

CITY OF ARDMORE  
FINANCE DEPARTMENT

Council Letter No. 4672  
Meeting Date: October 21, 2019

Mayor and City Commission  
City of Ardmore, Oklahoma

Re: Proposed Ordinance Changes

Dear Commission:

The Finance Department and the Ardmore Public Works Authority's (APWA) staff respectfully request your consideration and action to adopt the attached ordinance revisions. The proposed rate changes would go into effect on November 1, 2019, while the process to move towards a one month billing would be phased in on July 1, 2020.

Respectfully submitted,

  
Sissy Burge  
City Treasurer

Attachments

Reviewed by: \_\_\_\_\_

  
Manager

ORDINANCE NO. \_\_\_\_\_

AN EMERGENCY ORDINANCE AMENDING CHAPTER 30 OF THE ARDMORE CODE OF ORDINANCES (CODE) PERTAINING TO UTILITY SERVICES FOR WATER, WASTEWATER, AND SANITATION BY AMENDING SECTIONS 30.1 THROUGH 30-30 OF THE CODE PERTAINING TO GENERAL CONDITIONS AND REGULATIONS FOR UTILITY SERVICES AND WATER UTILITIES, PROVIDING FOR FEES AND RATES FOR WATER SERVICE AND AUTHORIZING CITY COMMISSION TO ESTABLISH RATES AND FEES ON A PERIODIC BASIS BY RESOLUTION; AMENDING ARTICLE VII, DIVISION 4, SECTIONS 30-143 THROUGH 30-143.5 OF THE CODE PERTAINING TO WASTEWATER REGULATIONS, RATES AND FEES AND AUTHORIZING CITY COMMISSION TO ESTABLISH RATES AND FEES ON A PERIODIC BASIS BY RESOLUTION; ADDING A NEW ARTICLE IX, SECTIONS 30-144 THROUGH 30-146 TO CHAPTER 30 OF THE CODE PROVIDING FOR FEES AND RATES FOR SANITATION SERVICES AND AUTHORIZING CITY COMMISSION TO ESTABLISH RATES AND FEES ON A PERIODIC BASIS BY RESOLUTION; REPEALING SECTIONS 11-11 AND 11-11.1 OF THE CODE OF ORDINANCES; ADDING A NEW SECTION 34-41-1 PROVIDING FOR ADOPTION OF FEES BY RESOLUTION OF CITY COMMISSION; PROVIDING FOR REPEALER AND SEVERABILITY AND DECLARING AN EMERGENCY.

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WHEREAS, the Board of Commissioners and Mayor of the City of Ardmore have determined that the best interests of the City and its citizens will be benefited by adopting revised ordinances pertaining to utility regulations, fees and authorizing periodic changes to rates by resolution of the City Commission; and,

WHEREAS, the Board of Commissioners have determined that the changes set forth below are beneficial to the City of Ardmore.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE CITY OF ARDMORE, OKLAHOMA:

**SECTION 1. AMENDATORY.**

**ARTICLE I. - IN GENERAL**

**Sec. 30-1. - Wastewater, water extensions outside city limits prohibited; exception.**

The extension of wastewater and/or water lines to residential consumers outside and beyond the corporate limits of the city, except as provided by section 30-2 hereof, is hereby prohibited.

**Sec. 30-2. - Sale of city water and extensions of city water lines beyond city limits.**

1) Water sales to residential users outside of the city may be permitted in accordance with section 30-4, Ardmore City Code, and the following criteria:

- (a) Sales to nonresident users shall be limited to properties within five hundred (500) feet of existing city water lines.
- (b) Said sales shall be limited on a maximum density basis, of one (1) user per five-acre tract.
- (c) The nonresident user shall secure a release from any applicable SOWC water service district.
- (d) Each nonresident user shall be permitted one (1) three-fourth-inch tap and one (1) five-eighth-inch meter only.
- (e) Nonresident users purchasing city water shall place any existing noncity water supply out of service, cap and mark the location of said service in a manner satisfactory to city officials, and allow no cross-connections between any other water service, and city water lines.
- (f) The nonresident user shall assume all expense of service installation and said service shall be installed in accordance with city standards.
- (g) Nonresident users shall pay rates as provided in the schedule adopted by the City Commission.

