

# **City of Scottsbluff, Nebraska**

**Monday, August 19, 2019**

**Regular Meeting**

## **Item Resolut.2**

**Council to consider an Ordinance updating utility user fees, including water and sewer fees, solid waste collection and surcharge for storm water.**

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

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

AN ORDINANCE OF THE CITY OF SCOTTSBLUFF AMENDING SEWER USER FEES AT CHAPTER 6 ARTICLE 6, INCLUDING SURCHARGE FOR STORMWATER REGULATORY REQUIREMENTS, AMENDING AND CHANGING THE SOLID WASTE COLLECTION FEES AT CHAPTER 6 ARTICLE 6, AND WATER SERVICE FEES AT CHAPTER 6 ARTICLE 6, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE 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 6-6-19 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 \$44~~5.44~~<sup>77</sup> 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 \$3.29~~39~~ 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 billings after December 28~~7~~<sup>9</sup>, 2018~~9~~.

Section 2. Section 6-6-20 of the Scottsbluff Municipal Code is amended to provide as follows:

**6-6-20. Private water supply.**

With respect to users having a private water supply which is discharged into the City's sanitary sewer system, sewer service charges shall be calculated as follows:

(1) Commercial and industrial users shall meter their water supply at their expense and their sanitary sewer use charge shall be based on the quantity of water consumed on the premises from all sources.

(2) Single-family residential users within the city limits shall pay \$54~~6.39~~<sup>02</sup> per bimonthly period.

(3) Single-family residential users outside the city limits shall pay \$9+3.06~~79~~ per bimonthly period.

(4) Multi-family residential users shall pay \$78~~80.29~~<sup>64</sup> per dwelling unit per bimonthly period.

The rates and fees provided for in this section shall be effective with respect to all connections, installations and billings after December 28~~7~~<sup>9</sup>, 2018~~9~~.

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 \$3.00~~50~~ 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 \$0.54~~6~~ 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 \$1.08~~11~~ 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 connections, installations and billings after December 28~~7~~<sup>9</sup>, 2018~~9~~.

Section 4. Section 6-6-23 of the Scottsbluff Municipal Code is amended to provide as follows:

**6-6-23. Residential.**

The minimum bimonthly charges for collection and disposal service to residential units for solid waste and the single stream recycling program all of which is contained in approved containers shall be as follows, effective for all billings made after December 28~~7~~<sup>9</sup>, 2018~~9~~<sup>9</sup>:

One-family unit (including mobile homes with an individual water or sewer connection) .....	\$43 <del>5.80</del> <sup>11</sup>
One-family two container unit (including mobile homes with an individual water or sewer connection) .....	\$100 <del>3.15</del>
The minimum requirement for one-family two container units is twelve months from the date of request for two container service.	
Multifamily structures (including mobile home parks with a single water or sewer connection)	
Bimonthly Rate Per Unit	
2 to 4 units .....	\$43 <del>5.80</del> <sup>11</sup>
5 to 6 units .....	\$39 <del>40.37</del> <sup>54</sup>
7 to 10 units .....	\$37 <del>8.20</del> <sup>31</sup>
11 to 16 units .....	\$35 <del>6.01</del> <sup>6</sup>
17 to 39 units .....	\$32 <del>3.76</del> <sup>4</sup>
40 to 59 units .....	\$30 <del>1.57</del> <sup>48</sup>
60 or more units .....	\$28 <del>9.47</del> <sup>32</sup>

Hotels, motels and rooming houses shall be considered as commercial establishments and shall pay charges based on the charges provided for institutional business, commercial and industrial establishments as provided in this Chapter. The charges for quantities or services which exceed those covered by the minimum charge shall be an amount equal to the reasonable cost of the service as determined by the City Manager or the designee of the City Manager.

The rates and fees provided in this section shall be effective with respect to usage for which billings are made after December 28~~7~~<sup>9</sup>, 2018~~9~~<sup>9</sup>.

Section 5. Section 6-6-24 of the Scottsbluff Municipal Code is amended to provide as follows:

**6-6-24. Institutional; business; commercial; industrial.**

(a) The bimonthly charges for collection and disposal of solid waste of institutional, business, commercial and industrial establishments, and solid waste in required containers at construction sites, shall be based upon the number of approved containers collected per collection. Where an establishment has its own water or sewer connection, the fact that it shares a building with another establishment, or does not occupy the entire building, shall be of no significance. The charge per approved container per collection shall be as follows:

	Each time container is emptied	Bimonthly minimum
90 gallon	\$11. <del>32</del> <sup>66</sup>	\$90 <del>3.56</del> <sup>28</sup>
1.5 cubic yard	\$15. <del>10</del> <sup>55</sup>	<del>\$120.78</del> <sup>\$124.40</sup>
3.0 cubic yard	\$28 <del>9.73</del> <sup>59</sup>	\$229 <del>36.84</del> <sup>72</sup>

The rates and fees provided in this section shall be effective with respect to usage for which billings are made after December 28~~7~~<sup>9</sup>, 2018~~9~~<sup>9</sup>.

