Debt Service	<u>\$1.49/k gal.</u>	<u>\$1.53/k gal.</u>	<u>\$5.05/k gal.</u>	<u>\$5.18/k gal.</u>
	\$3.56/k gal.	\$3.65/k gal.	\$7.12/k gal.	\$7.30/k gal.
k = 1,000				

<u>Over 30,000 Gallons/Month</u>				
Operation, Maintenance, and Replacement	\$1.79/k gal.	\$1.83/k gal.	\$1.79/k gal.	\$1.83/k gal.
Industrial Pretreatment	\$0.28/k gal.	\$0.29/k gal.	\$0.28/k gal.	\$0.29/k gal.
Debt Service	<u>\$0.78/k gal.</u>	<u>\$0.80/k gal.</u>	<u>\$3.63/k gal.</u>	<u>\$3.72/k gal.</u>
	\$2.85/k gal.	\$2.92/k gal.	\$5.70/k gal.	\$5.84/k gal.
k = 1,000				

RESIDENTIAL AND COMMERCIAL USERS

<u>Minimum Charge</u>	<u>Inside City</u>		<u>Outside City</u>	
	<u>05-10-04</u>	<u>01-01-05</u>	<u>05-10-04</u>	<u>01-01-05</u>
Billing and General Admin.	\$1.39/month	\$1.42/month	\$ 1.39/month	\$ 1.42/month
Debt Service	<u>\$7.51/month</u>	<u>\$7.70/month</u>	<u>\$16.41/month</u>	<u>\$16.82/month</u>
	\$8.90/month	\$9.12/month	\$17.80/month	\$18.24/month

First 30,000 Gallons/Month

Operation, Maintenance, and Replacement	\$ 1.79/k gal.	\$1.83/k gal.	\$1.79/k gal.	\$1.83/k gal.
Debt Service	<u>\$ 1.77/k gal.</u>	<u>\$1.82/k gal.</u>	<u>\$5.33/k gal.</u>	<u>\$5.47/k gal.</u>
	\$ 3.56/k gal.	\$3.65/k gal.	\$7.12/k gal.	\$7.30/k gal.

k = 1,000

Over 30,000 Gallons/Month

Operation, Maintenance, and Replacement	\$1.79/k gal.	\$1.83/k gal.	\$1.79/k gal.	\$1.83/k gal.
Debt Service	<u>\$1.06/k gal.</u>	<u>\$1.09/k gal.</u>	<u>\$3.91/k gal.</u>	<u>\$4.01/k gal.</u>
	\$2.85/k gal.	\$2.92/k gal.	\$5.70/k gal.	\$5.84/k gal.

k = 1,000

SECTION 5. LATE PAYMENT CHARGES

Bills for Sewer Service Charges and User Charges that are not paid by the 10th day of the month following the receipt of the bill shall be subject to a 10% penalty.

SECTION 6. RIGHT OF APPEAL

All customers shall have the right to appeal bills rendered for Sewer Service Charges and User Charges. If a billing dispute cannot be resolved by the Utility Billing Department, the Utilities Billing Review Board shall resolve such dispute.

SECTION 7. ANNUAL REVIEW OF CHARGES

The Sewer Service Charges and User Charges shall be reviewed annually by the City in order to determine whether or not they are sufficient to defray the fixed charges, amortization costs, and annual cost of operation and maintenance of the sewage collection system. If the difference between the total annual cost is sufficient to justify an increase or decrease in the Sewer Service Charges or User Charges, the City will adjust the rates as required. The purpose of the annual review is also to maintain a proportional rate system.

Each user is to be notified, at least annually, in conjunction with a regular bill, regarding the Sewer Service Charge and User Charge rates and that portion of such rates which is attributable to the operation, maintenance, and replacement costs of wastewater treatment services.

SECTION 8. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 9. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, and for the reason that it concerns the efficient operation of the City to increase sewer rates at this time, and provided it receives the necessary votes required by the City Charter, shall be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2013

Clerk of Council

President of Council

Approved _____ 2013

Mayor