

## **ORDINANCE**

### **AMENDMENT TO PREVIOUS ORDINANCES, PRESCRIBING AND FIXING RATES AND CHARGES FOR WATER FURNISHED TO CONSUMERS, AND FOR USE OF THE PUBLIC SANITARY SEWER SYSTEM OF THE CITY OF TUPELO, MISSISSIPPI; AND REQUIRING PAYMENT OF SUCH RATES AND CHARGES**

**WHEREAS**, the City of Tupelo adopted an Ordinance prescribing and fixing rates and charges for water and for use of the public sanitary sewer system by the citizens of Tupelo, Mississippi, on June 25, 1987, as amended on March 7, 1989, June 21, 1994, April 18, 1995, October 4, 1995, January 2, 1996, July 16, 1996, April 6, 2004, August 15, 2006, December 1, 2009, November 7, 2013, July 7, 2016, January 7, 2018, October 16, 2018 and November 20, 2018, November 19, 2019, October 6, 2020; and

**WHEREAS**, the City of Tupelo is authorized by Sections 21-27-7 and 21-27-23 of the Mississippi Code Annotated (1972) to prescribe water and sewer rates for its citizens and users; and

**WHEREAS**, the City of Tupelo is authorized by Miss. Code Anno. Section 21-27-61 (1972 as amended) to establish rates which provide for the acquisition and improvement of the system contingency and for the creation of a cash working fund or a surplus fund to be used for replacement, extension of systems and emergencies; and

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Tupelo as follows:

**SECTION ONE:** Chapter 26, Article III –Rates and Charges, Section 26-117 as amended October 6, 2020 is hereby amended to read:

#### **Sec. 26-117. – Basic water rate charges inside the city and outside the city.**

(a) Effective January 1, 2021, the following schedule of water and sewer rate charges *inside* the city limits is hereby fixed and established:

**Rate 1 (Minimum Monthly Bill – Water and Sewer Service)**

A minimum monthly bill of not less than twelve dollars and thirty-seven cents (\$12.37) shall be paid for each meter for which consumption or usage does not exceed four hundred (400) cubic feet of water.

**Rate 2 (Additional Usage – Water and Sewer Service)**

For each meter for which there may be consumed or used more than four hundred (400) cubic feet of water per month, payment shall be made at the following rates:

For the first one thousand (1,000) cubic feet used in excess of 400 cubic feet, the charge shall be fifteen dollars and twenty cents (\$15.20) per M cubic feet.

For the next two thousand cubic feet (2,000) cubic feet used in excess of 1,400 cubic feet, the charge shall be seventeen dollars and sixteen cents (\$17.16) per M cubic feet.

For additional cubic feet used in excess of 3,400 cubic feet, the charge shall be nineteen dollars and fifty-two cents (\$19.52) per M cubic feet.

Customers inside the municipal limits shall pay a monthly sewer bill equal to one hundred percent (100%) of each respective customer's total monthly water bill for the months of October through June. The rate shall decrease to eighty-five percent (85%) of each respective customer's total monthly water bill for residential customers inside the municipal limits for the months of July, August and September.

Provided, however, if any sewer customer inside the municipal limits purchases one hundred thousand (100,000) gallons or more of water per day from the City on a single meter (the "qualifying meter"), such customer shall pay a monthly sewer service fee equal to seventy-five percent (75%) of the qualifying meter's water rate based on actual metered discharge into the sewer system. Said rate reduction applies only to the sewer service fee associated with the qualifying meter.

**Rate 3 (Minimum Monthly Bill – Water Service Only)**

A minimum monthly bill of not less than twelve dollars and ninety-five cents (\$12.95) shall be paid for each meter for which consumption or usage does not exceed four hundred (400) cubic feet of water.

**Rate 4** (Additional Usage – Water Service Only)

For each meter for which there may be consumed or used more than four hundred (400) cubic feet of water per month, payment shall be made at the following rates:

For the first one thousand (1,000) cubic feet used in excess of 400 cubic feet, the charge shall be fifteen dollars and ninety-one cents (\$15.91) per M cubic feet.

For the next two thousand cubic feet (2,000) cubic feet used in excess of 1,400 cubic feet, the charge shall be seventeen dollars and ninety-four cents (\$17.94) per M cubic feet.

For additional cubic feet used in excess of 3,400 cubic feet, the charge shall be twenty dollars and forty-two cents (\$20.42) per M cubic feet.

(b) The following schedule of water and sewer charges *outside* the city limits is hereby fixed and established:

The following schedule of water charges outside the city limits is hereby fixed and established:

**Rate 1** (Minimum Monthly Bill – Water and Sewer Service)

A minimum monthly bill of not less than sixteen dollars and forty-seven cents (\$16.47) shall be paid for each meter for which consumption or usage does not exceed four hundred (400) cubic feet of water.

