

ORDINANCE NO. 14854

AN ORDINANCE, repealing Ordinance No. 9346, adopted October 12, 1994, and enacting a new ordinance in lieu thereof, providing for a schedule of Revised Wastewater Sewer System Connection Fees.

WHEREAS, The Metropolitan St. Louis Sewer District, a body corporate, a municipal corporation and a political subdivision of the State of Missouri (herein called the "District"), now owns and operates a revenue producing sewer and drainage system serving the District and its inhabitants (the "System") and pursuant to Section 3.020(1) of the Plan of the District adopted by the voters within the District for its government (the "Plan"), has the power "to maintain, operate, reconstruct, and improve the same as a comprehensive sewer and drainage system, and to make additions, betterments, and extensions thereto; to protect the public health and welfare by preventing or abating the pollution of water; and . . . [has] all the rights, privileges, and jurisdiction necessary or proper for carrying such powers into execution";

WHEREAS, the District has developed a schedule of Sewer System Connection Fees imposed on new Users of the Wastewater System at the time of connection of such Users' Property to the Wastewater System;

WHEREAS, such Sewer System Connection Fees are intended to recover for the District a portion of the cost of Wastewater System capacity which has been constructed and paid for by existing Users of the Wastewater System and is available and will be utilized by new Users as a result of such connection;

WHEREAS, the District has completed a study of such Sewer System Connection Fees;

WHEREAS, the Board does hereby find and determine that the schedule of Revised Wastewater Sewer System Connection Fees as provided in this Ordinance is necessary, proper and advisable, is in the public interest of the District and its residents, will further the purposes of the District, is necessary to enable the District to operate its system on a sound basis; and

WHEREAS, the Board does further find and determine that the schedule of Revised Wastewater Sewer System Connection Fees provided for in this Ordinance is fair and reasonable.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT:

Section One. Definitions of Words and Terms.

In addition to words and terms defined elsewhere in this Ordinance, the following words and terms as used in this Ordinance shall have the following meanings, unless some other meaning is plainly intended:

"Average Annual Capacity" means the average annual wastewater discharge measured in gallons per day (gpd) plus gpd of infiltration/inflow.

"Board" means the Board of Trustees of the District.

"District" means The Metropolitan St. Louis Sewer District.

"Ordinance" means this Ordinance of the District as from time to time amended.

"Owner" or "Owners" means both the owner or owners of record of Property as indicated in the records of the respective Recorders of Deeds for the City of St. Louis or for St. Louis County, Missouri, and the beneficial owner as well.

"Property" means an improved lot or parcel of real property, whether public or private, which is Served by the Wastewater System.

"Served" means Property connected, either directly or indirectly, to a wastewater

facility owned or operated by the District, or to Property which otherwise discharges Wastewater directly or indirectly into such facilities, or if the discharge of such substances therefrom ultimately enters said facilities.

"Sewer System Connection Fee" means any fee imposed pursuant to Section Two of this Ordinance.

"Sewer Use Ordinance" means Ordinance No. 12559 of the District, adopted December 13, 2007, as from time to time amended.

"Single Family Dwelling" means residential property used as a dwelling by only one family.

"Unit Equity Cost" means the replacement costs for interceptor sewers, pumping facilities and treatment plants net of depreciation, contributed assets and indebtedness divided by the average daily treatment capacity.

"Wastewater System" means the entire sewer systems and facilities owned and operated by the District for the collection, storage, handling, and treatment of Wastewater, and combined sewers for the collection, storage, treatment and handling of Wastewater and Stormwater to serve the needs of the District and its inhabitants and others, including all appurtenances and facilities connected therewith or relating thereto, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the District.

"Water Tap" means the connection of the Property to the water supply and is measured, for purposes of calculating the Sewer System Connection Fee, by the larger of the diameter of the water tap or the water meter.

Section Two. Sewer System Connection Fees.

(A) A Sewer System Connection Fee shall be payable to the District by the Property Owner in advance of the approval of plans or the issuance of a connection permit to connect such Owner's Property to the Wastewater System of the District. With the exception of

12 inch and larger water taps for which the amount of the Sewer System Connection Fee shall be determined on a case by case basis, the amount of the Sewer System Connection Fee shall be based on the size of the Water Tap servicing the Property as follows:

Water Tap Size (inches)	Average Annual Capacity (gpd)	Sewer system connection fees Effective Date 2/1/2018
All Single Family Dwellings	413	1,126
3/4	413	1,126
1	621	1,693
1 -1/2	1,141	3,111
2	1,765	4,812
2-1/2	2,379	6,485
3	3,221	8,782
4	5,301	14,453
6	10,501	28,631
8	16,741	45,644
10	24,021	65,493
12 and larger	(1)	(2)

Unit Equity Cost 2.73

[1] Estimated on a per connection basis. Premises with water taps of 12 inches or greater are subject to an additional Sewer System Connection Fee based upon audits of actual wastewater discharge. The additional Sewer System Connection Fee shall be calculated using the fee structure in effect at the time of the audit.

