

A BILL FOR AN ORDINANCE PROVIDING)
FOR ADMINISTRATION OF THE LEBANON)
WATER AND WASTEWATER SYSTEMS;)
PRESCRIBING SERVICE CHARGES AND)
USER FEES IN CONNECTION WITH THE)
WATER AND WASTEWATER FACILITIES)
OF THE CITY; PROVIDING FOR THE)
COLLECTION AND DISPOSITION OF FEES;)
PROVIDING A PENALTY FOR NON-)
PAYMENT; REPEALING ORDINANCES)
1955, 1956, 1970, 1974, 1990,)
1899, 2010, AND 2011.)

ORDINANCE BILL 17
for 1987
ORDINANCE NO. 2026

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. Administration.

Administration of the Water and Wastewater Systems shall be under the direction of the City Administrator or his designated agent unless otherwise specified within this Code.

Section 2. Applicability

Sections 26 to 31 of this Ordinance relate to the City of Lebanon Municipal Water System. Sections 32 to 36 of this Ordinance relate to the City of Lebanon Municipal Wastewater System. Sections 1 to 25 apply to both systems.

COMMON PROVISIONS

Section 3. Definitions.

- A. User. A user means a person, corporation, firm, association, or partnership which uses and receives the benefit of the City of Lebanon Municipal Wastewater System or Water System.
- B. New User. New location for which no prior record of water usage is available during January, February, and March as defined for variable D in Section 33.
- C. Applicant. The person, corporation, association or agent applying for service.
- D. Customer. An applicant whose application for service is accepted and to whom service is provided.
- E. Property Owner. That person(s), corporation, company, or organization which is defined on the property tax rolls as owning the property.

- F. Account. Files or records kept by the City Finance Department representing one water and/or wastewater use billing.
- G. Billing Cycle. One month of water and/or wastewater use established for accounting purposes as defined in Sections 27 and 33 of this Ordinance.
- H. City Administrator. The City of Lebanon City Administrator or his designated agent.
- I. City. The City of Lebanon, a municipal corporation in the State of Oregon.
- J. Mains. Water or wastewater distribution pipelines located in streets, highways, Right-of-ways, or easements which are used to serve the general public.
- K. Normal Working Hours. The hours from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.
- L. Premises. The integral property or area, including improvements thereon to which service is or will be provided.
- M. Service Connection. The pipes, valves, and other facilities by means of which the System conducts water from its distribution mains to and through the meter, but does not include the piping from the meter to the property served. Also the pipes, cleanouts, and other facilities by means of which the property owner collects wastewater from the premises to the main.
- N. Water System. The Lebanon Municipal Water system including pipes, valves, treatment facilities, reservoirs, and other facilities by means of which the City conducts water from the South Santiam River to its customers.
- N. Wastewater System. The Lebanon Municipal Wastewater system including pipes, manholes, cleanouts, treatment facilities, and other facilities by means of which the City conducts wastewater from its customers and delivers it via the wastewater treatment plant to the South Santiam River.
- P. Cross Connection. Any connection or structured arrangement between a public or customer's potable-meter system and any nonpotable source or system through which back flow may occur.
- Q. Delinquent Account. Any bill for services that is more than 30 days past due.

- R. User Fees. Fees charged to customers for water used and for wastewater deposits into wastewater system.
- S. The System. The combined Water System and Wastewater System.
- T. Schools. Institution of learning into which ten 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.
- U. Wildcat Sewer Mains. Wastewater collection Mains which are maintained by the property owners whose service connections are attached to the Main. For farther description see Section 20.

Section 4. Application for Service.

Each applicant for service shall be required to complete and sign a form provided by the Finance Department of the City of Lebanon.

Applications shall be accompanied by any required fees or deposits.

Section 5. Deposit Refund.

Deposits will be available for refund, or may be waived altogether, based upon a showing of good credit. The determination of whether a customer or potential customer has established "good credit" shall be made at the sole discretion of the City Administrator; the decision of the Administrator shall be final and shall not be subject to appeal.

Section 6. Denial of Application.

