

ORDINANCE NO. 12-2015

ORDINANCE ESTABLISHING RATES TO BE CHARGED FOR THE SERVICES OF THE SEWER SYSTEM OF THE CITY OF VAN BUREN, ARKANSAS: REPEALING PRIOR ORDINANCES FOR SUCH SERVICES: AND PRESCRIBING OTHER MATTERS PERTAINING THERETO.

WHEREAS, the City of Van Buren, Arkansas (the "City") owns and operates sewer collection and treatment facilities (the "Sewer System) and has determined that certain betterments and improvements to the Sewer System, and to the operation and maintenance of the Sewer System, are necessary to make the Sewer System adequate to serve the needs of, and to protect the health, lives, and property of, the City and its inhabitants in accordance with United States Environmental Protection Agency and Arkansas Department of Environmental Quality regulations; and

WHEREAS, present sewer rates are established by Ordinance No. 15 - 2005 of the City adopted and approved August 15, 2005; and

WHEREAS, the City of Van Buren Municipal Utilities Commission, after a complete study and review has recommended the rate increase hereinafter set forth to the City Council as being in the best interest of the City and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Van Buren, Arkansas:

SECTION 1. Effective on the first day of January 1, 2016, the following monthly minimum charges and volume charges are established as the rates for all City of Van Buren Sewer System customers:

<u>Size of Meter (Inches)</u>	<u>Monthly Minimum Charge</u>	<u>Volume Charges/1000 Gal.</u>
3/4"	\$8.06	\$4.14
1"	\$14.20	\$4.14
1 1/2"	\$19.87	\$4.14

2"	\$58.81	\$4.14
3"	\$296.17	\$4.14
4"	\$394.18	\$4.14
6"	\$590.18	\$4.14

The charges for customers outside the City limits shall be one and one-half (1 ½) times the rates for customers inside the City limits.

SECTION 2. Billed sewer usage shall be determined as follows:

(a) Residential customers billed sewer usage shall be based on an averaged winter consumption calculated from monthly water consumption for the immediately preceding months of November, December, January, February, and March. As to new residential customers who have not used the system for the winter months, billed sewer usage will be estimated based on available water consumption data, if water consumption data is not available, billed sewer usage will be the same as billed water consumption until an averaged winter consumption is calculated the following April, with the exception that; should a new customer's summer water consumption be higher than normal due to outdoor usage, the customer may request a reduction in billed sewer usage, such billing adjustments will be calculated on a case by case basis. Multifamily residential dwellings billed sewer usage shall be the same as the billed water consumption.

(b) Commercial, Institutional, Industrial customers billed sewer usage shall be based upon actual discharge into the sewer system where a properly installed, approved, and maintained flow meter is installed, by the customer, in the sewer service line so as to monitor actual sewer discharge. Where customers do not install a flow meter to monitor actual sewer discharge, billed sewer usage shall be the same as the billed water consumption, or an estimated amount where technical data, provided by the customer, demonstrates that such amounts of sewer are not discharged.

SECTION 3. That vacant property not actually using the Sewer System may not be subject to sewer charges. The burden of showing non-use, and request for temporary omission of sewer charges, rest on the owner of the property.

SECTION 4. That the provisions of this ordinance are separable, and if a section, phrase, or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of the ordinance.

SECTION 5. That the provisions of this ordinance establish the monthly charges for sewer services provided by the City of Van Buren, Arkansas. All ordinances or part thereof in conflict or which have previously established such rates and charges are hereby repealed.

SECTION 6. It is hereby ascertained and declared that there is immediate need in order to procure sufficient revenue to operate and maintain the City of Van Buren, Arkansas Sewer System in accordance with United States Environmental Protection Agency and Arkansas Department of Environmental Quality regulations, and protect the health, lives, and property of the inhabitants of the City of Van Buren, Arkansas, to charge and collect the charges hereinabove set out. It is therefore declared that this ordinance is necessary for the health, safety, and welfare of the City and its inhabitants, and that this ordinance shall take effect and be in force from and after the date of its passage.

PASSED this 21st day of September, 2015.

APPROVED:



Mayor

ATTEST:



City Clerk

RESOLUTION

A RESOLUTION RECOMMENDING TO THE MAYOR AND CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS, THAT RATES TO BE CHARGED FOR THE SERVICES OF THE SEWER SYSTEM BE INCREASED.

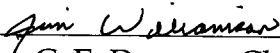
WHEREAS, the City of Van Buren, Arkansas (the "City") owns and operates sewer collection and treatment facilities (the "Sewer System") and has determined that certain betterments and improvements to the Sewer System, and to the operation and maintenance of the Sewer System, are necessary to make the Sewer System adequate to serve the needs of, and to protect the health, lives, and property of, the City and its inhabitants in accordance with United States Environmental Protection Agency and Arkansas Department of Environmental Quality regulations; and

WHEREAS, present sewer rates are established by Ordinance No. 15 - 2005 of the City adopted and approved August 15, 2005; and

WHEREAS, the City of Van Buren Municipal Utilities Commission, after a necessary and complete review, has recommended the rate increase to the City Council as being in the best interest of the City and its inhabitants.

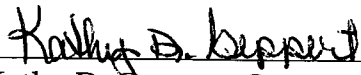
NOW THEREFORE, be it resolved that the City of Van Buren Municipal Utilities Commission recommends to the Van Buren City Council that the existing ordinance establishing current sewer rates and charges be repealed and new rates and charges be enacted and become effective as shown in the proposed ordinance before the Council.

PASSED THIS 9th day of Sept, 2015.



C. E. Dougan, Chairman

Attest:



Kathy D. Geppert, Secretary