[2] Estimated total average annual capacity requirement multiplied by unit equity cost.

gpd - gallons per day

(B) The charge for any connection of any parcel other than those set out in the

foregoing schedule and for Water Tap sizes shall be determined by the Executive Director of the District, and the Executive Director in determining said charge shall give consideration to the size and nature of the property to be served and the volume, strength and flow characteristics of the load to be placed upon the wastewater system and the treatment facilities. If any person is aggrieved by the determination of the amount of the Sewer System Connection Fee set by the Executive Director, he may appeal to the Board of Trustees of the District by filing, in writing, an application for an appeal to said Board within fifteen (15) days after he is notified of the determination of the Executive Director. Said application for appeal shall state in what manner he feels he has been aggrieved by said determination.

(C) An additional Sewer System Connection Fee shall be payable and collected in advance of the approval of plans or the issuance of a connection permit to change a Water Tap to a larger Water Tap or to make an additional Water Tap. The Sewer System Connection Fee for any such additional Water Tap shall be calculated using the fee structure in effect at the time of such Water Tap. The Sewer System Connection Fee for the installation of a larger Water Tap shall be the difference between the Sewer System Connection Fee for the existing Water Tap and the Sewer System Connection Fee for the larger Water Tap calculated using the fee structure in effect at the time the larger Water Tap is installed.

(D) No refund of a Sewer System Connection Fee shall be made for the removal of a Water Tap or the installation of a smaller Water Tap.

(E) The Sewer Use Ordinance of the District restricts and prohibits the discharge of certain substances and materials into the District's Sewerage System. The payment of a Sewer System Connection Fee pursuant to this Ordinance does not relieve the Property Owner from the payment of any additional charges or fees or compliance with the requirements imposed by the Sewer Use Ordinance or any other ordinances of the District.

(F) In the determination of the Sewer System Connection Fee to be charged,

there shall be taken into consideration the use for which the proposed water tap is to be made and, in such cases as where oversized taps are required for fire protection devices and/or irrigation purposes, the Sewer System Connection Fee shall be based on the water tap size required to adequately serve the building for which the tap is purchased exclusive of the fire protection and/or irrigation requirement.

(G) The Sewer System Connection Fee provided for herein shall not be charged in those areas of the District, where the District has heretofore entered into contracts with developers, which contracts specifically provide that contributions made by the developer to the District as the developer's share of the District's construction costs for sewerage facilities in that area are in lieu of connection fees.

Section Three. Application of Proceeds of Sewer System Connection Fees.

The proceeds of the Sewer System Connection Fees herein authorized shall be deposited in the Improvement Fund of the District created in Section 9.090 of the Plan of the District, except where deposit in other funds or accounts is required by outstanding bond ordinances of the District or any sub-district. Proceeds of the Sewer System Connection Fees deposited in the Improvement Fund shall be applied to fund the cost of replacements and capital improvements to the District's Wastewater System and shall be expended pursuant to the procedures set forth in Article IX of the Plan of the District.

Section Four. Effective Date.

The schedule of new and increased Sewer System Connection Fees provided for in this Ordinance shall be in effect on and after February 1, 2018. This Ordinance shall repeal and replace Ordinance No. 9346, adopted October 12, 1994.

Section Five. Severability.

The Board hereby declares that if any section, part, sentence or clause of this Ordinance is held invalid, such invalidity shall not affect the remainder of this Ordinance, the

Board hereby declaring that it would have enacted the remainder of this Ordinance without regard to that part hereof that may be held invalid.

Section Six. Prior Ordinances, Connection Fees.

This Ordinance shall not be so construed as to relieve any person from the payment of any fee or charge which is due and payable under the provisions of any prior ordinance, nor to bar the collection of same by any and all of the means provided for in said prior ordinance. This Ordinance shall not be so construed as to relieve any person from any penalty heretofore incurred by the violation of any prior ordinance nor to bar the prosecution of any such violation in the manner provided therein.

The foregoing Ordinance was adopted on January 11, 2018.