(2) Water sales to residential development areas beyond the city limit may be permitted in accordance with section 30-4 and the following guidelines:

- (a) Such sales shall be permitted when the development served does not encourage urban sprawl and is compatible with the city's long-range growth plans.
- (b) Sales shall be limited to residential developments which meet all city development standards for all city improvements where improvements are installed in accordance with city standards and specifications.
- (c) Applicants seeking water service shall substantiate that provisions of said service beyond city limits, will not jeopardize the existing system's capability of serving property within the city limits.

(d) All residences in said developments shall be served by individual meters, with appropriate maintenance.

(e) Expansion of city service shall be limited to those areas immediately adjacent to corporate limits and which are feasible for annexation. When said lines are extended, the extended line and all service lines extended from meter back to the city's system, shall be conveyed to the city for operation and maintenance.

(f) All said extensions shall not be integrated into any other water system, and all private systems shall be capped, and their location designated.

(g) Nonresident users shall pay rates as provided by section 30- 19, or one and one-half (1½) times the rate of resident users, whichever is greater.

(3) Refusal of service. The city may refuse to furnish water to any residence or residential area beyond corporate limits if it is not in the best interest of the city.

(4) Access. Every nonresident consumer of city water shall permit authorized city officials access to city service lines and meters for purposes of making inspections and repairs.

(5) Water deposit. Nonresident users shall be required to submit a water deposit to the city, in accordance with section 30-16, Ardmore City Code.

**Sec. 30-3. - Nonresidents to make connections at own cost.**

All nonresident property owners desiring to purchase city water shall at their own expense and subject to supervision of the city engineering department and in compliance with city specifications, run their own water lines to connect to city mains.

**Sec. 30-4. - City policy declared as to furnishing water to nonresidents.**

It is hereby declared to be the policy of the city that the furnishing of water to nonresident property owners is hereby declared to be a privilege and the city shall be under no obligation to furnish such water and it shall be the duty of the city manager to determine the feasibility of furnishing water to nonresidents.

**Sec. 30-5. - Reserved.**

**Sec. 30-6. - Reserved.**

**Secs. 30-7—30-15. - Reserved.**

## **ARTICLE II WATER.**

### **Sec. 30-16. – Utility Deposits, Connection and Transfer Fees**

- (a) Residential non-owner users of the city utility services shall be required to deposit with the City Finance Director a deposit as set forth hereinafter. The deposit shall be made for the privilege of using utilities. The amount of such deposits is established by a fee schedule adopted by the City Commission and is on file with the City Clerk.
- (b) All commercial users shall be required to deposit with the City Finance Director a deposit representing the level of services requested in accordance with the fee schedule adopted by the City Commission, depending upon the level of service provided.
- (c) Residential and Commercial non-owner users of sanitation service only accounts shall be required to pay a deposit in accordance with the fee schedule adopted by the City Commission depending on the level of service provided.
- (d) The money so deposited with the City Finance Director shall be treated as a special deposit fund, to guarantee the city against loss of utility cost, which fund shall be drawn on only in the event the consumer making a deposit fails to pay the utility account due; provided that the sums deposited by the consumers shall be returned to said consumers at the termination of their use of the city if said deposit has not been used in the payment of utility account
- (e) All residential users applying for use of city utilities shall be required to pay a service connection fee in accordance with the fee schedule adopted by the City Commission. This fee shall be paid for the costs involved in establishing the account and will be added to the user's first month bill. The service connection fee is not considered a deposit nor is it refundable upon termination of service.
- (f) A transfer service fee in accordance with the fee schedule adopted by the City Commission along with the payment in full of any current bill shall be levied at any time utility service is transferred from one address to another address in the City of Ardmore. The fee will include turning off the utilities at one address and turning on at the new account.

