

Recorded in Osage County, Missouri



Recording Date/Time: 02/01/2021 at 11:16:12 AM

Instr #: 20210269

Book: 560 Page: 72

Type: ORDNC

Pages: 6

Fee: \$39.00 S



Cindy Hoffman
Recorder of Deeds

THE CITY OF WESTPHALIA, MISSOURI

ORDINANCE NO. 21-1

AN ORDINANCE OF THE CITY OF WESTPHALIA, MISSOURI

SEWER SYSTEM USER REGULATIONS
AND RATES TO BE CHARGED

THE CITY OF WESTPHALIA, MISSOURI

ORDINANCE NO. 21-1

SEWER SYSTEM USER REGULATIONS AND RATES TO BE CHARGED

AN ORDINANCE PRESCRIBING REGULATIONS AND RATES TO BE CHARGED FOR THE FACILITIES AND SERVICES MADE AVAILABLE BY THE SEWER SYSTEM OF THE CITY OF WESTPHALIA, MISSOURI; PRESCRIBING THE MANNER OF PAYMENTS OF ACCOUNTS WHEN DUE; PROVIDING FOR DISCONNECTION FOR NON-PAYMENT OF ACCOUNTS AND A RECONNECTION CHARGE; PROVIDING THAT SEWER CHARGES SHALL BE ADMINISTERED BY THE PUBLIC WATER SUPPLY DISTRICT #2, WESTPHALIA, MISSOURI; AND PROVIDING THE MANNER BY WHICH SEWER MAINS SHALL BE EXTENDED.

WHEREAS, the voters of the City of Westphalia, Missouri, at an election held therein on Tuesday, November 3, 1998, authorized the issuance of sanitary sewer system revenue bonds of the City in the principal amount of Five Hundred Thousand Dollars (\$500,000.00), the principal of and interest on said revenue bonds to be payable solely from the revenues derived and to be derives by said City from the operation of its sanitary sewer system;

WHEREAS, the governing body of the City, pursuant to the authority aforesaid, has authorized the issuance and delivery of said sanitary sewer system revenue bonds of the City in the principal amount necessary to complete the project; and

WHEREAS, in order to meet the requirements of the Missouri Statutes under which said revenue bonds were voted and are being issued, it is necessary that the City fix, maintain, and collect reasonable rates, fees, and charges for the use and services of the sewer system of the City as here provided.

NOW, THEREFORE, BE IT ORDANIED BY THE BOARD OF ALDERMEN OF THE CITY OF WESTPHALIA, MISSOURI, AS FOLLOWS:

WHEREAS, the City issued Ordinance Number 04-1 on January 27, 2004, concerning sewer system user regulations and rates to be charged; and

WHEREAS, the City issued an Amendment to Ordinance Number 04-1 on April 19, 2005, concerning sewer system user regulations and rates to be charged, Article I, Section A4; and

WHEREAS, the City issued Ordinance Number 05-2 on August 29, 2005, concerning Ordinance Number 04-1 sewer system user regulations and rates to be charged, Article I, Section 1; and

WHEREAS, the City issued Ordinance Number 09-1 on June 30, 2009, concerning revised sewer system user rates to be charged for the facilities and services made available by the sewer system; and

WHEREAS, the Board of Aldermen hereby rescinds Ordinance Number 04-1, Amendment to Ordinance 04-1, Ordinance 05-2, and Ordinance Number 09-1; and

WHEREAS, it has been determined by the City that the present rates and charges for City sewer service fail to recover an amount reasonably necessary for the operation, maintenance, administration, and improvement of the sewer collection and treatment facilities; and

WHEREAS, the City held a public hearing on January 26, 2021, after giving thirty days legal notice thereof, on the issue of revising such sewer rates and charges; and

WHEREAS, the Board of Aldermen hereby implements Ordinance 21-1 Sewer System User Regulations and Rates to be Charged as follows:

ARTICLE I. RATES

Section 1. From and after the first day of the month following the effective date of this ordinance, the individual Customer, to include Single Unit, minimum monthly sewer rates and monthly sewer flat rates required and which shall be charged and collected by the agent or representative, Public Water Supply District #2, for the City of Westphalia, Missouri, for sewer service furnished by the sanitary sewer system of said City shall be the individual Customer/Single Unit monthly sewer flat rate of a \$21.00 minimum, plus the individual Customer/Single Unit minimum monthly sewer usage rate of \$3.50 per 1,000 gallons of water usage per month as established by the Public Water Supply District #2, Westphalia, Missouri. As provided herein, a sewer customer's water usage per month shall be determined by averaging the customer's water usage for the months of October, November, and December of each calendar year. Customers who do not yet have water usage rates for the months of October, November, and December shall pay their sewer service bill through their third consecutive full month of sewer service based on their actual water usage each month and upon the completion of their third consecutive full month of usage, such customers shall pay for water usage based on an average of their actual water usage for their first three full consecutive months of water use. Customers who do not have a water meter for reading water usage (i.e., private well owners) shall pay the total monthly sewer flat rate of \$31.50 for sanitary sewer system services. Each February, a customer's average water usage for purposes of calculating the customer's monthly sewer services rate shall be adjusted to reflect the customer's average water usage in October, November, and December of the prior calendar year and such sewer rates shall be effective the following February through January.

Section 2. The governing body of the City hereby binds and determines that the rates, fees, and charges for the use and services of the sewer system of the City is necessary and adequate at this time to meet the requirements of RSMo. Section 250.010 to 250.250, inclusive.

Section 3. All water and meter readings shall be obtained from the City's agent or representative, Public Water Supply District #2, and bills for sewer services shall be rendered monthly as such services accrue. An agent or representative of the City, designated to prepare and render bills for sewer services, PWSD #2, shall calculate monthly the amount of each bill and shall render monthly to each customer a bill for such sewer services. Customer sewer service payments must be received by the PWSD #2 every month prior to the Fifteenth (15th) day of each month.

Section 4. If any bill for sewer services shall remain due and unpaid after the Fifteenth (15th) day of each month, an additional charge of Ten Percent (10%) shall be added thereto.

Section 5. If any bill for sewer service or water service shall be and remain past due and unpaid for sixty (60) days, the sewer and water services to such customer shall be disconnected for a minimum of 24 hours. **Disconnection will occur without notice.** Such customer's sewer and water services shall be discontinued and shall not be reconnected until all past due sewer and water bill amounts are paid in full, together with a reconnection charge of Eighty-Five Dollars (\$85.00), a shutoff fee of Thirty-Five Dollars (\$35.00), and any and all other outstanding balances including, but not limited to, principal balances and additional finance/late charges.

Section 6. The occupant and user of the premises receiving sewer service and the owner of said premises shall be jointly and severally liable to pay for such services rendered on said premises. The City shall have the power to sue the occupant or the owner, or both, of such real estate in civil action to receive sums due for such services, plus a reasonable attorney's fee to be fixed by the court and to recover all costs associated with such action.

Section 7. No free sewer service shall be furnished to any premises, or the owner or occupant thereof, except to the city itself, and in the event that the revenues derived by the sanitary sewer from the sewer system shall at any time prove insufficient to pay the interest on the principal of the City system revenue bonds of the City issued to construct, extend, or improve such system or any in the ordinance authorizing the issues of such bonds, then the City will thereafter pay a fair and reasonable charge for all sewer services furnished to the City or any of its departments by the sewer system, and such payments will continue so long as the same may be necessary to prevent default in the payment of the interest on or principal of the sanitary sewer system revenue bonds of the City or while any such default shall exist.

ARTICLE II. SANITARY SEWER EXTENSIONS

This article shall govern requests for extension of sewer mains and collection lines within the City. For purposes of this article, enlargement or expansion of the City's sewer facilities beyond those for which the system was originally designed (those set out on the original bid documents) shall be considered an extension.

Section 1. The owner of any property, whether vacant, improved, residential, commercial, or industrial, within the City's boundaries may submit an application with the City for construction of an extension of the City's sewer mains to such property. The application shall contain:

- a. A statement by the owner of the reasons why the extension is justified;
- b. An estimate of the anticipated volume and description of the strength of wastewater the extension is expected to carry;
- c. The specifications for the proposed extension and its location; and
- d. The owner's unconditional offer to dedicate the extension to the City upon the conclusion of construction and installation of the extension.

The City may charge a reasonable fee to cover its expenses in reviewing and processing the application.

