ORDINANCE NUMBER 14-028

An ordinance to regulate the fees and charges for use of the Wastewater Treatment System of the City of Beatrice, Nebraska ("City"); to repeal Ordinance Number 14-024; to repeal conflicting ordinances or parts of ordinances; and to provide for publication in pamphlet form and an effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. Definitions.

The following words and phrases shall have the meanings respectively ascribed to them:

Abnormal BOD: The BOD content of the sewage in excess of 220 milligrams per liter.

Abnormal FOG: The FOG content of the sewage in excess of 100 milligrams per liter.

Abnormal TKN: The TKN content of the sewage in excess of 30 milligrams per liter.

Abnormal TSS: The sum of the TSS content of the sewage in excess of 250 milligrams per liter.

BOD (Biochemical Oxygen Demand): The quantity of oxygen utilized in biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius (68 degrees Fahrenheit), expressed in milligrams per liter.

COD (Chemical Oxygen Demand): A measurement of the oxygen-deletion capacity of a water sample contaminated with organic waste mater.

Commercial user: A sewer service user engaged in business, economic, or professional activities or has a single water meter serving two (2) or more dwelling units who normally uses an average of 25,000 gallons or less of water per day over a twelve (12) month period, or who is so designated by the City.

FOG (Fats, Oils and Grease): Fats, Oils, and Grease typically derived from animal or vegetable origins that may interfere with the operations of the collection system or wastewater treatment facility or become a removal problem at the wastewater treatment facility.

Permitted user: A sewer service user engaged in selling, warehousing, or distributing a commodity or engaged in business, economic, or professional activities who normally uses in excess of an average of 25,000 gallons of water per day, or has abnormal wastes as defined above, over a twelve (12) month period for the immediate year preceding. If not in business for one (1) year, the determination is based on the City's projections of monthly water use.

Residential user: A sewer user with a single-family dwelling unit used exclusively as a place of abode and served by a separate water meter or any sewer service user so designated by the City.

Septic Waste Hauler: Any business that takes waste only from septic tanks and trucks or hauls such waste for direct disposal at the City's wastewater treatment plant.

Sewer user: Any owner, possessor, tenant, occupier, inhabitant, holder or person using premises, property or structures of every kind, nature and description, which have water service from any supply source and are connected directly or indirectly with the sewage system of the City (also known as the wastewater collection and treatment system).

TKN (Total Kjeldahl Nitrogen): Total nitrogen in a substance determined by digesting with sulfuric acid and a catalyst; the nitrogen is reduced to ammonia, which is then measured.

Toxic pollutant: Any substance in concentrations greater than those allowed under State of Nebraska or Federal regulations that may require extraction and disposal.

TSS (Total Suspended Solids): Solids that float on the surface or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering, expressed in milligrams per liter.

SECTION 2. Meters.

A sewer user that obtains all or a part of its water service from any privately owned and operated supply source, shall report the name and address of such privately owned and operated supply source to the City and shall, at its own cost and expense, provide meter facilities satisfactory to the City, for determining the volume of water obtained from such privately owned

and operated supply source, so that, based thereon, the proper sewer service charge may be levied in accordance with Section 7; provided, however, sewer users may, at their option and expense, and with the approval of the City, install sewage meters to measure all sewage discharged into the sanitary, combination, or storm sewers. The rates specified in Section 6 shall apply equally to sewage meters. Where, in the judgment of the City, by reason of special or unusual conditions, such meter requirements would be inequitable or unfair to the user, a special rate may be established by administrative rule or regulation, with approval of the Board of Public Works. The City shall not require the installation of sewer meters or other wastewater measuring devices if the property is not discharging abnormal wastes or other high strength sewage, unless special or unusual conditions merit the making of such a requirement. In the event the City can determine the actual flow into the sanitary sewer by utilizing past user records and other reliable information, the City may waive the requirement of the installation of the meters described in this paragraph. The City shall have the right to remove, repair, and reinstall any such permitted or required meter or device at the user's expense.

SECTION 3. Obtaining and Analyzing Sewer Samples.

