

Ordinance No. 2553

ORDINANCE AMENDING SECTIONS 22-2-11, 22-2-16.1, 22-2-19, 22-2-22,
22-2-26, 22-2-29, 22-2-32, AND 22-2-36 OF THE CODE OF ORDINANCES
OF THE CITY OF BILOXI RELATING TO THE WATER AND
SEWER RATES CHARGED BY THE CITY OF BILOXI

WHEREAS, as part of the annual budget process, the administration and city council shall make adjustments to the water and sewer rate schedules as needed to endure compliance with all applicable state and federal water quality standards and maximize their solvency as enterprise funds (Ordinance Section 22-2-41); and

WHEREAS, the City's governing authority has committed to future rate adjustments to provide sufficient revenue to stabilize the Water and Sewer Fund in future years; and

WHEREAS, in order to bring into balance, the cost of constructing, repairing and operating the water and sewer systems with revenues received from users of those systems, and to provide water/sewer service to city residents not yet serviced, it is necessary to adjust certain fees charged for those services; and,

WHEREAS, the governing authority of the City of Biloxi has determined that it is in the best interest of the City of Biloxi to approve a small annual increase in for water and sewer services over the next four years.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI AS FOLLOWS:

SECTION ONE Ordinance Section 22-2-11 is amended as follows:

Sec. 22-2-11. Permit for installation of new service connections; connection fees.

(a) Before any plumber may proceed to make any installations of new service connections, either for water service or for sewer service, he shall obtain from the director of the combined water and sewer division, or his designated representative, a written permit on a form provided for that purpose, giving the location, the name of the person for whom such work is to be done, and such other essential information relative thereto as the director may require. Such permit shall be returned to the office of the director within 24 hours after the completion of such work, properly

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signed by the plumber to whom it was issued, and contain a full and complete statement of the number, kind and approximate location of all fixtures and outlets made to the combined water and sewer system of the city.

(b) On the issuance of a permit for new construction, the applicant shall be required to pay a permit fee of \$10.00, ~~plus charges as scheduled below:~~ These fixture fees are paid to the Water Department prior to a building permit being issued by the Community Development Department.

Each plumbing fixture, floor drain or tap, including water and drainage piping\$ 2.50

Water heater or vent, each2.50

Installation, alteration or repair of water piping or water treating equipment2.50

Vacuum breakers or backflow protective devices installed subsequent to the installation of the piping or equipment served:

One to five, each2.50

Over five, each1.50

Roof drains1.50

Installation of service station tanks25.00

Sprinkler system, per head0.40

Swimming pools25.00

Septic tanks10.00

New commercial sewer50.00

New residential sewer25.00

Tie into existing sewer5.00

Take out old sewer and replace with new5.00

Cesspool, each5.00

Deep and shallow well permits25.00

(c) On the issuance of a permit for old construction with no previous plumbing inspections, the applicant shall be required to pay a permit fee of \$10.00, plus \$5.00 for each fixture.

(d) On all charges for plumbing permits or inspections or any other charges for water and sewer service, any applicable city and state sales tax shall be added to the total.

SECTION TWO Ordinance Section 22-2-16.1 is amended as follows:

Sec. 22-2-16.1. Secondary water meter (cut-in) for outside use.

Any customer in the city may, by paying the cost of such water meter together with the sum of \$50.00, which sum shall be non-refundable, obtain a secondary water meter whose use shall be limited as follows:

(a) *Purpose.* The purpose and use of a secondary meter shall be limited by the customer in such a manner so as to ensure that the water is for outside usage only and shall not, in any way, pass through or become a part of the effluent treated by the sanitary sewer system of the city.

(b) *Prohibitions and inspections.* Specifically prohibited by this section is any lateral (cross) connection or tie-in between any other water supply and the one allowed under this section, whether direct or indirect and howsoever accomplished. The application to the city for such "secondary" meter as provided for herein shall contain written authority by the applicant to the city to go upon the property of the applicant at any time to ensure compliance with this amendment.

(c) *Interpretation.* It is the intent of this section to permit a second connection to real property for outside use purposes as set out herein, and all other ordinances which may address connections for structures or otherwise conflict with this section shall not be interpreted to prevent this second connection. All ordinances, standards, and rules that otherwise apply to the connection and maintenance of a primary water connection shall also apply to a secondary connection.

(d) *Residential users.* The use of secondary water meters by residential customers shall be limited to landscape maintenance and swimming pools located on the property of the residential customer, provided that the swimming pool drainage system is not connected to the sanitary sewer system of the city. At the time of the application for a secondary water meter for outside use, the residential customer shall provide documentation that the swimming pool drainage system is not connected to the sanitary sewer system of the city.

