

ORDINANCE 2006-01

AN ORDINANCE REGARDING CONNECTIONS, EXTENSIONS OR MODIFICATIONS TO THE CITY WATER OR SEWER MAINS TO ACCOMMODATE PARCELS OUTSIDE THE CORPORATE LIMITS OF THE CITY.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF STARKVILLE, COUNTY OF OKTIBBEHA, STATE OF MISSISSIPPI AS FOLLOWS.

ARTICLE I

DEPOSIT

- (1) *Generally.* Where the City Board of Alderman have decided it is in the best interest of the City to extend or modify water or sewer mains to accommodate a parcel of any nature outside the corporate limits of the City, the total estimated cost shall be deposited with the City by the developer, up to and including engineering and the pro rata capitalization cost of treatment, pumping and storage capacity consumed.
- (2) *Site Plan Approval.* Prior to the commencement of any construction on a parcel, including earth changes, the developer shall first present a site plan for approval by the City.
- (3) *Estimated cost.* Upon approval of the site plan, the City shall prepare an estimate of the amount of deposit the developer shall be required to pay, as security for payment of the actual costs for work done by the City, pursuant to the request by the individual, to extend or modify water or sewer mains to accommodate a particular parcel outside the corporate limits of the City.
 - (a) *Cost adjustment.* If that portion of the costs required to be paid by the developer, as set out herein, exceeds the amount deposited by the developer, the difference shall be paid to the City in the form of a cashier's check, immediately upon completion of construction. No water or sewer service shall be provided to the developer before said cost is paid to the city.
 - (b) *Refund.* Should the developer's deposit exceed that part of the costs required to be paid by the developer, as set out herein, the City will, upon completion of construction, refund the difference to the developer without interest.
- (4) *Deposit and contract.* The developer shall deposit the estimated cost, in the form of a cashier's check, to the City and execute a written contract with the City. Any interest accruing on such deposit shall be retained by the City.

ARTICLE II

REFUND FOR ANNEXATION INTO THE CITY

A refund in an amount of all or a portion of the total funds deposited may be made to the developer subject to the following terms and conditions.

- (a) A refund may be made only once per parcel.
- (b) No interest shall be paid on the amount of any refund.
- (c) To qualify for a refund, the entire parcel served which was the subject of the deposit and any parcel subsequently constructed, attached or added to the parcel and served by the same access must be lawfully annexed into the corporate limits of the City of Starkville by ordinance duly enacted by the board of alderman within five (5) years from the date of execution of the contract to which the refund request applies.

Minute Book 39 page 28-31 (d) Refunds meeting the criteria of this section shall be made in accordance with the following schedule commencing from the date of contract execution and ending with the date of adoption of the annexation ordinance.

<i>Time Period</i>	<i>Amount of Refund</i>
Less than one year	100%
Between 1 year and 2 years	90%
Between 2 years and 3 years	75%
Between 3 years and 4 years	55%
Between 4 years and 5 years	30%
Beyond 5 years	0%

- (e) *Request:* Any developer desiring a refund pursuant to the provisions hereof shall file a written request with the City within one year from the date of annexation of a parcel setting forth the pertinent facts in support of such request including annexations, petitions, ordinances, maps, plats and supporting documentation, as required, demonstrating compliance with the provisions hereof. Additional information shall be supplied at the request of the City.
- (f) *Review:* The City shall review the request for compliance with the requirements herein and simultaneously submit the same to the director of community planning and development for verification of annexation information meeting the requirements of this section. Upon receipt of such verification and compliance with all terms and conditions hereof, City staff shall determine the amount of refund due pursuant to the provisions hereof and make a recommendation to the board of alderman in regard to the refund request. The director of the water and sewer department is authorized to develop policies and procedures for the proper administration of this section.
- (g) *Limitation:* The person, firm or corporation making the request must be the entity that initially paid the deposit to the City for the parcel to which the request for refund applies or provide satisfactory proof that it is the entity legally entitled to the refund as a bona fide successor in interest to the property and, if requested by the City, provide adequate security to the City for such refund. No refund shall exceed 100 percent of the deposit paid for the parcel.

