

~AD HOC REPORT~
Sewer Ordinance Sec. 16-32
Monday, March 21, 2016

Chairman Philip Curran called the meeting to order at 6:30 p.m. on Monday, March 21, 2016, in the Caucus Room, 3rd Floor, Danbury City Hall, 155 Deer Hill Avenue. Present were Committee Members Ben Chianese and John Priola. Also present were Ex-Officio Member Joe Cavo, Chair of the Water Pollution Authority; Ex-Officio Member Warren Levy; Les Pinter, Deputy Corporation Counsel; and David Day, Utilities Superintendent.

Mr. Curran stated the purpose of the meeting is to propose amendments to City Code of Ordinances Section 16-32 Sewer to clarify sewer use charges.

Mr. Pinter discussed the proposed amendments to the Sewer Ordinance including clarifications in classes of properties in relation to sewer use including residential, commercial, industrial, and apartments. This clears up questions in residential and apartment uses. Also, under Subsection G., the amendment provides the Utilities Superintendent more flexibility to consider cases of sewer charge adjustments in consultation with the Directors of Finance and Public Works.

Mr. Day discussed current procedures regarding classifications of properties in relation to sewer charges. He responded to Mr. Priola that the item being proposed is not a rate change, but relates to property classifications.

Mr. Chianese received answers to questions regarding condominium and apartment (including flats) definitions from Mr. Pinter. Subsection G. allowing Public Utilities the ability to issue credits, was discussed as were limits. Mr. Pinter responded regarding the effect this may have on current users and to Mr. Chianese's inquiry regarding a phased approach. Mr. Cavo discussed having this be effective on a certain date with a letter going out prior; Mr. Pinter noted that is possible and noted issues that may result. He responded regarding timing issues as well.

A motion was made by Councilman Priola, and seconded by Councilman Chianese, to recommend to the City Council that, as the Water Pollution Control Authority, an Amendment to the Code of Ordinances Section 16-32 revising and clarifying the formula for the classification of rates for classes of properties in the City of Danbury for purposes of charging for use of City sewer. The motion passed unanimously.

Motion by Councilman Priola, and seconded by Councilman Chianese, that the Ad Hoc Committee be adjourned. The motion passed unanimously at 6:57 p.m.

Respectfully submitted,

Phil Curran, Chairman

John Priola

Ben Chianese



ORDINANCE

25-1

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

_____ A.D. 2016

Be it ordained by the City Council of the City of Danbury:

THAT Section 16-32 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Section 16-32. Sewer Use Charges.

(a) General sewer use charges established. There are hereby established sewer use charges applicable with respect to all bills rendered on or after July 1, 2015, to all sewer customers provided with metered city water service. Sewer use charges shall be reflected on the quarterly billing in two (2) components. The first component shall be the sewer use charge for the operation and maintenance (O&M) of the Danbury sewage works (as defined in Section 16-1 hereof) and the second component shall be the sewer use charge for the retirement of debt service relating to system renovations and improvements. Such charges, established in accordance with criteria contained in Section 16-27 of this Code of Ordinances, shall be determined in accordance with the following formulas and values:

(1) Formulas:

When a water meter is used as the basis for billing

$$\text{a. Quarterly Sewer Use Charge (O\&M)} = \frac{0.9 \times A \times X}{1,000 \text{ gallons}}$$

$$\text{b. Quarterly Sewer Use Charge (Debt Service)} = \frac{0.9 \times A \times Y}{1,000 \text{ gallons}}$$

When a sewage meter is used as the basis for billing

$$\text{a. Quarterly Sewer Use Charge (O\&M)} = \frac{A \times X}{1,000 \text{ gallons}}$$

$$\text{b. Quarterly Sewer Use Charge (Debt Service)} = \frac{A \times Y}{1,000 \text{ gallons}}$$

Where "A" equals the volume of water or sewage, as measured through the customer's water meter or sewage meter, used during the previous billing quarter. Where X and Y are the values with respect to sewer use charges and classes. Notwithstanding the prior provisions of this section, there shall be a minimum quarterly sewer use charge, which shall be established herein.