(e) *Commercial users.* The use of secondary water meters by commercial customers shall be limited to landscape maintenance and swimming pools located at the commercial facility of the commercial customer, provided that the swimming pool drainage system is not connected to the sanitary sewer system of the city. At the time of the application for a secondary water meter for outside use, the commercial customer shall provide documentation that the swimming pool drainage system is not connected to the sanitary sewer system of the city.

(f) *Applicable fees.* The cost for a cut-in depends on size: ¾ inch cut-in is \$626.10, and a 1 inch cut-in is \$742.42. The fees for usage of water from a secondary meter installed and operated in accordance with this section shall be the same as the charges for water usage of a primary connection under section 22-2-29 of this Code, but shall not include the sewer charge set out in section 22-2-32.

(g) *Penalties.* Violation of this section shall constitute a misdemeanor and shall be punishable in accordance with section 1-1-8 of this Code. Additionally, any person convicted of violation of this section shall also be cause for the city to disconnect and remove such secondary water meter and refuse to grant such privilege to the customer thereafter.

SECTION THREE Ordinance Section 22-2-19 is amended as follows:

Sec. 22-2-19. Tampering with or obstructing city-owned equipment.

(a) No person, except the employees of the combined water and sewer division, the public works department, the fire and life safety division or the public safety department, and those to whom the director of the combined water and sewer division may grant special permission, shall tamper with, make connections to or otherwise use or operate the fire hydrants, meters, locks or any other city-owned equipment associated with, or attached to, the water system, and no person shall place or install or cause to be placed or installed any thing or object which will impede free access to fire hydrants or meters, but a distance of not less than five feet shall be clear entirely around each of such hydrants and meters.

(b) If any person tampers with, makes connections to or otherwise uses or operates the fire hydrants, meters, locks or any other city-owned equipment associated with, or attached to, the water system, that person shall be charged a fee of not less than \$25.00 nor more than \$1200.00, plus the actual cost required to repair the damaged equipment and to compensate the city for any related harm or loss caused by the tampering.

SECTION FOUR Ordinance Section 22-2-22 is amended as follows:

Sec. 22-2-22. Meter ownership.

(a) All meters and their several parts installed by the combined water and sewer division will remain or become the property of the division.

(b) All meters and their several parts installed by ~~any one~~ anyone other than the combined water and sewer division will become the property of the division after inspection and acceptance by the division.

SECTION FIVE Ordinance Section 22-2-26 is amended as follows:

Sec. 22-2-26. Cut-ins to sewer mains; sewer tapping fees.

(a) The cost of additional cut-ins to the sewer mains, required by the division of existing lots or premises, when made by the city, shall be borne by the owners at the reasonable cost of labor and materials. Owner-occupied residences and property owners of single-family lots at the time this chapter becomes effective are not subject to the tap-in fees for water and sewerage, if the owner remains the resident for at least three months after the tap-in; they are subject to the cut-in fees as stated in section 22-2-29.

(b) In addition to the cost specified in subsection (a) of this section, owners shall pay tapping fees in accordance with the following schedule:

- (1) Single-family dwelling, per unit\$ 300.00
- (2) Apartment complexes, per unit*300.00
- (3) Condominiums, per unit*300.00
- (4) Mobile home park, per unit*300.00

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- (5) Motel units, per unit*300.00
- (6) Commercial projects, per fixture50.00
- (7) Restaurants, per square foot gross floor area0.30
- *Laundries, per machine100.00

The prices above do not include roadway cuts and pavement repair if necessary for a sewer connection. City and resident/owner will agree on cost prior to work being performed.

Dwellings already owner-occupied at the time that sewer mains are extended and made available to such dwellings shall be exempt from paying the tapping fees, provided the property owner accomplishes connection within one year after the sewer lines become available.

(c) The fees established in subsection (b) of this section are not required for construction of new single-family structures which have received a prior affordable housing project designation by the city council.

SECTION SIX Ordinance Section 22-2-29 is amended as follows:

Sec. 22-2-29. Same—Rate schedule; cut-in fee; tapping fee; hydrant rental.

