

ORDINANCE NO. 2026-01-001

AN ORDINANCE TO AMEND THE ELSBERRY CITY CODE BY AMENDING SECTIONS 110.010, 110.230, AND 110.350 TO RESTATE THE CURRENT RATES SO THAT THEY INCLUDE ALL SEPARATELY STATED ANNUAL INCREASES PREVIOUSLY IMPOSED THROUGH 2026 FOR WATER AND SEWER RATES; TO AFFIRM THAT THE SAME WATER RATE TO RECOVER THE RURAL DEVELOPMENT LOAN FOR BOTH CITY AND NON-CITY USERS IS THE SAME; AND TO PROVIDE FOR UNIFORMITY OF DEFINITIONS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ELSBERRY, MISSOURI, AS FOLLOWS:

SECTION 1: The Elsberry City Code is amended by replacing Section 110.350 with an updated Section 110.350 as follows:

“110.350 USER CHARGE RATES

1. The User Charge for each Unit within the City limits at which City Utility water service is supplied shall be as follows:

A base fee of \$21.61 per month. The base fee includes up to the first 1,000 gallons of water (or fraction thereof) provided to that Unit for that month. For example, if 800 gallons are used, the full base fee will be charged and is not prorated. An additional usage fee of \$10.39 per each additional thousand gallons (or fraction thereof) supplied to that Unit for that month shall be charged per month for water. For example, if 1,600 gallons are used in a month, the User will be charged the full base fee and one full additional charge without proration. This rate includes all of the 3% increases assessed pursuant to subsection 4, through and including January 2026.

2. The User Charge to each Unit outside the City limits at which the water is supplied shall be as follows:

A base fee of \$26.04 per month. The base fee includes up to the first 1,000 gallons of water (or fraction thereof) provided to that Unit for that month. For example, if 800 gallons are used, the full base fee will be charged and is not prorated. An additional usage fee of \$11.65 per each additional thousand gallons (or fraction thereof) supplied to that Unit for that month shall be charged per month for water. For example, if 1,600 gallons are used in a month, the User will be charged the full base fee and one full additional charge without proration. This rate includes all of the 3% increases assessed pursuant to subsection 4, through and including January 2026.

3. The User Charge for bulk sales of water at the City's water plant facility shall be \$1.91 per hundred gallons or fraction thereof without proration.
4. On and after January, 1, 2011, the user charge (base fee and usage fee) provided in subparagraphs 1 through 3 above, shall be increased by three percent (3%) annually, effective as of January 1 of each year. However, the rate stated in subparagraph 1 already includes all of the 3% increases that have been imposed and including January 2026.
5. Beginning on the date of the closing on the water project bond(s) approved at the April 2010 election, the base fee for all Units shall be increased by an additional \$9.33 per month. The amounts stated in this subparagraph shall not be subject to the annual three percent increase.
7. The User occupying the Unit and the Unit Owner are jointly and severally liable for all User Charges for the Unit during the time they either own or occupy the Unit.
8. Nothing contained herein shall be construed to require the City to provide water to any location outside the City limits where water is not currently being provided.
9. User charges for water service shall not be prorated if the Unit is not occupied for a portion of the month.

(Ord. 4-1-2007; 6-1-2007; 1-1-2009; 07-2010-001; 2016-12-003; Ord. 2020-01-001; Ord 2025-01-001)

SECTION 2: The Elsberry City Code is amended by replacing Subsections 110.230.1 and 110.230.2 with updated Subsections 110.230.1 and 110.230.2 as follows:

“110.230 RATES TO BE CHARGED FOR SEWER UTILITY SERVICE

1. The User Charge for each Unit within the City limits at which City Utility sewer service is supplied shall be as follows:

A base fee of \$50.72 per month. The base fee includes up to the first 1,000 gallons of water (or fraction thereof) provided to that Unit for that month. For example, if 800 gallons are used, the full base fee will be charged and is not prorated. An additional usage fee of \$2.73 per each additional thousand gallons of water (or fraction thereof) supplied to that Unit for that month shall be charged per month. For example, if 1,600 gallons are used in a month, the User will be charged the full base fee and one full additional charge without proration. This rate includes all of the increases through and including January 2026.
2. The User Charge to each Unit outside the City limits at which City Utility sewer service is supplied shall be as follows:

A base fee of \$52.00 per month. The base fee includes up to the first 1,000 gallons of water (or fraction thereof) provided to that Unit for that month. For example, if 800 gallons are used, the full base fee will be charged and is not prorated. An additional usage fee of \$3.25 per each additional thousand gallons of water (or fraction thereof) supplied to that Unit for that month shall be charged per month. For example, if 1,600 gallons are used in a month, the User will be charged the full base fee and one full additional charge without proration. This rate includes all of the increases through and including January 2026.”

(Amend. Ord. 08-02-2007; 2010-08-003; 2016-12-001; 2019-03-002).

SECTION 3: The Elsberry City Code is amended by updating the definitions in 110.010 to include the following:

“§110.010 DEFINITIONS

As used in this Chapter, the following words shall have the following meanings.

“City User” shall mean any person, corporation, business entity, organization, association, or industrial, commercial, or institutional entity, or any other entity whatsoever, that is provided water or sewer services from the City's utility services (water, sewer, and/or solid waste removal) at a location within the Elsberry City limits.

“Commercial Users” shall mean any user of the City's utility services (water, sewer, and/or solid waste removal) that is not a Residential User. Commercial users shall pay the same rates as Out of City Users.

“Non-City User” shall mean any person, corporation, business entity, organization, association, or industrial, commercial, or institutional entity, or any other entity whatsoever, that is provided City's utility services (water, sewer, and/or solid waste removal) at a location outside the Elsberry City limits.

“Residential User” shall mean any user of the City's utility services (water, sewer, and/or solid waste removal) whose served Unit or parcel of real estate is used for domestic dwelling purposes only.

SECTION 4: Severability.

The provisions of this Ordinance shall be severable. In the event that any provision of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this Ordinance are valid unless the Court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without

the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION 5: Effective Upon Passage

This ordinance shall be in full force and effect from and after the date of its passage.

SECTION 6: Incorporation into the Municipal Code

The City Clerk shall incorporate the terms of this Ordinance into the official City of Elsberry Municipal Code with all due dispatch.

Read two times and passed this _____ day of _____ 2026.

MAYOR

Attest: _____
City Clerk

Approved as to form:

City Attorney