

ORDINANCE NO. 8, 2016 SERIES

**AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES
CHAPTER 52, SECTION 52.04, PARAGRAPH (A) (1) CHARGES**

BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY, Frankfort Code of Ordinances Section 52.04 Paragraph (A) (1) is hereby amended to read as follows:

- (A) (1) There is hereby established a schedule of rates and charges for the use of and services rendered by the municipal sewer system of the city, which shall be paid by the owner or occupant of each and every lot, parcel of land, building or premises throughout the city discharging sewage, water or other liquid wastes connected with the municipal sewer system. The rates and charges shall be computed and billed monthly and shall be based insofar as possible upon the quantity of water used or supplied each lot, parcel of land, building or premises, as determined by readings of the water meters supplying water thereto, plus any collection fee charged by the collecting water district. The per month charges shall be \$9.33 after July 1, 2014, per 1,000 gallons of water usage, plus any collection fee charged by the collecting water district, with a minimum monthly charge for 2,000 gallons of water usage. On January 1, 2016, a rate increase of two and one-half percent (2.5%) in the per month charge shall be enacted. On January 1, 2017, a rate increase of two and one-half percent (2.5%) in the per month charge shall be enacted. On January 1, 2018, a rate increase of two and one-half percent (2.5%) in the per month charge shall be enacted. On January 1, 2019, a rate increase of two and one-half percent (2.5%) in the per month charge shall be enacted. On January 1, 2020, a rate increase of two and one-half percent (2.5%) in the per month charge shall be enacted. Beginning July 1, 2007 charges shall increase annually at a rate equal to the Consumer Price Index (CPI) for the prior calendar year as published on December 31 of that year with a maximum of 9.99 percent, but in no event shall this annual increase be less than 1.5% per year; increases of 10 percent or greater shall require the approval of the Frankfort Board of Commissioners. In addition, all industrial users shall pay an industrial cost recovery surcharge of \$0.20 per 1,000 gallons of standard strength industrial process wastewater discharged to city sewers. Separate meters shall be maintained at the expense of the industrial user to separately meter sanitary sewage and industrial process wastewater. All sewage from any industrial source, excepting only that which is strictly sanitary sewage is declared to be industrial process wastewater.
- (2) In the event a lot, parcel of land, building or premises discharging sewage, water or other liquid wastes, as aforesaid, uses water supplied on other than a metered basis from either a private or a public water supply, then in each case the owner or occupant may be required to cause a water meter or other measuring device to be installed, acceptable to the city, and the quantity of water used, as measured by such meter, shall determine the sewer rate, rental or charge and, pending installation of the meter, rates, rentals or charges shall be based upon an estimated quantity of water used provided that pending such installation of water meters in private dwellings the sewer rate, rental or charge shall be based on the following usage rates:
- (a) One- or two-bedroom house: 2,000 gallons per month.
(b) Three-, four-, five- or six-bedroom house: 4,000 gallons per month.
(c) More than six bedrooms: 6,000 gallons per month.
- (3) The rates and charges for sewer services as established by this section, which are based upon water meter readings, shall carry proportionately the same discounts for prompt payment and proportionately the same added charges for past due payments as are presently fixed for water service billings. All charges for sewer services not based on water meter readings shall be due when notice of the amount of the charges is mailed with a penalty of 10% of the amount thereof if not paid within ten days from the mailing, and any bill not paid within 20 days from such mailing shall be classified as delinquent.
- (4) The city shall review not less often than annually the wastewater contribution of users, the total cost of operation, maintenance and replacement of the wastewater works, debt service obligation and user charge rates. Based on the review, the city shall revise, when necessary, the schedule of user charge rates to accomplish the following:
- (a) Maintain an equitable distribution of operation and maintenance and replacement costs among users of the treatment system; and
(b) Generate sufficient revenues to offset costs associated with the proper operation and maintenance of the wastewater system and to meet debt service requirements.
- (5) Excessive strength and toxicity surcharges shall be reviewed at the time of and in conjunction with the review of user charges. Surcharge rates shall be revised where necessary to reflect current treatment and monitoring costs.
- (6) Each user shall be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the total charge which is attributable to operation and maintenance and replacement of the wastewater system.
- (7) Refunds may be made for sewer charges in hardship cases, in accordance with the City's sewer adjustment policy. A customer's bill may be credited based upon the Electric and Water Plant Board's determination of water usage.
- (8) The city will allow the use of a separate "agricultural" water meter, if approved by the Electric and Water Plant Board of the City of Frankfort, and will not assess a sewer use charge for the water used by the "agricultural" service.

(B) Special charge or treatment for unusual waste substances.

(1) In the event the sewage, water or other liquid waste being discharged into the municipal sewer system from any buildings or premises contains unduly high concentrates or any substances which add to the operating costs of the municipal sewer system, then special rates, rentals or charges will be charged and collected as to the building or premises, or the owner or other interested party may be required to specially treat the sewage, water or other liquid wastes before it is discharged into the municipal sewer system.

