

ORDINANCE NO. 03-11

ORDINANCE SETTING WATER AND SEWER CHARGES

**SUMMARY:** AN ORDINANCE ESTABLISHING NEW WATER, WASTEWATER AND STORMWATER RATES AND CHARGES TO BE EFFECTIVE ON MARCH 1, 2011, AND IMPLEMENTATION OF AUTOMATIC ANNUAL RATE INCREASES THROUGH JULY 1, 2018

WHEREAS, Chapter 23, Article V, Section 23-97 of the Henderson City Code of Ordinances provides that all utility rates and charges be determined from time to time by the City Board of Commissioners and kept on file in the City Clerk's Office; and

WHEREAS, the City's current water and sewer charges are set forth in tables made a part of Ordinance No. 04-06; and

WHEREAS, under a Consent Judgment with the Commonwealth of Kentucky's Environmental & Public Protection Cabinet (EPPC) that the City of Henderson entered into in August 2007, and an EPA Administrative Order issued in December of 2007, Henderson Water Utility (HWU) is required to mitigate the environmental impacts of the City's combined sanitary/storm sewer systems by December 21, 2017. The consent judgment requires HWU to implement a Long Term Control Plan (LTCP) that was submitted to the EPPC and EPA in February 2009 for approval. The LTCP outlines projects totaling \$33 million which need to be funded through the assumption of debt and repaid to bondholders and/or the City through rate increases.

WHEREAS, on November 22, 2010, the Water and Sewer Commission recommended to the City Board of Commissioners that the rates and charges to customers of Henderson Water Utility be revised as presented herein.

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, as follows:

1. That the rates and charges as set forth in Tables A through D, which are attached to and made a part of the aforesaid Ordinance No. 04-06 are hereby repealed.
2. The new water, sewer and stormwater rates and charges are established as set forth in new Tables A, B, C and D, which are attached hereto and made a part hereof by reference, which rates and charges shall be effective for billings on and after March 1, 2011.

3. That the rates and charges set forth in Tables A through D, attached hereto, shall be automatically increased as follows:

- (a) 5.45% for billings on and after September 1, 2011;
- (b) 5.85% for billings on and after July 1, 2012;
- (c) 5.85% for billings on and after July 1, 2013;
- (d) 5.85% for billings on and after July 1, 2014;
- (e) 5.85% for billings on and after July 1, 2015;
- (f) 5.85% for billings on and after July 1, 2016;
- (g) 5.85% for billings on and after July 1, 2017; and
- (h) 5.85% for billings on and after July 1, 2018.

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

This ordinance shall become effective upon its legal adoption.

On first reading of the foregoing ordinance, it was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the ordinance be adopted on its first reading.

On roll call the vote stood:

Commissioner Mills: _____	Commissioner Taylor: _____
Commissioner Farmer: _____	Mayor Austin: _____
Commissioner Pruitt: _____	

WHEREUPON, Mayor Austin declared the ordinance adopted on first reading and ordered that it be presented for a second reading at a meeting of the Board of Commissioners.

On second reading of the ordinance, it was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, that the ordinance be adopted.

WHEREUPON, the vote was called. On roll call the vote stood:

Commissioner Mills: _____	Commissioner Taylor: _____
Commissioner Farmer: _____	Mayor Austin: _____
Commissioner Pruitt: _____	

WHEREUPON, Mayor Austin declared the ordinance adopted, affixed his signature and the date and ordered that it be recorded.

\_\_\_\_\_  
Steve Austin, Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Carolyn Williams, City Clerk

**APPROVED AS TO FORM AND  
LEGALITY THIS 3<sup>rd</sup> DAY OF  
FEBRUARY, 2011.**

By:



Joseph E. Ternes, Jr.  
City Attorney

## RATE TABLE A

<b>Water and Sewer Rates Inside City Limits</b>		
<b>Metered Water</b>	<b>Water/CCF</b>	<b>Sewer/CCF</b>
<b>First 5,000 CF</b>	<b>\$1.86</b>	<b>\$3.71</b>
<b>Over 5,000 CF</b>	<b>\$1.42</b>	<b>\$2.70</b>

## RATE TABLE B

<b>Water and Sewer Rates Outside City Limits</b>		
<b>Metered Water</b>	<b>Water/CCF</b>	<b>Sewer/CCF</b>
<b>First 5,000 CF</b>	<b>\$4.64</b>	<b>\$9.28</b>
<b>Over 5,000 CF</b>	<b>\$1.42</b>	<b>\$2.70</b>

## Rate Table C

<b>Rates for Fire Suppression Systems</b>	
<b>Size of Connection</b>	<b>Monthly Charge</b>
<b>4" &amp; Smaller</b>	<b>\$46.50</b>
<b>6"</b>	<b>\$69.76</b>
<b>8"</b>	<b>\$116.26</b>
<b>10"</b>	<b>\$174.39</b>
<b>12"</b>	<b>\$232.52</b>

## Rate Table D

<b>Sewer Only Customers</b>	
<b>Customer</b>	<b>Flat Rate Monthly Charge</b>
<b>Inside the City Limits</b>	<b>\$20.93</b>
<b>Outside the City Limits</b>	<b>\$52.31</b>