

(Ordinance Summary published in The Hillsboro Star-Journal on _____, 2022 and the full text of the Ordinance made available at <https://cityofhillsboro.net> for a minimum of one (1) week from the date of publication)

ORDINANCE NO. 1357

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE 6 OF CHAPTER XV OF THE CODE OF THE CITY OF HILLSBORO, KANSAS RELATING TO RATES FOR SEWER UTILITY SERVICES.

WHEREAS, the City of Hillsboro, Kansas (the “City”) has previously adopted Chapter XV, of the Code of the City of Hillsboro, Kansas (the “Code”), which contains provisions regulating sewer utility services (“Services”); and

WHEREAS, the governing body of the City desires, and finds it necessary and advisable to amend the utility rates for the Services.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HILLSBORO, KANSAS:

SECTION 1. Chapter XV, Article 6, Section 15-635 of the Code shall be amended and replaced and shall read as follows:

Section 15-635. Same; procedure.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 15-634, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or would otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge,
- (d) Require payment of the Excess BOD Rates set forth in Section 15-644, and/or
- (e) Require payment to cover the added cost of handling and treating the wastes not covered by existing charges under the provisions of Section 15-644.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and of the Kansas

State Department of Health and Environment. No construction of such facilities shall be commenced until the approvals are obtained in writing.

SECTION 2. Chapter XV, Article 6, Section 15-640 of the Code shall be amended and replaced and shall read as follows:

Section 15-640. Entering premises; inspections.

The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The superintendent or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Samples and measurements will be taken by the City at times and utilizing methods as required by the superintendent or their authorized representative. Such inspection may include random grab testing. The strength of the sewage discharge by the industrial or commercial user will be determined by the analyses of said samples. BOD levels disclosed by such testing will be applied to each day of the corresponding billing cycle. The user shall be responsible for all costs of testing and inspection if testing reveals any prohibited discharges under this article.

The user, at their expense, may be required at the sole discretion of the superintendent to provide monitoring and flow measurement facilities which coincide at the point at which effluent limits apply. Sampling locations must be safe, convenient, and accessible to the industrial user and City utilities personnel.

If any industrial or commercial user chooses not to accept the analytical determination made by the City for a billing period, such user shall, prior to the date on which payment of the charges for such billing is due, notify the superintendent in writing and, at their sole expense, employ an independent laboratory which is certified by the Kansas Department of Health and Environment and acceptable to the superintendent, to conduct sampling and analysis of their sewage.

The time period, location, and method for the collection of the samples shall be designated by the City. The City and the independent laboratory shall both preside over the collection of the samples and shall equally divide the samples so that duplicate analysis may be performed.

If results of the analysis of the sewage sample made by both the City and the independent laboratory are not comparable, the superintendent may appoint a second independent laboratory certified by the Kansas Department of Health and Environment to analyze the sewage. The sampling procedures used will be the same as those outlined above. The results of these analyses, together with the previous results, shall be used to determine the actual extra strength charges for

the subject billing period. The fee for the second independent laboratory analyses shall be paid for by the user.

When regulations, Federal, State or City, require monitoring of the waste from an industry, that industry shall pay a monitoring charge.

The monitoring charge shall consist of all costs for personnel, material and equipment used to collect and analyze samples from the user's wastewater. The exact charge shall be based on actual costs and shall be determined by the superintendent.

SECTION 3. Chapter XV, Article 6, Section 15-644 of the Code shall be amended and replaced and shall read as follows:

Section 15-644. Charges.

A monthly service charge for the use of services rendered by the sewage disposal system shall be paid to the City by all persons, firms, corporations, and any organizations within or without the City having a sewer connection directly or indirectly with the sewage system of the City as follows:

- (a) The monthly base rates shall be \$31.68.
- (b) The volume rate for all user groups shall be \$3.98 per 1,000 gallons.
- (c) The Excess BOD Rate shall be \$0.24 per pound for BOD in excess of the limits permitted by Section 15-634.
- (d) The amount of water used for billing purposes shall be determined by an average of water used per month during a four (4) month period from December through March. The average use shall be computed in April of each year for every sewage utility customer. The average shall be applied against the above rate structure effective with the May sewage billing and shall remain constant for future billings until the average water used is recalculated in the following April.

SECTION 4. This Ordinance shall take effect on and be in full force after its adoption by the governing body of the City, approval by the Mayor and either (a) publication once in the official newspaper of the City, or (b) publication of a summary hereof certified as legally accurate and sufficient by the City Attorney.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Hillsboro,
Kansas this 16th day of August, 2022.

CITY OF HILLSBORO, KANSAS

[seal]

By _____
Lou Thurston, Mayor

ATTEST:

By _____
Danielle Bartel, City Clerk

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Ordinance No. 1357 Summary

On August 16, 2022, the City of Hillsboro, Kansas adopted Ordinance No. 1357 amending the following sections of the Code of the City of Hillsboro, Kansas to adjust the sewer utility rates: Chapter XV, Article 6, Sections 15-635, 15-640, and 15-644. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 118 E. Grand Avenue, Hillsboro, Kansas 67063 or at <https://cityofhillsboro.net>. This summary is certified legally accurate and sufficient by the Hillsboro City Attorney pursuant to K.S.A. 12-3001 *et seq.*

SUMMARY CERTIFIED:

City Attorney

Date: _____