ARTICLE III

SEWER BILL COLLECTION CLAUSE

Connections to the sewer system of the City shall not be permitted in the absence of the City's ability to disconnect potable water in the event of non-payment of sewer bills. In circumstances where potable water service is provided by a third party, an agreement must be executed by the City and the third party permitting the City to read the meters of the third party, disconnect water in the event of non-payment of the sewer bill, and assess applicable re-connection charges.

ARTICLE IV

HYDRAULIC FIRE PROTECTION

Extensions of water mains outside the corporate limits of the City for the purpose of providing hydraulic fire protection to a parcel, including sprinklers and hose rack systems, shall not be permitted if the City is not collecting sewer or potable water revenues, either directly or through a third party, from the parcel.

ARTICLE V

AMENDMENTS

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

ARTICLE VI

VALIDITY

- (1) All ordinances or parts or ordinances in conflict herewith are hereby repealed.
- (2) The invalidity of any section, clause sentence, or provision of this ordinance shall not affect the validity of any other part or this ordinance which can be given effect without such invalid part or parts.

Requested utility rate revisions to the municipal code by resolution or order as allowed in § 110-62.

§ 110-48 Determination of connection charges

The charges and fees for connection to utility services furnished by the city shall be as determined by the mayor and board of alderman from time to time and on file in the office of the city clerk. Connections to a parcel outside the corporate limits of the city shall be the charges and fees described herein multiplied by 1.5.

§ 110-50 same-outside city limits (this section refers to §110-49 entitled “Water Rates-Generally)

For all users of the public water system situated outside of the corporate limits of the city, the basic water rates shall be determined by using the city water rates, as set out in section 110-49 and multiplying by 1.5. Fire protection connections shall be metered and water used charged at the rate described herein.

§ 110-53 Sewer Rate

All users of the sanitary sewerage system, inside of the corporate limits, shall be assessed a monthly sewerage charge of \$1.93 per 1,000 gallons of water consumed. Users of the sanitary sewerage system outside the corporate limits shall be determined by the rate set out herein and multiplying by 1.5.

§ 110-55 Private firefighting service connections.

The following monthly rate schedule, excluding any applicable sales tax, is adopted for all private firefighting service connections (sprinklers and hose rack systems) inside the corporate limits of the city:

2- inch fire line connection.....	\$5.00
4- inch fire line connection.....	\$7.50
6- inch fire line connection.....	\$10.00
8- inch fire line connection.....	\$12.50
10- inch fire line connection.....	\$15.00

Private firefighting connection rates serving parcels outside the corporate limits of the city shall be determined by the rates set out herein and multiplying by 1.5.

These rates are established for the purpose of supplying water, as required, for firefighting. Water used from fire lines for any other purpose other than firefighting is prohibited unless authorized by the superintendent of the water department, such official being authorized to disconnect fire lines used for any purpose other than firefighting.

UPON MOTION of Alderman Roy A'. Perkins., duly seconded by Alderman Jim Mills, the aforesaid Ordinance was put to a roll call vote with the Aldermen voting as follows:

Richard Corey	Voted:	Yea
Matt Cox	Voted:	Yea
Sumner Davis	Voted:	Yea
P.C. 'Mac' McLaurin	Voted:	Yea
Jim Mills	Voted:	Yea
Roy A'. Perkins	Voted:	Yea
Janette Self	Voted:	Yea

ORDAINED AND ADOPTED, this the 21st day of February, A.D., 2006 at the Regular Recess Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

/s/ Robert D. Camp
ROBERT D. CAMP, Mayor
City of Starkville, Mississippi

/s/ Markeeta Outlaw
MARKEETA OUTLAW, Clerk
City of Starkville, Mississippi
(SEAL)