

# **City of Scottsbluff, Nebraska**

**Tuesday, September 6, 2016**

**Regular Meeting**

## **Item Resolut.2**

**Council to consider an Ordinance amending the code regarding utility user fees, effective October 1, 2016 (third reading).**

**Staff Contact: Nathan Johnson, City Manager**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING THE MUNICIPAL CODE IN REGARD TO SEWER USER FEES AT CHAPTER 6 ARTICLE 6, AMENDING WATER SERVICE FEES AT CHAPTER 6 ARTICLE 6, AMENDING THE SURCHARGE FOR STORMWATER AT CHAPTER 6 ARTICLE 6, AND AMENDING ARTICLE 19, CHAPTER 3, BY INSTITUTING A DELINQUENT CHARGE FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE, PROVIDING FOR PUBLICATION BY PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA.

Section 1. Section 6-6-28 of the Scottsbluff Municipal Code is amended to provide as follows:

**“6-6-28. Water service.**

(1) Each user of the City water system located within the City limits shall pay charges based on bimonthly consumption as follows:

<u>Gallons</u>	<u>Rate per Thousand Gallons</u>
Up to 10,000	\$2.82
10,001 to 20,000	1.857
20,001 to 60,000	1.850
60,001 to 100,000	1.828
Over 100,000	1.812

Consumption of any part of 1,000 gallons shall be considered as consumption of an entire 1,000 gallons for purposes of calculating consumption and the applicable rate(s).

(2) Each user of the City water system located within the City limits shall pay minimum bimonthly charges as follows:

<u>Water Meter Size</u>	<u>Minimum Charge</u>	<u>Gallons</u>
5/8" or 3/4"	\$22.82	10,000
1"	41.39	20,000
1½"	78.38	40,000
2"	106.12	55,000
3"	170.18	90,000
4"	260.90	140,000
6"	369.57	200,000
8"	550.54	300,000

Payment of the minimum charge shall constitute payment in full for any quantity of water not exceeding the amount shown in the "Gallons" column opposite the applicable "Minimum Charge." In the case of premises as to which the final date for connection of the plumbing has been deferred under section 22-1-8, there shall be a bimonthly charge for standby fire protection service of \$6.00.

Each user of the City water system located outside of the City limits, except for whole sale water use provided by the City pursuant to the terms of an agreement, shall pay the following 1.5 times the minimum charges listed above. Provided, whole sale water use and sale shall be sold at an agreed upon amount as set by the City Council for charges outside the City limits.

The rates and fees provided for in this section shall be effective with respect to all connections, installations, and usage on or after October 1, 2016."

Section 2. Section 6-6-19 of the Scottsbluff Municipal Code is amended to provide as follows:

**“6-6-19. Minimum charge.**

Each user shall pay a sewer service charge in the minimum amount of \$41.89 which shall cover the first 10,000 gallons of water consumed by the user during the bimonthly billing period as determined in Chapter 18. Each user shall pay an additional charge of \$3.10 per each 1,000 gallons of water consumed in excess of 10,000 gallons during the applicable billing period. Provided, however, wholesale users shall pay 92.5% of the charges provided in this paragraph.

The rates and fees provided for in this section shall be effective with respect to all connections, installations and usage on or after October 1, 2016, and for usage for which billings are made on or after October 1, 2016.”

Section 3. Section 6-6-22 of the Scottsbluff Municipal Code is amended to provide as follows:

**“6-6-22. Surcharge.**

- (1) There will be a \$2.00 per billing cycle surcharge fee to all residents of the city for stormwater regulatory requirements and the use, upkeep and maintenance of the city’s stormwater collection system.
- (2) Users who contribute wastewater the strength of which is greater than normal domestic sewage shall, in addition to the basic sewer charge, pay a surcharge equal to \$0.50 per pound for the first ten thousand (10,000) pounds of excess B.O.D. per billing cycle (or up to the limit of their contract with the City), and a surcharge of \$1.02 for all additional excess B.O.D. per billing cycle. A contribution of more than twelve thousand (12,000) pounds of excess B.O.D. per billing cycle, in the absence of a contract, shall subject the user to the sanctions and penalties provided in this Chapter. Users with a contract who exceed the limits of their contract may also be subject to the sanctions and penalties provided in this Chapter.
- (3) Users who contribute wastewater the strength of which is greater than normal domestic sewage shall, in addition to the basic sewer charge, pay a surcharge equal to \$0.06 per pound of excess suspended solids per billing cycle.
- (4) The expression “per billing cycle” as used in this section means the period for which the sewer service charge is payable.
- (5) The rates and fees provided in this section shall be effective with respect to usage for which billings are made on or after October 1, 2016.”

Section 4. Chapter 19, Article 3, Section 12 of the Scottsbluff Municipal Code is amended by repealing the existing language and substituting the following language:

**“19-3-12. Service charges, due date, delinquent bill; payment.**

All charges for solid waste collection and disposal service, as provided in the rate schedule at Chapter 6, Article 6, shall be paid at the office of the Finance Director when due according to the billing schedule. The charges for solid waste collection and disposal services under this Article shall be delinquent seventeen (17) days after the date of the bill. A penalty for late payment in the amount of ten percent (10%) of the charge shall be added to each bill when payment has become delinquent. The fact that service has continued after delinquency and payment of such charges shall not be construed as a waiver in any manner of the right to institute necessary and appropriate collection procedures. Whenever a bill for collection and service is delinquent, the City Manager, or his or her designee, may terminate collection and service.”

Section 5. Previously existing Sections 6-6-28, 6-6-19, 6-6-22, and 19-3-12 and all other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this ordinance shall not be construed to effect any rights, liabilities, duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 6. This Ordinance shall become effective upon its passing and approval and publication shall be in pamphlet form.

**PASSED and APPROVED** on \_\_\_\_\_, 2016.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk (Seal)

Approved as to Form:

\_\_\_\_\_  
Deputy City Attorney