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(2) Values:

a. For sewer use customers with metered city water service, the following sewer use charge values are hereby established:

1. O&M value (X) = \$2.75
2. Debt service values (Y) =

Land Use Code Definition Per CAAO Handbook	Land Use Code (LUC) As Assigned by Tax Assessor	Y
i. Residential *Single family under 5 units *Mobile home parks *Condominiums	100 Series	\$0.46
ii. Commercial	200 Series	\$7.89
iii. Industrial	300 Series	\$7.89
iv. Apartments - 5 or more units	800 Series	\$7.89

b. The minimum quarterly sewer use charge shall be thirty dollars and thirty three cents (\$30.33).

(b) For sewer use customers with flat rate city water service the quarterly sewer use charge shall be:

Land Use Code Definition Per CAAO Handbook	Land Use Code (LUC) As Assigned by Tax Assessor	Y
i. Residential *Single family under 5 units *Mobile home parks *Condominiums	100 Series	\$147.58
ii. Commercial	200 Series	\$293.43
iii. Industrial	300 Series	\$293.43
iv. Apartments - 5 or more units	800 Series	\$293.43

(c) For sewer use customers having no city water service the quarterly sewer use charge shall be:

Land Use Code Definition Per CAAO Handbook	Land Use Code (LUC) As Assigned by Tax Assessor	Y
i. Residential *Single family under 5 units *Mobile home parks *Condominiums	100 Series	\$69.20
ii. Commercial	200 Series	\$274.71
iii. Industrial	300 Series	\$274.71
iv. Apartments - 5 or more units	800 Series	\$274.71

For the purposes of subsections (b) and (c) hereof, a sewer unit shall represent the sewer use for a single family dwelling. An additional sewer unit shall be assessed for each additional residence within any residential structure. A fractional sewer unit shall be assessed for a portion of the dwelling which, in the opinion of the Superintendent of Public Utilities, bears, with respect to sewer usage, the same relationship to a whole sewer unit as that portion of the dwelling in question bears to a single family dwelling. All nonresidential flat rate city water customers shall be assessed for sewer units or fractions thereof based on the relationship between the customer's nonresidential use and the use generated by a single family dwelling, in the opinion of the Superintendent of Public Utilities.

(d) For sewer use customers having a sewage meter (regardless of water service) the quarterly sewer use charge shall be:

Land Use Code Definition Per CAAO Handbook	Land Use Code (LUC) As Assigned by Tax Assessor	Y
i. Residential *Single family under 5 units *Mobile home parks *Condominiums	100 Series	\$0.46
ii. Commercial	200 Series	\$7.89
iii. Industrial	300 Series	\$7.89
iv. Apartments - 5 or more units	800 Series	\$7.89

(e) The minimum quarterly sewer use charge shall be thirty dollars and thirty three cents (\$30.33).

(f) For purposes of this section, sewer use charges imposed upon military veterans' posts and organizations that are exempt from federal taxation under Section 501(c)(19) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, shall be imposed at the residential rates established herein.

(g) Notwithstanding the provisions of sec. 16-30 and 16-30.1 hereof which shall remain valid for those circumstances specifically identified and reserved therein, the superintendent of public utilities or his immediate designee, in consultation with the director of public works and the director of finance may, upon his own determination of necessity or upon written request from any rate payer petitioning under this section 16-32, make administrative determination regarding accuracy and amount of sewer use charges and billing, such decision being final, subject only to an appeal to the city council or a court of law as set forth in sec. 16-31 hereof.

COPY SHOWING DELETIONS AND NEW LANGUAGE

THAT Section 16-32 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Section 16-32. Sewer Use Charges.