(a) *Water rates.*

(1) *Metered service.* Where water service is delivered through a meter, the rates for the service shall be as follows for each monthly period:

- a. Minimum per month: For usage of 3000 gallons or less ~~\$4.4177 flat rate through until September 30, 20204; \$4.5091 after from October 1, 20204, and until September 30, 20215; \$4.595.06 after from October 1, 20215, and until September 30, 20226; \$4.685.21 after from October 1, 20226, and until September 30, 20237; \$4.77 after October 1, 2023 until September 30, 2024.~~
- b. For usage greater than 3,000 gallons but less than 5,001 gallons: ~~\$1.3041 per 1,000 gallons through until September 30, 20204; \$1.3345 per 1,000 gallons after from October 1, 20204, and until September 30, 20215; \$1.3550 per 1,000 gallons after from October 1, 20215, and until September 30, 20226; \$1.3854 per 1,000 gallons after from October 1, 20226, and until September 30, 20237; \$1.41 per 1,000 gallons after 1 October 2023 until September 30, 2024.~~
- c. For usage greater than 5,000 gallons but less than 8,001 gallons: ~~\$1.6174 per 1,000 gallons through until September 30, 20204; \$1.6479 per 1,000 gallons from October 1, 20204, and until September 30, 20215; \$1.6885 from October 1, 20215, and until September 30, 20226; \$1.7190 from October 1, 20226, and until September 30, 20237; \$1.74 from October 1, 2023 until September 30, 2024.~~
- d. For usage greater than 8,000 gallons but less than 25,001 gallons: ~~\$1.7792 per 1,000 gallons through until September 30, 20204; 1.8198 per 1,000 gallons after from October 1, 20204, and until September 30, 20215; \$1.84 2.04 per 1,000 gallons after from October 1, 20215, and until September 30, 20226; \$1.882.10 per 1,000 gallons~~

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~~after from~~ October 1, 2022~~6~~, ~~and~~ until September 30, 2023~~7~~; ~~\$1.92 per 1,000 gallons after 1 October 2023 until September 30, 2024.~~

- e. For usage greater than 25,000 gallons: ~~\$1.8095~~ per 1,000 gallons ~~through~~ until September 30, 2020~~4~~; ~~\$1.842.01~~ per 1,000 gallons ~~after~~ from October 1, 2020~~4~~, ~~and~~ until September 30, 2021~~5~~; ~~\$1.872.07~~ per 1,000 gallons ~~after~~ from October 1, 2021~~5~~, ~~and~~ until September 30, 2022~~6~~; ~~\$1.912.13~~ per 1,000 gallons ~~after~~ from October 1, 2022~~6~~, ~~and~~ until September 30, 2023~~7~~; ~~\$1.95 per 1,000 gallons after 1 October 2023 until September 30, 2024.~~

(b) *Cut-in fee.* A "cut-in" is performed when there is an existing tap and additional service is needed (example would be a lawn sprinkler system). Where cut-in services are required by the division of existing lots or premises, lost or non-existing services to existing lots or premises, or new or increased services to existing lots or premises, the cut-in shall be made by the city and the costs borne by the owners, ~~at the reasonable cost of labor and materials incurred by the city, but not less than \$200.00. Costs of a cut-in depends on the size as shown in Section 22-2-16.1.~~ City and owner/resident will agree on cost prior to work being performed.

(c) *Tapping fee.* A "tap" is required for new services and connection is required to the water main line. Tap fees are also required when residents or commercial activities have not been connected to the system in the past five years. Such fee may be waived if meter and tap are still functional. Tap fees vary with the size of the service tap and meter size. The prices below do not include roadway cuts and pavement repair if necessary. City and resident/owner will agree on cost prior to work being performed.

- Three-quarter-inch new install tap price is ~~\$626.10~~ 567.09.
- One-inch new install tap price is ~~\$742.42~~ 642.18.

(d) *Hydrant rental.* In the event of necessity for additional revenues in order to finance any obligations chargeable to and payable from the revenues of the combined water and sewer system of the city, there shall be paid a hydrant rental of not in excess of \$4.00 per each fire hydrant in the city, per month, plus water rate that applies for amount of water used plus tax, to be paid into the appropriate fund each month as may be required; provided, however, that the governing authorities may elect to effect an increase in water and sewer rates in lieu of any hydrant rental, if necessary.

(e) *Exemption from cut-in fee.* The fees established in subsection (b) of this section are not required for construction of new single-family structures which have received a prior affordable housing project designation by the city council.

(f) *Sales tax.* On commercial accounts, the current sales tax rate for the state will be charged on potable water and services related thereto, including, but not limited to, charges for water tapping, late payment, line extension, setting or installing meters, connection and reconnection. Each billing statement shall contain a provision that reads: "Charges on the sale of water to residential users are exempt from sales tax."