### **Sec. 30-17. - Temporary Utility Service and Portable Hydrant Meters.**

- (a) Upon the applicant meeting the requirements set out hereinafter, the [city] will provide temporary utility service for use on a construction site during a construction period. During construction (maximum of six months) the City will only charge for water service.
- (b) The applicant will sign a contract for service with the city and will be responsible for maintaining and protecting the water meter and meter box while it is located on his construction site. In the event either is damaged in any way or stolen from the construction site the actual replacement cost will be applied to the applicant's utility account.
- (c) Portable Meters require a deposit in accordance with the fee schedule adopted by the City Commission to be deposited in the general fund. When the applicant returns the portable meter in the same condition, less and except ordinary wear and tear only, then the cash deposit minus the

charges for water usage will be returned. In the event the applicant returns the portable meter damaged or is unable to return it at all then the deposit will be used to restore or replace the portable meter.

**Sec. 30-18. - Charges for Taps, Meters, and Materials**

(a) A schedule of charges in accordance with the fee schedule adopted by the City Commission shall be levied upon the property owner or applicant and collected by the city for all meter, register, and transponder only sales.

(b) A schedule of charges in accordance with the fee schedule adopted by the City Commission shall be levied upon the property owner or applicant and collected by the city for all meters smaller than (2) inches, water taps, meter boxes, connections and fittings. Street cuts will be charged according to the cost incurred by the city as determined by the public works official or city engineer.

(c) Meters, taps and materials for (2) inches and larger will be charged according to labor and material costs incurred by the city as determined by the public works official, city engineer or customer service official.

(d) Lines larger than twelve (12) inches diameter where the proposed taps are onto a water line that is larger than twelve (12) inches or when special circumstances are involved, the cost of the tap will be calculated by the city engineer and public works director. A staff report and recommendation to the City Commission will be prepared for action by the City Commission as to whether the tap shall be allowed and the cost thereof.

(e) Additional costs for non-standard street cuts will be determined when street cuts are greater than the standard twenty-eight-inch pavement width; additional costs for construction, meters, and taps may be charged to the landowner or applicant, according to labor and material costs and based upon a per foot basis, determined by the city engineer and public works director.

(f) A schedule of charges in accordance with the fee schedule adopted by the City Commission shall be levied upon the property owner or applicant and collected by the city for sewer tie-on, wastewater taps, and wet taps.

**Sec. 30-19 Rates and Charges**

(a) A Capitol Fee shall be levied on all water accounts in accordance with the fee schedule adopted by the City Commission.

(b) A Readiness Fee shall be levied on all water accounts in accordance with the fee schedule adopted by the Commission.

(c) Water usage charges will be calculated and applied to the utility accounts in accordance with the fee schedule adopted by the City Commission based on consumer class, service location, and amount of monthly water consumption.

(d) Effective the 1st day of July 2019, and the beginning of each fiscal year thereafter the utility rates and capital fees for all users (i.e. residential, commercial, industrial, inside and outside city limits will increase by the previous year Consumer Price Index (CPI).

**Sec. 30-20. -Utility Bills; when due, payable; penalty charge for delinquent bills; charge for returned checks.**

(a) There will be three (3) billing cycles for the city's utility customers. Bills will be for the previous month's service and are payable at the office of the customer service department at the city hall. All accounts shall be delinquent if not paid in full on or before the fifteenth day after their billing date.

<b>CYCLE</b>	<b>ACCOUNT NUMBERS BEGINNING WITH:</b>	<b>BILLING DATE</b>	<b>DUE DATE/ FINAL NOTICES ISSUED</b>	<b>PAST DUE/ FINAL NOTICE DUE DATE</b>
<b>1</b>	<b>1-11</b>	<b>20</b>	<b>5</b>	<b>15</b>
<b>2</b>	<b>12-21 AND 35</b>	<b>1</b>	<b>15</b>	<b>25</b>
<b>3</b>	<b>22-34</b>	<b>10</b>	<b>25</b>	<b>5</b>

(b) A penalty of (10) per cent of the amount of the current bills shall be added to all accounts not paid on or before the fifteenth day after the billing date and a Final Notice will be issued. If the customer's utility account is not paid in full after an additional ten days, the account will be placed in cutoff status. Once the account is in cutoff status, a non-payment fee in accordance with the fee schedule adopted by the City Commission will be added to the account, regardless of whether the customer pays the bill prior to actual disconnection of water service. Services will be disconnected and the full amount of the bill, penalties, non-payment fee will be collected before services are restored. Acceptable forms of payment will be debit/credit card, money order, cashier check or cash only. Personal checks will not be accepted on accounts in non-payment status.