All Permitted Users shall, in addition to the other provisions of this Ordinance, comply with the following provisions:

Monitoring Facilities

City shall utilize and maintain its current monitoring facilities for purposes of acquiring the test samples required by this Ordinance. In the event such facilities become inadequate or obsolete, the Permitted user shall, at Permitted User's expense, construct and maintain a monitoring facility to allow inspection, sampling and flow measurement of the lateral sewer or internal drainage systems and shall also ensure sampling or metering equipment is provided, installed, operated and maintained at Permitted User's expense. Authorized personnel of the City shall have access to such monitoring facilities at all times for inspection, sampling and sample collection. If such facilities are locked, special arrangements shall be made to allow

access by City personnel.

City shall also have the right to set up a monitoring device at such facility at City's expense.

Access to Property

Permitted User shall allow authorized personnel of the City ready access at all reasonable times to all parts of its property for the purpose of inspection, sampling, or for the performance of their duties. City shall have the right to set upon Permitted User's property such devices as are necessary to conduct sampling or metering operations at City's cost and risk. While performing such work, City's personnel shall observe all safety rules established by Permitted User applicable to its plant or facilities and such personnel shall not interfere with the normal operations of Permitted User's plant or facility.

Sampling Methods

All measurements, tests, and analysis of the characteristics of Permitted User's waste shall be determined in accordance with the latest edition of STANDARD METHODS FOR EXAMINATION OF WATER AND WASTE WATER published by the American Public Health Association and American Water Works Association and shall be determined at the monitoring facilities or from samples taken at such monitoring facilities. Samples shall be carried out by customarily accepted methods to reflect the efforts of waste constituents upon the wastewater treatment system and to determine the existence of a possible hazard to life, limb, property, and proper operation of the wastewater treatment facility. All samples taken by the City will be divided and shared with the Permitted User, if requested, and the results of said testing shall be made available by the City to Permitted User upon receipt. Sampling shall be done a minimum of five (5) days selected at random by the City every ninety (90) day period. The Permitted User shall be responsible for the costs of the analysis of the samples and the costs shall be directly billed to the Permitted User. The City may, in its discretion and at its cost obtain additional samples. Nothing herein contained shall preclude Permitted User from

collecting their own samples, and presenting their analysis to the City for consideration. Should Permitted User collect their own samples, Permitted User shall make available to the City one-half (1/2) of such samples. If Permitted User does present such analysis for City's consideration, City shall review such data in light of all samples collected and presented for analysis.

The City Engineer shall first resolve all questions relative to the results of sampling and testing. If Permitted User does not accept the decision of the City Engineer, it shall give written notice to the City by virtue of depositing the same with the City Clerk or mailing the same to the City Clerk by Certified Mail. At the written request of Permitted User, any disputes as to the testing results shall be submitted to a mutually agreeable laboratory for further tests, which results shall be final for determinations regarding such samples. In the event of a test by such third party laboratory, then the cost of the same shall be borne by the party making such written request therein. In the event Permitted User fails to give written notice of its objection to the City's tests or decision by the wastewater facility operator within ten (10) days after receipt of such test information or decision, said test information or decision will become final.

Annual Meeting

Beginning in July of 2015, the City, and Designated Permitted Users will personally meet to discuss issues of joint interest to the parties, such as the Permitted User's change of operating procedures that may affect the City's utilities, changed operating costs of the City, and any other issues the parties deem important to the operation of the City's Sewer System. The City shall adjust the Permitted User's rates up or down for the following calendar year based on documented factual changes in the factors used to determine the monthly rate set forth in this Ordinance. This provision shall not prohibit the City from adjusting the rates of the Permitted User at other times throughout the year if the City deems it advisable. City shall review any intermediate rate adjustments with the Permitted User should this situation occur.

Surcharges

In the event that Permitted User's waste discharged shall exceed the allocations as

assigned in Section 6 below, then the Permitted User shall also pay surcharges to the City for excessive strength waste based upon the following provisions:

a. Volume, BOD, Suspended Solids, and TKN Surcharge. On a five (5) day basis (or longer duration if elected by the City), the average daily waste discharge of the Permitted User shall be calculated and in the event Permitted User exceeds the allocated amount of volume, BOD, FOG, TSS, or TKN, a surcharge shall be calculated for the components that exceed the allocated amount. The surcharge shall be multiplied by the number of calendar days between scheduled or re-test sampling activities beginning on the first day of the five (5) day (or longer duration if elected by the City) sampling period to the start of the next five (5) day (or longer duration if elected by the City) sampling period to obtain the total surcharge. The portion of the total surcharge that occurs in each billing period shall be added to the billing to be paid by the Permitted User on a monthly basis. The daily surcharge shall be calculated in accordance with the following formula:

i. $SC = [R_b (B_t - B_m) + R_s (S_t - S_m) + R_t (T_t - T_m) + R_f (F_t - F_m)] \times 8.34 \times (V_t/1{,}000{,}000)$

ii. For purposes of the above formula, the variables shall be defined as follows:

