

ORDINANCE NO. 5061

AN ORDINANCE TO ALLOW ADJUSTMENTS TO SEWER CHARGES FOR COMMERCIAL/INDUSTRIAL USERS IRRIGATION AND FOR RESIDENTIAL USERS IRRIGATING DURING DROUGHT CONDITIONS BY AMENDING SUBSECTION 13.08.370(B) OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the City of Rapid City provides sewers service in the Rapid City area; and

WHEREAS, the City has adopted by ordinance the rates to be charged for sewer service in accordance with state law; and

WHEREAS, the sewer rate charged is dependant upon the amount of water used by each user; and

WHEREAS, water that is used for irrigation purposes does not enter the City's sewer system; and

WHEREAS, the Rapid City Common Council has determined that it is in the best interests of the City of Rapid City to make allowances in determining the sewer rate for water that is used for irrigation.

NOW, THEREFORE, BE IT ORDAINED by the City of Rapid City that subsection 13.08.370(B) of the Rapid City Municipal Code be and is hereby amended to read as follows:

13.08.370(B). Rate Determination. The methods used for determining the sewer use charge shall be as follows:

1. Residential Users. The wastewater flow from residential connections shall be determined each year from the metered water use for three winter months using the water meter readings taken in January, February and March. The average monthly winter use measured in hundreds of cubic feet, shall be multiplied by the applicable rate and the product will determine the monthly sewer use charge for the twelve-month period commencing April 1st for each year. New residential users or intermittent users shall pay a sewer use charge based on the average single-family residential water use of seven hundred cubic feet per month per dwelling unit served and this volume shall be used until the end of the next averaging period (December, January and February). For any of the three averaging months in which the meter is not actually read, the amount of seven hundred cubic feet times the number of dwelling units shall be inserted for that month to determine the average for the three months.

Residents experiencing broken pipes within the home (but not leaky fixtures, such as faucets, toilets, etc.) during the sewer averaging period will be allowed sewer adjustments until the completion of the next sewer averaging period following notification of the utility billing service. Sewer usage will be adjusted by taking the last three (3) years average or the minimum of 700 cubic feet if the record is less than three (3) years.

Residential users watering in drought conditions during any of the three (3) months from which the sewer rates are determined will be allowed rate reduction as set forth in the previous paragraph. To receive such an adjustment, a residential user must sign and affidavit form provided by the Public Works Department, affirming that they water during the time of the sewer charge calculation and that such watering was necessary due to drought conditions.

2. Commercial and Institutional Users Discharging Domestic Wastewater. The sewer use charge for commercial and institutional connections discharging wastewaters similar in physical, biological and chemical quality to domestic wastewater shall be determined by multiplying the monthly wastewater volume in one hundred cubic feet by the rate established by subsection A of this section per one hundred cubic feet. The wastewater volume shall be determined from the monthly metered water unless special allowances are made or the wastewater is metered as provided herein.

3. Industrial Users. The sewer charge for industrial connections shall be determined by multiplying the monthly wastewater volume measured in one hundred cubic feet, by the rate established by subsection A of this section per one hundred cubic feet whenever the BOD concentration is less than two hundred sixty mg/l and the suspended solids concentration is less than three hundred mg/l based on the average of flow proportioned, composite samples, collected at the times, frequencies and in the manner designated by the director. Whenever the BOD concentration exceeds two hundred sixty mg/l or the suspended solids concentration exceeds three hundred mg/l, based on the sampling and testing program specified by the director, a surcharge will be assessed at the following rates on the portion of wastes in excess of two hundred sixty ppm BOD or three hundred ppm TSS: eleven cents per pound of BOD and seven cents per pound of TSS.

C. Special Arrangements. Any **commercial**/industrial user receiving metered water for uses resulting in portions of the water not going to the wastewater facilities may have its sewer use charge adjusted by showing, at the owner's expense, what percentage of the metered water is not discharged to the wastewater facilities. No allowance will be granted for non-metered irrigation water. **except that the designated schools and St. Martin's Academy will receive their historical allowances until January 1, 2008, at which time all irrigation must be metered in order to be kept from sewer charges.**

D. Monitoring. All categorical and significant industrial users shall, at their own expense, monitor their wastewater discharge to determine their sewer use rate. Any other industrial user choosing to monitor its discharge may do so at its own expense.

E. Exempt From Monitoring. All minor industrial users shall be exempt from self-monitoring for the purposes of this section.

F. Wastewater Volume Measurement.

1. Any industrial user may choose to measure the actual wastewater flow in lieu of basing the wastewater use charges on the metered water. In such cases, the conditions set forth herein shall apply.

2. Any industrial user receiving nonmetered water shall either install water meters for all nonmetered sources or provide wastewater flow measurement in accordance to the conditions set forth herein.

3. All meters for nonmetered water sources and wastewater flow measurement devices shall be installed in accordance with plans and specifications approved by the director. All costs for design and installation shall be borne by the owner. The owner shall guarantee the city access to the meter or meters for periodic meter reading.

G. Review of Each User's Wastewater Service Charge. If an industrial user has completed in-plant modifications which would change the user's wastewater characteristics or flows, the user can request that the director adjust the industrial user's surcharge rate. The director's decision can be appealed to the city council in a manner designated in Section 13.08.420.

H. A portion of the funds collected pursuant to charges imposed by subsections A and B of this section shall be spent on construction for sewer system replacement, improvement, and expansion/economic development type projects as defined in subsection 13.08.010. Funding will be allocated for replacement and improvement type projects in the sewer construction department 833. Funding will be allocated for expansion/economic development projects in department 834.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: