

ORDINANCE NO. 5582

AN ORDINANCE INCREASING THE INCOME THRESHOLD FOR THE CITY'S SEWER RATE RELIEF PROGRAM BY AMENDING SECTION 13.08.370 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the City has adopted a sewer rate relief program for certain residential users of the City's sewer system; and

WHEREAS, the City's sewer relief program is based on the income thresholds established by the State of South Dakota in its freeze on assessments for disabled and senior citizens program; and

WHEREAS, for the upcoming year the State has raised the income thresholds for this program; and

WHEREAS, the Common Council of the City of Rapid City finds that it is in the best interests of the City to increase the income thresholds for its sewer relief program to match those of the State program by amending Section 13.08.370 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City that Section 13.08.370 of the Rapid City Municipal Code be amended to read as follows:

13.08.370 Sewer rates and use charges.

A. Unit Rate.

1. As set forth below, a total unit rate is established that includes a rate per unit associated with operating and non-debt service expense plus a surcharge per unit associated with debt expense.

	Rate per Unit	Surcharge per Unit	Final Rate per Unit
Starting with the February 2009 Bill	\$2.27	\$.39	\$2.66
(continued)	Rate per Unit	Surcharge per Unit	Final Rate per Unit
Starting 2010	\$2.55	\$.35	\$2.90
in 2011	\$2.69	\$.35	\$3.04
January: 2012	\$2.79	\$.35	\$3.14
2013	\$2.90	\$.35	\$3.25

2. The proceeds of the surcharge upon sewer service are to be used for the payment of the principal of and interest on bonds issued under the authority of SDCL Ch. 9-40. No portion of the proceeds of such surcharge shall be expended for any purpose other than retiring sewer bonds until all of such bonds have been retired.

3. The rate to be paid for sewer service through lines owned by a governmental entity other than the city shall be established by contract.

B. *Meter Charge.* A total Meter Charge, based upon the size of the non-irrigation water meter serving the user, shall be paid for by the owner of the premises served. As set forth below, this total Meter Charge shall include a charge associated with operating and non-debt service expense plus a surcharge per unit associated with an environmental fee. The environmental fee surcharge covers the tax imposed by the state as an environmental fee upon municipal sewage collection systems.

1. For all Residential users:

Starting with the February 2009 Bill

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$3.22	\$0.26	\$3.48
3/4	\$4.17	\$0.26	\$4.43
1	\$6.06	\$0.26	\$6.32
1.5	\$10.78	\$0.26	\$11.04

Starting with the February 2009 Bill (continued)

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
2	\$16.45	\$0.26	\$16.71
3	\$29.68	\$0.26	\$29.94
4	\$48.58	\$0.26	\$48.84
6	\$95.83	\$0.26	\$96.09
8	\$152.53	\$0.26	\$152.79

Starting in January 2010

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$3.48	\$0.27	\$3.75
3/4	\$4.50	\$0.27	\$4.77
1	\$6.54	\$0.27	\$6.81

1.5	\$11.65	\$0.27	\$11.92
2	\$17.77	\$0.27	\$18.04
3	\$32.06	\$0.27	\$32.33
4	\$52.47	\$0.27	\$52.74
6	\$103.50	\$0.27	\$103.77
8	\$164.73	\$0.27	\$165.00

Starting in January 2011

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$3.76	\$0.29	\$4.05
3/4	\$4.86	\$0.29	\$5.15
1	\$7.07	\$0.29	\$7.36
1.5	\$12.58	\$0.29	\$12.87
2	\$19.19	\$0.29	\$19.48
3	\$34.62	\$0.29	\$34.91
4	\$56.67	\$0.29	\$56.96
6	\$111.78	\$0.29	\$112.07
8	\$177.91	\$0.29	\$178.20

Starting in January 2012

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$4.06	\$0.30	\$4.36
3/4	\$5.25	\$0.30	\$5.55
1	\$7.63	\$0.30	\$7.93
1.5	\$13.58	\$0.30	\$13.88
2	\$20.73	\$0.30	\$21.03
3	\$37.39	\$0.30	\$37.69
4	\$61.20	\$0.30	\$61.50
6	\$120.72	\$0.30	\$121.02
8	\$192.14	\$0.30	\$192.44

Starting in January 2013

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
------------	--------------	-----------------------------	--------------------

5/8	\$4.22	\$0.31	\$4.53
3/4	\$5.46	\$0.31	\$5.77
1	\$7.94	\$0.31	\$8.25
1.5	\$14.13	\$0.31	\$14.44
2	\$21.55	\$0.31	\$21.86
3	\$38.89	\$0.31	\$39.20
4	\$63.65	\$0.31	\$63.96
6	\$125.55	\$0.31	\$125.86
8	\$199.83	\$0.31	\$200.14

