

**226. AN “ORDINANCE ESTABLISHING SEWER USER CHARGES FOR THE PURPOSE OF PROVIDING FUNDS FOR THE OPERATION AND MAINTENANCE EXPENSES ASSOCIATED WITH THE WASTEWATER COLLECTION, CONVEYANCE TREATMENT AND DISPOSAL FACILITIES OF THE CITY OF GROTON” (INITIALLY APPROVED MARCH 5, 2018; FINALLY APPROVED APRIL 2, 2018)**

**WHEREAS**, the City of Groton desires to fund the operation and maintenance of the City’s Sanitary System through a separate user fee rather than general taxes; and

**WHEREAS**, the establishment of a separate user fee is a more equitable method of funding; and

**WHEREAS**, the establishment of a separate user fee will allow the City to better establish appropriate capital reserves and to obtain lower cost funding for reinvesting in infrastructure; and

**WHEREAS**, this Ordinance was published in The Day, a newspaper having general circulation in the City of Groton on March 9, 2018 and March 10, 2018;

**THEREFORE BE IT RESOLVED**, the Mayor and Council Finally Approve “An Ordinance Establishing Sewer User Charges for the Purpose of Providing Funds for the Operation and Maintenance Expenses Associated with the Wastewater Collection, Conveyance Treatment and Disposal Facilities of the City of Groton”.

**SECTION 1 – GENERAL PROVISIONS**

1.0 The Water Pollution Control Authority of the City of Groton (“WPCA”) shall prepare and adopt an annual budget for the operation and maintenance, of the wastewater collection, conveyance, treatment and disposal facilities of the City of Groton (“Sewerage System”). Said budget shall include general operating and maintenance expense, payment of debt service principal and interest, other infrastructure renewal and replacement costs, as well as the establishment and funding of appropriate operating and capital reserve funds (Revenue Requirements).

1.1 As provided in Section 7-255 et seq. of the Connecticut General Statutes, the WPCA is empowered to establish and revise fair and reasonable charges for the connection with and use of the Sewerage System for the fiscal year beginning July 1, 2018 and for each fiscal year thereafter. The owner of property against which any such use charge is levied shall be liable for the payment thereof. Municipally owned and other tax-exempt property which connect to or use the Sewerage System shall be subject to such charges under the same conditions as the other property owners.

1.2 No charge for the connection with or for the use of the Sewerage System shall be established or revised until after a public hearing before the WPCA at which the owners of the properties which use the Sewerage System shall have an opportunity to be heard concerning the proposed charges. Notice of the time, date, place and purpose of such hearing shall be published at least ten days before the date of the hearing in a newspaper having a general circulation in the

City of Groton (“City”), and a copy of the proposed charges shall be on file in the office of the City Clerk for public inspection at least ten days before the date of the hearing.

1.3 A. After having established or revised such charges, the WPCA shall file a copy of such charges in the office of the City Clerk and, within five (5) days after such filing, shall publish notice thereof in a newspaper having a general circulation in the City of Groton. Such notice shall state (i) the date on which such charges were filed with the City Clerk, (ii) the time and manner of paying such charges and (iii) that appeals from such charges must be taken to the Connecticut Superior Court for the Judicial District of New London within twenty-one (21) days after such filing.

B. Any person aggrieved by any charge for the connection with or for the use of the Sewerage System may appeal to the Connecticut Superior Court for the Judicial District of New London within the time frame, and in the manner set forth in, Section 7-255 of the Connecticut General Statutes.

1.4 It shall be unlawful, except as may otherwise be provided herein, for any user to discharge into the Sewerage System unless such user shall pay the user charge to the WPCA or its designee as herein provided.

1.5 The Director of Utilities of the City of Groton (the “Director”) shall supervise the day-to-day operation and maintenance of the Sewerage System by Groton Utilities in accordance with both applicable federal, state and municipal law and with the regulations and procedures established by the WPCA. The Director shall have the authority to contract for the procurement of goods and services for the day-to-day operation and maintenance of the Sewerage System, as may be necessary, in accordance with procedures established by the WPCA.

## SECTION 2 – CALCULATION OF CHARGES

2.0 The total cost of the WPCA’s Revenue Requirements for the Sewerage System shall be recovered from the users of the Sewerage System. Each user’s share of the Revenue Requirements of the Sewerage System shall be in proportion to the user’s contribution to the total wastewater loading of the Sewerage System. All users shall be charged on the basis of their total wastewater contribution. A surcharge may be added to the volume-based charge for any wastewater discharge containing BOD or suspended solids in excess of specific maximum elevated concentrations established by the WPCA, or for any wastewater discharge whose other constituents, either alone or in combination with other discharges, result in an identifiable increase in wastewater conveyance, treatment or disposal costs. The amount of surcharge, if any, for excessive concentrations of BOD and suspended solids, once established, shall be reviewed at least annually by the WPCA based upon the reasonable cost of operating the various processes related to treating BOD and suspended solids in excess of the maximum allowed concentrations. The amount of surcharge, if any, for other constituents shall be established on a case-by-case basis, based upon the reasonable increase in Revenue Requirements attributable to the specific constituents and their quantities.

2.1 The City has reasonably determined that virtually all of the water consumed by the sewer users in the City is from a metered source, that virtually all of the wastewater from structures and property in the City is discharged to the Sewerage System and that very little, if any, of said wastewater discharge is metered. Accordingly, the City finds that charging each user of the Sewerage System a fee based upon water consumption is both fair and reasonable.

2.2 The WPCA shall review the sewer use charges no less often than annually and revise the charges as necessary to ensure that adequate revenues are generated to recover all Revenue Requirements and that the charge structure continues to distribute the costs of wastewater collection and treatment among the users in proportion to their contribution.

2.3 Charges for disposing of septage at the water pollution control facility shall be based on the same criteria as that used to determine sewer rates; that is, volume and concentration of the individual discharge.

2.4 Sewer connection and use charges shall be collected in accordance with the regulations and procedures promulgated by the WPCA and shall be paid to Groton Utilities and deposited by the Director in a special account, separate from other City funds, designated the "Wastewater Operating Fund." All revenues collected under the provisions of this ordinance shall be kept separate from any other funds of the City and shall be used solely for the purpose of providing funds for the operation and maintenance expenses of running the Sewerage System, including for (i) the establishment and funding of reasonable replacement reserves and (ii) the payment of principle and interest on bonds and notes of the City issued for a Sewerage System project, and for no other purpose.

2.5 Except as the WPCA may otherwise provide, the Director is hereby designated as the collector of Sewerage System connection and use charges. Said Director may impose a lien upon any real property for which any Sewerage System connection or use charge has not been paid in a timely manner.

### SECTION 3 – VALIDITY AND EFFECTIVE DATE

3.0 The invalidity of any portion of this ordinance shall not affect the remainder thereof.

3.1 This ordinance shall be effective upon final adoption by the City Council.