

**AN ORDINANCE TO PROVIDE FOR THE COLLECTION OF USER CHARGES  
AND INDUSTRIAL WASTE SURCHARGES FROM USERS OF  
THE PUBLIC SEWAGE WORKS IN THE CITY OF BYRAM, MISSISSIPPI**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF BYRAM, MISSISSIPPI, AS FOLLOWS:

**ARTICLE I  
DEFINITIONS**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Section 1 "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- Section 2 "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
- Section 3 "Sewage Works" shall mean all facilities for collecting, transporting, pumping, treating, and disposing of sewage.
- Section 4 "Sewer" shall mean a pipe or conduit for carrying sewage.
- Section 5 "Shall" is mandatory; "May" is permissive.
- Section 6 "Superintendent" shall mean the Superintendent of Utilities of the City of BYRAM or his authorized deputy, agent, or representative.
- Section 7 "City" shall mean the City of BYRAM, Mississippi, or, when appropriate to the context, its duly authorized representative.

**ARTICLE II  
SEWER USER CHARGE SYSTEM**

- Section 1 The approved Sewer User Charge System, included herein by reference shall include an itemized budget reflecting the costs of operation and maintenance (including replacement) of the public sewage works and retirement of existing debt including repayment of any Water Pollution Control Revolving Fund Loans. It shall also include the revenues dedicated to these costs and demonstrate that they are adequate based on the use of the system and the Sewer User Charge Rates in Article III.
- Section 2 The Superintendent of the sewage works shall review the Sewer User Charge System periodically, and the City shall revise the Sewer User Charge System and/or Rates, if necessary, to generate sufficient revenue to pay the total costs necessary for the proper operation and maintenance (including replacement) of the sewage works and retirement of debt including the repayment of any Water Pollution Control Revolving Fund Loans.

**ARTICLE III  
SEWER USER CHARGE RATES**

- Section 1 Sewer user charge rates shall be levied on all users including, but not limited to, persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the public sewage works. The City finds these charges and rates to be reasonably related to the cost of the provision of services.
- Section 2 The following sewer rate schedule shall apply to each user of the sewage works.

|                            | <u>Rate</u>   |
|----------------------------|---|
| RESIDENTIAL FLAT RATE      | \$25/mo   |
| COMMERCIAL FLAT RATE, PLUS | \$35/mo, plus \$2.25 per thousand (1,000) gallons of monthly usage over and above ten-thousand (10,000) gallons of monthly usage. (No surplus charge if usage does not exceed ten-thousand (10,000) gallons per month.) |

**ARTICLE VII  
AMENDMENTS**

This Ordinance shall be amended, as necessary, to comply with Federal or State Regulations.

**ARTICLE VIII  
VALIDITY**

- Section 1 All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 2 The invalidity of any section, clause, sentence, or 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.

**ARTICLE IX  
ORDINANCE IN FORCE**

This ordinance shall be in full force and effect thirty (30) days from and after its passage, approval, recording, and publications as provided by law.

The foregoing Ordinance, having been reduced to writing, Alderman ALDAY moved that said Ordinance be adopted. Alderman MARBLE seconded. The vote was as follows:

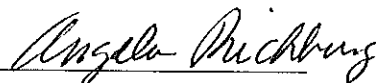
|                         |               |
|-------------------------|---------------|
| Alderman Alday voted:   | <u>AYE</u>    |
| Alderman Douglas voted: | <u>AYE</u>    |
| Alderman Ford voted:    | <u>ABSENT</u> |
| Alderman Marble voted:  | <u>AYE</u>    |
| Alderman White voted:   | <u>AYE</u>    |
| Mayor Tremonte voted    | : _____       |

Whereupon the Mayor declared the Motion carried and the ordinance approved and adopted.

SO ORDAINED, The foregoing ordinance was approved this the 12<sup>TH</sup> day of APRIL, 2012.

CITY OF BYRAM

BY: 

ATTEST: 

RE-CONNECTION CHARGE

Four hundred dollars (\$400) if  
previous connection existed.

NEW CONNECTION CHARGE

Seven hundred dollars (\$700) if no  
previous connection existed.