(c) If the sanitation poly cart is removed from the residence because of non-payment, there will be a delivery fee in accordance with the fee schedule adopted by the City Commission to reinstate service.

(d) Every water consumer, whether owner or tenant, shall keep the city advised of the consumer's correct mailing address. The failure of any consumer to receive utility bills shall not be a valid excuse for failure to pay when due.

(e) A NSFF Bank Return charge in accordance with the fee schedule adopted by the City Commission shall be levied for all checks or automatic drafts which are tendered as payment for utility bills and which are returned dishonored by the bank. If the customer paid their account in cutoff status with a returned check, the service will be disconnected immediately, the disconnection/reconnection charge will be applied to the account and the customer will be placed on a cash only basis. If two NSFF Checks are paid to the city for utility service within any 12-month period, the customer will be placed on a cash only basis.

(f) An after-hours trip fee in accordance with the fee schedule adopted by the City Commission shall be levied at any time utilities are turned on at a residence at any time after 5:00 p.m. or on weekends.

(g) A Return Trip Fee in accordance with the fee schedule adopted by the City Commission shall be levied at any time a customer fails to leave the faucets off, or changes mind about connection or reconnection and requires an additional trip(s).

(h) Any person sixty-five (65) years or older or disabled and unemployable according to the S.S.I. provision of the Social Security Administration may be exempted from payment of the ten (10) per cent penalties set out above for bills not paid on or before the fifteenth day after the billing date. Eligible persons shall present a driver's license or birth certificate to the Customer Service Department at city hall to establish proof of their age and shall be issued a certificate exempting them from the penalty set out above. Persons who qualify, shall present a documentation from the Social Security Administration establishing that they eligible and shall receive an exemption from the said penalty for late charges.

**Sec. 30-21. - Authority of city to cut off utilities, discontinue service, and collect outstanding/final bills.**

(a) Utilities may be cut off and service discontinued from any customer from the city utilities for any of the following reasons:

1. Violation of any ordinance provision relating to the utility system, or violation of any ordinance provision or any provision of any code adopted by reference relating to water and sanitary plumbing.
2. Any act or omission regarding the water system or wastewater system, the use of water or the disposal of liquid wastes, which jeopardizes the public health or safety, creates a public nuisance, or interferes with the rights of others.
3. Failure to pay a utility bill or after it is due and payable as provided by ordinance. Customer shall always keep the meter readily accessible to city employees. It shall be unlawful for any person to cover or restrict access to city employees.
4. Failure to pay any taxes which are payable to the City of Ardmore within fifteen (15) days of the due date.

(b) Utilities may be turned on again when the conditions change to justify it, but a disconnection and reconnection charge in accordance with the fee schedule adopted by the City Commission may be applied to the account for turning the service off and on.

(c) Final bills unpaid for 60 days are referred to a collection agency and a 35% collection fee is added to the balance due.

(d) If the City receives sufficient evidence to indicate that a customer has a final bill or provided false information to establish water service at a new location or reinstate service at the same residence in someone else's name to avoid the payment of a final bill the City shall transfer the charges owed to the current account and the charges shall become part of the customer's utility at which time the entire bill become subject to the city's payment policy.

(e) Landlords are required to be current on their open accounts and all final bills must be paid in full prior to tenants being able to open water accounts at their properties.

(f) Landlords will not be allowed to alter lease agreements to keep tenants from paying final bill balances.

(g) Responsibility for payment of accounts will continue unless there is a zero balance. Account owners are responsible for balances regardless of them living at the address or not.

**Sec. 30-22. - Depositing filth, other offensive matter into city water supply.**



It is unlawful for any person to deposit excrement or foul or decaying matter in, or in any manner to corrupt, any spring or reservoir or other source of water used for domestic purposes, or to place the carcass of a dead animal or any refuse or filth upon any watershed drainage into any lake or reservoir for the city, or to aid or abet in any such act.

**Sec. 30-23. - Water district; established, boundaries.**

The land described as follows is hereby declared to be water district as authorized by state law:

Sections 11, 12, 13 and 14, Township 4 South, Range 1 East, Carter County, Oklahoma; and

All lands located in Section 22, 23 and 24, Township 2 South, Range 1 West, Carter County, Oklahoma, covered by the water at high water line and 25 feet beyond the same, and all adjoining lands owned or controlled by the city, and all other land hereafter owned or controlled by said city.