Section 2. It shall be the obligation of the applicant to obtain all other governmental approvals for construction of the proposed extension, including but not limited to the Missouri Department of Natural Resources; and to obtain any easements or rights of way over private property needed for construction of the proposed extension, and its operation and maintenance by the City. All easements or rights of way so obtained must be assignable to the City, and must be assigned to the City after construction and installation.

Section 3. The application may be denied by the City if:

- a. The applicant fails to complete the application;
- b. The applicant fails to supply the specifications or any additional information reasonably requested by the City, or its engineers, to evaluate the proposed extension or process the application;
- c. The volume or strength of the wastewater anticipated through the extension would exceed the treatment capacity of existing treatment facilities;
- d. Applicant lacks the required easements or rights of way for the extension; and

- e. Construction, operation, and maintenance of the extension is not cost justified.

Section 4. Construction and installation of the extension shall not commence unless and until the City approves the application and all other governmental approvals have been obtained by the applicant.

Section 5. Construction and installation of the extension shall be the responsibility of the applicant and at the applicant's expense. Construction and installation of the extension as stated herein shall include the installation of any and all lift stations required to be added to the City's sewer facilities in order for the City's sewer system to serve the applicant's property. Construction and installation of the extension shall be in accord with applicable construction standards and government regulations. During the construction phase, all work done shall be subject to periodic inspection and approval by representatives of the City and other agencies having jurisdiction thereof. Upon completion of construction and installation of the extension, it shall be unconditionally dedicated to the City by the owner thereof.

Section 6. Whenever a sanitary sewer system is extended and dedicated to the City, the City shall charge a permit and inspection fee for the privilege of connecting to the public sewer system to all persons and/or entities in the area benefited by the extension.

ARTICLE III. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

"**Agent**" means a person or entity who has been legally authorized to act on behalf of another person or entity in negotiations and other dealings with third parties.

"**City**" means the City of Westphalia, Missouri.

"**Customer**" means an individual user of water and sewer services.

"**Multiple Unit Customer**" means more than one single unit customer (residential and/or business combined) within the same building structure (billed 1 individual per single unit multiplied by the number of units within the same building structure multiplied by the sewer flat rates plus add the per thousand gallons water usage rate set by the Public Water Supply District).

"**Single Unit**" is equal to one customer (billed 1 individual sewer flat rate + the per thousand gallons water usage rate set by the Public Water Supply District).

"**Two Units**" is equal to two customers (billed 2 individual flat rates + the per thousand gallons water usage rate set by the Public Water Supply District).

"**Three Units**" is equal to three customers (billed 3 individual flat rates + the per thousand gallons water usage rate set by the Public Water Supply District).

"**Four Units**" is equal to four customers (billed 4 individual flat rates + the per thousand gallons water usage rate set by the Public Water Supply District); and so on.

"**PWSD #2**" means the Public Water Supply District #2, Westphalia, Missouri.

"Representative" means a person or entity who has been legally authorized to act on behalf of another person or entity in negotiations and other dealings with third parties.

"Water/Sewer Service Connection" - means the point of connection of the customer's or consumer's water/sewer line with the water/sewer service line (pipes, fixtures, etc.) used for the purpose of supplying any premises in the Public Water Supply District/Municipality with water/sewer services.

ARTICLE IV. CERTIFICATE OF ADOPTION

WHEREAS, this Sewer System User Regulations and Rates to be Charged Ordinance 21-1 for the community of the City of Westphalia, Missouri shall be in full force and in effect from and after the date of its passage by the Board of Aldermen and approval by the Mayor, City of Westphalia, Missouri.

This Sewer System User Regulations and Rates to be Charged Ordinance 21-1 for the community of the City of Westphalia, Missouri is ADOPTED AND APPROVED by the Board of Aldermen of the City of Westphalia, Missouri, and

DULY PASSED on this 26th day of January, 2021.

Tammy J. Massman
Tammy J. Massman, Mayor
Chief Executive Officer/Chief Elected Official

City of Westphalia – City Hall
116 East Main Street
P. O. Box 36
Westphalia, MO 65085

ATTEST:

Kerry Bax
Kerry Bax, City Clerk

STATEMENT OF THE AYES AND NAYS: (3-Ayes; 0-Nays)

APPROVED on this 26th day of January, 2021.

Tammy J. Massman
Tammy J. Massman, Mayor

ATTEST:

Kerry Bax
Kerry Bax, City Clerk

Place seal here.