2. For all Commercial and Institutional users:

Starting with the February 2009 Bill

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$3.59	\$0.26	\$3.85
3/4	\$4.77	\$0.26	\$5.03
1	\$7.13	\$0.26	\$7.39
1.5	\$13.02	\$0.26	\$13.28
2	\$20.09	\$0.26	\$20.35
3	\$36.58	\$0.26	\$36.84
4	\$60.14	\$0.26	\$60.41
6	\$119.05	\$0.26	\$119.31
8	\$189.74	\$0.26	\$190.00

Starting in January 2010

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$3.66	\$0.27	\$3.93
3/4	\$4.86	\$0.27	\$5.13
1	\$7.27	\$0.27	\$7.54
1.5	\$13.28	\$0.27	\$13.55
2	\$20.49	\$0.27	\$20.76
3	\$37.31	\$0.27	\$37.58
4	\$61.35	\$0.27	\$61.62

6	\$121.43	\$0.27	\$121.70
8	\$193.54	\$0.27	\$193.81

Starting in January 2011

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$3.88	\$0.29	\$4.17
3/4	\$5.16	\$0.29	\$5.45
1	\$7.70	\$0.29	\$7.99
1.5	\$14.07	\$0.29	\$14.36
2	\$21.72	\$0.29	\$22.01
3	\$39.55	\$0.29	\$39.84
4	\$65.03	\$0.29	\$65.32
6	\$128.72	\$0.29	\$129.01
8	\$205.15	\$0.29	\$205.44

Starting in January 2012

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$4.12	\$0.30	\$4.42
3/4	\$5.47	\$0.30	\$5.77
1	\$8.17	\$0.30	\$8.47
1.5	\$14.92	\$0.30	\$15.22
2	\$23.02	\$0.30	\$23.32
3	\$41.92	\$0.30	\$42.22
4	\$68.93	\$0.30	\$69.23
6	\$136.44	\$0.30	\$136.74
8	\$217.46	\$0.30	\$217.76

Starting in January 2013

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$4.36	\$0.31	\$4.67
3/4	\$5.79	\$0.31	\$6.10
1	\$8.66	\$0.31	\$8.97
1.5	\$15.81	\$0.31	\$16.12

2	\$24.40	\$0.31	\$24.71
3	\$44.44	\$0.31	\$44.75
4	\$73.06	\$0.31	\$73.37
6	\$144.63	\$0.31	\$144.94
8	\$230.51	\$0.31	\$230.82

3. For all Industrial users:

Starting with the February 2009 Bill

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$12.30	\$0.26	\$12.56
3/4	\$17.33	\$0.26	\$17.59
1	\$27.41	\$0.26	\$27.67
1.5	\$52.59	\$0.26	\$52.85
2	\$82.82	\$0.26	\$83.08
3	\$153.34	\$0.26	\$153.60
4	\$254.08	\$0.26	\$254.34
6	\$505.94	\$0.26	\$506.20
8	\$808.17	\$0.26	\$808.43

Starting in January 2010

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$13.53	\$0.27	\$13.80
3/4	\$19.07	\$0.27	\$19.34
1	\$30.15	\$0.27	\$30.42
1.5	\$57.85	\$0.27	\$58.12
2	\$91.10	\$0.27	\$91.37
3	\$168.67	\$0.27	\$168.94
4	\$279.49	\$0.27	\$279.76
6	\$556.53	\$0.27	\$556.80
8	\$888.99	\$0.27	\$889.26

Starting In January 2011

Meter Size	Meter Charge	Environmental	Total Meter
------------	--------------	---------------	-------------

		Fee Surcharge	Charge
5/8	\$14.88	\$0.29	\$15.17
3/4	\$20.97	\$0.29	\$21.26
1	\$33.16	\$0.29	\$33.45
1.5	\$63.64	\$0.29	\$63.93
2	\$100.21	\$0.29	\$100.50
3	\$185.54	\$0.29	\$185.83
4	\$307.44	\$0.29	\$307.73
6	\$612.19	\$0.29	\$612.48
8	\$977.89	\$0.29	\$978.18

Starting in January 2012

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$15.77	\$0.30	\$16.07
3/4	\$22.23	\$0.30	\$22.53
1	\$35.15	\$0.30	\$35.45
1.5	\$67.46	\$0.30	\$67.76
2	\$106.22	\$0.30	\$106.52
3	\$196.67	\$0.30	\$196.97
4	\$325.88	\$0.30	\$326.18
6	\$648.92	\$0.30	\$649.22
8	\$1,036.56	\$0.30	\$1,036.86

Starting in January 2013

Meter Size	Meter Charge	Environmental Fee Surcharge	Total Meter Charge
5/8	\$16.40	\$0.31	\$16.71
3/4	\$23.12	\$0.31	\$23.43
1	\$36.56	\$0.31	\$36.87
1.5	\$70.16	\$0.31	\$70.47
2	\$110.47	\$0.31	\$110.78
3	\$204.54	\$0.31	\$204.85
4	\$338.92	\$0.31	\$339.23
6	\$674.87	\$0.31	\$675.18

