

ORDINANCE NO. 020-21

AN ORDINANCE AMENDING CHAPTER 13 OF THE MUNICIPAL CODE OF THE CITY OF CEDAR RAPIDS, IOWA, BY REPEALING CERTAIN SUBSECTIONS THEREFROM AND ENACTING SUBSTITUTIONS IN LIEU THEREOF ESTABLISHING CERTAIN SERVICE CHARGES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

**Section 1.** That Subsection (a), (b), (c), and (d), of Section 13.17 of Chapter 13 of the Municipal Code, City of Cedar Rapids, be and the same is hereby repealed, and the following new subsection enacted as a substitute in lieu thereof.

**13.17 SERVICE CHARGES.**

(a) **Group I.** The total periodic billing for sewer charges on or after July 1, 2021 shall be the sum of all usage:

1. O & M - A flat charge of \$0.5942 per day during the billing period, which will also provide for two (2) ccf of metered usage per month. A fee of \$2.4059 per ccf will be charged for all water used in excess of two (2) ccf per month.
2. Residences that have two meters, one measuring inside usage and the other outside usage, will be charged year round for the sewer charges for all water used through the inside meter but will not be charged sewer charges for any usage through the outside meter.

(b) **Group II.** The total periodic billing for Group II sewer charges shall be the following, the rate effective on or after July 1, 2021, multiplied if necessary, by a Permit Surcharge Factor (PSF). The PSF shall be determined by the Director and noted on the Discharge Permit. The PSF shall be calculated by dividing the total O & M charges as set forth in Group III O & M by the O & M charges established in Group I. The PSF shall never be less than 1.0. Minimum monthly invoice charge for any Group II permit user subject to EPA regulation under 40 CFR Part 403 shall be \$30 per month per service agreement. Group II or III Industrial Facility Flat Rate for sanitary sewer service shall be calculated using the following formula: # of employees \* 25 gallons per day \* 30.4 days per month / 748 \* \$2.4059/ccf.

1. O & M Group I O&M flat charge + all water usage > 2 units or 4 units (depending on billing cycle) \*PSF\* \$2.4059/ccf

(c) **Group III.** The total periodic billing for sewer service charges after July 1, 2021, shall be the sum of the items listed in following subsections - 1, 2, 3 (when applicable). Debt service is only applicable to those industries still paying for reserved capacity as approved by resolution of the City Council.

1. O & M - Each month, an O & M charge will be calculated on the daily average values for the month, obtained from in-situ measurements and samples, multiplied by the monthly rate and multiplied by 60%.

<u>AVERAGE DAILY VALUE</u>	<u>MONTHLY RATE</u>
Flow in 1000s gpd multiplied by	\$22.70
BOD in lbs. multiplied by	\$4.98
SS in lbs. multiplied by	\$4.33
TKN in lbs. multiplied by	\$20.53

2. Demand Charge - Each month a three-day average for the daily Flow, BOD, Suspended Solids and TKN quantities shall be calculated for each complete three-day period starting with the first day of the month. For all months that have a day or days that exceed of nine or ten possible three-day periods, all remaining days will be incorporated into the final three-day averaging period of the month. A demand charge will be calculated on the highest three-day average for the month for each parameter, multiplied by the monthly rate and multiplied by 40%.

<u>HIGHEST THREE-DAY AVERAGE</u>	<u>MONTHLY RATE</u>
Flow in 1000s gpd multiplied by	\$22.70
BOD in lbs. multiplied by	\$4.98
SS in lbs. multiplied by	\$4.33
TKN in lbs. multiplied by	\$20.53

3. Basic Service Charges - Cities with contractual treatment agreements shall be calculated based upon the following rates as set out in (d) 4.:

<u>AVERAGE DAILY VALUE</u>	<u>MONTHLY RATE</u>
Flow in 1000s gpd	\$12.19
BOD in lbs.	\$4.98
SS in lbs.	\$4.33
TKN in lbs.	\$20.53

(d) **Group IV - Special Rates.** When the Director determines, based on applicable standards, that special conditions surround the use of city water to the extent that the application of the basic charges provided herein would be inequitable or unfair to either the city or contributor, a special rate may be established by resolution of the Council. Such rates may include, among others, the following cases:

1. Where the nature of the use of city water is such that the resulting sewage or industrial waste has characteristics making it more difficult to process than ordinary domestic waste.
2. Where a major proportion of the city water is not discharged into or does not reach the sanitary sewer. Filling of residential swimming pools will not qualify because of the cost to verify the quantity used and to make the billing adjustment.
3. Where privately produced water supplies are discharged directly or indirectly into the sanitary sewer. Such rates shall be on an equal basis as nearly as may be with the

rates, which would apply to an equal quantity and character of waste originating through the use of city water. It shall be the duty of every person responsible for the production of such private water supply to report forthwith to the Director and further, to cooperate with the Director in the determination of the quantity and character of the waste originating from each such respective private water supply. The Director shall designate in writing any necessary means of measurement of such private water supply or resulting sewage flow. The meter or other means of measurement shall be installed by and maintained at the expense of the contributor.

4. For cities with contractual treatment agreements with Cedar Rapids, the basic rates for O & M shall be as determined by Section 13.15(a)(1-4). Basic rates provided in contractual treatment agreements proposed for Group III users shall be determined by an equivalent method that also includes consideration of additional economic factors, such as the amenability of source wastewater to anaerobic treatment (UASB - Upflow Anaerobic Sludge Blanket), production of methane gas, and the cost of wastewater pretreatment prior to discharge into a UASB treatment process.
5. All users of the sanitary sewer system and wastewater treatment facilities, who are not located in the City of Cedar Rapids or one of the cities with a contractual agreement, shall at the option of the city, be required to annex into the city if the property is contiguous or agree to voluntarily do so at such time that it becomes contiguous. While the property remains outside of the City of Cedar Rapids or a contracting city, the user shall pay 50% more than the charges established by Ordinance. Any wastewater discharged to the sanitary sewer system that originates from a permitted stormwater or groundwater source is subject to a 50% surcharge.”
6. All users served by a lift station transferred from Private to City ownership per formal request and agreement, the user shall pay 40% more than the charges established by Ordinance for a period of ten years.

**Section 2.** That the changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

**Section 3.** That if any provision, paragraph, word, section or article of this Ordinance is held unconstitutional or invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue to be in full force and effect.

**Section 4.** That the changes set forth in Section 1. of this Ordinance shall be in full force and effect on July 1, 2021, after passage and publication as required by law.

Introduced this 23rd day of March, 2021.

Passed this 13th day of April, 2021.

Voting: Council member Olson (Scott) moved the adoption of the ordinance; seconded by Council member Vanorny. Adopted, Ayes, Council members Loeffler, Olson (Scott), Olson (Tyler), Overland, Poe, Todd, Vanorny and Mayor Hart.

  
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Bradley G. Hart, Mayor

Attest:

  
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Alissa Van Sloten, Interim City Clerk