

ORDINANCE NO. 19-75

**AN ORDINANCE AMENDING SECTION 54-205 AND SECTION 54-206 OF THE CODE OF ORDINANCES OF THE CITY OF ROGERS, ARKANSAS; ESTABLISHING A NEW SEWER RATE SCHEDULE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Rogers Waterworks and Sewer Commission has been empowered by the Rogers City Council to oversee efficient operation of the Rogers Water Utilities;

**WHEREAS**, the Rogers Water Utilities has commissioned a rate study for the Rogers Sewer Department;

**WHEREAS**, the rate study indicates that certain sewer rates need to be adjusted to keep up with rising costs of operating and maintaining the sewer system, and other expenses, and to maintain the Rogers Sewer Department on a sound fiscal footing;

**WHEREAS**, the management of the Rogers Water Utilities has prepared a new proposed sewer rate schedule as shown on the attached Exhibit 1;

**WHEREAS**, the Rogers Waterworks and Sewer Commission has passed its Resolution No. 19-22, recommending adoption of a new sewer rate schedule presented by the management of the Rogers Water Utilities; and

**WHEREAS**, having duly considered the matter, the Rogers City Council believes adopting a new sewer rate schedule comports with sound fiscal management of the Rogers Sewer Department and is in accordance with the best interests of the Rogers Water Utilities and its customers, and the best interests of the City of Rogers.

**NOW THEREFORE, BE IT ORDAINED BY THE ROGERS WATERWORKS AND SEWER COMMISSION OF THE CITY OF ROGERS, ARKANSAS:**

Section 1: The Rogers City Council hereby finds and declares that the sewer rates shown on the attached Exhibit 1 are just, equitable, fair, reasonable and necessary minimum rates and charges, and will produce revenues in each year at least sufficient for the payment of the proper and reasonable expenses of operation, repair, replacements, and maintenance of the sewer system and for the payment of the sums required to be paid into the sinking fund, including the interest upon the bonds as interest shall fall due; the necessary fiscal agency charges for paying bonds and interest; the payment of bonds as they fall due, or if all bonds mature at one time, the proper maintenance of a sinking fund sufficient for the payment of them at such time; a margin for safety and for the payment of premiums upon bonds retired by call or purchase; establishing and maintaining reserves sufficient for operation, repair, and maintenance of the sewer system for an ensuing period of not less than twelve months and for depreciation; and to further fund certain extensions, betterments, and additions to the sewer system, all as required or permitted by Ark. Code. Ann. § 14-235-221 and Ark. Code. Ann. § 14-235-223.

Section 2: Section 54-205 and Section 54-206 of the Code of Ordinances of the City of Rogers, Arkansas are hereby amended to read as shown on the attached Exhibit 1, which is attached hereto and incorporated herein by reference as if set out word for word herein.

Section 3: As stated in Exhibit 1, the new sewer rate schedule shall be in full force and effect on April 1, 2020.

Section 4 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5 - Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

**PASSED** this 26<sup>th</sup> day of November, 2019.

APPROVED:

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C. GREG HINES,  
Mayor

Attest:

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JENNIFER MOORE, Records Administrator

Requested By: Rogers Waterworks and Sewer Commission and the Rogers Water Utilities

Prepared By: Robert A. Frazier, Counsel for Rogers Waterworks and Sewer Commission and the Rogers Water Utilities

Reviewed By: Bonnie J. Bridges, Staff Attorney

EXHIBIT 1. TO ORDINANCE NO. 19-75

**Sec. 54-205. Schedule of rates**

(a) Schedule of sewer rates. The following schedule of sewer rates shall be applied to the water consumption of users as set forth in this article. The charges to each customer for sewage collection and treatment shall be determined each month and shall be the sum of a service charge and a usage charge based on the customer's metered water usage determined as set forth in this division and computed using the following schedule of rates. In addition to the monthly service charge, each customer will be billed for sewage treatment works usage based on the customer's water usage as set forth in this division, and the user charge shall be computed using the schedule of rates below. The rates are effective for all bills issued on or after the effective dates shown below until the next effective date. For example, for bills issued on or after April 1, 2020, the rates shown in the column labeled "April 1, 2020" apply until July 1, 2021. On July 1, 2021, the rates shown in the column labeled "July 1, 2021" apply until July 1, 2022, and so on.