(a) General sewer use charges established. There are hereby established sewer use charges applicable with respect to all bills rendered on or after July 1, 20142015, to all sewer customers provided with metered city water service. Sewer use charges shall be reflected on the quarterly billing in two (2) components. The first component shall be the sewer use charge for the operation and maintenance (O&M) of the Danbury sewage works (as defined in Section 16-1 hereof) and the second component shall be the sewer use charge for the retirement of debt service relating to system renovations and improvements. Such charges, established in accordance with criteria contained in Section 16-27 of this Code of Ordinances, shall be determined in accordance with the following formulas and values:

(1) Formulas:

~~$$\text{a. Quarterly Sewer Use Charge (O\&M)} = \frac{0.9 \times A \times X}{1,000 \text{ gallons}}$$

$$\text{b. Quarterly Sewer Use Charge Residential Debt Service} = \frac{0.9 \times A \times Y}{1,000 \text{ gallons}}$$~~

WHEN A WATER METER IS USED AS THE BASIS FOR BILLING

~~$$\text{a. QUARTERLY SEWER USE CHARGE (O\&M)} = \frac{0.9 \times A \times X}{1,000 \text{ GALLONS}}$$

$$\text{b. QUARTERLY SEWER USE CHARGE (DEBT SERVICE)} = \frac{0.9 \times A \times Y}{1,000 \text{ GALLONS}}$$~~

WHEN A SEWAGE METER IS USED AS THE BASIS FOR BILLING

~~$$\text{a. QUARTERLY SEWER USE CHARGE (O\&M)} = \frac{A \times X}{1,000 \text{ GALLONS}}$$

$$\text{b. QUARTERLY SEWER USE CHARGE (DEBT SERVICE)} = \frac{A \times Y}{1,000 \text{ GALLONS}}$$~~

Where "A" equals the volume of water OR SEWAGE, as measured through the customer's water meter OR SEWAGE METER, used during the previous billing quarter. Where X and Y are the values with respect to sewer use charges and classes. Notwithstanding the prior provisions of this section, there shall be a minimum quarterly sewer use charge, which shall be established herein.

(2) Values:

a. For sewer use customers with metered city water service, the following sewer use charge values are hereby established:

1. O&M value (X) = \$2.75
2. Debt service values (Y) =

<u>Land Use Code Definition</u> <u>Per CAAO Handbook</u>	<u>Land Use Code</u> <u>(LUC)</u> <u>As assigned by</u> <u>Tax Assessor</u>	<u>(Y)</u>
i. <u>Residential</u> <u>*single family under 5 units</u> <u>*mobile home parks</u> <u>*condominiums</u>	<u>100 Series</u>	<u>\$0.46</u>
ii. <u>Commercial</u>	<u>200 Series</u>	<u>\$7.89</u>
iii. <u>Industrial</u>	<u>300 Series</u>	<u>\$7.89</u>
iv. <u>Apartments - 5 or more units</u>	<u>800 Series</u>	<u>\$7.89</u>

- ~~i. Residential, Class 1 and 1A = \$0.46~~
- ~~ii. Mixed residential / commercial, Class 2A = \$6.71~~
- ~~iii. Nonresidential, Class 2 and 3 = \$7.89~~

b. The minimum quarterly sewer use charge shall be thirty dollars and thirty three cents (\$30.33).

(b) For sewer use customers with flat rate city water service the quarterly sewer use charge shall be:

<u>Land Use Code Definitions</u> <u>Per CAAO Handbook</u>	<u>Land Use Code</u> <u>(LUC)</u> <u>As Assigned by</u> <u>Tax Assessor</u>	<u>Charge per</u> <u>Unit</u>
i. <u>Residential</u> <u>*single family under 5 units</u> <u>*mobile home parks</u> <u>*condominiums</u>	<u>100 Series</u>	<u>\$147.58</u>
ii. <u>Commercial</u>	<u>200 Series</u>	<u>\$293.43</u>
iii. <u>Industrial</u>	<u>300 Series</u>	<u>\$293.43</u>
iv. <u>Apartments - 5 or more units</u>	<u>800 Series</u>	<u>\$293.43</u>

- (1) ~~Residential (Class 1 and 1A) = one hundred forty seven dollars and fifty eight cents (\$147.58) per unit.~~
- (2) ~~Mixed residential / commercial (Class 2A) = two hundred ninety three dollars and forty three cents (\$293.43) per unit.~~
- (3) ~~Nonresidential (Class 2 and 3) = two hundred ninety three dollars and forty three cents (\$293.43) per unit.~~

(c) For sewer use customers having no city water service the quarterly sewer use charge shall be:

