

1st Reading: _____
 2nd Reading: _____
 Date Adopted: _____
 Date Published: _____
 Effective Date: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY UPDATING THE SEWER FEES IN SECTIONS 51.081 AND 51.081.01 OF CHAPTER 51: SEWER.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Section 51.081 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 51.081 WASTEWATER CHARGES FOR SIOUX FALLS LOCAL WASTEWATER CUSTOMERS.

Wastewater charges are hereby established for Sioux Falls local wastewater customers of the wastewater facilities as follows:

(a) ~~Residential rate. \$4.19 per 100 cubic feet for service from January 1, 2018, through December 31, 2018; \$4.44 per 100 cubic feet for service from January 1, 2019, through December 31, 2019; \$4.70 per 100 cubic feet for service from January 1, 2020, through December 31, 2020; \$4.94 per 100 cubic feet for service from January 1, 2021, through December 31, 2021; \$5.14 per 100 cubic feet for service from January 1, 2022, through December 31, 2022; and \$5.29 per~~ Per 100 cubic feet for service:

<u>Effective January 1, 2023</u>	<u>Effective January 1, 2024</u>	<u>Effective January 1, 2025</u>	<u>Effective January 1, 2026</u>	<u>Effective January 1, 2027</u>
<u>\$5.29</u>	<u>\$5.61</u>	<u>\$5.94</u>	<u>\$6.24</u>	<u>\$6.55</u>

~~beginning January 1, 2023.~~ Volumetric charges shall be based on the following:

- (1) Actual water use for the most recent months of November, December, January, and February.
- (2) All other months shall be billed based on the average water usage during the most recent months of November, December, January, and February.
- (3) The city may adjust the months used for calculating wastewater charges if unusual weather conditions promote outdoor water use.

(4) If no consumption history is available for the period of November through February, 7.00 ccf will be used to determine the wastewater charges or on estimates prepared by the city.

(b) *Domestic only commercial rate.* Domestic only commercial users shall be billed based on the volume of water used and discharged to the POTW. The volume charge shall be ~~\$4.85 per 100 cubic feet for service from January 1, 2018, through December 31, 2018; \$5.09 per 100 cubic feet for service from January 1, 2019, through December 31, 2019; \$5.40 per 100 cubic feet for service from January 1, 2020, through December 31, 2020; \$5.67 per 100 cubic feet for service from January 1, 2021, through December 31, 2021; \$5.90 per 100 cubic feet for service from January 1, 2022, through December 31, 2022; and \$6.07 per 100 cubic feet for service, beginning January 1, 2023, and~~

<u>Effective January 1, 2023</u>	<u>Effective January 1, 2024</u>	<u>Effective January 1, 2025</u>	<u>Effective January 1, 2026</u>	<u>Effective January 1, 2027</u>
<u>\$6.07</u>	<u>\$6.44</u>	<u>\$6.82</u>	<u>\$7.16</u>	<u>\$7.52</u>

and shall be determined by:

- (1) Separate water meter(s).
- (2) Actual water use for the months of November, December, January, and February.
- (3) All other months shall be billed based on the average water usage during the months of November, December, January, and February.
- (4) Estimates prepared by the city.
- (5) The city may adjust the months used for calculating wastewater charges if unusual weather conditions promote outdoor water use.

(c) *Commercial rate.* Commercial users of the wastewater utility shall be billed monthly. The monthly charge shall be based on the water consumption during that month. The charge for each billing period shall be ~~\$4.85 for each 100 cubic feet for service from January 1, 2018, through December 31, 2018; \$5.09 per 100 cubic feet for service from January 1, 2019, through December 31, 2019; \$5.40 per 100 cubic feet for service from January 1, 2020, through December 31, 2020; \$5.67 per 100 cubic feet for service from January 1, 2021, through December 31, 2021; \$5.90 per 100 cubic feet for service from January 1, 2022, through December 31, 2022; and \$6.07 per 100 cubic feet for service beginning January 1, 2023.~~

<u>Effective January 1, 2023</u>	<u>Effective January 1, 2024</u>	<u>Effective January 1, 2025</u>	<u>Effective January 1, 2026</u>	<u>Effective January 1, 2027</u>
<u>\$6.07</u>	<u>\$6.44</u>	<u>\$6.82</u>	<u>\$7.16</u>	<u>\$7.52</u>

In circumstances where there is no prior water usage for calculating a sewer rate, the charge shall be based on estimates prepared by the city.