The City Administrator shall deny any application under the following circumstances:

- A. The applicant has failed to satisfy any past due balance owed on a water or wastewater bill.
- B. The system will be unable to supply the demand created by the proposed use without the acquisition of new sources of water or capital improvement to the existing system.
- C. The applicant has been convicted on two or more occasions within the preceding 48 months for violation of this ordinance, or water and or wastewater rules, or restrictions, or for trespass upon the system treatment plants or reservoir properties or for endangering the water supply of the Lebanon Municipal Water System.

- D. The plumbing on the premises to be served does not meet the standards imposed by City, State, or Federal law.

Notice of denial shall be in writing and shall state the reasons for denial and the applicant's right of appeal as defined in Section 12. Notice shall be mailed to the applicant's address as shown on the application.

Section 7. Termination of Service.

Service to any customer may be terminated upon any of the following events:

- A. System capacity is no longer sufficient to provide adequate service.
- B. The purity of water in the system cannot be guaranteed.
- C. In case of emergency or damage by casualty to the system.
- D. The customer has been convicted on two or more occasions within the preceding 48 months for violation of this ordinance or rules, or for violation of water or wastewater restrictions, or for trespass upon the treatment plant or reservoir properties or for endangering the Water system water supply, or for tampering with a service cock or meter.
- E. The customer account for service has become more than 30 days delinquent.
- F. Customer has failed or refused to allow System personnel to inspect plumbing, water lines, wastewater lines and appurtenances located on this premises.
- G. Customer has served water to a dwelling, business or institution which lies upon separate property.
- H. Customer has not removed an existing cross connection.
- I. The customer has requested termination of service.
- J. Failure to have the flow or sampling devices in proper operating condition for more than one week.
- K. Failure to comply with the provisions of the ordinance.

The city shall have the right to discontinue, remove or close wastewater or water connections and enter upon the property for accomplishing such purpose.

Section 8. Liability for Damage.

The customer shall be liable for any damage to a meter or other equipment or property owned by the City which is caused by an act of the customer, his tenants or agents. The System shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

The City shall not be liable for damage resulting from interruption of service, shortage or insufficient supply or pressure, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war, or any cause not within its control.

Section 9. Special Service Fees.

A. A special service fee shall be deposited with the City when:

1. The City is requested to perform an accuracy check on a meter.
2. The City is requested to perform a system pressure check.

B. Retention or refunding of Special Service Fees.

When a meter is found to register more than two percent fast, the City shall refund the deposit and refund to the property owner the overcharge based on the corrected meter readings for a period not to exceed three months.

When a meter is found to be within two percent of being accurate, the City shall retain the deposit.

When a meter is found to register more than two percent slow, the City shall retain the deposit and render a bill for water consumed but not covered by bills previously rendered based on the corrected meter readings for a period not to exceed three months.

In no case shall the three-month adjustment period extend any time prior to November 15, 1984.

When the results of the pressure test show an abnormally large pressure drop and that pressure drop is occurring in the City's maintained system then the deposit will be refunded.

When the results of the pressure test show an abnormally large pressure drop and that pressure drop is occurring in the customer's maintained system or if the pressure

drop is not abnormal then the deposit will be retained by the City.

Section 10. Service Charge.

A service charge shall be paid to the City whenever water service is turned on after having been turned off due to non-payment or by request of the customer. For purposes of this section, turn off for non-payment shall mean the processing of the work order which instructs System personnel to shut off service.

However, no turn-on charge shall be imposed if service is turned off at customer request, and if a customer shut-off valve is installed adjacent to the meter by and at the expense of the customer. If water service is turned off for the convenience of the City, or due to an emergency of the customer, such as a broken pipe, no service charge will be imposed.

Section 11. Adjustment of Charges During Billing Cycle.

Adjustments (other than that covered by the Appeal process, Section 12) may be made to the domestic and commercial users charges at the request of a user for any of the following reasons:

- A. For wastewater fees only, substantial permanent change in occupancy of dwelling unit for more than six months.
- B. For wastewater fees only. change in use of a commercial establishment.
- C. Excess use due to a leak, but only after the leak as been repaired and if the user has shown prompt action in correcting the problem.