<u>Land Use Code Definitions</u> <u>Per CAO Handbook</u>	<u>Land Use Code</u> <u>(LUC)</u> <u>as Assigned by</u> <u>Tax Assessor</u>	<u>Charge per</u> <u>unit</u>
i. <u>Residential</u> <u>*single family under 5 units</u> <u>*mobile home parks</u> <u>*condominiums</u>	<u>100 Series</u>	<u>\$69.20</u>
ii. <u>Commercial</u>	<u>200 Series</u>	<u>\$274.41</u>
iii. <u>Industrial</u>	<u>300 Series</u>	<u>\$274.71</u>
iv. <u>Apartments - 5 or more units</u>	<u>800 Series</u>	<u>\$274.71</u>

- (1) ~~Residential (Class 1 and 1A) = sixty nine dollars and twenty cents (\$69.20) per unit.~~
- (2) ~~Mixed residential/commercial (Class 2A) = Two hundred fifty dollars and twenty nine cents (\$250.29) per unit.~~
- (3) ~~Nonresidential (Class 2 and 3) = Two hundred seventy four dollars and seventy one cents (\$274.71) per unit.~~

For the purposes of subsections (b) and (c) hereof, a sewer unit shall represent the sewer use for a single family dwelling. An additional sewer unit shall be assessed for each additional residence within any residential structure. A fractional sewer unit shall be assessed for a portion of the dwelling which, in the opinion of the Superintendent of Public Utilities, bears, with respect to sewer usage, the same relationship to a whole sewer unit as that portion of the dwelling in question bears to a single family dwelling. All nonresidential flat rate city water customers shall be assessed for sewer units or fractions thereof based on the relationship between the customer's nonresidential use and the use generated by a single family dwelling, in the opinion of the Superintendent of Public Utilities.

(d) For sewer use customers having a sewage meter (regardless of water service) the quarterly sewer use charge shall be:

<u>Land Use Code Definitions</u> <u>Per CAAO Handbook</u>	<u>Land Use Code</u> <u>(LUC)</u> <u>as Assigned by</u> <u>Tax Assessor</u>	<u>Charge per</u> <u>unit</u>
<u>i. Residential</u> <u>*single family under 5 units</u> <u>*mobile home parks</u> <u>*condominiums</u>	<u>100 Series</u>	<u>\$0.46</u>
<u>ii. Commercial</u>	<u>200 Series</u>	<u>\$7.89</u>
<u>iii. Industrial</u>	<u>300 Series</u>	<u>\$7.89</u>
<u>iv. Apartments - 5 or more units</u>	<u>800 Series</u>	<u>\$7.89</u>

(e) THE MINIMUM QUARTERLY SEWER USE CHARGE SHALL BE THIRTY DOLLARS AND THIRTY THREE CENTS (\$30.33).

(f) (d) For purposes of this section, sewer use charges imposed upon military veterans' posts and organizations that are exempt from federal taxation under Section 501(c)(19) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, shall be imposed at the residential rates established herein.

(g) NOTWITHSTANDING THE PROVISIONS OF SEC. 16-30 AND 16-30.1 HEREOF WHICH SHALL REMAIN VALID FOR THOSE CIRCUMSTANCES SPECIFICALLY IDENTIFIED AND RESERVED THEREIN, THE SUPERINTENDENT OF PUBLIC UTILITIES OR HIS IMMEDIATE DESIGNEE, IN CONSULTATION WITH THE DIRECTOR OF PUBLIC WORKS AND THE DIRECTOR OF FINANCE MAY, UPON HIS OWN DETERMINATION OF NECESSITY OR UPON WRITTEN REQUEST FROM ANY RATE PAYER PETITIONING UNDER THIS SECTION 16-32, MAKE ADMINISTRATIVE DETERMINATION REGARDING ACCURACY AND AMOUNT OF SEWER USE CHARGES AND BILLING, SUCH DECISION BEING FINAL, SUBJECT ONLY TO AN APPEAL TO THE CITY COUNCIL OR A COURT OF LAW AS SET FORTH IN SEC. 16-31 HEREOF.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by strikeouts.