(d) *Industrial rate.*

(1) If the concentration of waste from any user exceeds 220 milligrams per liter of BOD, 220 milligrams per liter of TSS, or 100 milligrams per liter of grease, the industrial user shall be subject to the following rates:

Effective Dates						
	January 1, 2018	January 1, 2019	January 1, 2020	January 1, 2021	January 1, 2022	January 1, 2023
Flow, per 1,000 gallons	\$1.72	\$1.76	\$1.86	\$1.95	\$2.03	\$2.09
BOD, per pound	\$0.2629	\$0.2682	\$0.2735	\$0.2790	\$0.2846	\$0.2903
TSS, per pound	\$0.2527	\$0.2578	\$0.2629	\$0.2682	\$0.2735	\$0.2790
TKN, per pound	\$0.9638	\$0.9831	\$1.0027	\$1.0228	\$1.0432	\$1.0641
Grease, per pound	\$0.9638	\$0.9831	\$1.0027	\$1.0228	\$1.0432	\$1.0641

Effective Dates					
	<u>January 1, 2023</u>	<u>January 1, 2024</u>	<u>January 1, 2025</u>	<u>January 1, 2026</u>	<u>January 1, 2027</u>
<u>Flow, per 1,000 gallons</u>	<u>\$2.09</u>	<u>\$2.22</u>	<u>\$2.35</u>	<u>\$2.47</u>	<u>\$2.59</u>
<u>BOD, per pound</u>	<u>\$0.2903</u>	<u>\$0.3077</u>	<u>\$0.3262</u>	<u>\$0.3425</u>	<u>\$0.3596</u>
<u>TSS, per pound</u>	<u>\$0.2790</u>	<u>\$0.2958</u>	<u>\$0.3135</u>	<u>\$0.3292</u>	<u>\$0.3456</u>
<u>TKN, per pound</u>	<u>\$1.0641</u>	<u>\$1.1280</u>	<u>\$1.1956</u>	<u>\$1.2554</u>	<u>\$1.3182</u>
<u>Grease, per pound</u>	<u>\$1.0641</u>	<u>\$1.1280</u>	<u>\$1.1956</u>	<u>\$1.2554</u>	<u>\$1.3182</u>

(2) All industrial users shall be subject to a monthly ~~customer-fixed~~ charge: ~~of \$16.89 for service from January 1, 2018, through December 31, 2018; \$17.22 per month for service from January 1, 2019, through December 31, 2019; \$18.26 for service from January 1, 2020, through December 31, 2020; \$19.17 for service from January 1, 2021, through December 31, 2021; \$19.94 for service from January 1, 2022, through December 31, 2022; and \$20.53 for service beginning January 1, 2023.~~

<u>Effective January 1, 2023</u>	<u>Effective January 1, 2024</u>	<u>Effective January 1, 2025</u>	<u>Effective January 1, 2026</u>	<u>Effective January 1, 2027</u>
<u>\$20.53</u>	<u>\$21.77</u>	<u>\$23.07</u>	<u>\$24.23</u>	<u>\$25.44</u>

(3) Industrial wastewater charges shall be based on waste discharged during that month as monitored by the water reclamation department or by estimates prepared by the city. For industries discharging only nonprocessed domestic strength wastewater, the rate shall be ~~\$6.49 per 1,000 gallons for service from January 1, 2018, through December 31, 2018; \$6.82 per 1,000 gallons for service from January 1, 2019, through December 31, 2019; \$7.22 per 1,000 gallons for service from January 1, 2020, through December 31, 2020; \$7.59 per 1,000 gallons for service from January 1, 2021, through December 31, 2021; \$7.89 per 1,000 gallons for service from January 1, 2022, through December 31, 2022; and \$8.13 per 1,000 gallons for service beginning January 1, 2023.~~

<u>Effective January 1, 2023</u>	<u>Effective January 1, 2024</u>	<u>Effective January 1, 2025</u>	<u>Effective January 1, 2026</u>	<u>Effective January 1, 2027</u>
<u>\$8.13</u>	<u>\$8.61</u>	<u>\$9.13</u>	<u>\$9.59</u>	<u>\$10.07</u>

(e) *Surcharges and rates for Clean Water State Revolving Fund Loans 35 and 36.* The following wastewater service surcharges shall be applicable to all customers served by the Sioux Falls Wastewater System and shall be in proportion to the volume of wastewater generated by the customers as follows:

(1) The surcharge for Clean Water State Revolving Fund Loan 35 is \$0.24 per 100 cubic feet of wastewater for the services listed in § 51.081(a) through (c) and \$0.32 per 1,000 gallons of wastewater for services listed in § 51.081(d). The surcharge for Clean Water State Revolving Fund Loan 36 is \$0.32 per 100 cubic feet of wastewater for the services listed in § 51.081(a) through (c) and \$0.43 per 1,000 gallons of wastewater for services listed in § 51.081(d).

(2) The volumetric rates for sanitary sewer service in § 51.081(a) through (d) of the Code of Ordinances of the City of Sioux Falls are hereby reduced in an amount equivalent to the surcharge established above.

