

AN ORDINANCE PRESCRIBING SERVICE CHARGES )  
FOR THE EMPLOYMENT, USE AND BENEFITS OF THE )  
SEWERAGE FACILITIES OF THE CITY, PROVIDING )  
FOR THE METHODS OF CHARGES FOR SERVICE AND )  
THE COLLECTION THEREOF, PROVIDING FOR A )  
PENALTY FOR NON-PAYMENT, PROVIDING FOR THE )  
DISPOSITION OF THE FUND COLLECTED FROM THE )  
SAID CHARGES, REPEALING ORDINANCE NO. 1852, )  
AND DECLARING AN EMERGENCY. )

ORDINANCE BILL NO. 16  
for 1985  
ORDINANCE NO. 1973

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. CHARGES. The following just and equitable method of charging for sewer service and subsequent sewer service are hereby imposed on:

- A. All premises and users served by Lebanon City sanitary sewer, and
- B. Deleted by amendment prior to passage.
- C. A "user" means a person, corporation, firm, association, or partnership which:
  - (1) Uses and receives the benefit of the City of Lebanon sanitary sewer system.
  - (2) Owns the premises on which the said sanitary sewer system is utilized.

Section 2. DEFINITIONS.

As used in this ordinance the following words shall mean:

- (1) Account. Files or records kept by the City Finance Department representing one sewer use billing.
- (2) Billing Cycle. One month of sanitary sewer use established for accounting purposes as defined in Section 7 of this ordinance.
- (3) City Administrator. The City of Lebanon City Administrator or his designated agent.

- (4) New User. New account for which no prior record of water usage is available during January, February, and March as defined for variable "D" in section 3.B.
- (5) Pacific Power and Light Water Service. This statement shall mean either Pacific Power and Light Company's water service prior to 1:00 P.M., November 15, 1984, or City of Lebanon water service after 1:00 P.M., November 15, 1984.
- (6) Schools. Institution of learning into which 10 pupils or more are enrolled, either public or private, accredited to teach grades one through twelve, or a college accredited to teach beyond the twelfth grade.

Section 3. METHODS OF SEWER SERVICE CHARGES. The following just and equitable method of assessing sewer use charges is hereby established, determined and declared to be as follows:

A. USER CLASSES.

In establishing a just and equitable method of sewer use it is necessary to establish user classes into which users of similar wastewater loadings are grouped. User classes are hereby established as follows:

- (1) Domestic users. All single family and multiple family dwellings.
- (2) Commercial users. All General or Retail Businesses not deemed an industrial user.
- (3) Schools. Both public and private schools.
- (4) Industrial users. Any business, occupation or enterprise having sewage discharge which by reason of the manufacture or industrial process involved or through services rendered is or could be of a kind or type dissimilar to that of a single family residence because of the discharge of chemicals or putrescent material as the by-product of such process. The City shall determine when a user is an industrial user.

B. DOMESTIC USERS.

The method of assessing sewer service charges for domestic

users shall be based upon a standby charge determined to be the same for all domestic users plus a variable charge based upon each user's quantity of sewer discharge. For each domestic user, the monthly sewage charge shall be computed as follows:

$$A = B + DE$$

where: A = Monthly sewage charge for each domestic user.

B = Standby charge established for the domestic user class charged per each account.

D = Average of 3 months total water consumption (expressed in hundreds of cubic feet)

E = Consumption rate established for the domestic user class.

#### C. COMMERCIAL USERS.

The method of assessing sewer service charges for commercial users shall be based upon a standby charge determined to be the same for all commercial users, plus a variable charge based upon each user's quantity of sewer discharge. For each commercial user, the monthly sewage service charge shall be computed as follows:

$$A = B + DE$$

where: A = Monthly sewage service charge for each commercial user.

B = Standby charge established for the commercial user class charged per account.

D = Average of 3 months total water consumption (expressed in hundreds of cubic feet) and is the recorded consumption for January, February, and March of each year.

E = Consumption rate established for the commercial user class.

D. SCHOOLS

The method of assessing sewer service charges for both public and private schools shall be based upon the number of students enrolled in that school on the first day of October. For each school, the Monthly sewage rate shall be computed as follows:

$$A = FG$$

where: A = Monthly sewage service charge for each school.

F = Total student enrollment as counted on October 1.

G = Established sewer charge per student per month.

The Monthly sewer service charge shall be equal at each school for all Months of the 12 (twelve) month period, July 1 through June 30.

