

ORDINANCE 2002-04

USER CHARGE ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE COLLECTION OF USER CHARGES FROM USERS OF THE PUBLIC WATER WORKS.

BE IT ORDAINED BY THE CITY OF STARKVILLE, COUNTY OF OKTIBBEHA, STATE OF MISSISSIPPI AS FOLLOWS:

ARTICLE I

DEFINITIONS

The following words and terms when used in this ordinance are intended to mean and shall mean as follows, to wit:

Person shall mean any person, firm or corporation, either as principal or as agent for another.

Municipal Mains shall mean any all water-carrying and water-distribution pipes, mains and conduits owned and maintained by the City of Starkville.

Water shall mean the water service or water supply belonging to and furnished, or to be furnished, by the City of Starkville.

ARTICLE II

USER CHARGES

- Section 1. User charge shall be charge levied on all users including, but not limited to, persons, commercial establishments, corporations or governmental entities that consume water from the public supply.
- Section 2. The user charge shall include the costs of operation and maintenance (including replacement) of the public water works, retirement of existing debt including herein, and repayment of any Drinking Water Systems Loans in accordance with the approved User Charge System, included herein by reference.
- Section 3. The City of Starkville Water & Sewer Department shall review not less often than every two years the contributions of users, the total costs of operation and maintenance (including replacement) of the water works, and the user charge system. The Starkville Water & Sewer Department shall recommend to the City's Board of Aldermen a revised user charge, if necessary, to generate sufficient revenue to pay the total operation and maintenance (including replacement) costs of the water works, retirement of existing debt included herein, and repayment of any Drinking Water System Loans.

- Section 4. No free water shall be furnished to any user.
- Section 5. All water customers or consumers who are supplied water by the City of Starkville including customers located beyond the corporate limits of the municipality will pay the applicable amounts in accordance with the water rate schedule shown in Article III or future amendments.
- Section 6. Future connections outside the corporate limits of the municipality will be evaluated on an individual basis to determine demand and supply capability, and any and all connections may or may not be approved if connection or connections are deemed to not be in the best interest of the municipality, and all connections made will not constitute a guarantee of continuing service or supply (pressure) during the period of service.
- Section 7. Charges and bills for water furnished to all water customers or consumers by the City of Starkville shall mature on the date of the statement or bill. Such charges and bills shall be due and payable on the date of the statement and any such charges or bills not paid on or before 5 days from date of statement shall be subject to 5% surcharge penalty added to the bill.
- Section 8. Meter Deposits--Any water customers or consumer shall not be entitled to any water service or supply unless and until such person makes a meter deposit with the municipality as follows, to wit:
- A. All residences: \$30.00 per family unit.
 - B. For a 1-inch tap or larger, a meter deposit shall be required in advance, in such amount as shall be determined from time to time as reflected in the official minutes of the City.
 - C. The size of the meter installed shall be determined by the City of Starkville Water and Sewer Department giving consideration to the estimated consumption and use of water by the respective customer and consumer. Any deposit made shall not bear interest but shall be refunded after termination of the water service and supply and after payment of all sums due for water therefore furnished. The making of any such deposit shall not affect the right of the municipality to discontinue water service for non-payment of the charge and bill therefore.
 - D. The municipality may, at its option, apply any such deposits toward payment of any amount due the municipality for water theretofore furnished.
 - E. Any and all water meters installed by the municipality shall remain the exclusive property of the municipality.

ARTICLE III

WATER RATE SCHEDULE

The following rate system shall apply to each user of the water works. This system includes the user charge as established herein and the charge for debt service and recovery of other costs, each based on volume of flow.

Water Rate Schedule

Customer Charge	\$4.00
0-20,000 Gallons	\$1.70/1,000 Gal.
20,001-150,000	\$1.80/1,000 Gal.
150,000-1,000,000	\$1.90/1,000 Gal.
1,000,000 +	\$2.00/1,000 Gal.