(2) If an industrial user discharges excessive or high strength waste to the public sewer during any month, the user shall be assessed a surcharge for excessive strength as follows:

Parameters

Concentration Limit Surcharge in Excess of Limit

BOD

200 mg/l \$.25/lb. BOD

TSS

200 mg/l \$.20/lb. TSS

(3) The excessive strength surcharge will continue until the industrial user=s next monthly average laboratory analysis shows a standard strength waste below the allowable concentration limits.

(C) Special charges or classification for peculiar or unusual uses.

(1) Whenever it is determined by the Board of Commissioners to be necessary to classify any commercial institutions or industries or septic haulers, by reason of the unusual purpose for which water is used, or the character of the sewage, water or other liquid wastes discharged therefrom, or whenever the established schedule of rates and charges for any reason is not applicable, then special rates, rentals or other charges will be established by the Board of Commissioners.

(2) The Board of Commissioners hereby established the following special charges: A special charge of \$15 per 500 gallons shall be assessed to septic haulers for domestic sewage pumped from septic tanks and \$25 per 500 gallons for grease from commercial/industrial establishments. Billing of septic haulers shall be based on actual capacity of the tanker, with a minimum charge for 500 gallons.

(D) Collection charges by Electric and Water Plant Board.

(1) It is contemplated that the rates, rentals and charges for the use of and services rendered by the municipal sewer system, based on water meter readings, will be billed and collected by the Electric and Water Plant Board of the city and the full amount of the proceeds will be paid over to the City Finance Department at least once in each month with a full accounting of all sums collected. All sums thus received by the city shall constitute income and revenues of the municipal sewer system to be set aside in a separate and special fund designated as the "Sewer Revenue Fund" pursuant to the provisions of the ordinance authorizing the issuance of sewer revenue bonds provided that if, and to whatever extent, the Electric and Water Plant Board at any time fails or refuses to bill, collect and account for the income and revenues the city shall by other means and in any other manner as may be lawful, establish, impose, collect and account for income and revenues from the municipal sewer system in conformity with the ordinance pursuant to which sewer revenue bonds or any other obligations for account of the system are at the time outstanding. The records of the Electric and Water Plant Board with respect to charging, billing, collecting and accounting for sewer service charges shall be audited at least each 12 months by an independent public accountant and a report thereof filed with the City Clerk. The cost of the audits shall be classified and paid at as an expense of operation and maintenance of the municipal sewer system.

(E) Unauthorized connections with sewer.

(1) No person shall install any "saddle" or "Y branch" onto, nor by any method break into, any outfall line, trunk line or collector line of, or that ultimately discharges into, the municipal sewer system of the city.

(2) This section does not apply to bona fide agents or employees of the municipal sewer system of the city acting in the course of their assigned duties.

(3) No sanitary sewer inlet which is not at least 12 inches above the top of the lowest of the two adjacent public sanitary sewer manholes shall be connected by a gravity drainage to the building sanitary sewer. Any such connection made after the effective date of this section shall be unlawful and the city shall not be liable for sewage backups through such unlawful connections.

(F) There is hereby established a fee of \$4.00 per month which shall be paid by the owner or occupant of each and every lot, parcel of land, building or premises, for the use and services rendered by the sewer system of the city, to become effective February 1, 2004.

(G) There are hereby established fees for sewer extension design review, written easement review, video inspection, re-inspection and re-testing of new sewer construction. All fees shall be paid in advance.

Reviews Fee

Sewer extension design review \$250

Written easement review \$100

Final inspections First final inspection is free with follow up

Each additional final inspection is \$100 after follow up

Video inspection First video inspection is free

Second video inspection is \$2.00 per foot

Third and subsequent video inspection are \$2.50 per foot

Witnessing testing

Pipe tests are based upon manhole to manhole segments of pipe tested

First manhole test is free

First manhole retest - \$35 each

Subsequent manhole retest - \$50 each

First pipe mandrel test is free

First pipe mandrel retest - \$.50 per foot of main

Subsequent pipe mandrel main retest - \$1.00 per foot of main

First pipe pressure test is free

First pipe pressure retest - \$.50 per foot of main

Subsequent pipe pressure main retest - \$1.00 per foot of main

First pump station test is free

First pump station retest - \$150 each

Subsequent pump station retest \$250 each

Tap inspection First tap inspection is free

Re-inspection \$35 each

First Reading on the 23 day of May, 2016.
Final adoption on the 20 day of June, 2016.

S/William I. May, Jr.
T/Mayor

Attest:

S/Chermie Maxwell
T/City Clerk

SUMMARY:

This Ordinance provides that the annual increases in the sewer rates based upon the consumer price index, all urban consumers, shall not be less than 1.5% per year.

S/Robert C. Moore
T/City Solicitor

Published in full July 3, 2016.