

IN THE CITY OF HOLTS SUMMIT, MISSOURI

BILL NO. 2023-18

ORDINANCE NO. XXXX

**AN ORDINANCE AMENDING THE HOLTS SUMMIT, MISSOURI CODE OF ORDINANCES, CHAPTER 46 SECTION 124 AND ESTABLISHING A SEWER RATE SCHEDULE FOR BASIC MONTHLY CONNECTION FEES AND MONTHLY USAGE FEES FOR NEW CUSTOMERS OUTSIDE THE INCORPORATED CITY LIMITS OF THE CITY OF HOLTS SUMMIT, MISSOURI.**

**WHEREAS,** in 2022, the City of Holts Summit completed an extensive multi-million-dollar upgrade to its wastewater [sewer] infrastructure; and

**WHEREAS,** the City continues to receive requests from property owners located outside of the incorporated city limits of the City of Holts Summit, Missouri, to connect to the city's wastewater infrastructure; and

**WHEREAS,** Chapter 46 Section 124 of the Holts Summit City Code establishes a schedule of sewer service fees; and

**WHEREAS,** City staff have recommended that Chapter 46 Section 124 of the Holts Summit City Code be amended as set forth in attached Exhibit A and that such changes are reasonable and necessary to fund the budget for the sewer utility; and

**WHEREAS,** the Board of Aldermen find it to be in the best interests of the health, safety and welfare of the citizens of Holts Summit to adopt the attached Exhibit A to adjust the sewer rates for users of the municipal sewer system until such time as the Board may take action in the future to amend such rate schedule.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLTS SUMMIT, MISSOURI, AS FOLLOWS:**

Section 1. The Board of Aldermen of the City of Holts Summit, Missouri hereby determines that it is in the best interest of the citizens of Holts Summit to amend Chapter 46 Section 124 as outlined in the attached Exhibit A.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval, and the newly revised and adopted Chapter 46 Section 124 shall be applied to all new sewer connections from users outside the incorporated city limits beginning October 11, 2023, and continue each month thereafter until modified, amended, or repealed by the Board of Aldermen of the City of Holts Summit.

Section 3. This ordinance shall be in full force and effect immediately upon final passage and approval.

PUBLIC HEARING HELD ON THE 26<sup>TH</sup> DAY OF SEPTEMBER 2023.

FIRST READING HELD ON THE 26<sup>TH</sup> DAY OF SEPTEMBER 2023.

SECOND READING AND FINAL PASSAGE HELD THIS 10<sup>TH</sup> DAY OF OCTOBER 2023.

ATTEST:

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Landon Oxley, Mayor

Rachel Anderson, City Clerk

## EXHIBIT A

### Chapter 46 UTILITIES

#### Sec. 46-124. Establishment of schedule of sewer service fees.

- (a) *Generally.* To properly provide for the retirement of all sewer revenue bond indebtedness, and the operation and maintenance of, and an operating reserve for, the sewer system of the city, it is necessary to establish a schedule of sewer service fees. The sewer service fees established will provide for the retirement of the bond indebtedness and the operation and maintenance of the city's sewer system, and will establish an adequate operating reserve therefor.
- (b) *Payment for days occupied; monitoring water usage for residence or business.* In the event a residence or business is occupied for a portion of a month by one user, and then occupied for the remainder of the month by a different user, each user shall pay for the number of days they occupied the building for that portion of that month. The owner or tenant has the option of installing a water meter, at his own cost, to monitor the amount of water usage for that residence or business. The customer will then be billed according to the rates of subsection (c)(1) of this section.
- (c) *Billing and collection of fees.* The city treasurer and the city sewer billing clerk shall bill and collect all such sewer service fees in accordance with the following:

(1) *Sewer rate schedule.*

a. *Basic monthly connection fee.*

Effective date	Basic monthly connection fee
April 1, 2021	\$23.51 per month

b. *Monthly user fee.*

Effective date	Monthly user fee
April 1, 2021	\$8.08 per 1,000 gallons of water used per month

(2) *Class A residential users.*

- a. The basic monthly connection fee shall be charged per month, regardless of water consumption, for any Class A residential user using sewer service during any month or portion thereof, plus an additional monthly user fee charged for each 1,000 gallons of water used per month.
- b. In the event that a Class A residential user's residence is vacant and no sewage is actually discharged into the city's sewer system during any portion of any month, the owner of such residential property shall nevertheless be obligated to pay to the city a basic monthly connection fee to compensate the city for the fixed costs associated with providing the sewage collection and treatment capacity necessary to service such residential property, provided that such Class A residential user's property has a building sewer line that is physically connected to the city's sewer system at any time during any portion of any such month.
- c. For Class A residential users, monthly user charges will be based on average monthly water usage during the months of January, February and March. If a Class A residential user has not established a January, February and March average, or if such user does not have a water meter, his monthly user charge shall be the median charge of all other Class A residential user's, except as otherwise provided in section 46-123.