**Sec. 30-24. - Control of quality of fluoride in public water supply.**

In order to protect the health and welfare of the citizens of the City of Ardmore, Oklahoma, from and after the effective date of this section, the quantity of fluoride in the public water supply shall be controlled in such manner that the amount present in the water served to the public shall be in conformity with the policy, and subsequent changes thereto, established by the Oklahoma Department of Environmental Quality.

**Sec. 30-25. - Procedure for terminating service.**

(a) When an account has become delinquent for nonpayment, a notice in writing shall be sent to the city's delinquent customer. The notice shall warn the customer that his account is delinquent and that unless the bill is paid by the cutoff date set out in the written notice, service will be disconnected without any further notice from the city. The notice shall also state the entire amount due including any penalties. The cutoff date set out in the notice shall not be less than five (5) days from the date the notice of termination is mailed by the city.

(b) The notice shall also inform the customer of his right to have a hearing before the city's customer service representative. The notice should specify who the customer service representative is, the location of his office and specify the date and time for the hearing.

**Sec. 30-26. - Partial payments.**

In the event the city receives a partial payment for a utility bill which includes water service, wastewater service, and garbage service, the partial payment will be applied first to the amount owed for garbage service, second to the amount owed for wastewater service, and third to the amount owed for water service.

**Sec. 30-27. - Charges during construction.**

During the time a new residential dwelling is under construction the city will charge only for water service and not wastewater service. In no event shall that time period exceed six (6) months.

**Sec. 30-28. - Buy-in area for six-inch looped water line on Hess Road.**

(a) The city will construct a six-inch looped water line from Hess Road north to the twelve-inch line located on Highway 70. A buy-in area of property to be served by the construction of the water line has been established and described by the city engineering department along with a cost-per-acre buy-in cost. The buy-in area determined by the city engineering department is described as follows: The E/2 of the NE/4 of the NW/4, and the NE/4 of the SE/4 of the NW/4, and the NW/4 of the SE/4 of the NW/4 and the SW/4 of the NE/4 of the NW/4, and the W/2 of the SE/4 of the SE/4 of the NW/4, and the NW/4 of the NE/4 of the NE/4 of the SW/4, and the NE/4 of the NW/4 of the NE/4 of the SW/4, and the E/2 of the NW/4 of the SW/4 of the NE/4, and the NE/4 of the SW/4 of the NE/4, and the NW/4 of the SE/4 of the NE/4, and the E/2 of the SW/4 of the SW/4 of the NE/4, and the SE/4 of the SW/4 of the NE/4, all in Section 34, Township 4 South, Range 1 East, in the City of Ardmore, Carter County, Oklahoma. A map of the buy-in area is attached to this section and made a part hereof for all purposes. The buy-in area is outlined in red. The proposed route of the six-inch looped water line is shown on the map in blue.

(b) The buy-in cost is based on estimates only at this time and is subject to review and change by the board of commissioners after the actual construction cost of the water line has been determined. The buy-in cost has been determined by the city engineering department to be one (1) per cent of the actual construction cost of the water line per acre owned by the party seeking to tap into the six-inch looped water line, as provided in section (c) of this section.

(c) Any owner of up to five (5) acres of property located in the buy-in area, before being allowed the right to tap the six-inch looped water line, must pay the applicable buy-in charge, in full. Any owner of land exceeding five (5) acres, before being allowed to tap the six-inch looped water line, must pay the applicable buy-in charge for five (5) acres at the time of tapping into the six-inch water line. The balance of the buy-in charge due for any land in the buy-in area owned by the applicant in excess of five (5) acres shall be paid in full within ten (10) years from the date of the original tap. A water meter may only be installed to serve the original five (5) acre tract. No additional water meter or tap may be installed to serve the balance of property owned by the applicant until the buy-in charge for the remaining property has been paid in full. Additionally, it shall be unlawful and punishable by a fine for the applicant to use water from the original tap to serve the five (5) acre tract, for any purpose on any remaining land owned by the applicant until the buy-in charge applicable to that remaining land has been paid in full.

