

ORDINANCE NO. 02-237

AN ORDINANCE relating to charges for public sewers, amending Ordinance 197, and stating an effective date.

THE CITY OF LAKESIDE ORDAINS AS FOLLOWS:

Section 1. Section 2 (1) of the Lakeside Ordinance # 197, as amended, is hereby amended to add the following definitions:

Service Connection.

“Service Connection” means a sanitary sewer or collection system which has been constructed to the property line or right-of-way line from a sewer main for the sole purpose of providing a connection for the lot/building sewer.

Service Connection Charge.

“Service Connection Charge” means the fee levied to cover the cost of inspection and/or construction of the sanitary sewer from the sewer main to the property line which is to be serviced, such charges to be itemized on a miscellaneous billing form.

System Development Fee.

“System Development Fee” means that fee which each customer shall pay for the right to connect to the sanitary sewer system.

User Service Charge.

“User service charge” means a charge levied on users of a treatment works, for the user’s proportionate share of the cost of operation and maintenance (including replacement) of such works under Section 204(b)(1)(a) and 201(h)(2) of the Act, as shown in the Federal Register, page 20458, Vo. 47 No. 92, dated May 12, 1982.

Section 2. Section 12A-Q of the Lakeside Ordinance # 197, as amended, is hereby added as follows:

Section 12A. Imposition of Charges—Purpose.

Charges for connections to the public sewer system and subsequent sewer services shall be levied and imposed by the city for the purpose of funding operation, maintenance and improvements thereto.

Section 12B. Changes to fees, rates, and charges.

All fees, rates, and charges stated within Ordinances 197 may be changed at any time in the future by resolution of the city council.

Section 12C. Charges—Review by city.

The user service charges shall be reviewed and revised at least annually to reflect actual costs of operation and maintenance, replacement and financing of the treatment works, and to maintain the equitability of user service charges with respect to

D. Commercial III.

1. Bakery (each);
2. Full-service restaurants and fraternal clubs (each, with food service, no garbage disposal, without grease trap);
3. Grocery stores (each, with meat cutting and/or bakery);
4. Meat markets (each);

E. Commercial IV.

1. Septic haulers (each).

E. Industrial.

1. Any facility that discharges effluent to the sanitary sewer for any twenty-four-hour period which equals or exceeds any one of the following criteria:
 - a. Flow greater than twenty-five thousand gpd,
 - b. BOD greater than one thousand five hundred mg/l,
 - c. SS greater than one thousand five hundred mg/l,
 - d. pH greater than 9.0,
 - e. pH less than 6.0.

Section 12F. Extraterritorial monthly user service charges.

The sewer rates and charges for sewer users inside and outside the corporate limits of the city are established as follows:

Tow times the rates of similar classifications inside the city limits for outside users.

Section 12G. Billing—Address.

Bills for user service charges shall be mailed to the address specified in the application for permit to make the connection, unless or until a different owner or user of the property is reported to the City. Notwithstanding the billing address, the responsibility for payment of any unpaid balance shall be the responsibility of the property owner and may be placed as a lien against the premises as authorized by this ordinance.

Section 12H. Application for Service

Applications for sewer service shall contain the signature of the owner of the property, or authorized representative of the owner. The application may also contain the name of other persons, who may also be liable. Nothing herein shall interfere with the rights of landlords/tenants or owners/sellers to allocate responsibility among each other for sewer charges.

Section 12I. Restoration of service charge.

- A. The city shall charge a customer for restoration of sewer service when service has been discontinued under the provisions of City Ordinances.
- B. For the restoration of service, the customer shall pay a fee of seventy-five dollars (\$75) for each hour of staff time necessary to restore the service.
- C. This charge shall not apply to newly installed service connections unless the applicant may have outstanding charges in another account. All charges must be brought current first.

proportional distribution of the costs of operation and maintenance according to each user's contribution to the total wastewater loading of the treatment works.

Section 12D. Charges—Determination generally.

A user service charge shall be levied on all users served by public sewer, and the charges shall be determined as set out in this ordinance.

Section 12E. Minimum base rate.

A minimum base rate shall be charged monthly for each residential dwelling unit (connection) and each commercial business (connection), as provided in the Ordinance.

A. Residential.

1. Single-family (per dwelling unit);
2. Multiple-family (per dwelling unit);
3. Mobile home park (per dwelling unit);
4. Travel trailer park (per dwelling unit);

B. Commercial I.

1. Barbershops and beauty shops (each);
2. Car dealers (each);
3. Churches (each, without garbage disposal);
4. Department stores (each);
5. Drive-in restaurants (each, without garbage disposal);
6. Fraternal clubs (each, without food service);
7. Grocery stores (each, without meat cutting);
8. Hardware stores (each);
9. Hotels and motels (each);
10. Laundromats (each);
11. Light industrial *each, flow less than twenty-five thousand gpd, BOD less than four hundred mg/l, SS less than four hundred fifty mg/l);
12. Medical, dental and veterinary clinics (each);
13. Pharmacies (each);
14. Print shops (each);
15. Professional offices (each business);
16. Schools (each, without food preparation);
17. Service Stations (each);
18. Taverns (each);
19. Warehouses (each).

