

## **CHAPTER 14-5 WASTEWATER SERVICE CHARGES**

### **14-5-1**

#### **PURPOSE**

The propose of this ordinance shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user (or user class).

**Legislative History:**

Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**

SDCL Ch. 9-47

### **14-5-2**

#### **DETERMINING THE TOTAL ANNUAL COST OF OPERATION AND MAINTENANCE.**

The City of Brandon, or its engineer, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

**Legislative History:**

Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**

SDCL Ch. 9-47

### **14-5-3**

#### **DETERMINING EACH USER'S WASTEWATER CONTRIBUTION PERCENTAGE.**

The City of Brandon, or its engineer, shall determine for each user or user class the average daily volume of wastewater discharged to the wastewater system, which shall then be divided by the average daily volume of all wastewater discharged to the wastewater system to determine such user's Volume Contribution Percentage. The amount used as the total average daily volume of wastewater shall exclude infiltration and inflow. The City of Brandon, or its engineer shall determine for each user or user class the average daily poundage of 5-day 20-degree Centigrade Biochemical Oxygen Demand (BOD) discharged to the wastewater system which shall then be divided by the average daily poundage of all 5-day BOD discharged to the wastewater system to determine such user's BOD Contribution Percentage.

The City of Brandon, or its engineer, shall determine for each user or users class the average daily Total Suspended Solids (TSS) poundage discharged to the wastewater system which shall then be divided by the average daily poundage of all TSS discharged to the wastewater system, to determine such user's TSS Contribution Percentage. The

Volume Contribution Percentage, BOD Contribution Percentage and TSS Contribution Percentage for each user or user class shall be multiplied by the annual operation and Maintenance costs for wastewater treatment of the total volume flow total 5-day 20-degree centigrade BOD and total TSS, respectively.

**Legislative History:**  
Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**  
SDCL Ch. 9-47

## **14-5-4**

### **DETERMINING A SURCHARGE SYSTEM FOR USERS WITH EXCESS BOD AND TSS.**

The City of Brandon, or its engineer, will assess a surcharge rate for all non-residential users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users will be assessed a surcharge sufficient to cover the cost of treating their above normal strength wastes. Normal strength wastes are considered to be 200 ppm BOD and 240 ppm TSS. The surcharge rate structure for such above normal strength waste dischargers is establish by resolution of the Brandon City Council.

**Legislative History:**  
Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**  
SDCL Ch. 9-47

## **14-5-4.1**

### **SURCHARGE RATE SCHEDULE FOR ABOVE NORMAL STRENGTH WASTES.**

The City of Brandon, or its engineer, has determined that the average total suspended solids (TSS) and 5-day biochemical oxygen demand (BOD) daily loadings for the average residential user are 200 ppm BOD and 240 ppm TSS. The City of Brandon, or its engineer, has assessed a surcharge rate for all non-residential users discharging wastes with BOD and TSS strengths greater than the average residential user. The surcharge will be sufficient to cover the cost of treating such users' above normal strength wastes. Such users will pay an additional service charge for costs as herein noted to appropriately pay the additional cost of treatment in the same proportion, to be determined by a multiplier, of the average rate, as figured for the average user.

**Legislative History:**  
Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**  
SDCL Ch. 9-47

## **14-5-5**

### **DETERMINING EACH USER'S WASTEWATER SERVICE CHARGE.**

Each non-residential user's wastewater treatment cost contribution as determined by this ordinance shall be added together to determine such user's annual wastewater service charge. Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based on an estimate of the total wastewater contribution of this class of user. The governing body may classify industrial, commercial, and other non-residential establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes form the average

residential user with respect to volume, total suspended solids, and BOD. Each wastewater treatment cost contribution will be assessed by resolution of the governing body.

