



**ORDINANCE NO. 2018-718**

**AN ORDINANCE AMENDING CARLTON MUNICIPAL CODE SECTIONS 13.08.090, 13.08.360,13.08.380, 13.04.360 AND 13.04.370; CODIFYING SEWER BILLING PROCEDURES AND RATES, AMENDING PAYMENT RESPONSIBILITY, UPDATING LIEN ATTACHMENT AND ENFORCEMENT PROVISIONS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City Council deems it necessary and desirable to amend the Carlton Municipal Code Sections 13.08.090, 13.08.360, 13.08.380, 13.04.360 and 13.04.370 relating to User Classes and billing rates and consistent and enforceable utility payment and lien enforcement provisions;

**THE CITY OF CARLTON ORDAINS AS FOLLOWS:**

**Section 1.** Carlton Municipal Code Section 13.08.090 is hereby amended in its entirety to read as follows:

**“13.08.090 User class rates.**

There shall be assigned to each user an appropriate number of EDU'S, and this number shall represent the ratio of the base charge cost incurred by the wastewater from the user to the cost incurred by the wastewater from the residential dwelling unit.

The base user charge shall be calculated by multiplying the total number of EDU'S for each user by a constant factor. This cost factor shall be set by resolution. Effective as of the July 2018 utility billing statement the following sewer user charges shall be in effect for users whose discharges do not exceed an equivalent dwelling unit ("EDU") discharge and whose waste strength is of average composition. An individual EDU designation and base charge for monthly service may be assigned pursuant to Sections [13.08.100](#) and [13.08.110](#).

User Class	Rate
Single-family residence	\$38.87 plus \$4.48/ccf of water use
Multifamily residences	\$38.87 plus \$4.48/ccf of water use
Commercial (general)	\$38.87 plus \$4.48/ccf of water use
Commercial (larger than 1" water meter)	\$38.87 plus \$4.48/ccf of water use
Mortuary	\$38.87 plus \$4.48/ccf of water use
Tavern	\$38.87 plus \$4.48/ccf of water use
Restaurant	\$38.87 plus \$4.48/ccf of water use
Grocery store	\$38.87 plus \$4.48/ccf of water use
Churches, lodges, clubs	\$38.87 plus \$4.48/ccf of water use
Hotels, motels, trailer parks, bed and breakfasts	\$38.87 per unit plus \$4.48/ccf of water use
Car wash facilities	\$38.87 per stall plus \$4.48/ccf of water use
Offices	\$38.87 plus \$4.48/ccf of water use
Residential care center or federal residential facility	\$38.87 per each two beds of rated capacity or actual capacity if greater, plus \$4.48/ccf of water use

Laundries	\$38.87 for each washer plus \$4.48/ccf of water use
Schools, elementary	\$38.87 per 15 students at rated capacity plus \$4.48/ccf of water use
Schools, junior high	\$38.87 per 15 students at rated capacity plus \$4.48/ccf of water use
Schools, high school	\$38.87 per 15 students at rated capacity plus \$4.48/ccf of water use
Industrial establishment	\$38.87 for each 15 employees plus \$4.48/ccf of water use

**13.08.090.010 Consumption Based Sanitary Sewer Service Sewer Utility Rates and Charges; Policy and Procedures.** This policy applies to all City customers for which the City provides direct billing services. Billings for customers include two components: Fixed rate and a volume charge for the amount consumed. The two components are added together to compute an invoice for each customer.

1. Fixed rates are assessed per equivalent dwelling unit or nonresidential account, and include costs associated with customer services, billing, and new debt service, and are designed to maintain revenue stability through the recovery of about 60 percent of total rate revenues.
2. Volume rates are based on every 100 cubic feet (CCF) of water.

**13.08.090.020 Residential Sewer Accounts – Winter Averaging.** Volume rates will be based on a 3-month winter averaging of water consumption plus base. The winter average period will be defined as the 3-month period starting with the first full billing cycle starting on or after December 1<sup>st</sup> of each year. Accounts with no prior usage history and an average usage of less than 1 CCF of water consumption are automatically assessed at the 5.50 CCF average. Customers may request in writing to have the sewer volume rate based on actual usage if the property is vacant or consistently averages below 1 CCF per billing cycle over a 12-month period. The assigned average for water consumption may be appealed to the Finance Director and may be modified pending a review of the account and findings thereof.

**13.08.090.025 Non-Residential Sewer Accounts – Actual Use.** Volume rates will be based on actual monthly water consumption plus base.

**13.08.090.0030 Less than three months data availability.** Where three months of indoor winter season water consumption data are not available a two-month minimum sample period shall be established between the dates December 1 through February 28, or the water meter reading dates most closely associated with that period. The two-month minimum measure of water consumption during the indoor winter season shall be used as the basis for calculating the consumption portion of the sanitary sewer bill. A two-month period during the indoor winter season shall be the minimum acceptable time on which a sanitary sewer bill can be calculated based upon actual water consumption.

**13.08.090.040 No data availability.** Where there is no applicable data available because of the use changing, the ownership changing, or other factors such as a structure newly connected to the

system for which there is no historical water consumption, the City will bill the customer based upon a system-wide average which shall be calculated on an equivalent dwelling unit basis.

