

Passed: 3/24/09  
Published: 4/1/09

ORDINANCE NO. 1978

**AN ORDINANCE AMENDING §13.16.050 OF THE DERBY MUNICIPAL CODE, ESTABLISHING CHARGES AND RATES FOR COLLECTION AND TREATMENT OF WASTEWATER BY THE CITY; AND REPEALING ORIGINAL §13.16.050 OF SAID CODE.**

**WHEREAS**, increased operating and capital costs necessitate adjustment to charges and rates for collection and treatment of wastewater by the City; and

**WHEREAS**, the governing body has commissioned a study of wastewater collection and treatment charges and rates and now finds that the adjustments and increases provided for herein are necessary to assure effective and continuous treatment of such wastewater;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DERBY, KANSAS:**

**Section 1.** §13.16.050 of the Derby Municipal Code is hereby amended to read as follows:

**13.16.050 User Charges and Rates.**

A. Each customer shall pay the charges and rates established by this section for wastewater collection and treatment services provided by the City based on his, her, or its use of the collection system and treatment works, as determined by metering devices or other methods approved by the City.

B. For residential customers, monthly user charges shall be based on average monthly water usage during the immediate preceding three month period beginning with January and ending with March. For residential customers who have not established an average monthly water usage for such period for a particular service location, the monthly user charge therefor shall be the average charge of all other residential customers. For industrial and commercial customers, user charges shall be based on water used during the current month. For commercial and industrial customers making consumptive use of water, or in some other manner using water which is not being added to the wastewater collection system, the user charge may be based on a wastewater meter or one or more separate water meters approved by the City and installed and maintained at the customer's expense.

C. The monthly sewer service charge for each customer shall be an amount equal to \$1.55 per one thousand gallons (or fraction thereof) of water used, plus a monthly base charge computed according to the following schedule for improvement, operation and maintenance of the wastewater treatment facility:

1. Residential Customers
  - Single-family, two-family and multifamily structures \$15.10/dwelling unit
  
2. Commercial and Industrial Customers
  - Less than 5,000 gal./month \$32.26
  - 5,001-10,000 gal./month \$45.16
  - 10,001-25,000 gal./month \$64.51
  - 25,001-50,000 gal./month \$96.77
  - 50,001-75,000 gal./month \$129.02
  - 75,001-100,000 gal./month \$161.28
  - More than 100,000 gal./month \$225.79
  
3. Each such rate shall increase by one per cent (1%) on October 1, 2010, and shall increase by a like percentage annually thereafter.

D. In addition to the charges established by subsection C of this section, customers contributing wastewater, the strength of which is greater than normal domestic wastewater, shall pay a surcharge for operation, maintenance and replacement of plant and equipment, according to the following schedule:

Biochemical Oxygen Demand (BOD)/pound	\$0.1043
Total Suspended Solids (TSS)/pound	\$0.0800

E. Any customer discharging any hazardous or toxic substance which causes an increase in the cost of management of effluent or sludge generated by the wastewater treatment facility, and any customer discharging any substance which alone or by interaction with any other substance or substances causes an identifiable increase in the cost of operation, maintenance or replacement of wastewater collection or treatment plant or equipment shall pay, in addition to any other charges established by this section, the actual increase in such costs. The charge attributable to each such customer shall be determined by the wastewater treatment superintendent and approved by the city manager.

F. The charges and rates established by this section shall be effective for service rendered on and after October 1, 2009, and shall remain in force until amended or repealed.

G. The charges established by this section shall apply to all customers, wheresoever located.

**Section 2.** Original §13.16.050 of the Derby Municipal Code is hereby repealed as of the effective date of the charges and rates hereinabove established.

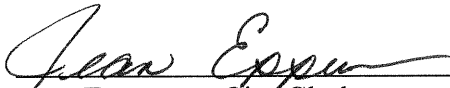
**Section 3.** This ordinance shall take effect and be in force from and after its adoption and publication once in the official City newspaper.

**ADOPTED BY THE GOVERNING BODY** this 24th day of March, 2009.

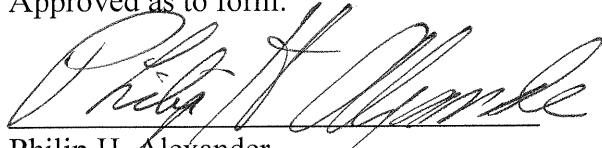


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Dion P. Avello, Mayor

ATTEST:

  
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Jean Epperson, City Clerk

Approved as to form:

  
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Philip H. Alexander