#### **ARTICLE IV DEPOSITS**

For any user of the sanitary sewer system, there shall be a deposit required to initiate service. For those users where the sewer service is inside the corporate limits of the city, the deposit shall be one hundred dollars (\$100). For those users where the sewer service is outside the corporate limits of the city, the deposit shall be one hundred, twenty-five dollars (\$125). Upon termination of the sewer service, the deposit will be returned to the customer within ten (10) working days, less any outstanding bills or late fees.

#### **ARTICLE V BILLING**

Section 1. The City of Byram will bill each user of the sanitary sewer collection and treatment system on or after the twenty-fifth (25<sup>th</sup>) of each month for sewer service provided within that month and from the previous bill. The charges and rates will be those outlined herein, above, as approved by the Board of Aldermen.

Section 2. All sanitary sewer bills shall be due by the fifteenth (15<sup>th</sup>) of the month following the date of the bill and shall be paid to the billing clerk in the Public Works Department. Failure of any user to pay the bill by the fifteenth (15<sup>th</sup>) of the following month shall constitute a default and result in a late fee of ten dollars (\$10). For any bill deemed more than ninety (90) days delinquent, the City of Byram shall pursue legal proceedings through the legal system for collection of the delinquent sewer bill.

#### **ARTICLE VI ADMINISTRATIVE REMEDY**

Any person aggrieved by the fees, charges, or rates imposed by the City of Byram pursuant to this Ordinance is entitled to an administrative hearing before the Board of Aldermen, after such person has submitted his or her complaint and request for a hearing in writing to the Public Works Director. The Board of Aldermen shall make a determination of the fairness of the imposition of the fees, charges, or rates complained of, and any further appeals shall be had in accordance with the applicable statutes.

**APPENDIX A  
ITEMS ASSOCIATED W/INDUSTRIAL WASTES**

If there are industrial users connected to the wastewater system, the loan recipient may consider adding the following items to its user charge ordinance.

Definitions:

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of the sample under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter.

"Industrial User" shall mean any "Industrial User" as defined under 40 CFR 35.905.

"Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage as defined under "Industrial User" in 40 CFR 35.905.

"Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

Industrial Waste Surcharge:

Section 1 In the event that a user discharges industrial wastes to the sewage works having an average Biochemical Oxygen Demand (BOD) content in excess of 300 mg/l, and/or an average Suspended Solids (SS) content in excess of 300 mg/l, and/or an average Total Kjeldahl Nitrogen (TKN) content in excess of 30 mg/l, and/or an average grease content in excess of 150 mg/l, said industrial user shall pay a surcharge based upon the excess strength of their discharges. BOD, SS, and TKN may be increased by written approval of Superintendent for limited periods of time if not in conflict with any pretreatment permits or other state or federal requirements.

Section 2 The costs of treatment of each pound of BOD, SS, TKN and grease removed by the sewage works shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the sewage billing. These rates shall be in effect until the next annual rate review.

Method of Billing Surcharge:

Section 1 The industrial waste surcharge shall be based on the following formula, with the total applied to the monthly bill of affected users:


$$\{A(E-300) + B(F-300) + C(G-30) + D(H-150)\} \frac{8.34}{1000} \times I \times J =$$

Surcharge payment (\$/Mo)

Nick Tremonte, Mayor

Angela Richburg, City Clerk

I, Angela Richburg, City Clerk and official custodian of the records of The Mayor and Board of Alderman of the City of BYRAM, do hereby certify that the foregoing User Charge Ordinance was passed and adopted at a regular meeting of said Board and is further a matter of record in Minute Book NO. \_\_\_\_\_ at Page No. \_\_\_\_\_.

  
\_\_\_\_\_  
CITY CLERK

Where:

- A. Surcharge Rate for BOD, \$/Pound.
- B. Surcharge Rate for SS, \$/Pound.
- C. Surcharge Rate for TKN, \$/Pound.
- D. Surcharge Rate for Grease, \$/Pound.
- E. Industrial User's BOD Concentration, in mg/l.
- F. Industrial User's SS Concentration, in mg/l.
- G. Industrial User's TKN Concentration, in mg/l.
- H. Industrial User's Grease Concentration, in mg/l.
- I. Industrial User's Flow to Sewage Works, in 1000 gallons/day.
- J. Number of Days in Month.

Section 2 No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain industrial wastes discharged to the sewage works contain less than 300 mg/l of BOD, 300 mg/l of SS, 30 mg/l of TKN or less than 150 mg/l of grease.