(3) *Class B residential users.*

- a. The basic monthly connection fee shall be charged per dwelling unit per month, with the definition of dwelling unit, including, but not limited to, any mobile/manufactured home pad, which has a

sewer connection available to it, whether or not a mobile/manufactured home is located on such pad. A mobile/manufactured home pad shall be deemed to not have a sewer connection available to it only after any sewer line connecting such pad to another sewer main or line has been removed.

- b. In addition to the basic monthly connection fee, there shall be charged a monthly user fee per 1,000 gallons of water used per month.
  - c. The basic monthly connection fee and additional monthly user fee shall be calculated on the basis of water usage for multiple-family units.
  - d. The basic monthly connection fee and additional monthly user fee shall be calculated on the basis of outflow for mobile/manufactured homes, where such outflow metering exists. The city may, but is not obligated to, install outflow meters for the purpose of measuring wastewater discharged into the city sewer system. For mobile/manufactured home users where the city has not installed an outflow meter, the amount discharged into the city sewer system shall be deemed to be equal to the user's water usage for that month.
- (4) *Commercial and all other customers not covered above.* The following user's fees and charges shall be imposed:
- a. *Basic monthly connection fee.* In the event that a commercial building is vacant and no sewage is actually discharged into the city's sewer system during any portion of any month, the owner of such commercial building shall nevertheless be obligated to pay to the city a basic monthly connection fee to compensate the city for the fixed costs associated with providing the sewage collection and treatment capacity necessary to service such commercial building, provided that such commercial building has a building sewer line that is physically connected to the city's sewer system at any time during any portion of any such month.
  - b. *Additional monthly user fee.* The additional monthly user fee shall be the monthly user fee for each 1,000 gallons of water used in that month. Each month, numbers are rounded to the nearest 1,000 gallons of water used.
  - c. *Additional charge.* The additional charge for sewage waste with biochemical oxygen demand (BOD) exceeding 250 mg/l shall be in an amount as provided in the city fee schedule. The establishment of additional charges for excess BOD and TSS does not relieve any user from meeting all requirements for users under this chapter, including, but not limited to, the requirements pertaining to BOD and TSS. The user shall be responsible for all measurements, tests, and analyses of the characteristics of its water and waste, and such measurements, tests and analyses shall be carried out in accordance with this chapter. The user's responsibility, including cost responsibility, for carrying out all necessary measurements, tests, and analyses does not diminish or restrict the authority of the sewer superintendent and other duly authorized employees or representatives of the city to inspect and verify the user's testings in accordance with this chapter.
- (5) *Construction and inspection fee.* The construction and inspection fees shall be in amounts as provided in the city fee schedule.
- (6) *Fair-share sewer system cost recovery fee.* The fees imposed on all new connections to the public sewer system of the city shall be in amounts as provided in the city fee schedule, provided that:
- a. *Industrial users:* The fair-share sewer system cost recovery fee for industrial users shall be negotiated and agreed upon by the industrial user and the city, but in no event shall such fee be less than \$1,200.00 per industrial user connection. All industrial users must receive prior approval from the state department of natural resources (MoDNR) for heavy concentrations of waste proposed to be introduced into the city's public sewer system.

- b. Commercial users: In the event that the customer makes modifications or constructs additional facilities which cause an increase in the ultimate waste discharge design capacity customer's facility, an additional fair-share sewer system cost recovery fee shall be paid based upon the amount of such increase in discharge capacity, which additional fee shall be determined by multiplying the sum of \$2.00 times the number of gallons of additional daily design waste discharge capacity.
- (7) *Payment of fees.* The construction and inspection fees, fair share sewer maintenance costs, sewer capital recovery costs for subdividers, and sewer capital recovery costs for additional connections to existing collector lines, set forth and described above, shall be paid at the time an application for a connection permit is submitted to the city in accordance with the provisions and requirements of Ordinance No. 2362 of the city. In no event shall any connection to the city sanitary sewer system be made unless and until payment of the fees and costs have been made. The owner of all houses, buildings, or properties used for human residence, employment, recreation, or other purposes, situated within the city, that is connected to the city sewer system by the city because of the construction of a new sewer main, is required to pay the fair-share sewer system cost recovery fee, as stated in subsection (c)(6) of this section, within 60 days after date of official notice to do so.
- (8) *Computation of sewer charges and fees to users outside city limits.* Each user seeking to connect to the sewer system of the city; whose property or premises is located outside of the incorporated city limits, shall pay all applicable rates and fees identified in Chapter 46 of the city code.
- a. Effective October 10, 2023, any new user whose property or premises seeking to connect to the sewer system of the city; which is located outside of the incorporated city limits, shall pay a monthly sewage service charge equal to one- and one- half times (1.5x) any applicable monthly rates and/or fees that are charged to users within the incorporated city limits.
  - b. Effective October 10, 2023, persons owing a connection fee for property located outside the incorporated city limits shall pay a connection fee equal to one- and one- half times (1.5x) the fee charged for new connections within the incorporated city limits.