C. *Rate determination.* All wastewater and industrial waste discharged to the wastewater facilities shall be paid for by the tenant or owner of the premises served. The methods used for determining the sewer use charge shall be as follows:

1. *Residential users.* All residential wastewater users shall be assessed a monthly meter charge per the rates under subsection B.1 of this section. The wastewater flow from residential connections shall be determined each year from the metered water use for 3 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 rate in subsection A.1 of this section and the product will determine the monthly sewer use charge for the 12- month period commencing April 1 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 700 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 3 averaging months in which the meter is not actually read, the amount of 700 cubic feet times the number of dwelling units shall be inserted for that month to determine the average for the 3 months. Residents experiencing leaks located after the meter during the sewer usage averaging period will be allowed sewer billing adjustments until the completion of the next sewer averaging period following notification by the customer. Sewer usage will be adjusted by taking the last 3 years average, or the minimum billing volume of 700 cubic feet if the record is less than 3 years. Residential users irrigating during any of the 3 months from which the sewer rates are determined will be allowed a rate reduction, as set forth in the previous paragraph. To receive such an adjustment, a residential user must sign an affidavit provided by the Public Works Department, affirming that they irrigated during the time of the sewer charge calculation.

2. *Commercial and Institutional users discharging domestic wastewater.* All Commercial and Institutional wastewater users shall be assessed a monthly meter charge per the rates under subsection B.2 of this section. 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 100 cubic feet by the rate established by subsection A.1 of this section per 100 cubic feet. The wastewater volume shall be determined from the monthly metered water use unless special allowances are made or the wastewater is metered as provided herein.

3. *Industrial users.* All Industrial wastewater users shall be assessed a monthly meter charge per the rates under Subsection B.3 of this section. The sewer charge for industrial connections shall be determined by multiplying the monthly wastewater volume measured in 100 cubic feet, by the rate established by subsection A.1 of this section per 100 cubic feet, whenever the BOD concentration is less than 260 mg/l and the suspended solids concentration is less than 250 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 260 mg/l or the suspended solids concentration exceeds 250 mg/l, based on the sampling and testing program specified by the Director, a surcharge will be assessed at the following rates per pound on the portion of wastes in excess of 260 mg/l BOD or 250 mg/l TSS.

User	2009	2010	2011	2012	2013
BOD	\$0.13	\$0.16	\$0.19	\$0.23	\$0.27
TSS	\$0.09	\$0.11	\$0.14	\$0.17	\$0.21

D. *Non-residential rate adjustments.* Non-residential users may receive an adjustment to their sewer charge for non-irrigation water that is not discharged to the sanitary sewer. Such an adjustment shall only be made if the water is not used for irrigation and if the amount of water that is prevented from being discharged into the sanitary sewer system is metered, or if the actual sewage flow is metered.

E. *Sewer Rate Relief Program.* Residential sewer users can apply for a freeze on monthly sewer and unit charges. Eligibility for this program is based upon criteria outlined by the State of South Dakota Department of Revenue and Regulation Property Tax Division for the purpose of the Freeze on Assessments of Dwellings of Disabled and Senior Citizens Program. The Sewer Rate Relief program shall be administered through the City Public Works Department. The Director of Public Works shall have the authority to establish policies and procedures for administration of the program and to designate the program’s calendar year. In order to qualify for the program an applicant must meet the following criteria:

1. Must either be 65 years of age or older or disabled as defined by the Social Security Act.

2. Income (Applicants Federal adjusted gross income including social security payments) guidelines:

a. Single income household: Less than ~~\$22,573.68~~ 24,599.44;

b. Multiple income household (must include income of all household members): ~~\$28,217.10~~ 30,749.30.

3. Applicant may own, rent, lease, or have a life estate in the property for which the freeze is applied for. Applicant must physically reside at the property. The sewer bill must be in the Applicant’s name. If the residence has multiple units, but is served by only one service line, the residents of the property are not eligible for the program. If the applicant owns or has a life estate in the property it must have a fair market value of less than ~~\$454,950~~ 168,855.21. If the applicant rents or leases the property the rent or lease payment must be less than \$900 for a single person or less than \$1,200 for a multiple income household.

If an applicant qualifies for the program their sewer and meter rates will remain the same for a period of one year or until the yearly renewal date. The applicant must reapply every year. If the fair market value of the applicants property or the rent paid by them exceeds the threshold amounts, they can still qualify for the program if they were qualified in the immediately preceding year and remain domiciled in the same residence.

F. *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.

G. *Exempt from monitoring.* All minor industrial users shall be exempt from self-monitoring for the purposes of this section.

H. *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 non- metered water shall either install water meters for all non-metered sources or provide wastewater flow measurement in accordance to the conditions set forth herein.

3. All meters for non-metered 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.

I. *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 § 13.08.420.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: