

TEMPORARY ORDINANCE NO. 29-22

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO AMEND PART NINE – STREETS, UTILITIES AND PUBLIC SERVICES, TITLE THREE – PUBLIC UTILITIES, CHAPTER 911 WATER, SECTION 911.07(D) CAPACITY CHARGE FOR WATER; CHAPTER 912 CAPACITY CHARGE FOR TRUNK SANITARY SEWER BENEFIT; CHAPTER 915 SEWER RATES, SECTION 915.04(A) USER RATES AND CHARGES; CHAPTER 915 SEWER RATES, SECTION 915.05(A) STRENGTH SURCHARGES; AND CHAPTER 916 WASTEWATER PRETREATMENT, SECTION 916.08(C) STRENGTH SURCHARGE OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER

WHEREAS, the City of Lancaster owns and operates multiple water and wastewater facilities, and

WHEREAS, the City operates these facilities under permits issued by the Ohio Environmental Protection Agency according to their rules and regulations, and

WHEREAS, the City recently issued bonds for the construction of improvements to water and wastewater facilities that include covenants regarding rates for the operation thereof; and

WHEREAS, the City has also obtained loans from the Ohio Water Development Authority (OWDA) for water and wastewater improvements that include requirements for the adequate operation and maintenance of those improvements; and

WHEREAS, in order to satisfy all these requirements a rate study was conducted by Arcadis to ensure adequate funds for the operation, maintenance, and debt service for the improvements; and

WHEREAS, Arcadis is has recommended rate adjustments to meet bond and loan requirements; and

WHEREAS, Lancaster City Council is required to make such adjustments to comply with bond and loan requirements;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO,

SECTION 1. That Part Nine – Streets, Utilities and Public Services, Title Three – Public Utilities, Chapter 911 Water, Section 911.0(d) be amended as follows:

911.07 CAPACITY CHARGE FOR WATER.

(d) The charge shall be determined in accordance with the following:

TABLE 1
(1) PROPERTY INSIDE CORPORATE LIMITS
DOMESTIC USE ONLY

Water Meter Size	Capacity Fee
5/8 or 3/4 inch	\$ 3,690
1 inch	6,149
1 1/2 inch	12,299
2 inch	19,678
4 inch	61,493
6 inch	112,986
8 inch	221,375
10 inch	356,660
12 inch	528,840

Fees for meters larger than 12 inch will be determined on an individual basis.

Effective January 1, 2023

Water Meter Size	Capacity Fee
5/8 or 3/4 inch	\$ 3,690
1 inch	6,149
1 1/2 inch	12,299
2 inch	19,678
4 inch	59,346
6 inch	118,336
8 inch	189,409
10 inch	497,509
12 inch	627,928

Fees for meters larger than 12 inch will be determined on an individual basis.

TABLE 2

**(2) PROPERTY INSIDE CORPORATE LIMITS FIRE PURPOSES ONLY-
NO WATER METER**

Tap Size	Capacity Fee
1 inch	\$ 778
1 1/2 inch	1,750
2 inch	3,111
4 inch	12,445
6 inch	28,000
8 inch	49,750

Fees for taps larger than 8 inch will be determined on an individual contract basis. If domestic line is used also with fire line, Section (3) is also applicable.

The capacity charge for water, for fire purposes only, may be waived by the Service-Safety Director for existing structures located in a Historic District, listed on the National Register of Historic Places, designated as a Designated Landmark, or within the Downtown Lancaster Special Improvement District when a sprinkler system is added on each floor as an incentive to preserve existing structures from the threat of fire by the addition of fire suppression. The approval of the sprinkler plans and completion of the plans are conditions of the waiver.

**(3) PROPERTY INSIDE CORPORATE LIMITS FIRE
LINE WITH DOMESTIC METER**

When customer requests a fire line, one large line capable of providing the required fire flow be installed from the distribution system and that the domestic service be tapped off the fire line inside the structure where a meter is installed to record domestic flow for billing purposes. The charges shall be determined in accordance with the following.

Customer to be charged the scheduled meter size for the domestic line found in TABLE 1 plus the fee located in TABLE 2.

TABLE 3

**(4) PROPERTY OUTSIDE CORPORATE LIMITS CONNECTING
TO AN EXISTING LINE FOR DOMESTIC USE ONLY**

Water Meter Size	Capacity Fee
5/8 or 3/4 inch	\$ 5,535
1 inch	9,224
1 1/2 inch	18,449
2 inch	29,517
4 inch	92,240
6 inch	184,479
8 inch	332,063
10 inch	534,990
12 inch	793,260

Fees for taps larger than 12 inch will be determined on an individual basis.