Section 6. 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:

Gallons	Rate per Thousand Gallons
Up to 10,000	\$2. <del>42</del> <sup>96</sup>

10,001 to 20,000	\$ <del>2.97</del> <u>1.03</u>
20,001 to 60,000	\$ <del>2.96</del> <u>1.02</u>
60,001 to 100,000	\$ <del>1.94</del> <u>2.00</u>
Over 100,000	\$ <del>1.92</del> <u>1.83</u>

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:

Water Meter Size	Minimum Charge	Gallons
5/8" or 3/4"	\$ <del>24.23</del> <u>96</u>	10,000
1"	\$ <del>435.94</del> <u>27</u>	20,000
1½"	\$ <del>83.22</del> <u>85.73</u>	40,000
2"	\$ <del>1126.68</del> <u>08</u>	55,000
3"	\$ <del>1806.69</del> <u>14</u>	90,000
4"	\$ <del>277.02</del> <u>285.37</u>	140,000
6"	\$ <del>392.40</del> <u>404.22</u>	200,000
8"	\$ <del>584</del> <u>602.56</u> <u>17</u>	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 billings after December ~~28~~7, 20189.

Section 7. Existing Sections 6-6-19, 6-6-20, 6-6-22, 6-6-23, 6-6-24 and 6-6-28, of the Scottsbluff Municipal Code are hereby repealed, provided however that the rates provided for in such prior sections shall remain effective until midnight, December ~~28~~7, 20189. This Ordinance shall not be construed to effect any cause of action, civil or criminal, existing or actions pending, at the time this Ordinance becomes effective.

Section 8. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

PASSED and APPROVED on \_\_\_\_\_, 20189.

\_\_\_\_\_

Mayor

Attest:

\_\_\_\_\_

City Clerk (Seal)

Approved as to Form:

\_\_\_\_\_

Deputy City Attorney

**AN ORDINANCE OF THE CITY OF SCOTTSBLUFF AMENDING SEWER USER FEES AT CHAPTER 6 ARTICLE 6, INCLUDING SURCHARGE FOR STORMWATER REGULATORY REQUIREMENTS, AMENDING AND CHANGING THE SOLID WASTE COLLECTION FEES AT CHAPTER 6 ARTICLE 6, AND WATER SERVICE FEES AT CHAPTER 6 ARTICLE 6, REPEALING PRIOR PROVISIONS OF THE MUNICIPAL CODE 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 6-6-19 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 \$45.77 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 \$3.39 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 billings after December 27, 2019.

Section 2. Section 6-6-20 of the Scottsbluff Municipal Code is amended to provide as follows:

**6-6-20. Private water supply.**

With respect to users having a private water supply which is discharged into the City's sanitary sewer system, sewer service charges shall be calculated as follows:

- (1) Commercial and industrial users shall meter their water supply at their expense and their sanitary sewer use charge shall be based on the quantity of water consumed on the premises from all sources.
- (2) Single-family residential users within the city limits shall pay \$56.02 per bimonthly period.
- (3) Single-family residential users outside the city limits shall pay \$93.79 per bimonthly period.
- (4) Multi-family residential users shall pay \$80.64 per dwelling unit per bimonthly period.

The rates and fees provided for in this section shall be effective with respect to all connections, installations and billings after December 27, 2019.

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 \$3.50 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 \$0.56 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 \$1.11 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.
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Section 4. Section 6-6-23 of the Scottsbluff Municipal Code is amended to provide as follows:

**6-6-23. Residential.**

The minimum bimonthly charges for collection and disposal service to residential units for solid waste and the single stream recycling program all of which is contained in approved containers shall be as follows, effective for all billings made after December 27, 2019:

One-family unit (including mobile homes with an individual water or sewer connection) .....	\$45.11
One-family two container unit (including mobile homes with an individual water or sewer connection) .....	\$103.15

The minimum requirement for one-family two container units is twelve months from the date of request for two container service.

Multifamily structures (including mobile home parks with a single water or sewer connection)

<b>Bimonthly Rate Per Unit</b>	
2 to 4 units .....	\$45.11
5 to 6 units .....	\$40.54
7 to 10 units .....	\$38.31
11 to 16 units .....	\$36.06
17 to 39 units .....	\$33.74
40 to 59 units .....	\$31.48
60 or more units .....	\$29.32

Hotels, motels and rooming houses shall be considered as commercial establishments and shall pay charges based on the charges provided for institutional business, commercial and industrial establishments as provided in this Chapter. The charges for quantities or services which exceed those covered by the minimum charge shall be an amount equal to the reasonable cost of the service as determined by the City Manager or the designee of the City Manager.

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	<b>Each time container is emptied</b>	<b>Bimonthly minimum</b>
90 gallon	\$11.66	\$93.28
1.5 cubic yard	\$15.55	\$124.40
3.0 cubic yard	\$29.59	\$236.72

The rates and fees provided in this section shall be effective with respect to usage for which billings are made after December 27, 2019.

Section 6. 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	\$2.496
10,001 to 20,000	\$2.031

20,001 to 60,000	\$2.023
60,001 to 100,000	\$2.001
Over 100,000	\$1.983

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"	\$24.96	10,000
1"	\$45.27	20,000
1½"	\$85.73	40,000
2"	\$116.08	55,000
3"	\$186.14	90,000
4"	\$285.37	140,000
6"	\$404.22	200,000
8"	\$602.17	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.

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The rates and fees provided for in this section shall be effective with respect to all connections, installations, and billings after December 27, 2019.

Section 7. Existing Sections 6-6-19, 6-6-20, 6-6-22, 6-6-23, 6-6-24 and 6-6-28, of the Scottsbluff Municipal Code are hereby repealed, provided however that the rates provided for in such prior sections shall remain effective until midnight, December 27, 2019. This Ordinance shall not be construed to effect any cause of action, civil or criminal, existing or actions pending, at the time this Ordinance becomes effective.

Section 8. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

**PASSED and APPROVED** on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to Form:

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