(1) *Inside City; monthly sewer rates for customers inside the City of Rogers:*

<i>Effective Date</i>	April 1, 2020	July 1, 2021	July 1, 2022	July 1, 2023	July 1, 2024	July 1, 2025
Service charge	\$12.43	\$13.92	\$15.18	\$15.63	\$16.10	\$16.58
For the first 100,000 gallons of water consumption per month or portion thereof, per 1,000 gallons	\$4.32	\$4.84	\$5.28	\$5.44	\$5.60	\$5.77
All water consumption over 100,000 gallons per month or portion thereof, per 1,000 gallons	\$4.27	\$4.78	\$5.21	\$5.37	\$5.53	\$5.70

(2) *Outside City; monthly sewer rates for customers outside the City of Rogers:*

<i>Effective Date</i>	April 1, 2020	July 1, 2021	July 1, 2022	July 1, 2023	July 1, 2024	July 1, 2025
Service charge	\$16.24	\$18.19	\$19.83	\$20.42	\$21.03	\$21.66
All water consumption per month, per 1,000 gallons:	\$5.63	\$6.31	\$6.88	\$7.08	\$7.30	\$7.52

(3) *Inside the City of Lowell in the City of Rogers service area, monthly sewer rates*

<i>Effective Date</i>	April 1, 2020	July 1, 2021	July 1, 2022	July 1, 2023	July 1, 2024	July 1, 2025
Service charge	\$14.91	\$16.70	\$18.21	\$18.75	\$19.32	\$19.89
For the first 100,000 gallons of water consumption per month or portion thereof, per 1,000 gallons	\$5.18	\$5.80	\$6.33	\$6.52	\$6.72	\$6.92
All water consumption over 100,000 gallons per month or portion thereof, per 1,000 gallons	\$5.12	\$5.73	\$6.25	\$6.44	\$6.63	\$6.83

(b) The maximum user charge to a residential customer whose residential unit is metered separately shall be limited to that user charge for 16,000 gallons of water consumption per month.

\*State Law Reference: Ark. Code. Ann. § 14-235-223.

### **Sec. 54-206. Sewer Surcharges**

(a) Users generating sewage of unusually high strength may discharge such sewage into the system only if:

(1) The City, through the Rogers Water Utilities, has agreed to treat the waste as specified in the wastewater discharge permit issued to the user;

(2) The waste will not cause damage to the collection system;

(3) The waste will not impair the wastewater treatment processes; and

(4) The user discharging such waste pays a monthly surcharge to the Rogers Water Utilities in addition to monthly sewer user charges. Computation of such surcharges shall be based on the following formula:

$$S = V_w \times 8.34 [y(SS-200) + z(CBOD-200) + a(NH_3-15) + p(TP-4)]$$

Where:		
S	=	Surcharge in dollars
V <sub>w</sub>	=	Volume of wastewater in 1,000,000 gallons

8.34	=	Weight of a gallon of water in pounds
SS	=	Suspended solids concentration of wastewater in milligrams per liter
CBOD	=	Five-day biochemical oxygen demand concentration of wastewater in milligrams per liter
y	=	Unit charge for suspended solids in dollars per pound
200	=	Normal suspended solids and BOD concentration in milligrams per liter
z	=	Unit suspended solids and BOD in dollars per pound
NH3	=	Ammonia NH3 concentration in mg/L
15	=	Typical household concentration of NH3 in mg/L
TP	=	Total Phosphorus concentration of NH3 in mg/L
4	=	Typical household concentration of TP in mg/L
a	=	Ammonia surcharge in dollars per pound
p	=	Total Phosphorus in dollars per pound

(b) Surcharges may be determined daily, weekly, or monthly, or other such periods as deemed appropriate by the Superintendent of the Rogers Water Utilities. Surcharge bills shall be the sum of the surcharges determined during the billing period.

(c) Effective April 1, 2020, the unit charge rate for suspended solids (y) shall be at the following rates per pound:

Suspended solids (dollars per lb.)	\$ .14
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(d) Effective April 1, 2020, the unit charge rate for CBOD (z) shall be at the following rates per pound:

CBOD (dollars per lb.)	\$ .13
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(e) Effective April 1, 2020, the unit charge rate for Ammonia (NH3) shall be at the following rates per pound:

Ammonia NH3 (dollars per lb.)	\$ .70
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(f) Effective April 1, 2020, the unit charge rate for Total Phosphorus (TP) shall be at the following rates per pound:

Total Phosphorus TP (dollars per lb.)	\$5.08
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(g) The unit charge for oil and grease shall not exceed that of suspended solids as determined by the Superintendent of the Rogers Water Utilities and approved by the Rogers Waterworks and Sewer Commission.

\*State Law Reference: Ark. Code. Ann. § 14-235-223.