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 Municipal Water System as outlined in Sections 21 and 35, 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 user fees for that user as identified in Sections 27 and 33.

- D. Physical disconnection of the service approved by the City Administrator.

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

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

- E. If there is not any water consumption for any month (i.e., no change in meter read) the user fees will be waived until such time that consumption is realized.

Section 12. Appeals.

Any person who is aggrieved by denial of an application for service, by termination of water service, or who disputes the amount of billing may appeal as follows:

- A. Informal Appeal - Step 1. Within ten calendar days of receipt of a disputed billing or ten days of notice of an adverse action on an application or ten 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, and the relief requested.
- B. Formal Appeal - Step 2. Within five 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 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 13. Tampering with City Property.

No person shall trespass upon, mark, destroy, or tamper with any property or equipment of the System unless authorized by an employee of the City.

No person except an authorized employee of Administration, Community & Economic Development, Department of Public Works, a member of the Police Department or County Sheriff acting in the line of duty, a member of the Fire Department acting in the line of duty, a contractor employed by the City to work in the System, or a licensed plumber with permission of the City, shall open or close a service cock, fire hydrant, or other system valve, or operate, remove or open a meter anywhere within the system, or remove a wastewater system manhole or cleanout cover.

Section 14. Right of Entry on Premises Served by System.

All personnel listed in Section 13 and persons assigned to read meters shall be authorized to enter upon customer premises without prior notice for the purpose of reading meters, inspecting customer equipment or investigating possible violations of the Ordinance. Employees and meter readers shall attempt to locate the person in charge of premises before entering any building or enclosure. Presence of an unrestrained domestic animal, dog or vicious animal upon the part of the premises to be inspected shall be deemed refusal of entry and may result in termination of service under Section 7.

Section 15. Rates, Fees and Charges.

All rates, fees, and charges applicable to this Ordinance shall be set by the City Council by Resolution.

All rates, fees and charges imposed, or damages incurred, pursuant to this Ordinance are due and payable by the 15th of the month following the month in which the service was provided or charge incurred. They shall, if unpaid for more than 30 days, constitute a lien upon the real property for which the service was provided. Such liens may be enforced and collected in the manner provided by law.

Section 16. Responsibility for Payment.

Bills for water and wastewater service shall be mailed to the customer's address unless the customer directs otherwise in writing. The property owner is ultimately responsible, however, for all bills, charges, fees, deposits, or damage to the City property in connection with water or wastewater service furnished to the property.

Section 17. System Standards.

All parts of the System and all service pipes, appurtenances, fixtures and devices attached to the system by any means shall be of a size, quality and construction acceptable to the Director of Public Works. Fixtures and devices shall

conform to the Uniform Plumbing Code as adopted by the State of Oregon and the City of Lebanon on the date of connection and such other standards as the Director of Public Works may impose. When imposing standards the Director of Public Works shall be guided by the operating restrictions imposed by the system design, good engineering practice, consideration of standardization, and industrial practice.

Section 18. Service Standards.

The System may furnish and install a service of such size and at such location as the application requests, provided such requests are reasonable. The City shall install and maintain at customer's expense water service from its water distribution main or to the curblineline or property line of the premises which may abut on the street, on other thoroughfares, or on the System Right-of-way or easement. Property owners shall install and maintain at property owners' expense, laterals for collection of wastewater from the premises to the mains. Service connections shall not be made to those properties which do not lie adjacent to mains or for mains which do not extend the full width of the property until such time as the water main is extended. The Director of Public Works may waive this requirement in cases where the main extension would serve no useful purpose.

A separate service connection will be required for each dwelling, place of business, and institution served which lies on separate parcels of land. Separate dwellings, places of business or institutions on the same parcel and under single control or management may be served, at the option of the property owner, through separate service connections to each unit or through a single service connection.

No System user shall furnish water to any family, business or institution other than those occupied and operated by himself.

Section 19. Changes in Service.

Meters or services moved for the convenience of the customer will be relocated only at the customer's expense. Change in the size of service shall be accomplished on the basis of a new connection. Where the service connection to any premises has been abandoned or not used for a period of one year or longer, the System may remove such service connection. New service shall be placed only upon the owner's making an application and paying for a new connection in the regular manner.

