

CODIFIED LAW #18
TOWN OF MISSION HILL

WASTE WATER SERVICE CHARGES

BE IT ORDAINED by the President and Board of Trustees of Mission Hill, SD:

PURPOSE

Section I.

The purpose of this article shall be to generate sufficient revenue to pay all fixed, operation, and maintenance costs of the complete waste water system. The costs shall be distributed equitably to all users of the waste water system.

DETERMINING THE TOTAL ANNUAL FIXED, OPERATION, AND
MAINTENANCE COSTS

Section II.

The town shall determine the estimated total annual fixed costs and the operation and maintenance costs of the waste water system. The total annual fixed costs shall include billing, meter reading, administrative, and general costs associated with administration of the waste water system. Total annual operation and maintenance costs shall include but need not be limited to labor, repairs, equipment replacement, maintenance, necessary modifications, power, chemicals and materials, sampling and laboratory testing, studies and reports by special consultants, principal, and interest of bonds payable from revenues of the waste water system as such principal and interest become due, and an adequate reserve fund.

The total annual operation and maintenance costs shall be allocated by percentage to each of the following parameters, namely: flow (volume), biochemical oxygen demand (BOD), total suspended solids (TSS), and other significant chemical and physical characteristics.

DETERMINING EACH USER'S WASTE WATER CLASSIFICATION

Section III.

The following are the waste water classifications:

1. *Class I.* Residential users.
2. *Class II.* Industrial and commercial establishments that discharge waste water with an average daily 5 (five) day 20 (twenty) degree Celsius BOD not exceeding 220 (two hundred and twenty) mg/l or an average daily TSS not exceeding 250 (two hundred and fifty) mg/l.
3. *Class III.* Industrial and commercial establishments that discharge wastes that exceed the parameters of Class II users.

DETERMINING THE WASTE WATER SYSTEM FIXED COST SERVICE CHARGE

Section IV.

The Town shall determine the fixed cost service charge by dividing the total annual fixed cost, as determined by Section II, by the total number of Class I, II, and III users

connected to the municipal waste water system at the time of determining annual user charges. One-twelfth (1/12) of the service charge so computed shall be charged to each user of the waste water system for each month, or fraction thereof, of use as the minimum cost service charge.

DETERMINING THE WASTE WATER VOLUME CONTRIBUTION PERCENTAGE FOR EACH CLASSIFICATION OF USER

Section V.

The Town shall determine each classification of user's waste water volume contribution percentage by dividing the total water consumption for each classification of user during the previous winter months of December and January by the total water consumption of all classification users for the same period of time.

DETERMINING THE WASTE WATER ANNUAL VOLUME COST CONTRIBUTION FOR EACH CLASSIFICATION OF USER

Section VI.

The Town shall determine each classification of user's total annual waste water volume cost contribution by taking the annual cost of operation and maintenance of the waste water system (as determined in Section II) less the total annual revenue derived from all surcharges for excessive waste water strength (as determined in Section VIII) and multiplying this total by the user's volume contribution percentage as determined in Section V.

DETERMINING THE WASTE WATER VOLUME CONTRIBUTION INCREMENTAL COST

Section VII.

- a. *Class I. Users.* The Town shall determine the incremental cost of operation and maintenance of the waste water system per 1,000 (one thousand) gallons of water consumption for Class I users by dividing 1/3 (one third) of the total annual volume cost contribution, as determined in Section VI, by the total water consumption in thousand-gallon units (determined by 2 (two) bi-monthly water meter readings) during the previous winter months of December and January for Class I users.
- b. *Class II and Class III Users.* The Town shall determine the incremental cost of operation and maintenance of the waste water system per 1,000 (one thousand) gallons of water consumption for Class II and Class III users by dividing the total annual volume costs contribution for the respective class, as determined in Section VI, by the total water consumption in 1,000 (thousand) gallon units during the previous calendar year for the respective class.

DETERMINING THE WASTE WATER SYSTEM FIVE-DAY TWENTY-DEGREE CELSIUS BOD AND TSS SURCHARGE AND OTHER SIGNIFICANT SURCHARGES

Section VIII.

The governing body of the municipality shall determine the user's average daily poundage of five-day twenty-degree Celsius BOD which has been discharged to the waste water system in excess of a strength of 220 (two hundred and twenty) mg/l, which shall then be divided by the average daily poundage of all five-day twenty-degree Celsius

BOD discharged to the waste water system, to determine the user's BOD contribution percentage. The governing body of the municipality shall determine the user's average daily poundage of SS which has been discharged to the waste water system in excess of a strength of 250 (two hundred and fifty) mg/l, which shall then be divided by the average daily poundage of all SS discharged to the waste water system, to determine the user's SS contribution percentage. The BOD contribution percentage and the SS contribution percentage shall; be multiplied by the annual operation and maintenance costs for waste water treatment of the total five-day twenty- degree Celsius BOD and of the TSS, respectively. The sum of these 2 (two) waste water treatment cost contributions shall be the total annual revenue derived from surcharges unless other excessive chemical and physical characteristics are also considered for surcharge. If any other significant chemical or physical characteristics present excessive waste water strengths, the surcharge totals shall be derived in a manner similar to the BOD an SS surcharges.