B_m = BOD in allocated wastewater defined as 46 lbs/day

B_t = BOD in wastewater in pounds per day

F_t = FOG in wastewater pounds per day

F_m = FOG in allocated wastewater defined as 21 lbs/day

R_f = FOG treatment cost per pound per day

R_s = Suspended solids treatment cost per pound per day

R_b = BOD treatment cost per pound per day

R_t = TKN treatment cost per pound per day

T_t = TKN in wastewater in pounds per day

T_m = TKN in allocated wastewater defined as 6 lbs/day

S_t = Suspended solids in wastewater in ppm

S_m = Suspended solids in allocated wastewater defined as 52 lbs/day

V_t = Volume of wastewater generated by user in gallons per day

For the purpose of the above formula, R_s and R_f shall equal 25 cents ($0.25) per pound, R_b shall equal 1.26 dollars ($1.26) per pound, and R_t shall equal 63 cents ($0.63) per pound. The treatment cost for each surcharge component may be increased by resolution of the Beatrice City Council from time to time as the City's costs associated with the components increase. The City shall provide the Permitted User at least one (1) month advance notice of a surcharge component increase.

Incident Charges

In the case of an incident occurring from a Permitted User which requires the wastewater treatment facility operator to be called to the facility at other than normal working hours, a five hundred fifty dollar ($550.00) incident charge shall be levied. For purposes of this Ordinance, normal working hours are defined as 7:00 a.m. to 4:00 p.m., Monday through Friday. Further, if any discrete sample within a twenty-four (24) hour period exceeds a concentration of 8,000 mg/l COD in any one discrete sample, an incident charge of five hundred fifty dollars ($550.00) shall be levied whether or not the operator was called out, unless proper notification is made to the City within one (1) hour of occurrence.

SECTION 4. Grease, Oil, and Sand Interceptor; When Required.

Grease, oil, and sand interceptors shall be provided by the owner of a property when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for residences. All interceptors shall be of a type and capacity approved by the City, and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 5. Discharger Responsible for Increased Costs.

Any user, septic waste hauler, persons, or company which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the sewage system, or any user, septic waste hauler, persons, or company which discharges any substance which singly or by interaction with any other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the sewer system, shall pay for such increased costs. The charge to each such user, septic waste hauler, persons, or company shall be as determined by the City.

SECTION 6. Rates.

Character of Service. The City shall endeavor to provide dependable sewer services, adequate to meet the reasonable, anticipated, and projected needs of its customers.

Rate Schedules. For all Residential, Commercial, and Permitted Users of the sanitary sewer system, the rates are as follows:

a. The wastewater minimum charge shall be:

For Residential customers	$10.50 per month
For Commercial customers	$10.50 per month
For Permitted Users	$100.00 per month

b. The wastewater use unit charge per 1,000 gallons of water (wastewater) shall be:

For Residential customers	$2.02 per month
For Commercial customers	$2.02 per month
For Permitted Users	$2.18 per month

c. A monthly infrastructure improvement charge shall be:

For Residential customers	$3.00 per month
For Commercial customers	$4.00 per month
For Permitted Users	$5.00 per month

d. The charge for septic waste hauler shall be:

$35.00 for any number of gallons disposed of up to 1,000 gallons. Any additional gallons disposed of beyond the initial 1,000 gallons shall be charged at $35.00 per 1,000 gallons. Each trip to Wastewater Treatment Facility shall constitute a separate disposal.

e. The charge for Permitted Users shall be:

BOD in Excess of 46 lbs/day.....$1.26 per lb
FOG in Excess of 21 lbs/day.....$0.25 per lb
TSS in Excess of 352 lbs/day.....$0.25 per lb
TKN in Excess of 6 lbs/day.....$0.63 per lb

SECTION 7. Monthly Bill Computation.

