

AN ORDINANCE AMENDING SECTIONS 13.08.010, 13.08.370, AND ADDING A NEW ARTICLE VIII SECTIONS 13.08.700 AND 13.08.710 TO CHAPTER 13.08 OF THE RAPID CITY MUNICIPAL CODE CITY OF RAPID CITY RELATING TO THE SEWER SERVICE SYSTEM.

FINDINGS

The City hereby finds that:

- (a) New residential and nonresidential development imposes increased and excessive demands upon City facilities.
- (b) New development overburdens existing public facilities and that tax revenues generated from new development do not generate sufficient funds to provide public facilities to serve new development.
- (c) Planning, economic and demographic studies project that new development will continue and will place ever-increasing demands on the City to provide public facilities to serve new development.
- (d) To the extent that new development in designated benefit areas places demands upon the public facilities, those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the public to the development creating the demands.
- (e) The City is responsible for and is committed to providing public facilities at levels necessary to cure any existing deficiencies in already developed areas.
- (f) Impact fees collected pursuant to this Ordinance may not be used to cure existing deficiencies public facilities.
- (g) It is the intent of the City Council that if a part of this ordinance chapter is invalid, all valid parts that are severable from the invalid part remain in effect.

BE IT ORDAINED by the City of Rapid City that Section 13.08.010 of Chapter 13.08 of the Rapid City Municipal Code be and is hereby amended by adding a new definition to read as follows:

13.08.010 Definitions.

“SFRE” means single family residential equivalent, defined by the director as 373 gallons of wastewater discharged per day.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 13.08.370 of Chapter 13.08 of the Rapid City Municipal Code be and is hereby amended to read as follows:

13.08.370 Sewer use charge.

A. Minimum Rate and Monthly Charge.

1. All wastewater and industrial waste discharged to the wastewater facilities shall be paid for by the tenant or owner of the premises served, at the following rates:

- a. For wastewater discharged to the wastewater facilities after the meter reading in January, 2002, one dollar and sixty cents (\$1.60) per hundred cubic feet.

b. For wastewater discharged to the wastewater facilities after the meter reading in January, 2003, one dollar and eighty cents (\$1.80) per hundred cubic feet.

c. For wastewater discharged to the wastewater facilities after the meter reading in January, 2004, two dollars and five cents (\$2.05) per hundred cubic feet.

d. For wastewater discharged to the wastewater facilities after the meter reading in January, 2005, two dollars and thirty five cents (\$2.35) per hundred cubic feet.

e. For wastewater discharged to the wastewater facilities after the meter reading in January, 2006, two dollars and thirty five cents (\$2.35) per hundred cubic feet plus the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor statistics, U.S. Department of Labor for the prior year.

The minimum monthly charge shall be four dollars (\$4.00) per user.

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

3. There is established and imposed, pursuant to the authority of SDCL Chapter 9-40, a surcharge upon sewer service, the proceeds of such surcharge to be used for the payment of the principal of and interest on bonds issued under the authority of SDCL Chapter 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. The surcharge shall be imposed at the rate of fourteen cents per one hundred cubic feet of wastewater discharge to the wastewater facilities. The charge shall be in addition to any charges imposed under subsections (A)(1) or (2) of this section.

4. Whereas the state has imposed the tax denominated as an environmental fee upon municipal sewage collection systems, there is imposed a surcharge as set forth below, in addition to the charges established elsewhere in this article:
The charge shall be based upon the size of the water meter measuring the water supplied to the premises as set forth below:

Meter Size	Annual City Environmental Tax Surcharge
5/8"	\$ 3.15
3/4"	3.55
1"	4.35
1 1/2"	5.60
2"	8.75
3"	34.30
4"	43.75
6"	65.60
8"	87.47

Irrigation	0.0
Unmetered	3.15

Such surcharge shall be billed and collected with the monthly bill for December of each year.

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 hundred's 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.

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 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. The maximum allowance for irrigation shall be an application rate of twenty-four inches per year per square foot of area being irrigated.

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.

BE IT FURTHER ORDAINED by the City of Rapid City that a new Article VIII be and hereby is added commencing with Section 13.08.700, and a new Section 13.08.700 Chapter 13.08 of the Rapid City Municipal Code be and is hereby added to read as follows:

ARTICLE VIII

13.08.700 Capital Development Fees

Every application for a connection permit, submitted in accordance with Section 13.08.090, shall pay in addition to the connection fee as listed in Section 13.08.360 here in above, an additional sum for capital development to be determined as follows:

- A. Residential Connection: A single family residence with a single sewer connection shall pay a capital development fee of \$750.00.
- B. Multifamily Residential connections: Multifamily residential units shall be charged a capital development fee in the following amounts per dwelling unit:
 - One (1) bedroom dwelling unit0.7 SFRE (\$525)
 - Two (2) bedroom dwelling unit0.8 SFRE (\$600)
 - Three (3) or more bedroom dwelling unit.....1.0 SFRE (\$750)
- C. Commercial and Industrial connections: Commercial and Industrial users shall pay an initial minimum Capital Development Fee equal to \$750.00 per SFRE. The number of SFREs per commercial and industrial user shall be determined based on the water meter size as follows:

<u>Meter Size</u>	<u>Commercial and Industrial SFRE</u>
<u>5/8"</u>	<u>1.0</u>
<u>3/4"</u>	<u>1.1</u>
<u>1"</u>	<u>1.4</u>
<u>1 1/2"</u>	<u>1.8</u>
<u>2"</u>	<u>2.9</u>
<u>3"</u>	<u>11.0</u>
<u>4"</u>	<u>14.0</u>
<u>6"</u>	<u>21.0</u>
<u>8"</u>	<u>29.0</u>
<u>Irrigation</u>	<u>0.0</u>
<u>Unmetered</u>	<u>0.0</u>

Actual water usage for each commercial and user shall be determined annually for a period of three years. Upon such determination, the user's Capital Development Fee shall be adjusted to reflect actual water usage. All commercial and industrial users discharging more than 50 SFREs may request that the director modify that user's Capital Development Fee, whereupon the director shall assign a Capital Development Fee to such user in an amount the Director deems appropriate, but in no case less than the Capital Development Fee assessed to 50 SFREs. The director's decision can be appealed to the city council in a manner designated in this Chapter.

BE IT FURTHER ORDAINED by the City of Rapid City that new Section 13.08.710 of Chapter 13.08 of the Rapid City Municipal Code be and is hereby added to read as follows:

13.08.710 Use of fees.

C. All capital development fees paid to the City pursuant to this Article shall be deposited in a separate account in the wastewater enterprise fund, and used exclusively for the purpose of wastewater system expansion and oversize costs.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)

First Reading:

Second Reading:
Published:
Effective: