

(Summary Publish in the Leavenworth Times on October 13, 2017)

**ORDINANCE NO. 8059**

**AN ORDINANCE AMENDING LEAVENWORTH CODE OF ORDINANCES, CHAPTER 114, UTILITIES, ARTICLE IV, SEWERS, DIVISION 3. SEWER SERVICE CHARGES, SEC. 114-126 LEVY, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS AND REPEALING THE SECTIONS AMENDED.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:**

**Section 1.** That the Leavenworth Code of Ordinances, Chapter 114, Utilities, Article IV, Sewers, Division 3, Sewer Service Charges, be amended as follows:

**DIVISION 3. SEWER SERVICE CHARGES**

**Sec. 114-126. Levy.**

(a) *Definitions.* The meaning of terms used in this section shall be as follows, unless the context specifically indicates otherwise:

*BOD (denoting biochemical oxygen demand)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter (*mg/l*).

*Capital charge* means that portion of the total wastewater service charge which is levied for local capital costs, local investment in plant facilities, and other local costs excluding operation, maintenance and replacement costs.

*Nonresidential customer* means each customer whose premises are served by the city's wastewater treatment works and who is not either a residential customer or a customer who is provided wastewater service under a written contract with the city.

*Normal domestic wastewater* means wastewater that has a BOD of not more than 350 mg/l and a suspended solids concentration of not more than 350 mg/l.

*Operation and maintenance* means expenditures for materials, labor, utilities and other items which are necessary for operating, managing and maintaining the wastewater treatment works to achieve the capacity and performance for which such works were designed and constructed.

*Replacement* means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

*Residential customer* means any customer served by the city's wastewater treatment works whose lot, parcel of real estate or building is used only for domestic dwelling purposes.

*SS (suspended solids)* means solids that either floats on the surface of or are in suspension in wastewater, and which are removable by a standard specific laboratory filtration device.

*Treatment works* means any devices and systems for the collection, storage, treatment, recycling and reclamation of wastewater or necessary to recycle or reuse water at the most economical cost over the useful life of the works. These include intercepting sewers, outfall sewers, wastewater collection systems, pumping, treatment and other facilities which are an integral part of the wastewater collection and treatment processes or are used for ultimate disposal of residues resulting from such treatment.

*Useful life* means the estimated period during which a treatment works will be operated.

*User charge* means that portion of the total wastewater service charge which is levied in a proportional and equitable manner for the cost of operation, maintenance and replacement of wastewater treatment works.

(b) Wastewater service charges. The following monthly service charges shall be paid to the city by all residential and nonresidential customers' receiving service from the city's wastewater treatment works:

(1) *City Service Charge.*

- a. *Inside city customers.* Monthly wastewater service charges shall be calculated for all customers located within the city's corporate limits. The service charges shall be based on each customer's water consumption as defined in this subsection. The service charges for these customers shall be as follows:

Inside City Monthly Charges

	User Charge Portion (\$/Ccf)	Capital Charge Portion (\$/Ccf)	Total City Service Charge (\$/Ccf)
Minimum Monthly Charge	6.11	4.43	10.54
Volume Charge:			
First 2 Ccf	Included in minimum monthly charge		
Next 13 Ccf	2.14	1.44	3.58
Next 285 Ccf	1.70	0.83	2.53
All over 300 Ccf	1.50	0.54	2.04

- b. *Outside city customers.* Monthly wastewater service charges shall be calculated for all customers located outside the city's corporate limits. The service charges shall be based on each customer's water consumption as defined in this subsection. The service charges for these customers shall be as follows:

Outside City Monthly Charges

	User Charge Portion (\$/Ccf)	Capital Charge Portion (\$/Ccf)	Total City Service Charge (\$/Ccf)
Minimum Monthly Charge	6.11	5.56	11.67
Volume Charge:			
First 2 Ccf	Included in minimum monthly charge		
Next 13 Ccf	2.14	1.63	3.77
Next 285 Ccf	1.70	0.95	2.65
All over 300 Ccf	1.50	0.61	2.11

	User Charge Portion	Capital Charge Portion	Total City Service Charge
Minimum Monthly Charge - New Accounts (7 units)	16.82	11.64	28.46

Ccf =100 cubic feet (750 gallons)

- c. *Residential customers.* At the end of the three-month period consisting of the consecutive months of January, February and March of each year, the average monthly consumption of water by each residential customer located within the corporate limits of the city during such three-month period shall be ascertained and the monthly wastewater service charges paid by such residential customer for each of the following months of the 12-month period commencing with July 1 shall be based upon the average monthly consumption of water by such residential customer during this three-month period.

The minimum wastewater service charge for those residential customers for premises located within the corporate limits of the city who do not have a record of average monthly gross consumption of water as set forth in this section shall be \$28.46 per month, which consists of a user charge of \$16.82 and a capital charge of \$11.64.

- d. *Nonresidential customers.* At the end of the 12-month period consisting of a fiscal year of July through June, the average monthly consumption of water by each nonresidential customer during such 12-month period shall be ascertained and the monthly service charges paid by such nonresidential customer for each of the following 12 months shall be based upon the average monthly consumption of water by such customer during such 12-month period. The minimum wastewater service charge for those nonresidential customers who do not have a record of average monthly gross consumption of water as set forth in this section shall be calculated monthly and shall be based on the consumption of

water by such nonresidential customer for each month until the customer has established a 12-month fiscal year as provided in this subsection, at which time the charges shall be computed on the average monthly use for such 12-month period as provided in this subsection. Nonresidential customers, upon written request submitted to the city clerk by such customer, may be billed for wastewater service charges based on actual water usage for each monthly billing period.

e. *Unusual burden on treatment works.* The city shall establish fair and equitable charges for any industrial or other customer served by the city who discharges waste into the city's wastewater treatment works of such volume, type or character that places an unusual burden on the city's treatment works.

f. *Users receiving water from other sources.* For any customer who receives water from a source other than the city's water supply system and who discharges wastes into the city's wastewater treatment works, the volume of such wastes discharged shall either be estimated by the city or, at the discretion of the city, the customer shall, at his sole cost and expense, install and maintain in good operating condition suitable meters or measuring devices of standard type and design at an appropriate point or points as necessary to properly measure the customers sewage discharge and shall permit the city to perform the reading of such metering device. The sewer charges for such customer's shall be established in accordance with such estimates or metering records.

(2) *Extra strength surcharge.* Any customer discharging a liquid into the city's wastewater treatment works with a BOD or suspended solids (SS) concentration greater than normal domestic wastewater shall pay an additional monthly charge based on the billable volume of water, as follows:

**Extra Strength Surcharge for each mg/l over 350mg/l**

<b>Inside City:</b>	<b>\$/Ccf</b>	<b>\$/Ccf</b>	<b>\$/Ccf</b>
BOD	0.00163652	0.00006730	0.00170382
SS	0.00113873	0.00004355	0.00118228
<b>Outside City:</b>			
BOD	0.00163841	0.00018176	0.00182557
SS	0.00114010	0.00011180	0.00125189

Ccf = 100 cubic feet

(3) *Contract customers.* Any agreement or contract entered into by the city with any customer relating to the provisions of wastewater service shall be in compliance with the user charge regulations as contained in 40 CFR 35, subpart E.

**Section 2.** That the sections or portions thereof amended are hereby repealed.

**Section 3.** The provisions of this Ordinance shall take effect on December 1, 2017.

**Section 4:** That this Ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper of the City of Leavenworth, Kansas, as provided by law.

Passed by the Leavenworth City Commission on this 10th day of October, 2017.

ATTEST:

*Carla K. Williamson*  
Carla K. Williamson, CMC, City Clerk



*Nancy D. Bauder*  
Nancy D. Bauder, Mayor