

1 (15%–8%)

2 **ORDINANCE NO. 19,647**

3 AN ORDINANCE TO ESTABLISH A SCHEDULE OF SEWER RATES FOR THE LITTLE ROCK  
4 WASTEWATER UTILITY; TO REPEAL LITTLE ROCK, ARK., ORDINANCE NO. 18,752  
5 (September 17, 2002); TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

6 **WHEREAS**, the authority to operate and maintain the Little Rock Wastewater Utility is vested in the Little Rock Sani-  
7 tary Sewer Committee (the "Sewer Committee"), but the authority to establish sewer rates is vested in the Board of Di-  
8 rectors of the City, and the Sewer Committee has determined and recommended to the City Board of Directors that the  
9 rates herein set forth should be duly adopted by ordinance pursuant to law because the current sewer rates need to be  
10 adjusted; and,

11 **WHEREAS**, the Board of Directors finds that the rates proposed by the Sewer Committee and established herein are  
12 adequate to pay the principal of and the interest on sewer revenue bonds, to make payments into the sewer revenue  
13 bonds sinking fund, to provide an adequate depreciation fund and to provide the Little Rock Wastewater Utility's esti-  
14 mated cost of operating and maintaining the sewer system, including the cost of improvements and replacements; and,

15 **WHEREAS**, as a result of the comprehensive rate analysis, the need for an adjustment of rates was determined and  
16 the Sewer Committee has requested the adoption of rates reflected herein and has stated that the adjustments are nec-  
17 essary to cover the cost of the foregoing items herein; and,

18 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF LITTLE ROCK, ARKANSAS:**

19 **Section 1.** The following monthly rates are hereby established as rates to be charged for services furnished by the  
20 Utility, which rates the Board of Directors hereby find and declare to be reasonable and necessary minimum rates to be  
21 charged;

22 (a) The Sewer Committee shall compute separately for each customer (customer being hereby defined as any  
23 landowner, lessee, or tenant whose buildings or premises are connected with and use the sewer system or otherwise  
24 discharge sanitary sewage, industrial waste, water or other approved wastewater sources, either directly or indirectly  
25 into the sewerage system) a monthly bill for each class of customer.

26 (b) In case of customers obtaining water exclusively from Central Arkansas Water, the computation shall be based  
27 upon the water consumption records of Central Arkansas Water.

28 (c) In the case of customers obtaining water from sources other than Central Arkansas Water, the Sewer Commit-  
29 tee shall determine the amount of water obtained by such customers from other sources and the amount so determined  
30 shall be used (together with the amount reflected by Central Arkansas Water's records, if any said customer also ob-  
31 tained water from Central Arkansas Water) in making the computation.

32 (d) In the case of customers whose water use is such that an appreciable quantity does not reach the sewer sys-  
33 tem, then the customer may be permitted by the Utility, upon written request to the Utility, at the customer's expense,  
34 to have a meter installed for the purpose of determining the amount of such quantity not reaching the sewer system,

1 provided, however, the meter shall be inspected and approved by the Utility. Cooling towers and boilers used for condi-  
 2 tioning the air space of buildings or used by industrial facilities for processing shall only be eligible for up to seventy  
 3 percent (70%) credit when the bleed and/or blow-down wastewaters are connected to the sanitary sewer system. Upon  
 4 written application to the Sewer Committee, if a customer can show by such an approved and inspected meter that an  
 5 appreciable quantity of the water used by the customer did not reach the sewer system, then the computation upon  
 6 which that customer's sewage charge is based shall be adjusted and determined in accordance with the measurement  
 7 as indicated by the meter, but the burden of showing that an appreciable quantity of water usage during a billing cycle  
 8 does not reach the sewer system shall be upon the customer.

9 In the case of water used for irrigation or lawn sprinkling purposes, the customer shall have an additional service  
 10 meter installed by Central Arkansas Water to deliver the water in such a way that the water is billed separately without a  
 11 sewer charge being computed.

12 (e) For residential customers (defined as single family residences or multi-metered, multi-family residences or  
 13 apartments all of which utilize meters less than one inch) only, the sewer charge each month will be based on the aver-  
 14 age monthly consumption for the months of October, November, December, January, February, and March (Winter  
 15 Month Period). (In the case of residential users which were not on a meter during the previous Winter Month Period, the  
 16 rates shall be computed on actual water usage until such time as an average monthly winter usage can be calculated.)  
 17 In the case of other users not on a metered basis, the Utility shall establish water consumption based on a comparison  
 18 of the non-metered users with a metered user of a similar class.