Effective January 1, 2023

Water Meter Size	Capacity Fee
5/8 or 3/4 inch	\$ 5,535
1 inch	9,224
1 1/2 inch	17,591
2 inch	28,251
4 inch	89,019
6 inch	177,504
8 inch	284,133
10 inch	746,264
12 inch	941,892

Fees for taps larger than 12 inch will be determined on an individual basis.

TABLE 4
(5) PROPERTY OUTSIDE CORPORATE LIMITS CONNECTING TO EXISTING LINE FOR FIRE PURPOSE ONLY

Tap Size	Capacity Fee
1 inch	\$ 1,167
1 1/2 inch	3,625
2 inch	4,647
4 inch	18,670
6 inch	42,000
8 inch	74,500

Fees for taps larger than 8 inch will be determined on an individual contract basis. If domestic line is used also with fire line, Section (6) is also applicable.

(6) PROPERTY OUTSIDE CORPORATE LIMITS CONNECTING TO AN EXISTING LINE FOR FIRE LINE WITH DOMESTIC METER

When a customer requests a fire line, one large line capable of providing the required fire flows be installed from the distribution system and that the domestic service be tapped off the fire line inside the structure where a meter is installed to record domestic flows for billing purposes. The charges shall be determined in accordance with the following:

Customers to be charged the scheduled meter size for domestic line found in TABLE 3 plus the fee located in TABLE 4.

(e) Credit for Existing Tap. In the event of an existing lot having service and the owner would like to increase the size of the tap/meter, a one-time credit would be given. Credit would be determined by subtracting the price of the existing tap/meter from the price of the increased tap/meter. The owner then would be responsible for the difference of the two. This fee would then have to be paid when tap application is filed with the Division of Water.

(f) Property Outside Corporate Limits That Does Not Have An Existing City Maintained Line. The Superintendent of Water along with the City Engineer, Mayor, and/or Service Director and Law Director may negotiate with areas outside corporate limits of Lancaster. Negotiated contract must be approved by a simple majority of City Council.

SECTION 2. That Part Nine – Streets, Utilities and Public Services, Title Three – Public Utilities, Chapter 912 Capacity Charge for Trunk Sanitary Sewer Benefit, Section 912.05 Capacity Charge for Trunk Sanitary Sewer Benefits of the, be amended as follows:

912.05 CAPACITY CHARGE FOR TRUNK SANITARY SEWER BENEFIT.

(a) The City Engineer is hereby authorized and directed to collect a sanitary sewer system capacity charge whenever application is made for the issuance of a sewer permit to provide sanitary sewer to a structure, whenever such property is or will be tributary, directly or indirectly to any trunk sanitary sewer built by the City, either inside or outside the corporate limits of the City and as provided elsewhere in the Lancaster Codified Ordinances.

(b) The charge shall be determined in accordance with the following:

(1) **PROPERTY INSIDE CORPORATE LIMITS**

TABLE 1

WATER METER SIZE	CAPACITY FEE
5/8 or 3/4 inch	\$4,844.00
1 inch	9,452.00
1 ½ inch	22,920.00
2 inch	39,933.00
4 inch	86,010.00
6 inch	144,611.00
8 inch	325,374.00

Fees for meters larger than 8 inch will be determined on an individual basis.

(2) **PROPERTY OUTSIDE CORPORATE LIMITS**

TABLE 2

WATER METER SIZE	CAPACITY FEE
5/8 or 3/4 inch	\$7,266.00
1 inch	14,178.00
1 ½ inch	34,381.00
2 inch	59,900.00
4 inch	129,016.00
6 inch	216,916.00
8 inch	488,062.00

Fees for meters larger than 8 inch will be determined on an individual basis.
Effective January 1, 2023

(1) **PROPERTY INSIDE CORPORATE LIMITS**
TABLE 1

WATER METER SIZE	CAPACITY FEE
5/8 or 3/4 inch	\$5,789.00
1 inch	9,842.00
1 ½ inch	19,104.00
2 inch	30,683.00
4 inch	96,680.00
6 inch	192,782.00
8 inch	308,566.00
10 inch	810,493.00
12 inch	1,022,958.00

Fees for meters larger than 12 inch will be determined on an individual basis.