**Legislative History:**  
Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**  
SDCL Ch. 9-47

### **14-5-5.1**

#### **RATE SCHEDULE.**

Residential users are considered to be one class of user and are assessed a base charge per month. Non-residential users with flows no greater than the average residential user's flow of 75 gallons per person per day and with BOD and TSS no greater than the average residential user's strength of 200 ppm BOD and 240 ppm TSS will pay the same fee, as established by resolution, per month as the average residential user.

Non-residential users with volumes greater than the average residential user will pay an additional charge to be determined as herein noted and by resolution to appropriately pay the additional cost of treatment in the same proportion, to be determined by a multiplier of the average rate, as figured for the average user.

**Legislative History:**  
Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**  
SDCL Ch. 9-47

### **14-5-6**

#### **WASTEWATER FACILITIES REPLACEMENT FUND.**

A reserve fund called the Wastewater Facilities Replacement Fund is hereby established within the wastewater utility fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances during the useful life of the wastewater treatment facilities necessary to maintain to capacity and performance for which such facilities are designed and constructed as prescribed by resolution of the Brandon City Council.

**Legislative History:**  
Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**  
SDCL Ch. 9-47

### **14-5-7**

#### **WASTEWATER FACILITIES REPLACEMENT FUND SCHEDULE.**

The reserve fund called the Wastewater Facilities Replacement Fund established with the wastewater utility fund as an interest bearing account shall be funded by a deposit of at least 10% of the annual operation and maintenance budget, as set forth by resolution, to be funded from revenues from the Sewer Fund.

**Legislative History:**  
Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**  
SDCL Ch. 9-47

## 14-5-8

### **REVIEW OF EACH USER'S WASTEWATER SERVICE CHARGE.**

The City shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution percentage not less often than every two years and will revise the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. The City shall apply excess revenues collected from a class of users to the cost of operation and maintenance attributed to that class for the next year and adjust the rate accordingly. If a significant user, such as an industry, has completed in plant modifications which would change that user's wastewater contribution percentage, the user can present, at a regularly scheduled meeting of the governing body, such factual information and the City shall then determine if the user's wastewater contribution percentage is to be changed. The City shall notify the user of his finding as soon as possible.

**Legislative History:**

Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**

SDCL Ch. 9-47

## 14-5-9

### **NOTIFICATION.**

The City shall submit an annual statement to the user for the user's annual wastewater service charge. Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

**Legislative History:**

Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**

SDCL Ch. 9-47

## 14-5-10

### **WASTES PROHIBITED FROM BEING DISCHARGED TO THE WASTEWATER TREATMENT SYSTEM.**

The discharge of any waters containing toxic or poisonous solids, liquids, or gases in sufficient quality, either singly, or interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works is hereby prohibited.

Each user which discharges any toxic pollutants which cause an increase in the cost of managing effluent or the sludge of the City of Brandon treatment works shall pay for such increased costs. (Article # 14-41 of the City's "Sewer Use" Ordinance contains additional requirements covering the use of the City's public sewers.)

**Legislative History:**

Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**

SDCL Ch. 9-47

## 14-5-11

### **PROHIBITION OF CLEAR WATER CONNECTIONS.**

No person shall make connection of roof down spout, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

**Legislative History:**

Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**

SDCL Ch. 9-47

## 14-5-12

### **PROPER DESIGN AND CONSTRUCTION OF NEW SEWER AND CONNECTIONS.**

The size, slope, alignment, materials of construction of all sanitary sewers connections, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench, shall all conform to the requirement of the building and plumbing code or other applicable rules and regulations of the City of Brandon and the State of South Dakota. (Article # 14-41 of the City's "Sewer Use" Ordinance contains additional requirements covering the proper design and construction of the City's sanitary sewer, building sewer, and connections.)

**Legislative History:**

Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**

SDCL Ch. 9-47

## 14-5-13

### **VALIDITY.**

The invalidity of any section clause, sentence of 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.

**Legislative History:**

Ordinance #76, 11/20/78  
Ordinance #91, 12/17/79  
Ordinance #229, 01/17/95.

**Authority:**

SDCL Ch. 9-47