19 (f) The following rates shall be effective immediately upon the adoption of this Ordinance (and shall be increased  
 20 thereafter upon the dates set forth below) and shall be applied to each customer, as above determined, to arrive at the  
 21 monthly charge for each customer:

22 (1) Service Availability Charge

23 A. Inside City:

<u>Description</u>	<u>Date of Adoption of this Or-</u> <u>dinance</u>				
	<u>Jul 1 2007</u>	<u>Jan 1 2008</u>	<u>Jan 1 2009</u>	<u>Jan 1 2010</u>	
<b>Rate Increase</b>	<b>15%</b>	<b>8%</b>	<b>3%</b>	<b>4%</b>	<b>5%</b>
<b><u>Meter Size</u></b>					
5/8"	\$12.65	\$13.66	\$14.07	\$14.63	\$15.37
3/4"	\$14.84	\$16.02	\$16.50	\$17.16	\$18.02
1"	\$19.84	\$21.42	\$22.07	\$22.95	\$24.10
1.5"	\$32.49	\$35.09	\$36.14	\$37.58	\$39.46
2"	\$47.61	\$51.42	\$52.96	\$55.08	\$57.83
3"	\$82.80	\$89.42	\$92.11	\$95.79	\$100.58

4"	\$133.23	\$143.89	\$148.20	\$154.13	\$161.84
6"	\$259.21	\$279.95	\$288.35	\$299.88	\$314.87

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B. Outside City:

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<u>Description</u>	<u>Date of Adoption of this Ordinance</u>	<u>Jul 1 2007</u>	<u>Jan 1 2008</u>	<u>Jan 1 2009</u>	<u>Jan 1 2010</u>
<b>Rate Increase</b>	<b>15%</b>	<b>8%</b>	<b>3%</b>	<b>4%</b>	<b>5%</b>
<b><u>Meter Size</u></b>					
5/8"	\$18.98	\$20.49	\$21.11	\$21.95	\$23.05
3/4"	\$22.31	\$24.09	\$24.82	\$25.81	\$27.10
1"	\$29.73	\$32.11	\$33.07	\$34.39	\$36.11
1.5"	\$48.76	\$52.66	\$54.24	\$56.41	\$59.23
2"	\$72.85	\$78.68	\$81.04	\$84.28	\$88.50
3"	\$124.20	\$134.14	\$138.16	\$143.69	\$150.87
4"	\$199.87	\$215.86	\$222.34	\$231.23	\$242.79
6"	\$388.82	\$419.92	\$432.52	\$449.82	\$472.31

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(2) Volumetric Charge (for all water consumed over 200 cu. ft. per month)

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A. Inside City:

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<u>Description</u>	<u>Date of Adoption of this Ordinance</u>	<u>Jul 1 2007</u>	<u>Jan 1 2008</u>	<u>Jan 1 2009</u>	<u>Jan 1 2010</u>
<b><u>Unit Flow Rates (\$ per Hcf over 2 Hcf per month)</u></b>					
Flow	\$2.54	\$2.74	\$2.83	\$2.94	\$3.09

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B. Outside City:

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<u>Description</u>	<u>Date of Adoption of this Ordinance</u>	<u>Jul 1 2007</u>	<u>Jan 1 2008</u>	<u>Jan 1 2009</u>	<u>Jan 1 2010</u>
<b><u>Unit Flow Rates (\$ per Hcf over 2 Hcf per month)</u></b>					
Flow	\$3.82	\$4.12	\$4.24	\$4.41	\$4.63

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(3) Unit Strength Surcharges (Inside and Outside City)

Description	Cost Rate Based on Units of	Date of Adoption of this Or- dinance	Jul 1 2007	Jan 1 2008	Jan 1 2009	Jan 1 2010
<b><u>Unit Extra Strength Surcharges</u></b>						
BOD > 250 mg/L	pounds	\$0.12	\$0.12	\$0.13	\$0.13	\$0.14
TSS > 250 mg/L	pounds	\$0.10	\$0.11	\$0.12	\$0.12	\$0.13
O&G > 50 mg/L	pounds	\$0.12	\$0.12	\$0.13	\$0.13	\$0.14
COD > 400 mg/L	pounds	\$0.12	\$0.12	\$0.13	\$0.13	\$0.14
Outside pH Range ≥5.0 -≤12.0 pH S.U.	CCF	\$1.59	\$1.71	\$1.77	\$1.84	\$1.93

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(4) Billing Charge Customers whose usage requires rendering a bill shall pay a service charge as determined by the Utility's schedule of fees.

(5) Delinquent Accounts All accounts for sewer service not paid within thirty (30) days of the billing date shall bear interest at the maximum rate permitted by law until paid in full.

