

ORDINANCE NO, A- 567-A

AN ORDINANCE FIXING THE RATES TO BE CHARGED FOR THE SERVICE OF THE MUNICIPAL SANITARY SEWER SYSTEM OF CONWAY, ARKANSAS; AND DECLARING AN EMERGENCY

WHEREAS, the City of Conway, Arkansas has heretofore repaired, improved and enlarged its treatment plant and made extensions to the sewage treatment facilities and has issued revenue bonds to obtain the funds for such purposes, which bonds are paid from the net revenues derived from the charges for sewer service as heretofore established; and

WHEREAS, the schedule of charges for sewer services must be revised in order to eliminate inequities therein:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION 1. DEFINITIONS.

(a) **As** used herein the word "**user**" shall mean and include any landowner whose buildings or premises are connected with and use the City's municipal sanitary sewage system or otherwise discharge sewage, industrial wastes, water or other liquids, either directly or indirectly, into the municipal sanitary sewer system,

(b) "Domestic user" as herein used shall be defined to include any landowner whose buildings or premises are utilized for one-family or two-family residential occupancy under one roof, or more than one-family residential occupancy under one roof where individual water meters are utilized for each dwelling unit therein.

(c) As used herein "industrial user" shall include any landowner whose buildings or premises are utilized for industrial or manufacturing purposes or the processing of raw materials into finished products,

(d) As **used** herein "commercial user" shall include all other users.

SECTION 2. SCHEDULE OF CHARGES. The following schedule of charges shall apply to all sewer services by the municipal sewer system, to-wit: <sup>1</sup>

(a) Domestic Users, The charge or rental for domestic users shall be a flat rate based upon the average of the quantity of water used on the users premises during the months of November and December, 1972, and January, February and March, 1973, as measured by the city water meter used on such premises, and such flat rate shall be computed on the following basis:

- For an average monthly water consumption of less than 4,000 gallons, the sum of \$1.00 per month;
- For an average monthly water consumption equal to or greater than 4,000, but less than 5,000 gallons, the sum of \$1.20 per month;
- For an average monthly water consumption equal to or greater than 5,000 gallons, but less than 7,000 gallons, the sum of \$1.40 per month;
- For an average monthly water consumption equal to or greater than 7,000 gallons, but less than 10,000 gallons, the sum of \$1.60 per month;
- For an average monthly water consumption equal to or greater than 10,000 gallons, but less than 20,000 gallons, the sum of \$1.80 per month;
- For an average monthly water consumption equal to or greater than 20,000 gallons, the sum of \$2.00 per month.

(b) Commercial Users. The charge or rental for commercial users shall be a flat rate based upon the average of the quantity of water used on the users premises during the months of November and December, 1972, and January, February and March, 1973, as measured by the city water meter in use on the premises, and such flat rate shall be computed on the following basis:

- For an average monthly water consumption of less than 3,000 gallons, the sum of \$2.00 per month;
- For an average monthly water consumption equal to or greater than 3,000 gallons, but less than 6,000 gallons, the sum of \$4.00 per month;
- For an average monthly water consumption equal to or greater than 6,000 gallons, but less than 9,000 gallons, the sum of \$6.00 per month;
- For an average monthly water consumption equal to or greater than 9,000 gallons, but less than 15,000 gallons, the sum of \$8.00 per month;
- For an average monthly water consumption equal to or greater than 15,000 gallons, but less than 21,000 gallons, the sum of \$10.00 per month;
- For an average monthly water consumption equal to or greater than 21,000 gallons, but less than 30,000 gallons, the sum of \$12.00 per month;
- For an average monthly water consumption equal to or greater than 30,000 gallons, but less than 50,000 gallons, the sum of \$14.00 per month;
- For an average monthly water consumption equal to or greater than 50,000 gallons, but less than 75,000 gallons, the sum of \$16.00 per month;

- For an average monthly water consumption equal to or greater than 75,000 gallons, but less than 150,000 gallons, the sum of \$24.00 per month;
- For an average monthly water consumption equal to or greater than 150,000 gallons, but less than 300,000 gallons, the sum of \$32.00 per month;
- For an average monthly water consumption equal to or greater than 300,000 gallons, but less than 600,000 gallons, the sum of \$40.00 per month;
- For an average monthly water consumption equal to or greater than 600,000 gallons, but less than 1,000,000 gallons, the sum of \$50.00 per month;
- For an average monthly water consumption equal to or greater than 1,000,000 gallons, the sum of \$60.00 per million gallons per month.

