

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

ORDINANCE NO. D-10-94-1

AN ORDINANCE AMENDING ORDINANCE NO. D-3-83-2 AND REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, AND THE DISCHARGE OF WATERS AND WASTE INTO THE SEWERAGE SYSTEM OF THE VILLAGE OF NEW CONCORD, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND OTHER MATTERS PERTAINING THERETO, AND DECLARING AND EMERGENCY.

WHEREAS, in order to qualify for federal funding, sewer use ordinances are required and said ordinances shall contain all necessary language regarding definitions, discharge testing and revenue systems; and

WHEREAS, the immediate adoption of this ordinance is necessary to health, safety and welfare of the village.

NOW THEREFORE, be it ordained that:

Section 1. The following provisions shall be added to Ordinance No. D-3-83-2;

Definitions - Add:

Normal Domestic Sewage - Wastewater having the strength and characteristics as that discharged by the average residential user.

NPDES Permit - "National Pollutant Discharge Elimination System" permit shall mean any permit or equivalent document or requirements issued by the state water pollution control agency to regulate the discharge of pollutants.

Surcharge - Charge imposed on users (other than residential) discharging wastewater in strength greater than normal domestic sewage.

Debt Service Charge - shall mean a charge levied on the users of the sanitary sewer system for the cost of the principal and interest payments on the Village's share of the wastewater treatment works construction.

Operation and Maintenance - shall mean the costs incurred in the act of keeping all facilities for collecting, pumping, treating, and disposing of sewage in a good state of repair and functioning properly, including the replacement of said facilities when necessary.

Replacement - shall mean expenditures for obtaining and installing equipment, accessories, and 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.

Sewer Service Charges - shall mean all charges imposed on users of the sanitary sewage system which includes: operation, maintenance, and replacement charges (OM&R), Debt Service, and extra-strength Surcharges.

User Charges - shall mean the charge assessed users of the sewage system to recover the cost of OM&R of the sewage collection and sewage treatment system, and the cost for rendering bills and collecting sewer service charges.

Definitions - Add:

User Classes - shall mean any class of users of the wastewater works, defined as follows:

Residential user shall be any user that discharges waste to the sanitary sewer system from a dwelling unit. A dwelling unit can mean but is not limited to, houses, apartments and mobile homes used primarily for residential occupancy.

Industrial user or Industry shall mean any nongovernmental user discharging a trade or process waste to a publicly owned treatment works as identified as a "Division A, B, D, E or I" industry in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented. A user in the A, B, D, E or I may be excluded if it is determined that the industry will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

Commercial user shall mean non-residential or non-industrial user that discharges waste to the sanitary sewer system from a commercial establishment. A commercial establishment can mean but is not limited to, retail establishments, service enterprise, and other businesses or community activity.

Governmental user shall be a user that discharges from sanitary conveniences to the sanitary sewer system and may mean, but is not limited to, municipal offices, garages, and facilities, and governmental facilities.

Institutional user shall mean a user that discharges from sanitary conveniences to the sanitary sewer system and may mean, but is not limited to, hospitals and schools.

Paragraph 903-Waste Sampling - Add:

All testing procedures will be performed to meet all the requirements of Federal Regulations 40 CFR 136.

Paragraph 701 - Add:

801.4. - A surcharge will be added to cover the cost of handling and treatment of the extra-strength wastes.

OM&R: Add

A proportionate rate for the operation, maintenance, and replacement of the sewage disposal system shall be charged to all users based upon the following formula:

$$\text{OM\&R} = A/V$$

Where A = Total annual operation, maintenance and replacement costs for the wastewater treatment and collection system.

V = Total metered volume of water used per year by users of the system.

Debt/Capital Improvements Charge (DCIC)

The rate for repayment of capital costs associated with the construction of the sewage improvements shall be charged to all users based upon the following formula:

$$\text{DCIC} = B/V$$

Where B = Total amortized annual debt/capital improvements costs.

V = Total metered volume of water used per year by users of the system.

Calculation of Charges - the sewer service charge for each user shall be calculated by multiplying the currently adopted OM&R rate and DCIC rate, determined as above, by the actual water meter reading in 1,000 gallon increments.

