### 13.10.240 Customer classes – Billing structure defined.

A. Customer Classes Defined. For the purposes of determining rates and assigning service charges, users shall be grouped, accordingly, into one of the following customer classifications:

1. Residential. All single-family residential services and multifamily residential services which have individual water meters for each dwelling unit;

2. Multi-residential or Standard Discharge Strength. All multifamily dwellings in which a single water meter provides service not classified elsewhere which have discharge strengths (ROD or 55) not exceeding one and one-half pounds per 100 cubic feet (240 mg/liter) of discharge flow;

3. Nonstandard Discharge Strength. All nonresidential users with discharge strengths (ROD or 55) in excess of one and one-half pounds per 100 cubic feet (240 mg/liter) of discharge flow;

4. Industrial. Establishments discharging nonstandard discharge strength, as defined in this chapter;

5. Commercial 1 Discharge Strength. All commercial users which have discharge strengths (BOD or SS) not exceeding one and one-half pounds per 100 cubic feet (240 mg/liter) of discharge flow;

6. Commercial 2 Discharge Strength. All commercial users with discharge strengths (BOD or 55) in excess of one and one-half pounds per 100 cubic feet (240 mg/liter) of discharge flow;

7. George Fox University; and

8. Public agencies.

B. Rate Structure. Wastewater service rates for each of the respective customer classifications enumerated in subsection (A) 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 wastewater discharge.

2. Multi-residential or Standard Discharge Strength.

a. A minimum monthly fee equal to the wastewater service rate for residential users; plus

b. A per-unit charge for measured or estimated wastewater in excess of residential wastewater discharge.

3. Nonstandard Discharge Strength.

a. A monthly charge calculated in the same manner as for users in the multi-residential or standard discharge strength customers class; plus

b. An extra strength fee per unit of discharge based on measured or estimated wastewater parameters as established by the city.

4. Industrial. A monthly charge calculated in the same manner as for users in the nonstandard discharge strength customer class.

C. Charges to Customers outside the City. Any person having connection to the city wastewater system which is outside the corporate boundaries of the city, in addition to the fees and charges for services called for in subsection (B) of this section, shall be charged monthly fees derived and calculated in accordance with standards fixed by resolution of the city council.

D. Review and Revision of Rates. There are levied and imposed upon all users of the wastewater system, both inside and outside the City of Newberg, just and equitable charges for service, maintenance, operation, debt service, and reconstruction of the wastewater system. The setting of rates may be undertaken in conjunction with the consideration of the water rates. The just and equitable charges shall be fixed by an administrative process as established by ordinance.

1. All costs for maintenance, operation, debt service, and reconstruction of the wastewater system shall be identified by the public works director. These costs shall be reported to, reviewed, changed, and approved by the budget committee of the City of Newberg during the ~~annual~~ budget process required by state statute.

2. The city council shall, as part of the ~~annual~~ budget process, adopt a budget for the maintenance, operation, debt service, and reconstruction of the wastewater system.

3. Should the budget which the city council adopts require a change in the rates levied and imposed upon all users of the wastewater system, the public works director shall, within 30 days of adoption of the budget by the city council, develop and identify the rates according to a cost-to-serve analysis. The cost-to-serve analysis shall provide just and equitable charges for service for the customer service groups which use the wastewater system. The rates shall be reviewed by the citizens’ rate review committee in accordance with this chapter.

4. Based on the information received from the public works director and the community at the public hearing, the committee shall recommend the wastewater rates to be established to the city council.

5. The city manager shall compile the written record for the city council.

6. Notice of the rates that are recommended to be implemented shall be published in the newspaper and posted in three public places within the city.

7. The city council shall hold a public hearing within 30 days of the date of the recommendation to the city. The public hearing shall provide an opportunity to comment on the recommended wastewater rates. The city council may choose to hear the rate proposal on the record of the public hearing held by the committee. The city council shall hear presentations and explanations of the rates by the city manager, or designee, as part of the public hearing. The city council may then set rates which are either equal to or less than the rates recommended by the committee or may alter or change the rates in any way the city council deems appropriate. If the city council recommends rates higher than those recommended by the committee, the rates shall be sent back to the committee for reconsideration.

8. The city council shall then receive back a further recommendation from the committee.

9. The city council shall then by resolution set the wastewater rates, which are just and equitable, at an amount that assures the financial self-sufficiency of the wastewater system.

10. Such rates set by the city council shall not go into effect for a period of at least 30 days.

11. If within 30 days following the passage of the resolution setting the rates, the city receives through a petition, a form of which to be prescribed by the city and in general conformance with the state laws governing referendum petitions, a proposal to refer the matter of the wastewater rates to the voters of the city signed by a number of legal voters equal to 15 percent of the registered voters of the city, on the date such petitions are submitted, the city council shall then refer the matter to the voters of the city at the next available election. The wastewater rates shall not take effect until such time as the election has taken place. If the voters of the city reject the measure as referred to them, then the wastewater rates that were in effect prior to the passage of the resolution shall remain in full force and effect.

E. Notification. Each 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 wastewater treatment services. On or before July 1st of each year, the public works director shall post for public review at City Hall a listing of the wastewater parameters and corresponding categories of businesses which serve as the basis for the derivation of extra strength fees for users in the nonstandard discharge strength customer class as specified in subsections (A) and (B) of this section.

F. Appeals.

1. Any wastewater system user who believes their wastewater user charge, as applied to the user’s premises, is not within the intent of the foregoing provisions may make written application to the city council requesting a review of their user charge. The written request shall, where necessary, show the actual or estimated average flow of the user’s wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

2. Review of the request shall be made by the city council and the director of public works or designee; action may include recommending further study of the matter by the director. If the city council determines that the user’s charges should be recomputed, based on approved revised flow and/or strength data, the new charges thus recomputed may be applied retroactively for the period of up to six months. [Ord. [2733](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2733.pdf) Att. A, 2-7-11; Ord. [2713](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2713.pdf) Exh. B, 4-20-09; Ord. [2684](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2684.pdf) § 1, 12-17-07; Ord. [2418](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2418.pdf), 10-2-95; Ord. [2334](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2334.pdf), 7-6-92; Ord. [2150](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2150.pdf), 8-28-84. Code 2001 § 51.61.]