Section 20. System Ownership.

All pumps, mains, laterals, valves and other devices and appurtenances of the water system up to and including the meter shall be considered City property. In the event that a meter is not installed, as in the case of private fire services, then a valve at or near the property line shall constitute the end of the City's property. All pumps, mains, laterals, and other devices and appurtenances of the wastewater system up to and including the main shall be considered City property.

The City shall be responsible for maintenance and repair of all City property. The customer will be responsible for maintenance and repair of all water system property beyond the City's responsibility. The property owner shall be responsible for all repairs and maintenance of the property owner's wastewater system property, beyond the City's responsibility, including service connections to the wastewater mains.

The City shall be responsible for the maintenance of all Wastewater Mains if they meet the following criteria:

- A. The Main has previously been approved and accepted for maintenance by the City.
- B. The Main is 6" or larger in diameter.
- C. The Main is connected to a City maintained manhole at its downstream end.
- D. The Main lies completely within City right-of-way or easement.

All Wastewater Mains with do not meet this criteria shall be considered Wildcat Sewer Mains.

Section 21. Service Area Limits.

Under no circumstances shall service be extended to persons or properties located outside of the City limits of the City of Lebanon without the expressed permission of the City Council by Resolution. The Council may grant service outside the City only under the following circumstances:

- A. As a temporary measure to alleviate a health hazard.
- B. Under emergency circumstances to alleviate human suffering, but only for the duration of the emergency.
- C. In return for Right-of-way, service is to grantor only.

D. To an industrial or commercial customer when the grant of service can be shown to be of significant benefit to the economy of the City and the grantee consents to annexation of the property upon request of the City.

This provision shall not be deemed to affect existing services to property located outside the City limits as of November 15, 1985, except that extensions or enlargements of their services shall not be allowed unless either circumstances A, B, C, or D exist. The City Council shall be the final judge of the applicability or existence of circumstances A, B, C, or D.

Section 22. Payment of Charges.

The Billing Cycle for all user fees and 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 Sections 27 and 33.

Any new Commercial user of the Wastewater System 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 prorated on a monthly basis with each fraction of a month to be considered as a whole.

Section 23. Exceptions for City Property.

Facilities owned or operated by the City of Lebanon shall be excepted from any charges for system use .

Section 24. Violations.

No person shall violate any of the provisions of this chapter. Any person who violates this chapter shall be fined a sum not to exceed \$25.00 upon the first violation within a 24-month period, \$50.00 upon the second violation, and \$250.00 upon the third violation and each violation subsequent to the third. If the violation is of a continuing nature each day upon which the violation continues shall be deemed a separate offense. In addition to the above fine, any person violating any provisions of this chapter shall become liable to the City for any expense, loss, or damage occasioned by the City by reason of such violation.

Section 25. Severability.

Each sentence, paragraph, and section of this Ordinance shall be deemed severable. A declaration by a competent court that any provision of this Ordinance is invalid shall have no effect upon the portions remaining.

WATER SYSTEM PROVISIONS

Section 26. Declaration of Water Emergency.

The City Administrator of the City of Lebanon shall, upon receiving reliable information that the system function, capacity or water purity is about to be impaired or has been impaired, declare an emergency. Upon declaration of such an emergency, the City Administrator shall impose such restriction upon the use of water as he deems necessary to protect the health, safety, and welfare of the citizens of the affected area. The City Administrator shall use reasonable means to notify the public of the restrictions imposed. The City Council may, at any meeting subsequent to the emergency, by Resolution confirm, alter, amend, or terminate the restriction imposed by the City Administrator.

No person shall violate the terms of any restriction or condition placed upon the use of a meter by the City Administrator or the City Council pursuant to the provision. It shall be no defense to a charge of violation that the person cited had no knowledge of the terms of the restriction.

Section 27. User Fees.

A user fee shall be levied against each meter or unmetered account on a monthly basis. User fees shall be charged according to account classes as defined below:

- A. Domestic Users. All single family and individual apartments or flats where service is furnished through a separate meter for each individual apartment.