Additionally, before being allowed to tap the six-inch looped water line the owner of the property located in the buy-in area shall execute a contract with the city including a provision that the buy-in charge, based upon the acreage of the property owned and established in this section, as amended, must either be placed on deposit with the city or paid in full prior to tapping of the six-inch water line. The contract shall also provide that the owner granted the right to tap the six-inch looped water line shall not be permitted to extend service from his tap of the six-inch looped water line to adjacent property owned by some other party or to property for which the buy-in charge has not been advanced and deposited with the city, without the prior written approval of the city first had and obtained.

(d) The buy-in charge provided in this section shall be a lien against any and all land located in the buy-in area until the applicable buy-in charges apportionable to the land have been paid in full. Once the buy-in charge becomes due, upon failure to pay the buy-in charge the City of Ardmore, Oklahoma, may begin foreclosure proceedings in the District Court of Carter County to collect the amount due together with a reasonable attorney fee and court costs. The lien shall run with the land.

Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than two hundred dollars (\$200.00). Each separate violation of this section shall constitute a separate offense. The municipal judge may levy costs up to ten dollars (\$10.00) for any violation of this section, in addition to the before mentioned fine.

(e) Once the buy-in charge has been paid for a particular tract of land located in the buy-in area, then additional taps may be made on the six-inch water line at costs set out in the water department ordinances for irrigation, sprinkling, or swimming pool purposes on that particular tract of land only. No additional taps for these purposes may be issued for property on which the buy-in charge has not been paid in full.

(f) This section is to be recorded in the office of the County Clerk of Carter County, Oklahoma and indexed as to all property described herein located within the buy-in area.

**Sec. 30-29. - Water meters; unlawful to tamper with, damage or bypass.**

(a) It is unlawful to tamper, damage, or bypass a meter/meter lock serving any location in the city. The account owner at the time where such tamper, damage, bypass or broken lock occurs shall be subject to tampering fee in accordance with the fee schedule adopted by the City Commission. In addition, the account owner shall be responsible for the payment of any water that is used illegally at the location where the tamper, damage, bypass or broken lock occurred.

(b) It shall be unlawful for any person to allow a connection, installation or permit any pipe or plumbing fixtures to be used so that water may be furnished by the city for any person who is not paying for utility services. If a resident knowingly allows an illegal connection to their residential water supply, the person allowing the connection will be subject to a tampering fee in accordance with the fee schedule adopted by the City Commission.

(c) If the City determines that a meter or any other related property should be removed from a customer's premises to prevent the unauthorized use of utilities, a fee in accordance with the fee schedule adopted by the City Commission will be assessed to customer's account for resetting a meter.

**Sec. 30-30 Miscellaneous regulation pertaining to utility services**

(a) Leak adjustments will have to be more than \$100.00 before an adjustment will be applied to the account. No more than 3 billing cycles will be considered for adjustment. Only one adjustment will be made per account per year.

**Wastewater Ordinances**

**ARTICLE VII, DIVISION 4. USER CHARGE SYSTEM**

**Sec. 30-143. – Wastewater User Charges.**

For the purpose of providing revenue for the operation, maintenance and construction of the wastewater system of the City of Ardmore, Oklahoma, each respective user who discharges waste

into the City's wastewater system shall pay a waste water user charge based on the schedule of rates in accordance with the fee schedule adopted by the City Commission.

(a) For all nonindustrial or noncommercial users, the monthly wastewater contribution shall be determined from a percentage of water returned as wastewater, set at one hundred (100) per cent of the average water usage during months of November, December and January of the preceding year, as the water is measured by a water meter or meters of a type approved by the City, or as the wastewater contribution is otherwise currently established. The wastewater rates will be adjusted according to the above formula on or about April 1 of every year.

(b) For industrial and commercial users, the monthly wastewater contribution shall be determined from a percentage of water returned as wastewater, set at ninety (90) per cent, unless wastewater volume is measured with an approved volume measuring device in the control manhole.

(c) No charge is assessed for water meters installed for the exclusive use of lawn sprinklers, swimming pools, cooling towers, and other such related uses whereby water usage does not enter the wastewater system.