(6) Adjustments Any customer who feels that his charge is unjust and inequitable may make written application to the Utility requesting a review of his charge. Said written request shall, when necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made. Review of the request shall be made by the Utility and if substantiated, the charges for that customer shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period.

(7) Wastewater Rate Subsidy Program A customer may qualify for payment of sewer rates payable according to the Wastewater Rate Subsidy Program by submitting a written application, as provided by the City of Little Rock Department of Public Works, Solid Waste Division for the Solid Waste Fee Increase Subsidy Program, and if approved by Little Rock Wastewater Utility, such customer will pay the minimum service availability charge for the size water meter located at the customer's residence.

**Section 2.** The following rates for extra strength charges are also established as rates which the Board of Directors further find and declare to be reasonable and minimum rates to be charged:

The discharge of wastewaters having an excessive Biochemical Oxygen Demand (BOD) or Total Suspended Solids (TSS) or Oil and Grease (O&G) or pH constitute an added expense in the operation and maintenance of the Utility's treatment facilities and should be accompanied by payment of an Extra Strength Surcharge to compensate for this added expense. Excessive BOD and/or TSS is hereby defined as in excess of 250 mg/L, for either parameter, excessive O&G is hereby defined as in excess of 50 mg/L, and pH outside the range of ≥5.0 and ≤12.0 (standard pH units) as determined in accordance with test methods approved under 40 CFR Part 136. (When, in the opinion of the Utility, the strength of a non-domestic wastewater discharge is best characterized by a Chemical Oxygen Demand (COD) concen-

1 tration, the Utility may substitute the COD for BOD for the purpose of surcharge billing. The COD surcharge will be  
2 based on strengths in excess of 400 mg/L.) The Extra Strength Surcharge costs shall be based upon the pounds of BOD  
3 in excess of 250 mg/L, pounds of TSS in excess of 250 mg/L, pounds of O&G in excess of 50 mg/L, pounds of COD in  
4 excess of 400 mg/L, and per volumetric CCF for pH outside the range of  $\geq 5.0$  and  $\leq 12.0$  (standard pH units). For the  
5 Extra Strength Surcharge rate refer to Section 1(f)(3). The Extra Strength Surcharge shall be computed separately for  
6 BOD (or COD), TSS, pH, and O&G on the total discharge (consumption).

7 **Section 3.** All bills for sewer service shall be rendered monthly. Under the provisions of A.C.A. §14-235-223, if  
8 any sewer charge is not paid within thirty (30) days after same is due, there shall be a 10% penalty on the amount due,  
9 for which suit may be brought to collect all sums due, together with a reasonable attorney's fee.

10 **Section 4.** Each user of the sewer system shall be notified, at least annually by publication having circulation in  
11 Pulaski County, Arkansas, in conjunction with a regular bill, of the rate and the portion of the user charges which are  
12 attributable to waste water treatment services, in compliance with 40 C.F.R. §35.929-2(f).

13 **Section 5. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or word of  
14 this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect  
15 the remaining portions of the resolution which shall remain in full force and effect as if the portion so declared or ad-  
16 judged invalid or unconstitutional was not originally a part of the ordinance.

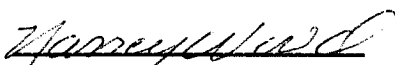
17 **Section 6. Repealer.** All laws and parts of laws inconsistent with the provisions of this ordinance are hereby re-  
18 pealed to the extent of such inconsistency including, but not limited to, Little Rock, Ark., Ordinance No. 18,752 (Sep-  
19 tember 17, 2002).

20 **Section 7. Emergency Clause.** *The ability to have adequate rates to operate and maintain the City sewer system*  
21 *is essential to the public health, safety and welfare, and without the imposition of a new rate schedule as set forth in*  
22 *this ordinance the operation, maintenance, and continued improvement of the sanitary sewer system, and its collection*  
23 *and treatment facilities, will be endangered; an emergency is, therefore, declared to exist, and this ordinance shall be in*  
24 *full force and effect, from and after the date of its passage.*

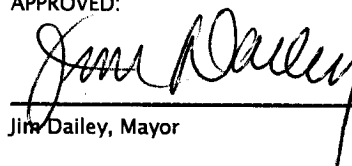
25 PASSED: November 28, 2006

26 ATTEST:

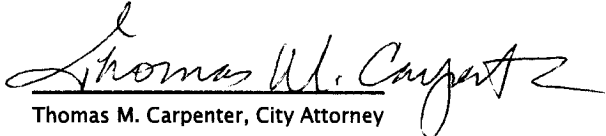
APPROVED:

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29 Nancy Wood, City Clerk

  
Jim Dailey, Mayor

30 APPROVED AS TO LEGAL FORM:

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33 Thomas M. Carpenter, City Attorney

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