(3) The surcharges for Clean Water State Revolving Fund Loan 35 shall remain in effect until the bonds provided in Ordinance 44-15 are discharged or defeased and all costs of the project approved in said ordinance have been paid. The surcharges for Clean Water State Revolving Fund Loan 36 shall remain in effect until the bonds provided in Ordinance 113-15 are discharged or defeased and all costs of the project approved in said ordinance have been paid.

(f) *Liquidated damages.* If any user discharges waste that is in violation of the provisions of § 53.040 including slug loads, the user may be subject to a charge equal to the maximum of twice the industrial rates specified in subsection (d) above until the violation ceases. The enforcement of liquidated damages shall be at the discretion of the city and shall not be the city's sole remedy for such violation(s).

(g) ~~Basic-Fixed~~ charge. Residential users shall be subject to a monthly charge for service: of ~~\$4.45 per month for service from January 1, 2018, through December 31, 2018; \$4.72 per month for service from January 1, 2019, through December 31, 2019; \$5.00 per month for service from January 1, 2020, through December 31, 2020; \$5.25 per month for service from January 1, 2021, through December 31, 2021; \$5.46 per month for service from January 1, 2022, through December 31, 2022; and \$5.62 per month for service beginning January 1, 2023. All commercial users shall be subject to a charge of \$18.69 per month for service from January 1, 2018, through December 31, 2018; \$19.62 per month from January 1, 2019, through December 31, 2019; \$20.80 per month for service from January 1, 2020, through December 31, 2020; \$21.84 per month for service from January 1, 2021, through December 31, 2021; \$22.71 per month for service from January 1, 2022, through December 31, 2022; and \$23.39 per month for service beginning January 1, 2023.~~

<u>Effective January 1, 2023</u>	<u>Effective January 1, 2024</u>	<u>Effective January 1, 2025</u>	<u>Effective January 1, 2026</u>	<u>Effective January 1, 2027</u>
<u>\$5.62</u>	<u>\$5.96</u>	<u>\$6.32</u>	<u>\$6.63</u>	<u>\$6.96</u>

All Commercial users shall be subject to a monthly charge for service:

<u>Effective January 1, 2023</u>	<u>Effective January 1, 2024</u>	<u>Effective January 1, 2025</u>	<u>Effective January 1, 2026</u>	<u>Effective January 1, 2027</u>
<u>\$23.39</u>	<u>\$24.80</u>	<u>\$26.29</u>	<u>\$27.60</u>	<u>\$28.98</u>

Section 2. That Section 51.081.01 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

§ 51.081.01 WASTEWATER CHARGES FOR REGIONAL WASTEWATER CUSTOMERS.

Wastewater charges are hereby established for regional wastewater customers of the regional wastewater system as follows. Regional wastewater customers shall be billed monthly. The regional wastewater charge for each billing period shall include the following:

(a) ~~Customer-Fixed~~ charge. Each regional wastewater customer shall be subject to a monthly base charge: of ~~\$16.89 per month for service from January 1, 2018, through December 31, 2018; \$17.22 per month for service from January 1, 2019, through December 31, 2019; \$18.26 per month for service from January 1, 2020, through December 31, 2020; \$19.17 per month for service from January 1, 2021, through December 31, 2021; \$19.94 per month for service from January 1, 2022, through December 31, 2022; and \$20.53 per month for service beginning January 1, 2023.~~

<u>Effective January 1, 2023</u>	<u>Effective January 1, 2024</u>	<u>Effective January 1, 2025</u>	<u>Effective January 1, 2026</u>	<u>Effective January 1, 2027</u>
<u>\$20.53</u>	<u>\$21.77</u>	<u>\$23.07</u>	<u>\$24.23</u>	<u>\$25.44</u>

(b) In addition to the monthly ~~customer-fixed~~ charge as set forth in subsection (a), regional wastewater customer rates are hereby established for use of the regional wastewater system as follows:

(1) Regional wastewater customer base rate per 1,000 gallons for service: ~~\$5.06 per 1,000 gallons for service from January 1, 2018, through December 31, 2018; \$5.37 per 1,000 gallons for service from January 1, 2019, through December 31, 2019; \$5.69 per 1,000 gallons for service from January 1, 2020, through December 31, 2020; \$5.97 per 1,000 gallons for service from January 1, 2021, through December 31, 2021; \$6.21 per 1,000 gallons for service from January 1, 2022, through December 31, 2022; and \$6.40 per 1,000 gallons for service beginning January 1, 2023.~~

<u>Effective January 1, 2023</u>	<u>Effective January 1, 2024</u>	<u>Effective January 1, 2025</u>	<u>Effective January 1, 2026</u>	<u>Effective January 1, 2027</u>
<u>\$6.40</u>	<u>\$6.78</u>	<u>\$7.19</u>	<u>\$7.55</u>	<u>\$7.93</u>