(d) Each user of the City wastewater system who converts a substantial part of the water used into a manufactured project for sale, but does not return such part to the City wastewater system at the plant site, a deduction may be made of the part of water going into the manufactured product for the purpose of arriving at a wastewater service charge. Such deductions shall be made only from approved meter furnished by the user and approved by the City Manager.

(e) In the event a lot, parcel of land, premises, or facility discharging sewage industrial wastewater or other liquids, either directly or indirectly into the City's wastewater system, or which ultimately enters the wastewater system, is supplied either in whole or in part, with water from wells, or any source other than the City water department, then such wells or other source of supply shall be registered with the City water department on or before January 1, 1984; and if the water from said wells or other supply is not measured by a water meter, the owner or occupant shall, at his cost, install and maintain a meter on said supplies in such a location and in such a manner as is satisfactory to the City water department. These meters shall serve as a basis for the establishment of the wastewater user charge and shall be read monthly or bimonthly by the City meter readers. If, in the opinion of the city, the installation of a residential domestic meter would be impractical, water consumption will be estimated at one hundred (100) gallons per capita per day.

(f) For nonresidential users of the City's sewage system, the City does not obligate itself to furnish wastewater service unless it is reasonably within its financial ability to do so.

(g) The City of Ardmore shall have the authority to apply the prior year's average water usage in calculating a user's wastewater rate where the user is a new customer who has not established a previous year's water usage and in other situations where equity would require it.

(h) The City Manager shall have the authority to have the option to place certain commercial users on a residential wastewater rate where those customers by their very nature have a seasonal water and wastewater usage pattern similar to a residence. In no event, however, is this option to be made available to any commercial or industrial user who uses in excess of an average water usage of two hundred fifty thousand (250,000) gallons during the three-month period from November through January on which wastewater rates are calculated.

(i) The City Manager shall have the authority to allow an ice plant to be charged either at the commercial rate or the residential rate.

(j) Effective the 1st day of July 2019 and the beginning of each fiscal year thereafter, wastewater usage rates for all users (i.e. residential, commercial, industrial...) will increase by the previous year's consumer price index (CPI).

**Sec. 30-143.5. - Surcharge for industrial users.**

Any wastewater discharged into the City of Ardmore wastewater system which contains concentrations of conventional pollutants in excess of the allowable quantities as defined in section 30-89 shall be subject to a surcharge, in addition to any other wastewater use charges.

(a) The industrial user's surcharge shall be calculated by the following formula:

$$C_s = [(B_c(B) + S_c(S) + O_c(O) + D_c(D) + A_c(A)]V_u$$

Where:

$C_s$	=	Industrial user's monthly surcharge for wastewaters of excessive strength.
$B_c$	=	Operation and maintenance cost for treatment of one pound of biochemical oxygen demand (BOD).
$B$	=	Concentration of BOD in pounds per million gallons in excess of the allowable concentration.
$S_c$	=	Operation and maintenance cost for treatment of one pound of total suspended solids (TSS).
$S$	=	Concentration of TSS in pounds per million gallons in excess of the allowable concentration.
$O_c$	=	Operation and maintenance cost for treatment of one pound of oil and grease.
$O$	=	Concentration of oil and grease in pounds per million gallons in excess of the allowable concentration.
$D_c$	=	Operation and maintenance cost for treatment of one pound of chemical oxygen demand (COD).
$D$	=	Concentration of COD in pounds per million gallons in excess of the allowable concentration.
$A_c$	=	Operation and maintenance cost for treatment of one pound of ammonia.
$A$	=	Concentration of ammonia in pounds per million gallons in excess of the allowable concentration.

Unit costs shall be calculated as follows:

$B_c = C_b/B_t$	$S_c = C_s/S_t$
$O_c = C_o/O_t$	$D_c = C_d/D_t$
$A_c = C_a/A_t$	

Where:

$C_b$	=	Portion of annual operation and maintenance cost of wastewater treatment plant attributable to BOD.
$C_s$	=	Portion of annual operation and maintenance cost of wastewater treatment plant attributable to TSS.
$C_o$	=	Portion of annual operation and maintenance cost of wastewater treatment plant attributable to oil and grease.
$C_d$	=	Portion of annual operation and maintenance cost of wastewater treatment plant attributable to COD.
$C_a$	=	Portion of annual operation and maintenance cost of wastewater treatment plant attributable to

a	ammonia.
B <sub>t</sub>	=Annual total BOD loading to the wastewater treatment plant in pounds.
S <sub>t</sub>	=Annual total TSS loading to the wastewater treatment plant in pounds.
O <sub>t</sub>	=Annual total oil and grease loading to the wastewater treatment plant in pounds.
D <sub>t</sub>	=Annual total COD loading to the wastewater treatment plant in pounds.
A <sub>t</sub>	=Annual total ammonia loading to the wastewater treatment plant in pounds.

