

ORDINANCE NUMBER 2016 - 08

AN ORDINANCE OF THE PULASKI COUNTY SEWER DISTRICT NUMBER 1 ESTABLISHING, RE-ESTABLISHING, APPROVING AND ADOPTING A FEE POLICY; AND FIXING AN EFFECTIVE DATE.

WHEREAS, as permitted by Section 250.233 RSMo the District has established, and makes and collects charges for sewerage services, including tap-on fees, which permitted charges are in addition to those charges which may be levied and collected for maintenance, repair and administration, including debt service expenses; and

WHEREAS, Section 204.250 RSMo provides that the powers granted to a sewer district in Chapter 204 are so granted to allow a means to secure proper sanitary conditions for the preservation of the public health; and

WHEREAS, Section 250.240 RSMo provides that it is the purpose of Chapter 250 RSMo to enable sewer districts to protect the public health and welfare by preventing or abating the pollution of water and creating means for supplying wholesome water, and to these ends every such sewer district shall have the power to do all things necessary or convenient to carry out such purpose, in addition to any specific powers conferred in said chapter; and

WHEREAS, Section 204.320 RSMo provides that the Board of Trustees of a sewer district shall have the power to pass all necessary rules and regulations for the proper management and conduct of the business of the board of trustees, and of the district, and for carrying into effect the objects for which the district is formed; and

WHEREAS, Section 204.455 RSMo permits the District to impose a lien upon real property for unpaid and delinquent amounts for user charges, connection or sewer impact fees or other charges levied by the District; and

WHEREAS, Section 250.140 RSMo grants power to the District to sue in a civil action to recover any sums due for any sewerage services provided, plus a reasonable attorney's fee to be fixed by the court; and

WHEREAS, the Board of Trustees has determined that, to meet and fulfill the District's legal obligation to secure proper sanitary conditions for the preservation of the public health and to protect the public health and welfare by preventing or abating the pollution of water, and to bill and collect payment for rates and charges which have been fixed and maintained according to law for the use and services of a sewerage system, it is necessary to approve and adopt a policy for the imposition and collection of sewer connection fees and administrative fees.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE PULASKI COUNTY SEWER DISTRICT NUMBER 1 AS FOLLOWS:

Section 1. The Board of Trustees hereby approves, in form and content, the fee policy, attached hereto, incorporated herein, and made a part of the rules and regulations of the Pulaski County Sewer District Number 1.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.


Section 3. This Ordinance shall be in full force and effect from and after its passage and approval.

First and Second Reading

ROLL CALL VOTE:	AYE	NAY	ABSENT
GARY PORTER, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOB SIMPSON, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CARL JENSEN, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DANIEL WOGAN, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOM MILLS, Trustee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

READ TWO TIMES, PASSED AND APPROVED THIS 21st DAY OF JUNE, 2016.

ATTEST:



Carl Jensen, Secretary



Gary Porter, Chairman

FEE POLICY
OF
PULASKI COUNTY SEWER DISTRICT NUMBER 1

- A. In addition to all other fees and charges required by this Ordinance, any User Rate Ordinance, or any Service Application Ordinance, a separate fee, known as a Sewer Connection Fee, shall be charged, in accordance with the following:
1. A Sewer Connection Fee in the amount of \$1500 shall be charged as a means to ensure that existing Patrons are not unduly bearing the cost of providing wastewater treatment services to new connections.
 2. Said Sewer Connection Fee shall be charged for each Housing Unit or Single Family Equivalent, whichever is greater, as determined by the District Engineer, applying the provisions and standards set forth in the then applicable User Rate Ordinance based on the calculated Household Equivalent.
 3. The amount of the Sewer Connection Fees shall be \$1000 towards a treatment plant upgrade and \$500 for the collection system extension.
 4. A Developer who has installed the collection system in a subdivision may, at the discretion of the Board of Trustees, have that portion of the Sewer Connection Fee waived. Such an agreement shall be made in writing before any connections are made. This waiver only applies to the Developer that installed the collection system and that paid for the District and Missouri DNR construction permits.
 5. The Sewer Connection Fee shall be due and payable upon connection to an existing public water system, or, if no water system is readily available to the subject property, upon the connection of electricity to the subject property.
 6. If the Sewer Connection Fee payment in full is not made when due, then the entire unpaid balance shall bear interest at the rate of 18% per annum. If the account is placed in the hands of an attorney or collection agency for collection upon default of payment, the owner shall pay all costs of collection, including a reasonable attorney's fee.
 7. Solely with respect to a separate and distinct Development, owned by an individual Developer, a maximum annual amount of collective Sewer Connection Fees may be charged, subject to the requirements and provisions set forth hereunder:
 - a. There shall be compliance with all applicable provisions of federal and state law, and all applicable provisions of District ordinances, rules and regulations.
 - b. The Developer shall be required to install, at Developer's sole cost and expense, any and all necessary components of a conventional gravity sewerage system infrastructure within the Development in full compliance with any then existing District design guides and other applicable District ordinances, rules and

regulations, so as to allow for the connection to the District's Facilities and existing interceptor sewer.

- c. The Developer shall comply with and abide by any and all applicable District design guides and shall otherwise comply with any applicable District ordinances, rules and regulations, including without limitation abiding by communications and directions of the District and its officials to achieve such compliance.
- d. Participation in any required preconstruction conferences including complying with any directions or instructions resulting therefrom, granting any and all written easements in recordable form as may be reasonably requested by the District in association with the proposed Development, and shall obtain any permits and approvals from the District as may be required by District ordinances, rules and regulations.
- e. The maximum annual amount of collective Sewer Connection Fees shall be applied only to those buildings or structures with a completed and fully paid sewer tap permit agreement and District inspection having been connected to the District Facilities or sewerage system within one calendar year – defined as January 1 through December 31.
- f. If the District determines that there has occurred full compliance with the provisions of this Section by a single and distinct Developer concerning a separate and distinct Development owned by said Developer, and if the District further determines that there has been compliance with any and all other state and federal laws and any and all other District ordinances, rules and regulations, then the maximum annual amount of collective Sewer Connection Fees charged by the District to such Developer for such Development shall be the sum of Twenty-Five Thousand and NO/100 Dollars (\$25,000.00).

B. In addition to all other fees and charges required by this Ordinance, any User Rate Ordinance, or any Service Application Ordinance, payment of the following deposit and prorated user fees, and the following Return Check fees shall be required:

1. A deposit in the amount of \$120.00 per Housing Unit shall be paid by any person or entity making application for services. As an example, if a 12 unit apartment was connected to the District Facilities, the deposit would be \$1,440.00 (\$120.00 X 12 units). The deposit shall be refunded when services are terminated; provided, however, that if an unpaid balance for services remains on an account at the time services are terminated, the deposit shall be paid toward any unpaid balance and only any unused portion of the deposit shall be refunded. Any portion of a deposit not utilized to pay an unpaid balance on an account may be transferred to another service account at a different location by a residential applicant who moves from one location to another within the District. The deposit will be applied to any monthly fee balance that is three months overdue. No deposit will be available at termination if the deposit has been utilized to pay an overdue sewer fee.

2. A payment for any prorated user fee services shall be provided as a part of the application process, to be calculated from the date the applying Patron began receiving services from the District.
3. Applications for service shall be made in full compliance with any then-existing service application policy enacted by the District.
4. The sum of \$25.00 is assessed to any Patron in the event that any check given to the District for payment is returned unpaid for any reason and is not otherwise honored and paid by the Patron's bank.