Surcharges

Sewage or industrial wastes above normal domestic sewage strength, but acceptable for discharge into the sanitary sewerage system shall be subject to a surcharge. The surcharge shall be determined on the basis of either or both of two constituents of water or wastes:

1. Total suspended solids, and/or
2. Five-day BOD at 20° C, and as herein provided.

Formula for SS:

$$\text{SS rate} = A/C$$

Where A = Annual cost for treating suspended solids.

C = Total annual pounds of solids treated.

PROTECTION FROM ACCIDENTAL DISCHARGE

1. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owners' or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Village for review, and shall be approved by the Village before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Ordinance.

2. If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitations in this Ordinance, the facility responsible for such discharge shall immediately notify the Village so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the Village detailing the date, time, and cause of the accidental discharge; the quantity and characteristics of the discharge; and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five (5) days of the occurrence of the noncomplying discharge.

- All users of the sanitary sewerage system shall be charged a sewer service charge based on usage of the system. No free service will be granted to any user of the system. Charges shall be determined as follows:

$$\text{BOD rate} = B/D$$

Where B = Annual cost for treating Biochemical Oxygen Demand.

D = Total annual pounds of BOD

When either or both the total suspended solids and the BOD of a water or waste accepted for admission to the system exceeds the values of their constituents for normal sewage, the excess concentration in either or both, as the case may be, shall be subject to a surcharge as follows:

1. Pounds of excess suspended solids per day x $\underline{\$.16}/\text{lb} =$ Suspended Solids Surcharge.
2. Pounds of excess BOD per day x $\underline{\$.18}/\text{lb} =$ BOD Surcharge.

In addition to the surcharge, the user will pay the user charges as defined in Section 1.

The pounds of BOD per day and/or pounds of suspended solids per day, above the concentration previously described for normal strength sewage that are discharged to the sewerage system, shall be determined by the Village or their authorized representative.

In addition to a surcharge on BOD and suspended solids, the Village shall have the right to surcharge any user for the discharge of any other pollutant into the sewage system.

Annual Review of Charges

The sewer service charge and user charges shall be reviewed annually by the Village of New Concord in order to determine whether or not they are sufficient to defray the fixed charges, amortization costs, and annual cost of operation and maintenance of the sewerage system. If the difference between the total annual revenue derived and the total annual cost is sufficient to justify an increase or decrease in the sewer service or user charges, the Village will adjust to maintain a proportional user charge.

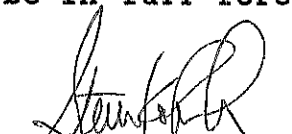
Each user is to be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the sewer service charge which is attributable to OM&R costs of wastewater treatment services.

All sanitary sewer service charges shall be due immediately upon issuance. All sanitary sewer charges rendered by the Clerk of the utilities billing shall be paid within 15 days from the billing date to the clerk or to the collection agencies designated by the Council. Any sanitary sewer charges not paid within 15 days shall be considered delinquent and a charge of \$5.00 shall be assessed against all delinquent sanitary sewer bills and must accompany the sanitary sewer bill paid at the clerk's office; however, no more than one \$5.00 delinquent charge shall be assessed against the given account when both water and sewer bills are delinquent and unpaid. Should any sanitary sewer bill remain unpaid for a period of 30 days from the billing date, the sewer services shall be cut off and terminated immediately by means of shutting off the water supply. The sanitary sewer service shall be resumed only upon payment of the delinquent charges together with any delinquent fees, and water turn-on fee of \$10.00. In no event shall more than \$10.00 be charged for a turn-on fee when both water and sewer charges are past due.

Any person found guilty by the village of violating any provisions of this ordinance shall have the right to appeal that decision before the full Council. They shall also have all rights of appeal available to them through the court system.

Section 2. For the reasons stated in the preamble hereto this ordinance shall take effect and be in full force at the earliest point permitted by law.

PASSED: October 10, 1994



President of Council,
Steve Kokovich

APPROVED: October 10, 1994



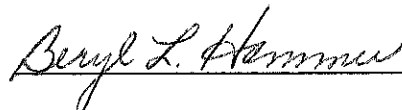
Mayor, R. Gregory Adams

ATTEST:



L. Beryl Hammer,
Clerk/Treasurer

I hereby certify that the above Ordinance No. D-10-94-1 was posted per Ordinance NO. L-1-84-1 from October 13, 1994 to March 15, 1995.


_____, Clerk