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(g) *Exemption from sales tax.*

- (1) The sale of potable water and services related thereto are exempt from sales tax when sold for residential use.
- (2) Sewage charges and refundable deposits on accounts are not taxable to any customer.
- (3) Sales to the following organizations are exempt from sales tax: Housing authorities; ice manufacturers for use as an ingredient in the manufacture of ice for sale; the Muscular Dystrophy Association, Inc.; the Salvation Army; the State of Mississippi, its counties, municipalities, departments and institutions (but not exempting its contractors); the United States government departments and institutions (but not exempting its contractors); the Mississippi Band of Choctaw Indians (but not exempting any individual Indian); any fire department; the Institute for Technology Development; the Mississippi Chapter of the National Multiple Sclerosis Society; alumni associations of state-supported colleges or universities; domestic violence shelters which qualify for state funding under sections 93-21-101 to 93-21-113 of the Mississippi Code of 1972; the National Association of Junior Auxiliaries, Inc.; and all of the following as long as they are operated on a nonprofit basis: hospitals, infirmaries, private schools, museums of art, orphanages, old men's homes, old ladies' homes, the YMCA, the YWCA, the Boys Club, the Girls Club and any private company, as defined in section 57-61-5 of the Mississippi Code of 1972, which is purchasing the water with proceeds of bonds issued under sections 57-61-1 et seq. of the Mississippi Code of 1972 (The Mississippi Business Investment Act).

SECTION SEVEN Ordinance Section 22-2-32 is amended as follows:

Sec. 22-2-32. Sewer service rate schedule.

(a) *Metered customers.*

- (1) The rate for sewer service for metered customers shall be as follows:

- a. Flat rate minimum per month through September 2020~~4~~: ~~\$8.25~~93 for usage of 3,000 gallons or less. Flat Rate after October 1, 2020~~4~~, and until September 30, 2021~~5~~, ~~\$8.42~~9.20; Flat Rate after October 1, 2021~~5~~, and until September 30, 2022~~6~~, ~~\$8.58~~9.47; Flat Rate after October 1, 2022~~6~~, and until September 30, 2023~~7~~, ~~\$8.75~~9.76; ~~Flat Rate after October 1 2023 and until September 30 2024 \$8.93.~~
- b. For usage greater than 3,000 gallons but less than 5,001 gallons: ~~\$2.75~~98 per 1,000 gallons until September 30, 2020~~4~~; ~~\$2.81~~3.07 per 1,000 gallons from October 1, 2020~~4~~, and until September 30, 2021~~5~~; ~~\$2.86~~3.16 per 1,000 gallons from October 1, 2021~~5~~, and until September 30, 2022~~6~~; ~~\$2.92~~3.26 per 1,000 gallons from October 1, 2022~~6~~, and until September 30, 2023~~7~~; ~~\$2.98~~ per 1,000 gallons from ~~1 October 2023 and until September 30, 2024.~~
- c. For usage greater than 5,000 gallons but less than 8,001 gallons: ~~\$3.41~~69 per 1,000 gallons ~~through~~ until September 30, 2020~~4~~; ~~\$3.48~~80 per 1,000 gallons from ~~and after~~ October 1, 2020~~4~~, and until September 30, 2021~~5~~; ~~\$3.55~~91 per 1,000 gallons from ~~and~~

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~~after~~ October 1, 2021~~5~~, and until September 30, 2022~~6~~; ~~\$3.62~~ 4.03 per 1,000 gallons ~~from and after~~ October 1, 2022~~6~~, and until September 30, 2023~~7~~; ~~\$3.69~~ per 1,000 gallons ~~from October 1, 2023 and until September 30, 2024.~~

- d. For usage greater than 8,000 gallons but less than 25,001 gallons: ~~\$3.61~~ 91 per 1,000 gallons ~~through~~ until September 30, 2020~~4~~; ~~3.68~~ 4.03 per 1,000 gallons ~~after~~ from October 1, 2020~~4~~, and until September 30, 2021~~5~~; ~~\$3.76~~ 4.15 per 1,000 gallons ~~after~~ from October 1, 2021~~5~~, and until September 30, 2022~~6~~; ~~\$3.83~~ 4.27 per 1,000 gallons ~~after~~ from October 1, 2022~~6~~, and until September 30, 2023~~7~~; ~~\$3.91~~ per 1,000 gallons ~~after 1 October 2023 until September 30, 2024.~~
- e. For usage greater than 25,000 gallons: ~~\$3.68~~ 98 per 1,000 gallons ~~through~~ until September 30, 2020~~4~~; ~~\$3.75~~ 4.10 ~~after~~ per 1,000 gallons from October 1, 2020~~4~~ and until September 30, 2021~~5~~; ~~\$3.83~~ 4.22 per 1,000 gallons from October 1, 2021~~5~~, and until September 30, 2022~~6~~; ~~\$3.91~~ 4.35 per 1,000 gallons from October 1, 2022~~6~~, and until September 30, 2023~~7~~; ~~\$3.98~~ per 1,000 gallons ~~after 1 October 2023 until September 30, 2024.~~