E. INDUSTRIAL USERS.

The method of assessing sewer service charges for each industrial user shall be based upon a demand charge related to the fixed costs to the City of providing the capacity to treat the wastes and a variable charge based upon the characteristics of the wastes being discharged. The standard characteristics upon which industrial rates shall be based are:

- (1) Either the quantity of discharge per month (in hundreds of cubic feet), or the monthly water consumption at the discretion of the City Administrator.
- (2) Pounds of BOD per day (where BOD denotes the Biochemical Oxygen Demand) and shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in either 5 days or 28 days at 20° C, expressed in milligrams per liter, (at the discretion of the City Administrator).

- (3) Pounds of Total Suspended Solids (TSS) per day (where TSS shall mean solids that either float on the surface of, or are in suspension in sewage and which are removable by laboratory filterings.

Where concentrations of BOD or TSS are less than or equal to normal concentrations found within domestic wastes then (TSS) and (BOD) shall be considered to be zero.

For each industrial customer the monthly bill shall be computed as follows:

$$I = (TSS) J + (BOD) K + L + (Q) M$$

where: I = Monthly billing.

TSS = Total monthly suspended solids (in lbs.) as measured by monitoring equipment.

J = Use charge per pound of suspended solids.

BOD = Total monthly BOD (in lbs.) (5 day or 28 day as appropriate) as measured by monitoring equipment.

K = Use charge per pound of BOD.

L = Demand charge for that particular industry.

Q = Monthly flow of discharge (in hundreds of cubic feet).

M = Use charge for hundreds of cubic feet of flow.

If it is deemed necessary, the City Administrator may establish additional characteristics for individual industries where he feels that the three basic characteristics above mentioned do not sufficiently describe the costs of treating that industry's wastes.

Section 4. USERS NOT SERVICED BY CITY OF LEBANON  
WATER SERVICE.

For those domestic users not currently served by City of Lebanon's water service, the three (3) months water consumption (variable D

contained in the formula mentioned in Section 3.) shall be determined either by the City's reading of a water meter for the above mentioned three month period which has been installed on the user's water service intake line. Such an installation shall be approved by the City Administrator and the costs of the meter and its installation shall be borne entirely by the user.

Or, the user may pay a basic fee per account established by the City.

Those commercial users not currently served by City of Lebanon's water service shall install a water meter at the user's expense and make said meter available to the City to determine variable D as defined in Section 3.C. The meter and its installation shall be approved by the City Administrator.

This section does not preclude the City from requiring any user of the City sewer system to install a water meter at the user's expense and making that meter available to the City for reading.

Section 5. ADJUSTMENT OF CHARGES DURING BILLING CYCLE.

Adjustments (other than that covered by the Appeal process, Section 13) may be made to the domestic and commercial users charges at the request of a user for any of the following reasons:

- (1) Substantial permanent change in occupancy of dwelling unit for more than 6 months.
- (2) Change in use of a commercial establishment.

A request for any of the above reasons shall be made in writing to the City Administrator with a full explanation of the reasons for and circumstances surrounding the request for a change. If, in the opinion of the City Administrator, a change is warranted then the user may either agree to a new charge at the rate established by the City for users not served by City of Lebanon's water service as outlined in Section 4, or he may request the City Administrator to monitor his water consumption at an existing meter or at a meter installed by the user at the user's expense for a period not to exceed 90 days. The quantity reading subsequently obtained shall then be used in the standard formula for assessing sewer service charges for that user as identified in Section 3.

- (3) Physical disconnection of the sewer service approved by the City Administrator.

Physical disconnection of the sewer service, the method of which has been inspected and approved by the City Administrator, shall result in a discontinuation of sewer use charges.

In any event, changes to or discontinuation of Sewer Use Charges by this section will not take place until the next monthly billing after the request is made.

Section 6. CHARGE RATES. Rates to be applied to each charge before mentioned shall be adopted by Resolution of the Lebanon City Council and shall be reviewed and updated no less than once every two years to reflect the actual costs of operation, maintenance, replacement and financing of the sewage treatment works. Rates established by Resolution of the Lebanon City Council shall apply to users within the boundaries of the City limits of the City of

Lebanon. Any user outside the City limits of the City of Lebanon, making use of the sanitary sewer system shall pay three (3) times the rate established for users within the City limits.

Section 7. PAYMENT OF CHARGES. The Billing Cycle for sewer service charges shall be on a monthly basis for all classes of users.