(b) An industrial user may, at their own cost, install an approved wastewater flow measuring device in an acceptable location, as provided for, to accurately measure wastewater flow for purposes of determining the monthly contribution of wastewater volume to the wastewater system. Should an industrial user's wastewater flow be measured by a recording meter of a type approved by the city, and if such industrial user maintains such device in a proper condition to accurately measure such flow, then the industrial user's monthly wastewater contribution (V<sub>u</sub>), in thousands of gallons, shall be that volume measured by the recording device. Should no measuring device be in use, a percentage of water consumption shall be the basis for estimating for estimating wastewater flows, such percentage of water returned as wastewater being determined by the city. When water is contained in a product or is evaporated, an application may be made for a reduction in the percentage of water returned as wastewater to the wastewater system; provided that supporting data satisfactory to the city are furnished. These data shall include a flow diagram, destination of water supply or wastes, supported by metered data, from meters installed on such process piping at the expense of the private owner.

(c) The surcharge for BOD, TSS, oil and grease, COD, and ammonia shall be based upon the analyses required by section 30-105. The applicable surcharge determined by such tests shall be assessed and shall continue for twelve (12) months unless subsequent tests determine that the surcharge should be changed.

(d) The surcharge shall be calculated using the total annual operation and maintenance cost of the wastewater treatment plant, the annual loading rates of surchargeable pollutants at the wastewater treatment plant and percentage of costs required to remove one pound of each pollutant. The surcharge shall be recalculated every August following completion of the city's fiscal year.

(e) Billing shall be by the month, shall be shown as a separate item on the regular bill for water and wastewater charges, and shall be paid monthly in accordance with existing practices.

**Sanitation Ordinances**

**ARTICLE IX. SANITATION CHARGES**

**Sec. 30-144. - Collection rates and charges.**

Each customer served by the sanitation department with garbage pickup service shall pay a regular charge for each month or a part thereof for such service, which charge shall be determined in accordance with the fee schedule adopted by the City Commission.

All rates in fee schedule will increase on each July 1 thereafter by the percent of the consumer price index (CPI) established for the immediately preceding calendar year.

**Sec. 30-145. - Water service applicants deemed customers of sanitation department.**

Any person making application for water service or posting a deposit with the city water department shall be deemed to have applied also for garbage service and shall be considered a customer of the sanitation department of the city with the sanitation superintendent or his designee prescribing the type and level of service required to be provided as defined in section 11-3 until such time as water service to such customer has been discontinued.

**Sec. 30-146. - Payment of bills when due; penalty charge for delinquent bills.**

Any customer of the sanitation department under this article is subject to the same provisions for payment of bills, penalty charges for delinquencies and other requirements set out in Chapter 30 of the Code of Ordinances, City of Ardmore, Oklahoma.

**SECTION 2. SEVERABILITY.** If any section subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

**SECTION 3 REPEALER.** Sections 11-11 and 11-11.1 of the Code of Ordinances and all other ordinances in conflict herewith are hereby repealed.

**SECTION 4. NEW LAW.** A new law is hereby adopted to read as follows:

**Section 34-41.1. FEES AND RATES.**

The fees and rates for utility service are established and amended by resolution of the Commissioners of the City of Ardmore. A copy of the current resolution is on file in the office of the Ardmore City Clerk. The fees may be amended from time to time by resolution of the Commissioners of the City of Ardmore.

**SECTION 5. EMERGENCY.** It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Ardmore and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and its passage and approval.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

CITY OF ARDMORE  
A MUNICIPAL CORPORATION

\_\_\_\_\_  
John Moore, Mayor

ATTEST:

\_\_\_\_\_ City Clerk