(b) *Unmetered customers generally.* The rates for sewer service for unmetered customers shall be as follows:

- (1) *Residences, per month:* Minimum of \$29.63 with no history, or average of six months usage, if higher through September 30, 2020. From October 1, 2020 minimum \$30.22.
- (2) *Apartments, per month:* Minimum of \$23.38 with no history, or average of six months usage, if higher through September 30, 2020. From October 1, 2020 minimum \$23.85.
- (3) *Hotels-motels, per unit, per month:* Minimum of \$20.39 with no history or average of six months usage, if higher.
- (4) *Commercial buildings per toilet fixture (commodes and urinals), per month:* Minimum of \$8.76 per toilet fixture with no history, or average of per toilet fixture six months usage, if higher.
- (5) *Restaurants and lounges, per month:* \$0.20 per square foot. Gross floor area of a restaurant includes but is not limited to storage areas, waiting rooms, kitchen, coolers, freezers, restrooms, seating areas and food preparation areas:
- (6) *Laundries:*
 - Per residential type machine per month:* Minimum of \$40.00 with no history, or average of six month usage, if higher;
 - Per commercial type machine per month:* Minimum of \$98.00 with no history, or average of six months usage, if higher.

(c) *Combined billing; exemption for water used in underground sprinkler systems.* Sewer charges shall be billed at the same time as the water service and garbage collection charges, and the combined charges shall constitute one charge. Where an additional water meter has been installed and connected to an underground sprinkler system with water flowing through that meter used solely for agricultural or lawn watering purposes, a sewer charge will not be levied for water

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flowing through that separate meter; i.e., where a separate meter has been installed and connected to an underground system, the customer will pay an initial cut-in fee of \$200.00 for residential use and the appropriate commercial rate for commercial use and thereafter be billed water charges only for water flowing through that meter.

(d) *Garbage, trash and weeds.* Garbage collection fees, while billed with water and sewer charges, are established in section 9-1-22.

(e) In addition to the above fees, a \$3.80 per 1,000 gallons per month charge will be added to each user's bill, whether the use is metered or unmetered, in accordance with statutory obligations relating to the city's mandatory participation in the Harrison County Utility Authority. Effective February 1, 2021, the \$3.80 charge will be reduced by \$.50 per 1,000 gallons per month for the first 25,000 gallons used.

SECTION EIGHT Ordinance Section 22-2-36 is amended as follows:

Sec. 22-2-36. Billing and collection generally.

The ~~city tax collector~~ Manager of the Water Department is designated as the collector of all water and sewer service bills, and he shall give proper receipts to the persons paying such bills, and retain duplicate copies thereof. All accounts or bills shall be prepared by the water department, a division of the department of administration, and may be adjusted by the tax collector, with the approval of the manager of the water department. The meter reading, billing and similar services shall be performed by the water department, and proper records thereof shall be kept by the manager and his staff, including all records of applications for service, maintenance of service and discontinuance of service. The tax collector, with the approval of the manager of the water department, shall determine:

- (1) When water service or sewer service is to be discontinued for nonpayment of bills;
- (2) When there shall have been a failure to make application or contract for water service or sewer service, or otherwise; and
- (3) When water service or sewer service is to be reinstated after discontinuance. The tax collector, with the approval of the manager of the water department, is authorized to cut off or to restore water service or sewer service whenever such service is to be cut

SECTION NINE: Upon unanimous vote of the members of the City Council, this ordinance shall be in full force and effect from and after passage, because it serves the public peace, health and safety of the citizens of Biloxi, and good cause exists for same. If not a unanimous vote this Ordinance shall become effective as soon thereafter as is signed, certified, and as is otherwise provided by law.

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The foregoing Ordinance having first been reduced to writing, was read by the Clerk and moved by Councilmember Tisdale, seconded by Councilmember Glavan, and was adopted by the following vote:

YEAS:	Lawrence	Tisdale	NAYS:	Deming
	Gines	Glavan		
	Newman	Shoemaker		

The President then declared the Ordinance adopted this the 16th day of April, 2024.



ATTEST:

APPROVED:

Keii Campbell
CLERK OF THE COUNCIL

Debbie Allen
PRESIDENT OF THE COUNCIL

Submitted to and approved by the Mayor, this the 18th day of April, 2024.

APPROVED:

[Signature]
MAYOR