(2) **PROPERTY OUTSIDE CORPORATE LIMITS**
TABLE 2

WATER METER SIZE	CAPACITY FEE
5/8 or 3/4 inch	\$8,684.00
1 inch	14,763.00
1 ½ inch	28,657.00
2 inch	46,024.00
4 inch	145,020.00
6 inch	289,172.00
8 inch	462,849.00
10 inch	1,215,740.00
12 inch	1,534,437.00

Fees for meters larger than 12 inch will be determined on an individual basis.

(c) A deduction may be made from the trunk sewer capacity charge herein imposed whenever, and to the extent that, the owner of the property concerned can show that a special assessment has been paid for such or similar trunk sewer benefit, provided that such deduction shall be limited to the amount of such original payment.

(d) Capacity Charge for Trunk Sewer Benefit. An exemption of the capacity charge shall be made where a structure of a classified use is replaced by a structure of a higher use, the capacity charge fee shall be the difference of the lower use fee from the higher use fee. The City Engineer or his designee shall have the final discretion to approve or reject the existing lateral.

(e) The capacity charge due for existing residential structures required to connect to the City's sanitary system by Lancaster Codified Ordinance 912.02 may be paid through the following methods:

- (1) A ten-year assessment to the real property tax without interest so long as the payments are received within thirty (30) days of the due date.
- (2) A five-year assessment to the real property tax without interest so long as the payments are received within thirty (30) days of the due date.
- (3) Payment in full.

SECTION 3. That Part Nine – Streets, Utilities and Public Services, Title Three – Public Utilities, Chapter 915 Sewer Rates, Section 915.04(a) be amended as follows:

915.04 USER RATES AND CHARGES.

(a) For the use of and the service rendered by the treatment works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the City sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly into the sanitary sewerage system of the City. Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- (1) The sewer rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly, and the users shall be billed each month. The water usage schedule on which the amount of such rates and charges shall be determined shall be as follows:

RESIDENTIAL/COMMERCIAL:

	Total
Base Rate	\$18.98
Treatment	\$6.54/100cf
Effective January 1, 2023	
Base Rate	\$19.55
Treatment	\$6.74/100cf
Effective January 1, 2024	
Base Rate	\$20.72
Treatment	\$7.14/100cf
Effective January 1, 2025	
Base Rate	\$21.96
Treatment	\$7.57/100cf
Effective January 1, 2026	

Base Rate	\$22.62
Treatment	\$7.80/100cf
Effective January 1, 2027	
Base Rate	\$23.30
Treatment	\$8.03/100cf

- (2) For residential users of the sewage works that are not metered water users or from whom accurate meter readings are not available, the monthly charge shall be as follows:

	Total
Total	\$71.30
Effective January 1, 2023	
Total	\$73.47
Effective January 1, 2024	
Total	\$77.88
Effective January 1, 2025	
Total	\$82.55
Effective January 1, 2026	
Total	\$85.02
Effective January 1, 2027	
Total	\$87.57

INDUSTRIAL:

TIER 1	0-100ccf	\$6.54
TIER 2	101-250ccf	\$5.65
TIER 3	251-2500ccf	\$4.39
TIER 4	>2501ccf	\$4.12
Monthly Customer Charge		\$18.98

<u>Effective January 1, 2023:</u>		
TIER 1	0-100ccf	\$7.19
TIER 2	101-250ccf	\$6.22
TIER 3	251-2500ccf	\$4.83
TIER 4	>2501ccf	\$4.53
Monthly Customer Charge		\$20.88

Effective January 1, 2024:		
TIER 1	0-100ccf	\$7.62
TIER 2	101-250ccf	\$6.59
TIER 3	251-2500ccf	\$5.12
TIER 4	>2501ccf	\$4.80
Monthly Customer Charge		\$22.13

Effective January 1, 2025:		
TIER 1	0-100ccf	\$8.08
TIER 2	101-250ccf	\$6.99
TIER 3	251-2500ccf	\$5.43
TIER 4	>2501ccf	\$5.09
Monthly Customer Charge		\$23.46

Effective January 1, 2026:		
TIER 1	0-100ccf	\$8.32
TIER 2	101-250ccf	\$7.20
TIER 3	251-2500ccf	\$5.59
TIER 4	>2501ccf	\$5.24
Monthly Customer Charge		\$24.16

Effective January 1, 2027:		
TIER 1	0-100ccf	\$8.57
TIER 2	101-250ccf	\$7.42
TIER 3	251-2500ccf	\$5.76
TIER 4	>2501ccf	\$5.39
Monthly Customer Charge		\$24.88

- (3) For the service rendered to the City, the City shall be subject to the same rates and charges hereinabove provided or to charges and rates established in harmony therewith.