Bill. Customer Charge + Infrastructure Improvement Charge + Flow-Based Usage Charge (if applicable) + Abnormal Sewage Strength Charges (if applicable).

Residential. The monthly fee for each residential user of the sanitary sewer system of the City shall be passed upon the monthly average of water used by the user during at least three (3) of the winter months of December, January, February, or March; multiplied by the applicable residential rate plus the customer charge, plus the infrastructure improvement charge. This monthly fee shall be used for the ensuing twelve (12) months.

The monthly fee for residential multiple unit users of the sanitary sewer system shall be the larger of one (1) of the following:

a. The applicable residential rate multiplied by the monthly average of water used at the residence user during at least three (3) of the winter months of December, January, February, or March, plus the minimum charge, plus the infrastructure improvement charge.

b. The minimum charge times the number of living units plus infrastructure improvement charge.

Commercial. The monthly fee for each commercial user of the sanitary sewer system of the City shall be based on the monthly commercial water metered by the user (unless the commercial water usage is modified by the next two (2) paragraphs) multiplied by the applicable commercial rate plus the customer charge plus the infrastructure improvement charge, plus charges for abnormal concentrations of BOD, TSS, FOG, and TKN discharged to the sewer system.

Each commercial user using water which does not enter the sanitary sewer system of the City shall be required to install a water meter to measure the applicable monthly water usage which does not enter the sanitary sewer and will be utilized as a deduction from the master meter

for purposes of computing the monthly commercial use fee of the sanitary sewer system or at the option of the City, will be required to install a meter to measure the actual flow into the sanitary sewer for purposes of computing the monthly fee. In the event the City can determine the actual flow into the sanitary sewer by utilizing past user records and other reliable information, the City may waive the requirement of the installation of the meters described in this paragraph and the use the determined flow multiplied by the commercial rate to obtain the monthly fee.

Commercial users utilizing water for lawn care during summer months shall have rates established for the months of May, June, July, August, September, and October based upon the commercial use rate multiplied by the monthly average of water used by the user during at least three (3) of the winter months of December, January, February, or March.

The monthly fee for commercial multiple unit users of the sanitary sewer system shall be the following:

a. The applicable commercial rate multiplied by the months commercial water metered by the user (or the amount of water used as determined in the two (2) prior paragraphs), plus the number of units multiplied by the customer charge.

Commercial users with concentrations of BOD, TSS, FOG, or TKN less than those indicated in Section 6 will only receive applicable charges for flow usage plus the customer charge each month plus the infrastructure improvement charge.

Permitted. The monthly fee for each Permitted user of the sanitary sewer system of the City will be based on the customer charge plus infrastructure improvement charge plus flow based usage charge plus any abnormal sewage strength charges.

The City will allow the establishment of a Permitted Agreement and Permit in lieu of the above charge system. This Ordinance will govern the use and charges from the Permitted User.

SECTION 8. Late Payment Additions for Residential and Commercial Users.

That the Beatrice Board of Public Works shall establish a policy regarding fees charged for late payments.

SECTION 9. Late Payment Additions for Permitted Users.

That the Beatrice Board of Public Works shall establish a policy regarding fees charged for late payments. In the event Permitted User shall fail to pay all sums due in accordance with the provisions of this Ordinance within forty-five (45) days of the due date of said billing, City may discontinue supplying services to Permitted Users property until such time as said bill shall be paid.

Should Permitted User contest its bill, it shall have fifteen (15) days from the due date thereof to contest the same by so notifying the City Clerk. The Permitted User shall have the right, during such fifteen (15) day period to request verification of said bill. After City has reviewed said bill and reached a final decision thereon, should the Permitted user disagree with said decision, it may appeal said decision as provided by the statutes of the laws of the State of Nebraska.

SECTION 10. That the charges prescribed and established by this Ordinance shall become effective after the effective date of this Ordinance and shall remain in full force and effect until amended or repealed by an Ordinance of the City of Beatrice. All billings on or after the effective date of this Ordinance shall be at the new rates.

SECTION 11. That Ordinance Number 14-024 and any other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 12. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law in pamphlet form.

PASSED AND APPROVED this 20th day of October, 2014.

Dennis M. Schuster, Mayor

Attest:

Linda S. Koch, City Clerk