ARTICLE IV

TRANSFERS

No person shall be entitled to transfer his water service from one location to another, except as hereinafter set forth. When premises are vacated, or the use thereof discontinued by a water customer, he shall pay his bill in full for the old location and make all necessary arrangements for the new cut-in before being entitled to any further water service, and the customer shall pay a fee of \$10.00 - for transfer of water service from one location to another. Relocation, at the request of an owner or customer, of a water meter, connection or tap on the same property shall require advance payment of a charge determined from time to time as reflected on the official minutes of the City. No person shall be entitled to a water Gut-in or to water service at any location if he is in arrears for water service rendered at that or any other location.

ARTICLE V

TAMPERING WITH METERS

If any person tampers with or in anyway makes or attempts to make any improper use or adjustment of any water meter, stopcock, or service pipe, or attempts in any way to avoid payment of the proper amount due or to become due for the water obtained or to be obtained or used by such person or for his benefit, then in any of said events the Water and Sewer Department shall have the right, without notice, to immediately discontinue the water service of such person and/or charge costs for all resulting damages and costs to be reflected on the following month's water bill.

ARTICLE VI

PENALTIES

The City of Starkville Water and Sewer Department shall pursue action in an appropriate Court against any person violating any of the prohibitions or provisions of this ordinance.

ARTICLE VII

AMENDMENTS

This Ordinance shall be amended, as necessary, to comply with Federal or State Regulations.

ARTICLE VIII

VALIDITY

Section 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sections 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

The above Ordinance was first reduced to writing and read and considered by Sections at the regular June 2002, public meeting of the Mayor and Board of Aldermen and on motion duly made by **Alderman Vic Zitta** for the adoption of said Ordinance and seconded by **Alderman Frank M. Davis**, a vote was taken as follows:

Alderman Sumner D. Davis, III	Voted: Yea
Alderman Frank M. Davis, Sr.	Voted: Yea
Alderman P.C. McLaurin Jr.	Voted: Yea
Alderman Lee Beck	Voted: Yea
Alderman Virgil Bolin	Voted: Yea
Alderman Roy A'. Perkins	Voted: Yea
Alderman Vic Zitta	Voted: Yea

Thereupon the Mayor Mack Rutledge declared the Ordinance duly adopted this the 4th day of June 2002, and declared same to be full force and effect according to law.

ARTICLE IX
ORDINANCE IN FORCE

Section 1. Because the adoption of this ordinance is necessary for the health and welfare of the citizens of Starkville, this ordinance shall be full force and effect from and after the date of its approval and passage.

Section 2. I, Vivian E. Collier, City Clerk and official custodian of the records of the Board of Mayor and Aldermen of the City of Starkville, do hereby certify that the

foregoing User Charge Ordinance was passed and adopted at a regular meeting of said Board is further a matter of record in Minute Book No.37 at Page No. 39-40.

/s/ Vivian E. Collier

City Clerk

Clerk (See Attachment 1, Resolution)

**USER CHARGE SYSTEM
REVENUE & EXPENSES*
WATER & SEWER DEPARTMENT
CITY OF STARKVILLE**

*Based on actual numbers for Fiscal Year ending 9/30/2000

I. OPERATING REVENUE

Water Sales	\$2,168,330
Sewer Sales	\$1,232,065
Tap Fees	<u>\$ 113,391</u>
Sub-Total	\$3,513,786

II. NON-OPERATING REVENUE

Interest on Investments	\$ 135,660
Miscellaneous Income	<u>\$ 65,563</u>
Sub-Total	\$ 201,223

III. OPERATING EXPENSES

Water Operations	\$1,297,301
Sewer Operations	<u>\$ 937,718</u>
Sub-Total	\$2,235,019

IV. NON-OPERATING EXPENSES

Existing Debt Service	\$ 25,755
Depreciation Expense	\$ 768,121
In Lieu of Taxes – City	\$ 412,000
DWSIRLF Projected Loan Payments (Projects 1 & 2)	<u>\$ 172,492</u>
Sub-Total	\$ 1,378,368

Net Income (Loss)	\$ 101,622
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