(c) Industrial Users. The monthly charge or rental for Industrial users shall be the greater of \$60.00 per million gallons of water per month used on the users premises as measured by the city water meter in use on the premises or a charge computed by the formula:

$$ci = vo vi + bo bi + so si$$

where "ci" is equal to the charge to industrial users; where "vo" is equal to the unit cost of transportation and treatment of industrial waste chargeable to volume, as shown in dollars per 1,000 gallons; where "vi" is equal to the volume of waste water from industrial users, as shown in gallons per month; where "bo" is equal to the unit cost of treatment chargeable to Biochemical Oxygen Demand (BOD) as expressed in dollars per pound; where "bi" is equal to the amount of BOD from industrial users, as expressed in pounds per month; where "so" is equal to the unit cost of treatment (including sludge treatment) chargeable to settleable solids, expressed in dollars per pound; and where "si" is equal to the amount of settleable solids from industrial users, as shown by pounds per month. In the utilization of such formula the costs associated with the transportation and treatment of industrial waste shall include the unamortized capital costs of existing facilities (as represented by the outstanding debt), new facility construction costs (exclusive of funds that do not have to be repaid) operation and maintenance costs (including repair and replacement costs), and any other costs borne by the City, including but not limited to site acquisition, easement costs and administrative costs.

(d) In the event that the building and premises of any landowner, discharging sanitary sewage, industrial wastes, water or other liquids into the municipal sanitary sewage system, either directly or indirectly, is a **user** of water not supplied by the water plant of said city, or is a user of water supplied by the water plant of said city and also is a user of water supplied from **some** source other than the water plant of said city; and if the water used thereon or therein which is supplied from a source other than the water plant of said city is not measured by a city water meter, or by a meter acceptable to the Sewer Committee; then, in each such case, the amount of water so used shall be estimated by the Sewer Committee in order to determine the sewer service charge or rental as provided in this ordinance, unless the owner or other interested party at his expense shall install and maintain a meter, acceptable to the Sewer Committee, for said purpose.

(e) Any owner of any building or premises; discharging sanitary sewage, industrial wastes, or other liquids into the municipal sanitary sewage system either directly or indirectly, in which premises water is so utilized in manufacturing, industrial or other processes, that some of it after use is not discharged into the municipal sanitary sewage system, either directly or indirectly, may apply to the Sewer Committee to have the water entering the premises and not discharged to the sewage system deducted from the aggregate of water consumption on which the sewer rental charge is determined. In the event of such application by an owner of such premises, the Sewer Committee may permit such owner to install a **separate** meter or meters under conditions satisfactory to said Committee to measure the water entering the premises but not discharged into the municipal system, and the amount of water not discharged into the municipal sewage system as so determined shall not be included in the water consumption to which the sewer service charges or rentals as herein provided shall be applied.

(f) The owner of vacant, unoccupied property not actually using the municipal sanitary sewage system shall not be subject to a service charge or rental as herein provided. On any building or premises not occupied during the months of November and December, 1972, and January, February and March, 1973, the rate shall be based on the average amount of water used during the first three months that same may be used or occupied.

(g) The sewer service charges or rentals provided in this ordinance shall be payable monthly at the same time and place as that at which bills for water used from the municipal water plant of Conway are payable. The respective amount due for sewer service and connection, as above fixed, shall be placed monthly on the water bill of each occupant of real property in said city, and shall be paid monthly by said occupant, who shall be entitled to credit therefor on the rental due to the owner thereof; and should such occupant fail to pay the amount due for said sewer connection, along with his water bill, the superintendent of the municipal water plant shall immediately discontinue the water connection of such occupant and keep same discontinued until all arrearages are paid in full, but nothing contained in this section shall relieve the owner of the real estate rented to such occupant of his obligation to pay said charge, or in any manner affect the lien on said real estate to secure said charge, which lien is set out in Section 19-4113, Arkansas Statutes (1947), and will remain in full force and effect, regardless of whether said water connection has been discontinued or not. Provided further, that nothing herein contained shall be construed to be or shall operate as a waiver of any of the methods of collection provided for in Act 132 of the 1933 Acts of the General Assembly of the State of Arkansas, which rights are hereby expressly reserved to the City of Conway.

(h) To prevent inequalities in the flat charge for domestic and commercial users in future years due to increased or decreased use of water, the Sewer Committee shall readjust such flat charge in May of **each** year by ascertaining the monthly consumption of each and every landowner during the months of November, December, and the following January, February and March next preceding the making of such readjustment, and dividing such monthly consumption of all of said five months by five, so as to ascertain the average monthly consumption and readjust the charge to each landowner in accordance with such average monthly consumption for such period so selected, and thereafter the flat rate or charge to each landowner shall be made by said Committee based on such average monthly consumption for such period at the rate as set forth above.

(i) To prevent inequities in the charge to industrial users the Sewer Committee shall examine and test the wastes of each such user at least one time each calendar year and adjust the monthly charge in accordance with the findings of such examination.

SECTION THREE. All ordinances or parts of ordinances in conflict herewith, and specifically Ordinance No. A-350, adopted November 24, 1959, are hereby repealed.

SECTION FOUR. The City Council hereby ascertains and declares that there is immediate need for the adjustment of monthly charges for the use of the municipal sewer system and that such adjustments are necessary to protect the health and welfare of the inhabitants of the City of Conway, and that therefore an emergency exists and this ordinance shall take effect and be in force from and after its passage and publication.

PASSED: March 27, 1963

APPROVED:

W. H. Conway  
Mayor

ATTEST:

Sara D. Dunn  
Clerk-Treasurer