

ORDINANCE NO. 02-02

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR DETERMINING EQUITABLE SERVICE CHARGES TO BE LEVIED ON ALL USERS WHICH DISCHARGE WASTEWATER TO THE WASTEWATER SYSTEM OPERATED BY THE CITY OF HEBRON, COUNTY OF MORTON, STATE OF NORTH DAKOTA, AND PROVIDING CERTAIN PROHIBITIONS.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF HEBRON, COUNTY OF MORTON, STATE OF NORTH DAKOTA, AS FOLLOWS:

SECTION 1. PURPOSE

The purpose of this ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

SECTION 2. DETERMINING THE TOTAL ANNUAL COST OF OPERATION & MAINTENANCE

The City of Hebron, or its City Engineer, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

SECTION 3. DETERMINING EACH USER'S WASTEWATER CONTRIBUTION PERCENTAGE

The City of Hebron, or its City Engineer, shall determine for each user or user class, the average daily volume of wastewater discharged to the wastewater system which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system to determine each user's Volume Contribution

Percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The City of Hebron or its City Engineer shall determine for each user or user class the average daily poundage of 5-day, 20-degree centigrade Biochemical Oxygen Demand (BOD) discharged to the wastewater system, which shall then be divided by the average daily poundage of all 5-day BOD discharged to the wastewater system to determine such users' BOD Contribution Percentage.

The City of Hebron or its City Engineer shall determine for each user or user class the average daily poundage of Total Suspended Solids (TSS) discharged to the wastewater system which shall then be divided by the average daily poundage of all total suspended solids discharged to the wastewater system, to determine such users' TSS Contribution Percentage. The Volume Contribution Percentage, BOD Contribution Percentage, and TSS Contribution Percentage for each user or user class shall be multiplied by the annual operation and maintenance cost for the total volume, the total 5-day, 20-degree centigrade BOD and the TSS, respectively.

SECTION 4. DETERMINING A SURCHARGE SYSTEM FOR USERS WITH ABOVE NORMAL VOLUME, BOD AND TSS

SURCHARGE RATE SCHEDULE FOR ABOVE NORMAL STRENGTH WASTES

When any user of the City sewer system discharges sewage waste into the City system with biochemical oxygen demands and suspended solids in excess of those from normal residential and commercial users, the City will require the payment of additional charges for sanitary sewer service based upon such excess strength sewage as determined by measurement.

The City of Hebron shall assess a surcharge rate for all nonresidential users discharging wastes with BOD strength greater than two hundred milligrams per liter and/or with suspended solids (SS) strength greater than two hundred and fifty per liter. The surcharge shall be sufficient to cover the cost of treating such above normal strength waste. The City may also assess the cost of testing such wastewater.

The user charge per one thousand gallons will be determined by either or both of the following factors to the base user charge:

BOD	INCREASE PER 1,000 GALLONS
201 to 250	\$0.041
251 to 300	0.082
301 to 350	0.123
351 to 400	0.164
401 to 450	0.205
451 to 500	0.246
501 to 550	0.287
551 and over	0.287 and 0.041 each additional 50 mg/l of BOD or fraction thereof above 550 mg/l

SS	INCREASE PER 1,000 GALLONS
250 to 300	\$0.0205
301 to 350	0.0410
351 to 400	0.0615
401 to 450	0.0820
451 to 500	0.1025
501 to 550	0.1230
551 and over	0.1230 and 0.0205 for each additional 50 mg/l of total SS or fraction thereof above 550 mg/l

SURCHARGE RATE SCHEDULE FOR ABOVE NORMAL VOLUME OF WASTES

Residential users are considered to be one class of user and are hereby levied a charge of \$1.70 per month. Non-residential users with flows no greater than the average residential user's flow of 2,000 gallons per month and with BOD and TSS no greater than the average residential users' strength will be levied the same charge of \$1.70 per month as the average residential user.

Non-residential users with volumes greater than the average residential user will pay an additional charge of \$0.75 per month.

SECTION 5. DETERMINING EACH USER'S WASTEWATER SERVICE CHARGE

Each non-residential user's wastewater cost contributions, as determined in Sections 3 and 4, shall be added together to determine such user's annual wastewater service charge. Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based upon an estimate of the total wastewater contribution of this class of user. The Hebron City Council may classify industrial, commercial, and other non-residential establishments as a

residential user, provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, TSS and BOD.

SECTION 6. WASTEWATER FACILITIES REPLACEMENT FUND

A reserve fund called the Wastewater Facilities Replacement Fund (WFRF) is hereby established within the Wastewater Utility Fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances during the useful life (20 years) of the wastewater treatment facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed.

SECTION 7. PAYMENT OF THE USER'S WASTEWATER SERVICE CHARGE AND PENALTIES

The City may submit an annual statement to the user for the user's annual wastewater service charge or one-twelfth of the user's annual wastewater service charge may be included with the monthly water and/or wastewater utility billing. The City shall add a penalty of 1.5 percent per month if the payment is not received by the City within 30 days. Should any user fail to pay the user wastewater service charge and penalty within 30 days of the due date, the City may stop the wastewater service to the property.

SECTION 8. REVIEW OF EACH USER'S WASTEWATER SERVICE CHARGE

The City shall review the total annual cost of operation and maintenance as well as each user's Wastewater Contribution Percentage not less than every two years, and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater system. The City will apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. If a significant user, such as an industry, has completed in-plant modifications which would change that user's Wastewater Contribution Percentages, the user can present at a regularly scheduled meeting of the Hebron City Council such factual information and the City Council shall then determine if the user's Wastewater Contribution Percentages are to be changed. The City Council shall notify the user of its findings as soon as possible.

SECTION 9. NOTIFICATION

Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

SECTION 10. WASTES PROHIBITED FROM BEING DISCHARGED INTO THE WASTE-WATER SYSTEM

The discharge of any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works is hereby prohibited.

Each user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge of the City's treatment works shall pay for such increased costs.

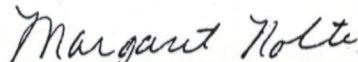
SECTION 11. VALIDITY

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

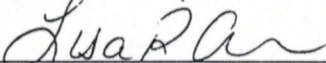
The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 12. ORDINANCE IN FORCE

This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.


MARGARET NOLTE, MAYOR

ATTEST:

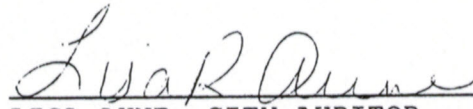

LISA AUNE, City Auditor

Introduction and First Reading: May 9, 2002
Second Reading and Final Passage: May 29, 2002
Publication of Title and Penalty Clause: June 19, 2002
Final Passage: June 19, 2002

STATE OF NORTH DAKOTA
COUNTY OF MORTON
CITY OF HEBRON

I, LISA AUNE, the duly appointed, qualified and acting City Auditor of the City of Hebron, North Dakota, hereby certify that the within and foregoing ordinance is a true and correct copy of the ordinance enacted by the City of Hebron, North Dakota, with the first Reading on the 9th day of May, 2002 and the Second Reading and final passage on the 29th day of May, 2002.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of the City of Hebron, North Dakota, this 29th day of May, 2002.



LISA AUNE, CITY AUDITOR

(City Seal)