

AMENDED SEWER USE ORDINANCE

EFFECTIVE MARCH 02, 2001

At a duly warned meeting of the Town of Berlin Selectboard on the 4th day of December 2000, and in accordance with 24 VSA Sections 1971-1976, upon motion duly made and seconded the following amended ordinance relating to sewer use charges was adopted.

SECTION I AUTHORITY

This ordinance shall be known as the "Sewer Use Charge Ordinance" and it has been duly adopted by the Selectboard acting in their capacity as Sewer Commissioners in accordance with 24 VSA 1974-1976. This ORDINANCE, as last amended, shall become effective on February 02, 2001 sixty days after the date of the adoption of amendments to the ORDINANCE, and will supersede all outstanding agreements relative to sewer use charges between users and the Town.

SECTION II PURPOSE

The purpose of this ordinance is to provide a fair and equitable implementation procedure for the full recovery of costs associated with the Town's wastewater disposal system. User charges will promote self-sufficiency of the system by distributing the cost of its operation and maintenance in a proportional manner to the users of the system.

SECTION III ADMINISTRATION

A sewer use charge is to be levied against occupant and/or owner of all properties having a building connection to the public sewer system and all buildings served by or capable of being served by Town sewers are to be included in the billing process. Property owners having buildings not connected to the public sewers or owning non developed land capable of being served by Town sewers may not be assessed for operation and maintenance costs but may be assessed a debt service charge. Users discharging excess BOD and/or TSS may be charged treatment and maintenance costs for those discharges in addition to the established charge to offset the metered cost of disposal due to those discharges. All sewer use charges shall indicate costs specifically attributed to wastewater treatment. The billing period shall be on the fiscal year basis from July 1 to June 30. The billing period shall be quarterly or semiannually within the fiscal year. July 1 to June 30. Meters will be read as soon after the first of the month as is possible and the bills will be issued at the first of the following month and are due within 30 days. Overdue payments will be subject to 8% penalty charge plus 1% monthly interest following the due date.

**SECTION 14
USER CLASSES**

In order to maintain the proportionate distribution of operation and maintenance costs among users, the following three categories and descriptions of User Classes are hereby established:

User Class A. METERED USERS

Property Owners having a building connected to the sewage system which has a metered water service.

User Class B: NON METERED USERS

Property owners having a building connected to the sewerage system which does not have a metered water serviced.

User Class C: NON CONNECTED USERS

Property owners having a building capable of being connected to the public sewerage system, but not actually connected to it, and property owners or others holding a valid sewerage allocation permits.

Excess revenues collected from a class of users must be applied to the cost of operation and maintenance attributable to that class for the next year, with the rate adjusted accordingly.

**Section V
STRONG AND TOXIC WASTES**

Each user that discharges any toxic pollutants, or wastes above a base level which causes an increase in the cost of managing the effluent or the sludge of the wastewater treatment system shall pay for such increased costs. Such payment shall be made with a surcharge added to the user charge. Surcharges shall be based on the BOD and Total Suspended Solids concentration of the wastewater actually measured and tested by an independent testing laboratory. Tests shall be taken as frequently as necessary in order to accurately determine the total annual user contribution of BOD and SS to the system. If such tests indicate that said concentrations are equal to or less than base level concentrations, the Town shall pay for all tests and no surcharge shall be levied.

The base levels of BOD and SS discharges shall be 218 mg/l respectively.

The surcharge rate shall be based on Berlin's actual cost per pound of BOD and SS treated as determined on an annual basis. The surcharge shall be applied to all properly identified users for the additional loadings over the base levels.

Section VI
TOWN OF BERLIN DATA

The Town shall perform the following tasks to compile the required information for the fiscal year billing period:

1. Test the strength of its wastewater for Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) by a recognized independent testing laboratory on a regularly scheduled basis as necessary. The Montpelier wastewater treatment plant.
2. Establish the total wastewater flow based on the summation of the actual metered flows, then determine the average use.
3. Establish the actual total expenditure for the Water Pollution Control Operation Funds.