C. Commercial II.

1. Churches (each, with garbage disposal);
2. Drive-in restaurants (each, with garbage disposal);
3. Full-service restaurants and fraternal clubs (each, with food service, no garbage disposal, with grease trap);
4. Institutions (each, hospitals, schools, nursing homes).

Section 12J. Computation and collection of charges.

All collections for user service charges shall be made by the appropriate city department. User service charges shall be computed and payable as provided in this Ordinance.

Section 12K. Revenues-use

The city administrator/recorder is directed to deposit in the sewer fund all the gross revenues received from charges, rates, and penalties collected for the use of the sewer system as herein provided. The revenues thus deposited in the sewer fund shall be used exclusively for the operation, maintenance, improvements of the sewer system, and payments of the principal and interest on any bonded indebtedness of the city sewer system.

Section 12L. Billing-Payment responsibility.

The property owner of record shall be responsible for payment of all charges prescribed in this Ordinance.

Section 12M. Billing—Time and payment date.

- A. Sewer service charges shall reflect a base charge. Sewer service shall be billed at a monthly rate.
- B. Each connection on a customer's premises shall be billed separately, and two or more connections shall not be combined unless the city's operating convenience requires.

Section 12N. Adjustment of Accounts.

Customer accounts shall be adjusted for accounts receiving less than one month of service on a pro-rata basis according to connection type.

Section 12O. Delinquent accounts.

- A. Utility bills for sewer service shall be due and payable on the 25th of the month following the month in which they were mailed.
- B. Utility bills shall be delinquent if not paid by the due date and a 10% percent late fee shall be added to the account balance on the next working day following the due date.
- C. Delinquent utility accounts may be discontinued after providing the owner and occupants with written notice:
 1. Written notice shall be sent to the occupant and person responsible for the account (if they are different) stating that sewer service shall be discontinued unless the delinquent account balance is paid by 5:00 PM on the fifth day of the month or a later specified date and time. The notice shall be mailed a minimum of ten (10) days prior to the date the sewer is to be turned off. Sewer services shall not be discontinued after 2:00 PM in the afternoon nor shall sewer services be turned off on Fridays, weekends, or the day before a regular holiday.

2. In addition to the information given in subsection 1 above, the notice shall also indicate that responsibility for payment of any unpaid balance shall be the responsibility of the property owner and may be placed as a lien against the premises as authorized by Lakeside City Ordinance.
- D. If the full payment of the delinquent amount is not made by the date designed on the notice, the sewer may be immediately discontinued. At the time sewer service is discontinued, a notice shall be posted on the premises indicating the sewer service has been discontinued, and it may be restored by payment of the delinquent amount and a restoration fee, as stipulated by Section 2 of this ordinance.
 - E. Prior to the restoration of service by the city, the delinquent bill and restoration fee shall be paid, unless a deferred payment schedule is approved by the city administrator, or designee.
 - F. Delinquent utility accounts totaling less than twenty-five dollars (\$25.00) shall not be turned off unless circumstances indicate the service has been abandoned.

Section 12P. Sewer charge liens.

Sewer service charges shall be a lien against the premises served from and after the date of billing and entry on the ledger or other records of the city pertaining to the sewer system, and such ledger or other records shall remain accessible for inspection by anyone interested to ascertain the amount of such charges against the property. Whenever a bill for sewer service remains unpaid ninety days after it has been rendered, the lien thereby created may be foreclosed in a manner provided for in ORS 223.610, or in any other manner provided for by law or by city ordinance.

Section 12Q. Appeal Procedure.

A sewer user who feels their fee or charge is unjust or inequitable, as applied to their premises, within the intent of the foregoing provisions, may make a written appeal to the city council requesting a review of the fee or charge. Review of the request shall be made by the appropriate city staff, who shall determine if it is substantiated or not, including recommended action to the council if necessary. If the city council substantiates the request, the fee or charge for that user shall be recomputed based on the approved, revised information. The council shall have the final responsibility for determining equitability of charges where special circumstances are found, and for the adjusting of such charges in a consistent and equitable manner.

Section 3. The ordinance shall become effective September 1, 2002

First read to the Council the 21st of June, 2002.


Passed by the Council this 21st of June, 2002.

Signed by the Mayor this 21st of June, 2002.

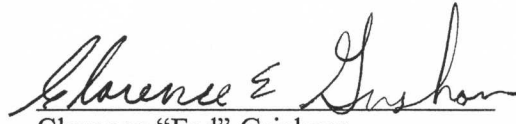
Effective date September 1, 2002.

ATTESTED:

APPROVED:



Susan Chauncey, City Admin.



Clarence "Fed" Grisham