(b) The quantity of water discharged into the sanitary sewer system and obtained from sources other than the City shall be determined by the City in such a manner as the City shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; further, as is hereinafter provided in this section, the City may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the City that such quantities do not enter the sanitary sewerage system.

- (1) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City's sanitary sewerage system, either directly or indirectly, is not a user of

water supplied by the City, the water used thereon or therein is not measured by a water meter or is measured by a water meter not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rate or charge provided in this chapter the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.

- (2) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the City sanitary sewerage system, either directly or indirectly, is a user of water supplied by the City, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the City then the amount of water used shall be otherwise measured or determined by the City. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.
- (3) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the City sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.
- (4) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the City's sanitary sewerage system either directly or indirectly, and uses water in excess of 1000 cubic feet per month, and it can be shown to the satisfaction of the City that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewer system, then the owner or other interested party shall, at his own expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the City for the determination of sewage discharge.
- (5) In order that the residential users discharging sanitary sewage not be penalized for sprinkling lawns, washing cars, watering gardens, etc., during the months of May, June, July, August, September and October, the billing for sanitary sewer services for residential users for the months of May, June, July, August, September and October (Summer Average) of a particular year shall be based upon that user's average monthly water usage billed during the months January, February, March, April, November and December (Winter Average). Residential sanitary sewer services applicable to the Summer Average shall apply to each lot, parcel of real estate, or building which is occupied and used as a residence. The Summer Average shall not apply to any premises which are partially used for commercial or industrial purposes.

The Winter Average shall be determined by the customer's actual usage during the prior year for November thru April. When the average is calculated, the high and low readings will be discarded. If a customer has less than six (6) readings, the number shall be defaulted to a value of eight hundred (800) cubic feet. For billing purposes, a minimum of three (300) hundred cubic feet shall be set and the lesser of the actual/average (default if used) will be charged.

SECTION 4. That Part Nine – Streets, Utilities and Public Services, Title Three – Public Utilities, Chapter 915 Sewer Rates, Section 915.05(a), be amended as follows:

915.05 STRENGTH SURCHARGES.

In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the City shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The City shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewer system, in such manner and by such method as the City may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the City at all times.

- (a) Normal sewage domestic waste strength should not exceed a carbonaceous biochemical oxygen demand (CBOD) of 200 milligrams per liter of fluid or suspended solids in excess of 300 milligrams per liter fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:
 - (1) Rate surcharge based upon CBOD. There shall be an additional charge of thirty dollars and forty-four cents (\$30.44) per 100 pounds of carbonaceous biochemical demand for CBOD received in excess of 200 milligrams per liter of fluid. The rate shall increase to thirty-three dollars and forty-eight cents (\$33.48) per 100 pounds on January 1, 2023.
 - (2) Rate surcharge based upon suspended solids. There shall be an additional charge of eighteen dollars and fifty-five cents (\$18.55) per 100 pounds of suspended solids for suspended solids received in excess of 300 milligrams per liter of fluid. The rate shall increase to twenty dollars and forty-one cents (\$20.41) per 100 pounds on January 1, 2023.

SECTION 5. That Part Nine – Streets, Utilities and Public Services, Title Three – Public Utilities, Chapter 916 – Strength Surcharge, Section 916.08(c), be amended as follows:

916.08 STRENGTH SURCHARGE.

- (c) Strength surcharges are hereby established as follows:

<u>Pollutant Parameters</u>	<u>Cost Per 100 Pounds</u>
Carbonaceous Biochemical Oxygen Demand	\$30.44
Suspended Solids	\$18.55

Effective January 1, 2023

Carbonaceous Biochemical Oxygen Demand	\$33.48
Suspended Solids	\$20.41

SECTION 6. That Council hereby finds that all formal actions of Council and any of its committees relating to the passage of this ordinance were made in meetings open to the public, and that all deliberations of Council and any of its committees that resulted in these formal actions were held in meetings open to the public, in compliance with Ohio Revised Code.

SECTION 7. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City, and more specifically because this ordinance is required to be immediately effective in order to comply with the terms and conditions of the Water System Improvement Revenue Bonds, Series 2012 and the Wastewater System Improvement Revenue Bonds, Series 2016; wherefor this ordinance shall take effect and be in full force immediately upon its passage.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Water/Water Pollution Control Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2022 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council