Section VII
CITY OF MONTPELIER DATA

At the end of each fiscal year, the City of Montpelier will establish and furnish the Town of Berlin with operating costs for their wastewater treatment plant and collection system for the fiscal year as provided for in the Inter-Municipal Agreement. The following information will be provided with respect to the City wastewater treatment plant:

1. Average Biochemical Oxygen Demand (BOD) and Average Suspended Solids (SS)
2. Total flow for the year, and the resulting average flow.
3. Total plant operating expenditures.

The following will be provided with respect to the City collection system:

1. The total length of City sewer lines existing on the first day of each calendar year. It has been established the total length of sewer lines in the City was 36.78 miles as of February 10, 1982.
2. The total operating costs in the City system less the operating cost of lift pump stations, located with the City of Montpelier.

Section VIII
DETERMINATION OF TOTAL OPERATION & MAINTENANCE COSTS

The total operation and maintenance costs for the fiscal year shall be computed and established based on the grand total of the following five costs.

1. Current Town Water Pollution Control Operating Fund expenditures
2. Berlin's share of the City of Montpelier operating costs:
 - a. Wastewater Treatment Plant
BOD 41% of plant op. costs x Average. Town BOD/Avg . Town BOD/Avg. Plant BOD
SS: 25% of plant op. costs x Average Town SS/Avg. Plant SS
Flow: 34% of plant op. costs x Average Town Flow/Avg. Plant Flow

- b. Collection, Total City operating costs less city pump station costs x 50% of 2.81 miles as of January 1

Note that the total length of gravity sewers used jointly by the Town and City is 2.81 miles

Section IX
ESTABLISHMENT OF SEWER CHARGES

The total annual sewer use charge contribution shall at least equal the annual cost of operation and maintenance of the complete system (including Berlin's share of the Montpelier's system). The individual use charges shall be made according to the user classes and allocation of wastewater treatment costs in the manner outlined herein before.

1. USER CLASS:: METERED USERS

- a. Wastewater treatment portion
Total FY wastewater treatment cost ÷ Total FY wastewater (gal) x 1000 gal. = wastewater treatment cost rate/1000 gal.
- b. Portion of all costs
All other costs. Total FY wastewater (gal) x 1000 gal. = other cost rate/1000 gal
- c. That total metered rate use charge, therefore, is the sum of a and b above.
- d. Property owners having buildings connected the sewage system that have a metered water service shall be responsible for the proper calibration and maintenance of such meters. If the Selectboard determines that a meter is malfunctioning or inaccurately reporting flow or the building has no water metered it may order the property owner to install a new meter or repair the existing device on the outside of the building, in addition to any water meter installed on the inside of a building. If the Select Board determines that a meter is malfunctioning or inaccurately reporting flow, it may bill the property owner in the same matter as a non-metered user.

2. USER CLASS B: NON METERED USERS

RESIDENTIAL UNIT USE CHARGE

For all non-metered residential dwelling units including apartments, duplex, multifamily and similar type housing units which contain kitchen and bathroom facilities, the residential unit SEWER USE CHARGE shall be based on the following Unit of Sewer Use.

SEWER USE UNIT

- 3.4 persons per use unit
- 3.5 75 gallons of wastewater per person per day

3.6 255 gallons per service per day

3.7 93,075 gallons per use unit annually

3.8 Therefore, the residential unit use charge shall be established as follows:

- a. Wastewater treatment portion

Wastewater Treatment Cost Rate per gallon x 93, 075 gal.

- b. Portion for all other costs

Other costs rate per gallon x 93,075 gallon

- c. The total residential unit sewer charge, therefore, is the sum of a and b above.

Others

For all other residential or nonresidential non-metered users, their total annual use will be estimated by utilizing the flow quantities (gallons per person per day) as established by the State of Vermont (Appendix A). Having established and estimated the annual quantity of wastewater discharged to the system by the user. The metered rate shall be applied to that quantity in order to determine the use charge.

4. USER CLASS C; NON-CONNECTED USERS

The only costs that may be allocated to this class of users and those costs attributed to the debt services. For metered users in this class, the charge shall be as follows:

Debt Service Costs per gallon x 1000 gal = Rate/ 1,000 gal

For non-metered residential users in this class, the charge shall be as follows:

Debt Service Cost Rate per gal x 93,085 gal. = residential unit charge

For all others in this class, the total annual use shall be established by utilizing the flow quantities established by the State of Vermont (Appendix A) having established the use, the user charge rate shall be the same as the metered rate established for this user class.