

ORDINANCE NO. 89-O-437

AN ORDINANCE AMENDING ORDINANCE NO. 88-O-431 OF THE CITY OF BROOKINGS, ADOPTED DECEMBER 15, 1988.

The City of Brookings ordains as follows:

Section 1. Section 2 of Ordinance No. 88-O-431 is amended to read as follows:

Section 2. Companion ordinance. This Ordinance is a companion Ordinance to the City of Brookings Ordinance No. 88-O-430 providing for sewer system use and discharge of wastes, and the Development Code of the City.

Section 2. Section 5 of Ordinance No. 88-O-431 is amended to read as follows:

Section 5. Application - Terms.

A. Every person desiring sewer service from the City shall make application to the City on a standard form which shall become a contract on the part of the person making the same to pay for the sewer service applied for at the rate adopted and resolved by the City to be the rate schedule, and in the manner and for the time specified in such contract, and shall reserve to the City the right to charge and collect the rates provided for and to change said rates at any time; to discontinue the service at any time without notice to the consumer; to install meter or meters; to register the service consumed or the maximum load or both, and shall specify that said contract is subject to all the provisions of this Code.

B. The contract shall further provide that the City shall not be held responsible for any damage by stoppage or flooding or other cause resulting from plumbing installed by the owner or occupant on premises supplied with sewer service and that the fact that the agents of the City have inspected the plumbing and appliances shall not be pleaded as a basis for recovery in any case of damages to premises from defective plumbing or appliances installed by the owner or occupant of such premises, and shall provide that in case the sewer service is interrupted or fails by reason of accident or any other cause whatsoever.

C. Further, the City shall not be liable for damages for such interruption, nor shall failure or interruption for any reasonable period of time be held to constitute a breach of contract on the part of the City or in any way to relieve the consumer from performing the obligations of his contract.

Section 3. Section 7 of Ordinance No. 88-O-431 is amended to read as follows:

Section 7. Contract - Refusal right. Nothing contained in this Ordinance shall be construed as requiring the City or the City Manager to enter into any contract or to furnish sewer service to any person applying therefor. The City Manager is authorized and empowered to refuse to enter into any such contract to furnish such sewer service, subject to the appeal procedure set forth in Subsection 8, Subsection K, below.

Section 4. Section 8, Subsection E of Ordinance No. 88-O-431 is amended to read as follows:

Section 8. Monthly sewer use charges.

E. Customer classes defined. For the purpose of determining rates and assigning service charges, users shall be grouped into one of the following customer classifications:

1. Residential - all single-family residential services, and multi-family residential services which have individual water meters or are billed separately for each dwelling unit.

2. Multi-family residential or standard discharge strength - all multi-family dwellings, mobile home parks and recreational vehicle parks in which a single water meter provides service to more than one dwelling unit.

3. Restaurants or food service establishments - all restaurants or other food service establishments or users with discharge strengths (BOD or SS) in excess of 240 mg/liter.

4. Other commercial - establishments discharging commercial wastewater, as defined in this Ordinance.

Section 5. Section 8, Subsection F of Ordinance No. 88-O-431 is amended to read as follows:

Section 8. Monthly sewer use charges.

F. Rate structure. Sewer service rates for each of the respective customer classifications enumerated in Subsection E. of this Section shall be derived and calculated in accordance with the following standards and fixed by Resolution of the City Council:

1. Residential - a monthly flat fee based on average residential sewage discharge.

2. Multi-family residential - a monthly flat fee based on average multi-family residential sewage discharge.

3. Restaurants or food service establishments - a base monthly charge plus a rate per hundred cubic feet of water used, which rate is calculated to reflect the estimated cost of wastewater treatment.

4. Other commercial - a base monthly charge plus a rate per hundred cubic feet of water used calculated for commercial users.

Section 6. Section 8, Subsection I of Ordinance No. 88-O-431 is amended by changing the reference in the first sentence from Section 8.,G., to Section 8.,A.

Section 7. Section 8, Subsection J of Ordinance No. 88-O-431 is amended to read as follows:

J. Notification. Every user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to sewage services. In addition, on or before July 1 of each year, the City Manager shall post for public review at City Hall a listing of the sewage parameters and corresponding categories of all classes of customers which serve as the basis for derivation of regular and extra-strength fees for users.

Section 8. Section 9 of Ordinance No. 88-O-431 is amended by the addition of the following sentence to the end of the Section:

Discounts may be made for timely payment in full.

Section 9. Section 14, Subsection D of Ordinance No. 88-O-431 is amended by changing the reference in the first sentence from Article VI to Article VIII.

Section 10. Emergency clause. The matters contained herein concern the peace, health, safety and welfare of the people of the City of Brookings and therefore an emergency is hereby declared to exist and this ordinance shall become immediately effective upon its final passage by the Council and approval by the Mayor.

First Reading: January 9, 1989

Second Reading: January 9, 1989

Passage: January 9, 1989

Signed by me in authentication of its passage this 10th day of January, 1989.

Fred Hummel
Mayor

ATTEST:

Beverly S. Shields
Beverly S. Shields
City Recorder