**Rate 2** (Additional Usage – Water and Sewer Service)

For each meter for which there may be consumed or used more than four hundred (400) cubic feet of water per month, payment shall be made at the following rates:

For the first one thousand (1,000) cubic feet used in excess of 400 cubic feet, the charge shall be seventeen dollars and ninety-four cents (\$17.94) per M cubic feet.

For additional cubic feet used in excess of 1,400 cubic feet, the charge shall be nineteen dollars and seventy-nine cents (\$19.79) per M cubic feet.

Customers outside the municipal limits, but served by City water services, shall pay a monthly sewer bill equal to one hundred and fifty percent (150%)

of each respective customer's total monthly water bill for the months of January through December, where sanitary sewer lines are available. Provided, however, if any sewer customer outside the municipal limits who is served exclusively by city water services produces two hundred thousand (200,000) gallons or more of wastewater per day to be processed through the City wastewater facility, such customer shall pay an amount for monthly sewer service equal to one hundred percent (100%) of such customer's monthly water bill. Sewer customers outside the municipal limits who are not served by City water services exclusively shall pay a monthly sewer bill equal to one-hundred and fifty percent (150%) of what their monthly water bill would be if City water rates applied to such customer's actual water usage, provided that the water association which provides water service to such customers will provide to the City of Tupelo the monthly water meter readings for all of its customers served by City of Tupelo sewer without charge to the City of Tupelo or by other agreement. If the water association which provides water service to City sewer customers who are outside the municipal limits will not provide water meter readings, then the City sewer customers will pay a monthly sewer fee in an amount equal to one-hundred and fifty percent (150%) of the average monthly water bill for residential customers of the certificated area of the Tupelo Water and Light Department from the previous calendar year. This flat rate will be adjusted at the beginning of each calendar year. Industrial waste surcharges for customers located outside the corporate limits shall be the same as for industrial customers located inside the corporate limits of the City. In the event that there is any conflict or overlap between Article VII, Sections 701-703 and this Article X, Section 1001, Article X, Section 1001 shall take precedence.

**Rate 3 (Minimum Monthly Bill – Water Service Only)**

A minimum monthly bill of not less than seventeen dollars and twenty-five cents (\$17.25) shall be paid for each meter for which consumption or usage does not exceed four hundred (400) cubic feet of water.

**Rate 4 (Additional Usage – Water Service Only)**

For each meter for which there may be consumed or used more than four hundred (400) cubic feet of water per month, payment shall be made at the following rates:

For the first one thousand (1,000) cubic feet used in excess of 400 cubic feet, the charge shall be eighteen dollars and seventy-nine cents (\$18.79) per M cubic feet.

For additional cubic feet used in excess of 1,400 cubic feet, the charge shall be twenty dollars and seventy-one cents (\$20.71) per M cubic feet.

(c) The rates charged above shall be automatically adjusted annually to reflect a Two Percent (2%) increase effective January 1, 2019, January 1, 2020 and January 1, 2021 to provide for anticipated system improvements, including bond service associated therewith, and an adequate cash or surplus fund for extensions, replacements and emergencies, unless the City Of Tupelo City Council opts to forego such annual increase at its first regular meeting in December of the year prior to said increase after a review of rates to determine that said rate increases are necessary to provide for anticipated system improvements, including bond service associated therewith, and an adequate cash or surplus fund for extensions, replacements and emergencies for the upcoming year.

**SECTION TWO.** Chapter 26, Article III –Rates and Charges, Section 26-130(a) as amended October 6, 2020 is hereby amended to read:

**Section 26-130. - General**

(a) The rates set forth by this amended ordinance in Sec. 26-117 and for all water meters read and sewer charges thereon shall be effective for all purposes after January 1, 2021.

**SECTION THREE.** The effective date of this amendatory ordinance as to Section 26-117 and Sec. 26-130(a) shall be January 1, 2021. The remainder of Chapter 26, Article III –Rates and Charges as amended October 6, 2020 is hereby ratified and remains in full force and effect as of the effective dates set forth in Sec. 26-130. The Clerk of the Council is hereby directed to cause a copy of this amendatory ordinance to be published one time in accordance with applicable law in the Northeast Mississippi Daily Journal.

The foregoing Ordinance was proposed in a motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and, after discussion,

no Council Member having called for a reading, was brought to a vote as follows:

Council Member Markel Whittington	_____
Council Member Lynn Bryan	_____
Council Member Travis Beard	_____
Council Member Nettie Davis	_____
Council Member Buddy Palmer	_____
Council Member Mike Bryan	_____
Council Member Willie Jennings	_____

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance has been passed and adopted on this the \_\_\_\_\_ day of November, 2020.

CITY OF TUPELO, MISSISSIPPI

BY: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Missy Shelton, Clerk of the Council

APPROVED:

\_\_\_\_\_  
Jason Shelton, Mayor

\_\_\_\_\_  
DATE

ATTEST:

\_\_\_\_\_  
Kim Hanna, City Clerk