Fees for this class will consist of a basic charge for each size of meter installed and assessed independently of water use, and a commodity charge with a higher rate established for the first 600 cubic feet of water used per month and a lower rate established for water use above 600 cubic feet.

An additional rate step may be established for water use above 900 cubic feet at the discretion of City Council.

- B. Commercial and Industrial Users. All industries, stores, offices, hospitals, schools, churches, mercantile establishments, and apartments except those in which service to each apartment is metered separately.

Fees for this class will consist of a different minimum charge for each size of meter installed and a commodity charge with a set rate for the first 1,200 cubic feet per inch of meter size, a lower rate for the next 1,200 cubic feet per inch of meter size, and a still lower rate for all additional cubic feet. For the purposes of computing the commodity rate, all 3/4-inch and smaller size meters will be considered to be 3/4-inch meters.

- C. Stand-by Water Use. All Residential, Commercial, or Industrial users with a service which is used only as an emergency backup source of water in the event that their normal water source is incapacitated due to power outage, undesirable water quality, or inadequate volume from their normal water source.

Fees for this class will consist of a monthly rate for each size of meter installed for any meter read period that the water use does not exceed one unit. In the event that the water use exceeds one unit, the user fee shall revert to the standard Residential, Commercial, or Industrial rate as appropriate for that billing period only.

- D. Private Fire Protection Service. A user fee shall be levied against each private fire protection service account on a monthly basis. The charge for this service will be based upon the size of service connection and the rates shall distinguish between privately owned and maintained hydrants and the City owned and maintained hydrants installed on private property at the request of the property owner.

For the purposes of this Chapter, private fire protection service will not only include fire hydrants as stated, but also stand pipes and connections for automatic sprinkler systems.

Private fire protection services are to be used only to extinguish fires and for flushing necessary to maintain fire protection equipment. When used in this manner a commodity charge will not be applied to water used. In case of surreptitious or improper use of water, the consumption may be estimated or meter installed and the water used shall be billed at Commercial and Industrial users rates.

- E. Lebanon Fire District. A user fee shall be levied against the Lebanon Fire District. This charge shall be based upon the "Intergovernmental Agreement for Annexation and Consolidation Of Fire Protection And Life Services", dated May 28, 1986.

Section 28. Connection of Service.

New service connections to existing water mains shall be installed by the System in accordance with the fee adopted by Resolution of City Council for those services from 3/4-inch to 2-inch size. Services larger than 2-inch shall be installed at actual cost plus 15 percent overhead.

An advance payment of the estimated cost of the work shall be made before installation of a service connection. When the estimated cost is not sufficient to cover the total charge, the deficit shall be charged to the applicant. Any excess payment shall be refunded to the applicant.

Section 29. Extension of Water Utility.

Water mains may be extended either by the efforts of a private individual or corporation through the Local Improvement District process, or by the direction of the City Council. All system extensions shall be designed and the designs stamped by an Engineer registered as a Civil Engineer in the State of Oregon. The designs shall be approved by the Director of Public Works. All system extensions shall be located and sized as directed by the Director of Public Works and designed and constructed according to the standards set forth by the Director of Public Works.

An application for construction of system improvements shall be filled out and application fees paid when that extension is made through the efforts of a private individual or corporation.

Section 30. Temporary Water Service.

Temporary water service as herein considered refers to water for fairs, circuses, bazaars, temporary restaurants and other establishments not of a permanent nature and water for construction purposes. Temporary water service also refers to any water service connection which is likely to be removed or relocated in the future. This rule shall apply to temporary and permanent installations alike if the water use is temporary.

Where it is practical to furnish water through an existing service, the charge will be standard service charge of

\$20.00, plus a payment for water used at the same fee schedule charged to Commercial and Industrial accounts.

Where a new service or substantial revision of an existing service is needed to provide the temporary service, the charge shall be that adopted for a new service, plus a standard user fee, and payment for water used at the same fee schedule charged to Commercial and Industrial accounts.

Where it is impractical to furnish water through a service connection, water may be withdrawn from a fire hydrant through a fire hydrant meter which is furnished by the City upon payment of a deposit and a standard turn-on fee, as defined in Section 10. Installation and removal of the fire hydrant meter shall be made by City personnel only. If the City is requested to move the fire hydrant meter then a standard turn-on fee shall be charged for each move.

