

ORDINANCE NO. 672

AN ORDINANCE TO AMEND ORDINANCE 3-212 CONCERNING SEWER USE OF THE SANITARY SEWAGE SYSTEM OF THE VILLAGE OF PENDER, ON A JUST AND EQUITABLE BASIS FOR SERVICES AND FOR THE APPLICATION AND USE OF THE MONIES COLLECTED THERE FROM; DECLARING SUCH USE CHARGE TO BE A LIEN UPON THE PROPERTY SERVED, PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AND PROVIDING THE DATE WHEN SUCH SEWER USE CHARGES SHALL COMMENCE.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF PENDER, NEBRASKA:

Section §3-212 of the Village code shall be amended to read:

3-212 Customer of the Municipal Sewer Department shall be charged the following flat rate(s) for the use of sewer service. Rates shall be set, revised or amended by the Village Board of Trustees by resolution made at a regular or special meeting of the Board and shall be on file at the office of the Municipal Clerk for public inspection at any reasonable time.

SECTION 1. Purpose: The Chairman and Village Board of Trustees of the Village of Pender Nebraska hereby find and determine: This Village has constructed and owns and operates a Sanitary Sewerage System, which system carries the liquid and solid waste sewage of such community and the residents thereof. For the purpose of paying the capital costs of improvement to the sewerage system, operation, maintenance and replacement of the sewerage facilities, principal and interest of any bonds issued for improvements, there is hereby established a sanitary sewer use charge against each lot, parcel of land or premises served by said sanitary sewerage system, or which discharges wastewater, either directly or indirectly, into such sanitary sewerage system or any part thereof.

SECTION 2. Definition of Consumer: The word "Consumer" is used in this Ordinance to include all users of the Municipal Sanitary Sewerage System of the Village including all persons, firms or corporations whose premises are served thereby and all owners and tenants of real estate and buildings connected with said sanitary sewerage system or served thereby, and all users of said system who in any way use the same or discharge sanitary sewage, industrial wastewater or other liquid, either directly or indirectly, into the sanitary sewerage system of the Village of Pender, Nebraska. Consumers shall be classified as "SINGLE FAMILY, RESIDENTIAL," "MULTIPLE FAMILY RESIDENTIAL," "COMMERCIAL" AND "INDUSTRIAL."

SINGLE FAMILY RESIDENTIAL consumers are hereby defined as one family dwelling, including mobile and modular homes where the primary purpose of the facility is for the residential purposes. Single family residential consumers shall include funeral homes and churches.

MULTIPLE FAMILY RESIDENTIAL consumers are hereby defined as a multiple dwellings of apartment buildings where the primary purpose of the facility is to provide residential quarters for more than one family.

COMMERCIAL consumers are hereby defined as all business establishments whose primary purpose is to provide a service to consumers. Commercial consumers do not include industrial consumers as further defined in this Ordinance.

INDUSTRIAL CONSUMERS are hereby defined as all business establishments whose primary purpose is the manufacturing, processing, packaging, or assembling of a product for resale, distribution or custom ordering.

SECTION 3. FUND ESTABLISHMENT: The rate charges to sanitary sewerage system consumers shall be collected and shall be maintained for debt service, administration and other miscellaneous overhead costs and shall be collected and maintained for the operation, maintenance and replacement of the wastewater treatment facilities, annually a total of \$10,000.00 is to be placed in a CD for the purpose of replacement needs over the useful life of the treatment plant. The CD will be made if the Village has funds available.

SECTION 4. RATES: The rate charged to each consumer of each class shall be a rate based on average water consumption during the winter months, for the billing from December 1st through January 1st for residential, multifamily. Minimum charge for zero cubic feet is a \$16.00 per month charge and there after all cubic feet will be charged \$.75/100 per cubic foot. Commercial consumers and industrial consumers minimum charge for zero cubic feet is at \$16.00 per month, there after all cubic feet will be charge at @.85/100 per cubic foot. The funds collected from the Operation, Maintenance and Replacement fund shall be used only for operation, maintenance and replacement of the wastewater treatment facilities. Any amounts left in this fund at the end of the fiscal year must be carried over in this fund. The rates and charges for the Operation, Maintenance and Replacement shall be reviewed annually for adequacy and proportionality among users and adjustment made, if necessary.

SECTION 5. SURCHARGES: The Village shall have right to increase the Operation, Maintenance and Replacement rate when it is determined that the strength of a consumer's wastewater is significantly greater than other consumers. The Village may require any consumer at their expense, to provide flow measurement and sample analysis of their wastewater. All such surcharges shall be arrived at by establishing a base rate per pound for Biochemical Oxygen Demand and Suspended Solids and comparing the consumer's wastewater strength and volume to the base rate.

SECTION 6. CONSUMERS OUTSIDE OF CORPORATE LIMITS: A consumer of the sanitary sewerage system for the Village outside of the corporate limits of the Village shall pay a Sewer Administration Rate of \$30.00 per month. Should the Village Board vote to provide said services to a customer outside of the corporate limits, whether or not within the zoning jurisdiction of the Village, all costs of installation of the service shall be borne by the customer.

SECTION 7. DETERMINATION OF PROPORTIONAL RATES: When in the judgement of the Village Board of Trustees, the application of the use charges hereinbefore set forth would not be proportional when compared to all other consumers, the Village may adjust said consumer's rate provided said consumer provides information, satisfactory to the Village, such that the consumer's proportional use of the Sewerage system can be determined. It shall be the

consumer's responsibility to provide to the Village a satisfactory means of measuring wastewater flows and obtaining representative samples of wastewater from the consumer.

SECTION 8. CONSUMERS WITH PRIVATE WATER SUPPLIES: Consumers of the sanitary sewerage system having a private water supply which is discharged into the sanitary sewerage system shall be charged at the same rate as all other consumers, utilizing an average water use per capita as a base.

SECTION 9. RATE SAVING CLAUSE: If for any reason, any of the rates of any user hereinbefore set forth should be invalid or unenforceable the Village shall be entitled to receive and collect from such user a reasonable fee in relation to that charged of other customers for the same service who are similarly situated.

SECTION 10. LIEN UPON REAL ESTATE: All sewer use charges prescribed by the Ordinance shall be a lien upon the premises and real estate for which the sewer service is supplied and used, and if not paid when due such charges shall be certified to the Village Clerk and may be recovered by the Village in an action at law from the owner or the person, firm or corporation requesting the service or it may be certified to the tax assessor and assessed against the premises served and collected or returned in the same manner as other municipal taxes are certified, assessed, collected and returned. Bills for the sewer use charges made by this Ordinance shall be rendered in advance of the first day of each month and all sewer charges levied by this Ordinance which are not paid within 20 days, shall be deemed to be delinquent and the water service of such consumer may be discontinued.


SECTION 11. FINDING OF EQUITABLE RATES: The Chairman and the Village Board of Trustees find and determine that the sewer use charges established by this Ordinance are just and equitable rates and charges to be paid to the Village for the use of such sanitary sewerage system by each person, firm or corporation whose premises are served thereby.

SECTION 12. ORDINANCES IN CONFLICT HEREWITH: All Ordinances or parts of ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 13. EFFECTIVE DATE: This Ordinance shall take effect and be in force from and after passage and publication according to law.

PASSED AND APPROVED THIS 11th **DAY OF** April, 2022.

ATTEST:


HOLLY KINNING
VILLAGE CLERK

VILLAGE OF PENDER

BY:


Matthew Torczon, Chairman