Any new Domestic user shall be billed at the basic fee established for domestic users as outlined in Section 4.

Any new Commercial user shall be temporarily billed at the basic fee established for domestic users until the City Administrator had established the user's consumption rate by observing the user's water meter for up to 90 days. The new fee shall be retroactive to the beginning of the account of the new user.

The charges are to be pro-rated on a monthly basis with each fraction of a month to be considered as a whole.

Section 8. COLLECTION OF CHARGES. Such sewer service charges levied in accordance with the ordinance shall be debt due the City and shall be a lien upon the property, pursuant to provisions of ORS 223.505 to 223.650.

Section 9. SEWER SERVICE FUND. Sewer service charges and receipts therefrom, as and when collected, shall be paid over to the City Treasurer for deposit in a fund known as "Sewer Service Fund." The monies in said fund shall be used for the establishment, operation, maintenance, improvement, repair and extension of the City sewage disposal plant or plants and sewers; and for all equipment, appurtenances, and other items or expenses relevant and necessary for the useful and convenient construction, operation



and maintenance of said plants and sewer system. The administrative costs for collecting said charges and administering this Ordinance shall be payable from said special fund.

Section 10. ABUTTING PROPERTY. Deleted by amendment prior to passage.

Section 11. DISCONTINUANCE OF SERVICE. In the event of failure to pay sewer service charges after they become delinquent or failure to comply with the provisions of this ordinance, or failure to have flow or sampling devices in proper operating condition for more than one week, if required by the City Administrator, the City shall have the right to discontinue, remove or close sewer connections and/or municipal water service, and enter upon the property for accomplishing such purpose.

The expense of such discontinuance, removal or closing as well as the expense of restoring service, shall be a debt due to the City and a lien upon the property and may be recovered by civil action or lien enforcement methods provided above, against the property owner, the user, or both.

Section 12. RESPONSIBILITY FOR RESOLVING DIFFERENCES.

It shall be the responsibility of the City Administrator to resolve all inequities, appeals, requests, incongruity in the water consumption records submitted by Pacific Power and Light Company, and all other discrepancies brought to his attention.

Section 13. Appeals. Any person who is aggrieved by refusal of an application for sewer service, by denial of an application for service, by termination of sewer service, or who disputes the amount of billing may appeal as follows:

A. Informal Appeal - Step 1. Within ten (10) calendar days of receipt of a disputed billing or ten (10) days of notice of an adverse action on an application or ten (10) days of termination or notice of impending termination of service, a person aggrieved thereby may appeal informally by presenting himself to the City Finance Director at City hall and presenting such matters as the customer or applicant believes entitle him to relief requested.

B. Formal Appeal - Step 2. Within five (5) calendar days of completion of Step 1. an aggrieved person not satisfied with the decision of the Finance Director may appeal to the City Administrator in writing. The City Administrator shall consider the matters presented and shall issue a decision in writing.

C. Formal Appeal - Step 3. Within five (5) calendar days of the completion of Step 2 an aggrieved person not satisfied with the decision of the City Administrator may appeal to the City Council by requesting in writing to the City Administrator that the matter be placed on the next available City Council agenda. The decision of City Council will be final.

Section 14. EXCEPTIONS. Facilities owned or operated by the City of Lebanon shall be excepted from any charges for sewer use.

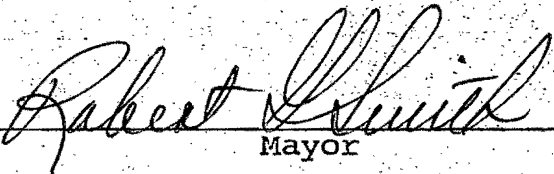
Section 15. SEVERABILITY. It is hereby declared to be the intent of the Council that each of the separate provisions hereof shall be deemed independent to the end that if any provisions hereof shall be declared invalid by any Court of competent jurisdiction, or to be unconstitutional, such judgment shall not affect the validity of the remaining portions of this Ordinance, and it is hereby expressly declared that every other Section, subdivision,

paragraph, provision or clause of this Ordinance would have been enacted irrespective of the enactment or validity of the portions hereby declared or adjudged to be unconstitutional or invalid.

Section 16. REPEALER. Ordinance No. 1852 is hereby repealed.

Section 17. EMERGENCY CLAUSE. Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council by a vote of 5 for and 0 against, and approved by the Mayor this 26<sup>th</sup> day of June, 1985.

  
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Mayor

ATTEST:

  
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City Administrator