The incremental cost of the surcharge per unit pound shall be determined by dividing the total annual revenue of the individual surcharge by the total annual poundage of excessive strength of the individual surcharge considered.

The surcharge per unit of time shall be determined by multiplying the incremental cost of the subject surcharge for the parameter considered with the average poundage in excess of the parameter datum for the period of time considered.

The total surcharge for any individual user per unit of time shall be the sum of all applicable BOD, SS, or other significant chemical and physical characteristic surcharges for the same unit of time.

DETERMINING EACH USER'S TOTAL WASTE WATER SERVICE CHARGE

Section IX.

a. *Class I. Users.*

1. The owner or occupant of each residential premises connected to the municipal waterworks and waste water system shall pay for the use and availability of such waste water disposal service a user service charge computed by multiplying the incremental cost, as determined by Section VII (a), by the volume of water consumed in 1,000 (one thousand) gallon units, for a unit of time, plus a minimum fixed cost per month, as determined by Section IV. The waste water user service charge for any Class I user to be computed for water meter readings during the period of April 1 through November 30 shall be the average amount of the charge for waste water service determined from 2 (two) water meter readings during the previous winter period of December 1 through January 31.
2. For any Class II user beginning to discharge to the waste water system when water meter readings during the previous winter base period are not available the Town Board may establish by resolution a substitute period base ceiling calculated on average residential winter meter readings until the base period for the purpose of determining said maximum charge shall have occurred.

b. *Class II Users.*

1. Except as otherwise provided in subsection c of this section, the owner or occupant of each industrial and commercial premises connected to the municipal waterworks and waste water system, meeting the criteria of Section III for Class II users, shall pay for the use and availability of such

waste water disposal service a user service charge computed by multiplying the incremental cost, as determined by Section VII b, by the volume of water consumed in 1,000 (one thousand) gallon units, for a unit of time, plus a minimum fixed cost per month as determined by Section IV.

2. The governing body of the municipality may classify industrial and commercial establishments as a Class I residential user, provided that the wastes from these establishments are equivalent to the wastes from a residential user with respect to volume, SS five-day twenty-degree Celsius BOD, and other significant chemical and physical characteristics.
- c. *Class III Users.* The owner or occupant of each premises connected to the municipal waterworks and waste water system for both water and waste water disposal service whose average daily five-day twenty-degree Celsius BOD, of the waste water discharged to the system exceed 220 (two hundred and twenty) mg/l or whose average daily SS of the waste water discharged to the system exceeds 250 (two hundred and fifty) mg/l shall pay a user charge as computed in subsection b above, plus a surcharge determined in accordance with the provisions of Section VIII.
- d. *Class I, II, or III Users not connected to the municipal waterworks.* In the event that any premises which discharges any such wastes into the waste water disposal system is not connected to the municipal waterworks and therefore has no municipal water meter, or meter acceptable to the superintendent, the amount of water so used shall be otherwise determined by the superintendent in order to determine the waste water user service charge as provided in this section; or the owner or other interested person at his expense shall install and maintain a meter acceptable to the superintendent for the purpose.

PAYMENT OF THE USER'S WASTE WATER SERVICE CHARGE AND PENALTIES

Section X.

The waste water service charge shall be due and billed at the same time as charges are made for consumers taking water from the municipal water system and penalties for nonpayment thereof shall be added in the same manner as for water charges. Should any user fail to pay the waste water user service charge an penalty within 3 (three) months of the due date, the Town may disconnect water service to such premises. In the event of the discontinuance of such water service, the same shall not be resumed until payment of all past-due water and waste water service charges, including penalties thereon.

REVIEW OF EACH USER'S WASTE WATER SERVICE CHARGE

Section XI.

The Town shall review the total annual fixed, operation, and maintenance costs as well as each user's waste water classification and surcharge for Class III users on an annual basis to assure equity of the service charge system established herein. If a Class III user, such as an industry, has complete in-plant modifications which would change that user's BOD, SS contribution, or any other significant chemical and physical characteristic percentages, the user can present at a regularly scheduled meeting of the Town Board such factual information; and the Town shall then determine if the user's BOD, SS contribution, or any other significant chemical and physical characteristic percentages are to be changed. The Town shall notify the user of its findings as soon as possible. The owner or occupant

of any commercial or nonresidential premises who by reason of special circumstances finds the foregoing user's waste water service charges unjust or inequitable as applied to his premises may make written application to the Town Board, stating such circumstances and requesting a different basis of charges for waste water service to his premises, in which case the Town Board shall investigate the circumstances and afford hearing to all interested parties and shall by resolution fix and establish fair and equitable service charges for such premises if the normal charges are found to be inequitable to the owner or occupant.

NOTIFICATION OF USER WASTE WATER SERVICE CHARGE

Section XII.

Each user will be notified, at least annually, in conjunction with regular bills, of the rate and that portion of the user charges which are attributable to the waste water treatment services.

IN WITNESS WHEREOF, the Town Board of the Town of Mission Hill has duly adopted this ordinance and caused it to be executed by the officers below in duplicate on this 5th day of May, 1986

Scott Vanburen
Town Board President

LeAnne J. Cutts
Finance Officer

BOARD REVIEWED 7-15-14
ORDINANCE #79