Return of the deposit is subject to the payment for water used at the same fee schedule charged to Commercial and Industrial accounts, and return of the meter in satisfactory condition. A deduction from the deposit shall be made to cover the cost of necessary repairs or replacements to the meter.

Section 31. Water Department within the Enterprise Fund.

Water service charges and user fees and receipts therefrom, as and when collected, shall be paid over to the City Treasurer for deposit into a Department within the Enterprise Fund known as the "Water Department." The monies in said department shall be used for the establishment, operation, maintenance, improvements, repair, and extension of the City water treatment plant or plants and distribution system; 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 water system. The administrative costs for collecting said charges and administering this Ordinance shall be payable from said special department.

WASTEWATER SYSTEM PROVISIONS

Section 32. Charges.

The following just and equitable method of charging for wastewater service and subsequent wastewater service is hereby imposed on all premises and users served by the City of Lebanon Municipal Wastewater System.

Section 33. User Fees.

The following just and equitable method of assessing wastewater use charges is hereby established, determined and declared to be as follows:

A. User Classes. In establishing a just and equitable method of wastewater use it is necessary to establish user classes into which user 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 wastewater 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.
- (5). Lebanon Fire District. All facilities owned and/or operated by the Lebanon Fire District.

B. Domestic Users. The method of assessing wastewater user fees for domestic users shall be based upon a standby charge determined to the same for all domestic users plus a variable charge based upon each user's quantity of wastewater discharge. For each domestic user, the monthly wastewater charge shall be computed as follows:

$$A = B - DE$$

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

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

D = Average of three 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 wastewater user fees 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 wastewater discharge. For each commercial user, the monthly wastewater user fee shall be computed as follows:

$$A = B - DE$$

where: A = Monthly wastewater charge for each commercial user.

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

D = Average of three 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 wastewater use fees 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 wastewater rate shall be computed as follows:

$$A = FG$$

where A = Monthly wastewater user fee for each school.

F = Total student enrollment as counted on October 1.

G = Established wastewater charge per student per month.

The monthly wastewater user fee shall be equal at each school for all months of the 12-month period, July 1 through June 30.

- E. Industrial Users. The method of assessing wastewater user fees 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 five 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 wastewater and which are removable by laboratory filtering).

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.

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.

- E. Lebanon Fire District. The method of assessing wastewater user fees for the Lebanon Fire District shall be based on the "Intergovernmental Agreement For Annexation And Consolidation Of Fire Protection And Life Services."

Section 34. Users Not Serviced by City of Lebanon Municipal Water System.

For those domestic users not currently served by City of Lebanon Municipal Water System, the three months water consumption (variable D contained in the formula mentioned in Section 31) 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 uses not currently served by City of Lebanon Municipal Water System 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 31. 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 of Lebanon Municipal Wastewater System to install a water meter at the user's expense and making that meter available to the City for reading.

Section 35. Setting of Rates and Fees.

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 wastewater 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 wastewater system shall pay three times the rate established for users within the City limits.

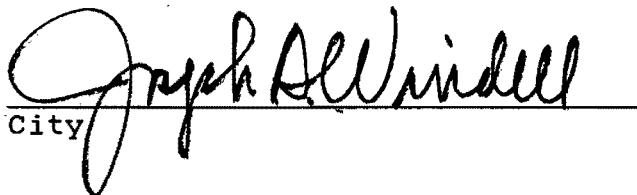
Section 36. Wastewater Department within the Enterprise Fund.

Wastewater service charges and user fees and receipts therefrom, as and when collected, shall be paid over to the City Treasurer for deposit into a Department within the Enterprise Fund known as the "Wastewater Department." The monies in said department shall be used for the establishment, operation, maintenance, improvements, repair, and extension of the City wastewater disposal plant or plants 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 wastewater system. The administrative costs for collecting said charges and administering this Ordinance shall be payable from said special department.

Passed by the City Council by a vote of 6 for and 0 against and approved by the Mayor this 9th day of September 1987.


Mayor

ATTEST:


City