

ORDINANCE NO. 2004-2

AN ORDINANCE AMMENDING ORDINANCE NO. 1998-2  
RELATING TO THE POLICY GOVERNING EXTENSIONS AND  
IMPROVEMENTS TO THE SOUTH HENRY REGIONAL WASTE  
DISTRICT'S SANITARY SEWER SYSTEM.

SECTION 1 – AMMENDMENT

Ordinance No. 1998-2 is amended by adding the following Sections, subsections, and paragraphs:

- 3.3 Non-residential sewer customers submitting an Application for Sewer Service (as required in SECTION 6 of Ordinance No. 1998-2) shall declare in writing on the application their design wastewater discharge volume per day; the design average wastewater discharge rate in gallons per minute (gpm); and the design peak wastewater discharge rate in gallons per minute (gpm).
- 3.4 The District Manager shall evaluate the information from the Application for Sewer Service and determine the Sewer System Capacity Fee using Exhibit A in Ordinance No. 1998-2.
- 3.5 The District Manager may review the usage of any non-residential sewer user to determine if the sewer user's actual average wastewater discharge exceeds the wastewater volume associated with the Sewer Capacity Fee paid. In reviewing the sewer usage history, the District Manager shall determine the average of sewer usage for any twelve (12) consecutive months. If the average sewer usage for any twelve (12) month period exceeds the wastewater volume associated with the Sewer Capacity Fee paid by more than ten percent (10%), the District Manager may invoice the sewer user for the difference between the wastewater volume capacity purchased and the actual average wastewater volume used during the twelve (12) month period evaluated.
- 3.6 The payment of an invoice for additional sewer capacity shall be due within 30 days of the invoice date. Failure to pay an invoice for additional sewer capacity shall be default and shall be processed in the same manner as the failure of payment for sewer user charge.
- 3.7 Any action taken by the District Manager under Section 3 – Paragraph 3.5 may be appealed as outlined in SECTION 9 of Ordinance No. 1998-2.

SECTION 2 – SEVERABILITY

- 2.0 If any Section, subsection, paragraph, clause, phase, or provisions of this Ordinance is for any reason held to be invalid, ineffective, or unconstitutional by the final decision of any court of competent jurisdiction, the remainder thereof shall remain in force and effect, it being expressly hereby found and declared that the remainder of this Ordinance would have been adopted despite the invalidity of such section, subsection, paragraph, clause, phase or provision.

SECTION 3 – REPEAL OF CONFLICTING PROVISIONS AND ORDINANCES AND REGULATIONS

- 3.0 Any provision of an Ordinance or Regulation previously or now in existence, which may be in conflict with this Ordinance, is repealed as of the date the Ordinance takes effect. Nonetheless, it is not the intent of this Ordinance to repeal, amend or modify any Ordinance or Regulation, including any definitions contained therein, unless such Ordinance or Regulation is in conflict with this Ordinance.

SECTION 4 – EFFECTIVE DATE

- 4.0 The provisions of this Ordinance shall be in full force and effect at the earliest date allowed by law.

DATE: March 9, 2004

SOUTH HENRY REGIONAL  
WASTE DISTRICT

David Spears

Jerry Peterson

Pamela Allhands

J. A. Smith

John Mogg

Brian Rogers

ATTEST:

Connie Stevens  
Connie Stevens, District Manager