Credits for equalization and treatment shall apply as follows if all of the following conditions are met for either criterion by the regional wastewater customer:

Base Rate Credits

A. *Equalization.* Equalization is defined as a regional wastewater customer maintaining a 30-day continuous storage volume based on the regional wastewater customer's average annual daily flow volume. The base rate credit for maintaining the required equalization storage shall be ~~\$0.56 per 1,000 gallons for service from January 1, 2018, through December 31, 2018; \$0.59 per 1,000 gallons for service from January 1, 2019, through December 31, 2019; \$0.63 per 1,000 gallons for service from January 1, 2020, through December 31, 2020; \$0.66 per 1,000 gallons for service from January 1, 2021, through December 31, 2021; \$0.69 per 1,000 gallons for service from January 1, 2022, through December 31, 2022; and \$0.71 per 1,000 gallons for service beginning January 1, 2023.~~

<u>Effective January 1, 2023</u>	<u>Effective January 1, 2024</u>	<u>Effective January 1, 2025</u>	<u>Effective January 1, 2026</u>	<u>Effective January 1, 2027</u>
<u>\$0.71</u>	<u>\$0.75</u>	<u>\$0.80</u>	<u>\$0.84</u>	<u>\$0.88</u>

The city may inspect and request verification of the 30-day storage at any time. If the 30-day storage is not continuously maintained, it will be at the city's discretion to cease any further equalization credits until the 30-day equalization storage is proven to exist to the satisfaction of the city unless a prorated credit is granted pursuant to subsection C of this section. The credit will not be applied thereafter until equalization storage has been maintained continuously for a full billing cycle.

B. *Treatment.*

1. Treatment is defined as wastewater with the following strength parameters or less:
 - a. BOD = 20mg/l
 - b. TKN = 10mg/l
 - c. TSS = 45mg/l

2. If all the strength parameters are met for testing performed during the monthly billing cycle, the credit will be applied to the base rate. The credit for maintaining all the required wastewater strength parameters shall be ~~\$0.69 per 1,000 gallons for service from January 1, 2018, through December 31, 2018; \$0.73 per 1,000 gallons for service from January 1, 2019, through December 31, 2019; \$0.77 per 1,000 gallons for service from January 1, 2020, through December 31, 2020; \$0.81 per 1,000 gallons for service from January 1, 2021, through December 31, 2021; \$0.84 per 1,000 gallons for service from January 1, 2022, through December 31, 2022; and \$0.87 per 1,000 gallons for service beginning January 1, 2023.~~

<u>Effective January 1, 2023</u>	<u>Effective January 1, 2024</u>	<u>Effective January 1, 2025</u>	<u>Effective January 1, 2026</u>	<u>Effective January 1, 2027</u>
<u>\$0.87</u>	<u>\$0.92</u>	<u>\$0.97</u>	<u>\$1.02</u>	<u>\$1.07</u>

If at any time any one of the strength parameters is exceeded in a billing cycle within a month, the monthly billing for such period will not include a treatment credit to the base rate. The credit will not be applied thereafter until all wastewater strength parameters are met for an entire calendar monthly billing cycle.

C. *Prorated base rate credits.* At the discretion of the manager, a prorated credit may be established through the wastewater joint powers agreement for a regional wastewater customer that is unable to achieve the above set criteria.

(c) *Surcharges and rates for Clean Water State Revolving Fund Loans 35 and 36.* The following wastewater service surcharges shall be applicable to all customers served by the Sioux Falls Wastewater System and shall be in proportion to the volume of wastewater generated by the customers as follows:

(1) The surcharge for Clean Water State Revolving Fund Loan 35 as approved by Sioux Falls Ordinance 45-15 is \$0.32 per 1,000 gallons of wastewater for services listed in § 51.081.01(b)(1). The surcharge as approved by Sioux Falls Ordinance 112-15 is \$0.70 per 1,000 gallons of wastewater for services listed in § 51.081.01(b)(1).

(2) The volumetric rates for sanitary sewer service in § 51.081.01(b)(1) of the Code of Ordinances of the City of Sioux Falls are hereby reduced in an amount equivalent to the surcharges established above.

(3) The surcharge for Clean Water State Revolving Fund Loan 35 shall remain in effect until the bonds provided in Ordinance 44-15 are discharged or defeased and all costs of the project approved in said ordinance have been paid. The surcharge for Clean Water State Revolving Fund Loan 36 shall remain in effect until the bonds provided in Ordinance 113-15 are discharged or defeased and all costs of the project approved in said ordinance have been paid.

Date adopted: _____

Paul TenHaken, Mayor

ATTEST:

James David, Acting City Clerk