

COUNCIL BILL NO. 1766**INTRODUCED BY WILLIAM R. BOYLE****ORDINANCE NO. 1675****AN ORDINANCE**

AMENDING CHAPTER 18, PART IV, SECTION 403 OF THE CODE OF ORDINANCES OF THE CITY OF DUBOIS TO AMEND THE RATES FOR SANITARY SEWAGE.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the City of DuBois, in Council assembled, and it is hereby enacted and ordained by authority of the same, as follows:

SECTION 1. That the language of Chapter 18, Part IV, Section 403, is hereby repealed in its entirety and the following language is hereby adopted as the new language of Chapter 18, Part IV, Section 403:

Section 403. Rates for Sanitary Sewage

1. All persons owning property within the boundary lines of the City of DuBois and connecting to the sewer system shall pay the City a quarterly rental for sanitary sewage service based on the quantity of water used as evidenced by meter readings of water meters installed for the purpose of measuring water purchased from and furnished by the Water Works and such other meters as may be installed pursuant to any provisions of the Code of Ordinances of the City of DuBois. The amount of such rental shall be the sum of \$6.92 per 1,000 gallons of water per quarter or portion thereof with a minimum bill of \$27.68 per quarter.
2. All municipalities with residents or taxpayers owning property that connects to the DuBois Collection System shall pay to the City a quarterly rental for sanitary sewage service based on the quantity of water used as evidenced by meter readings of water meters installed for the purpose of measuring water used. The amount of such rental shall be the sum of \$6.92 per 1,000 gallons of water per quarter or portion thereof subject to any additional payments related to excessive infiltration and inflow as noted in Paragraph 3 following.
3. In order to discourage excessive infiltration and inflow from municipal sewage systems that connect to the DuBois Collection System and to promote the conservation of capacity in the DuBois Collection and Sewage Treatment Works, an additional rental of \$3.00 per 1,000 gallons of water per quarter shall be assessed against all water flow deemed to be excessive infiltration and inflow.

Total infiltration and inflow shall be determined by subtracting the sum of the individual water meter readings noted in Paragraph 2 above from the total quantity of water entering the DuBois Collection System through flow meters installed by the City of DuBois for the purpose of measuring such flow entering such system.

Excessive infiltration and inflow from a municipal sewage system shall be that portion of the system's total infiltration and inflow which is greater than the total infiltration and inflow contributed to the DuBois Collection System by all customers located within the boundaries of the City of DuBois. That is, if the total billable flow from property within the boundary lines of the City of DuBois as evidenced by meter readings as noted in Paragraph 1 above, were one hundred million (100,000,000) gallons per annum and the total flow to the Treatment

Works from all properties located within the boundaries of the City of DuBois, including infiltration and inflow, were two hundred and fifty million (250,000,000) gallons per annum, then the infiltration and inflow attributable to the City of DuBois would be one hundred and fifty million (150,000,000) gallons per annum or 1.5 times the billable flow. In this instance, the multiple of 1.5 times billable flow would be the benchmark for determining whether there was excessive infiltration and inflow being contributed from municipal sewage systems that connect to the DuBois Collection System and any ratio of infiltration and inflow greater than 1.5 times the billable flow would be deemed to be excessive infiltration.

For example, if the relationship of infiltration and inflow from a municipal system to the billable flow in said system were 2.0 times billable flow, then the excessive infiltration and inflow would be that amount equivalent to 0.5 times the billable flow since that is the amount by which the infiltration and inflow contributed to the DuBois Collection System by the sample municipal sewage system exceeded the infiltration and inflow contributed to the system by the City of DuBois. That is 2.0 times billable flow in the municipal system less 1.5 times billable flow from the City of DuBois equals 0.5 times excessive infiltration and inflow. The numeric values set forth in the above are illustrative only and will change depending upon actual water usage and flow readings.

The intent of the additional rental of \$3.00 for 1,000 gallons of excessive infiltration and inflow is to encourage municipal systems to have no more infiltration and inflow than that which is occurring on a proportional basis in the DuBois Collection System from properties located within the boundaries of the City of DuBois.

SECTION 2. The intent of this Ordinance is to eliminate the requirement that the quarterly rental for sanitary sewage service to customers outside of the boundary lines of the City of DuBois be calculated using the amount of water flow entering flow meters and to substitute therefore the requirement that the calculation be made by use of a water meter instead so that all customers connecting to the DuBois Collection System, both within and without the boundaries of the City of DuBois, will pay a quarterly rental based on the quantity of water used as evidenced by meter readings of water meters installed for the purpose of measuring water purchased from and furnished by the Water Works and to eliminate any disparity of treatment that might occur between customers because sanitary sewage service is billed on a measurement of water flowing through flow meters rather than water meters.

Accordingly, because this Ordinance is enacted to remedy any disparity in treatment of customers created by the provisions of Ordinance No. 1653, it is intended to be retroactive and shall become effective on all bills due for quarters beginning after June 30, 2002, and the sewer rates and methods of determining those rates set forth herein shall be effective on sewer bills issued for all quarters beginning after June 30, 2002, and shall continue in effect until altered or changed by ordinance.

The intent to make this Ordinance retroactive is specifically set forth herein in accordance with the requirements of 1 Pa C.S.A. § 1926 for the purposes set forth herein.

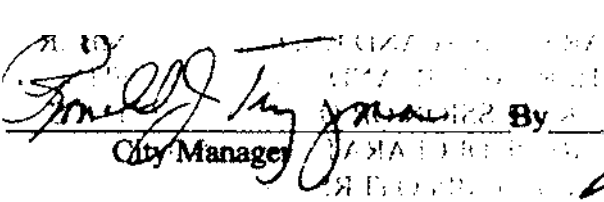
SECTION 3. Nothing herein shall alter, change, amend or otherwise affect any other sections of Chapter 18 of the Code of Ordinances and all other provisions of Chapter 18 not in conflict herewith are hereby re-affirmed and re-ratified as if set forth at length herein.

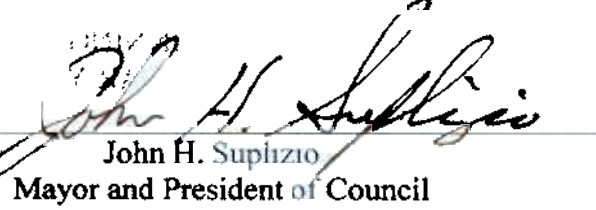
SECTION 4. All ordinances or parts of ordinances or resolutions in conflict herewith be and the same are herewith repealed.

SECTION 5. It is hereby declared to be the intention of City Council that the parts, sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses or phrases of this Ordinance.

ATTEST:

APPROVED:


City Manager


John H. Supizio
Mayor and President of Council

PASSED BY COUNCIL:

January 12, 2004