**13.08.090.050 Exceptions to Average Consumption Calculation.** Where indoor winter season water consumption data is not available, applicable, and/or usable for the purposes of calculating the appropriate proportion of system operation cost allocable to a user can be adjusted by the Finance Director based on:

- A. **Variations in usage.** For the City to consider any water consumption exception, and thus bill recalculation, the exception must be greater than 25% of the historical monthly usage on a one-time event basis.
- B. **Water usage not discharged to the sanitary sewer system.** For the City to consider any request by a customer for credit against the amount of indoor winter season water consumption as measured through the potable water meter or meters to the property in question, the customer must do the following:
  - 1. Customer must demonstrate to the City's satisfaction that the metered water measured which is in dispute as to whether or not the water was discharged to the sanitary system was not discharged to the sanitary system; and
  - 2. The customer must be able to determine the non-sanitary sewer service discharge accurately; and
  - 3. The City shall only deduct the provable non-sanitary sewer service usage from the winter consumption average.
- C. **Recurring seasonal variations.** Some commercial and industrial operations result in seasonal variations to such a degree that the majority of their wastewater discharge occurs during periods of time other than the indoor winter season. Cases where such seasonal variation exists may require evaluation and/or application of alternative water consumption measurement periods to determine appropriate data for calculation of a proportionate share of operational costs. In cases where indoor winter season water consumption data is determined to be an inappropriate measure of sanitary sewer discharge, the City, at its discretion, may select another base period on which to calculate the sanitary sewer charge.
- D. **New usage or change in ownership or usage of a structure mid-year.**
  - 1. At any time, the usage or ownership of property connected to the sanitary sewer system changes in a manner determined by the City to increase the flow, discharged, the City shall have the right to recalculate the service charge to reflect a proportionate cost allocation.
  - 2. The City may, at its discretion, recalculate the indoor winter season average water consumption at the user's request, when the new rate of usage is ongoing and constitutes at least a 25% variation from historical indoor winter season use.
  - 3. In any recalculation of charges as contemplated in (1) and (2) above, the City may assign additional units or a reduction in units at any time a customer's usage changes which

increases or decreases the estimated volume of water discharged to the sanitary sewer system.

- E. **Discontinuance of service.** A property owner whose property is connected to the sanitary sewer system may request discontinuance of sanitary sewer service for a variety of reasons. For the City to process such a request for discontinuance of service and deduct the variable portion of the sanitary sewer service charge associated with consumption-based billing, the following must occur:
1. All water meters serving the property must be out of service, be locked, and/or removed; and
  2. No alternative water supply can be available to the property; and
  3. No use or occupancy of the property shall occur.

In all such cases where discontinuance is requested, and the structure remains connected to the sanitary sewer system and service is available, the base charge (fixed component) will continue. However, the variable component of the charge shall revert to zero for as long as the above conditions satisfied.

- F. **Disconnection of service.** In all cases where water meters have been locked out from the property in accordance with procedures, rules, and regulations of City of Carlton Water Services, no sanitary sewer service will be billed where no discharge is possible to the sanitary sewer system.

**13.08.090.060 Multi-family, commercial, industrial and other multi-dwelling unit equivalent services.** Multi-family, commercial, industrial and other multi-dwelling unit equivalent services within the City of Carlton, do not necessarily have a one-to-one correspondence between the water meter and an individual sanitary sewer user. In such cases the following applies:

- A. Master meter owners are the responsible party for payment of the sanitary sewer bill.
- B. It is the property owner's responsibility to allocate the sanitary sewer service charges among the property owner's tenants.
- C. In cases where a property owner elects to install multiple meters at the same site to distribute the cost of sanitary sewer service charges, the owner shall provide that water meter use information to the City in a timely manner to enable calculation of sanitary sewer service charges.
- D. In cases where a single customer has multiple meters at the same site, the water consumption shall be calculated based upon the aggregated total of water consumed as measured by all of the multiple meters. The City may elect at its option to bill either the property owner or the individual tenants as the City may determine appropriate, convenient, or reasonable.

**13.08.090.070 Customer Claims.** In the event a customer disputes the water consumption data available to the City for any of a variety of reasons, the City shall provide a claims form which shall outline the City's policy for addressing such claims and provide a format for the customer to respond to issues that are critical to the adjudication of the claim. All claims must be made within thirty (30) days of receipt of the water bill from the local water purveyor for which consumption

data is being disputed. Claims for water consumption data that does not vary more than 25% from historical usage shall not be processed.

**13.08.090.080 Dormant Sewer Lines.** Testing of a dormant existing sewer line connected to an old building or to be reused for a new building will be payable by the utility customer at the cost of time and materials.”

**Section 2.** Carlton Municipal Code Section 13.08.360 is hereby amended in its entirety to read as follows:

**“13.08.360 Payment Responsibility.**

The property owner of record shall be responsible for payment of all charges prescribed in this chapter related to sewer services provided to such property that are billed directly to the property owner or for which the property owner has agreed to assure payment. If the property owner of record has signed an agreement with the city in a prescribed form requesting services and authorizing billing of utility charges directly to a tenant, the city shall be authorized to establish a new utility account in the name of a tenant. If a tenant or other person residing at the address where sewer service is provided fails to pay for such service, such charges shall be billed to and payable by the property owner of record if the property owner has agreed in writing to be responsible for such service.”

**Section 3.** Carlton Municipal Code Section 13.08.380 is hereby amended in its entirety to read as follows:

**“13.08.380 Liens.**

Sewer service charges which are requested by and billed to the property owner, which shall not be timely paid, shall be a lien against the premises served from and after the date of delinquency in payment by the property owner and entry of such delinquency on the ledger of accounts pertaining to the city sewer system. Such ledger of accounts shall be made available for inspection to anyone interested in ascertaining the amount of such charges. Whenever a bill for sewer service remains unpaid by the property owner for ninety (90) days after it has been rendered to the property owner, the lien thereby created may be foreclosed in the manner provided by ORS 223.610, or in any manner provided by law or ordinance of the city. Any lien created pursuant to this section shall have priority over any other encumbrance against the premises, including encumbrances created and recorded prior to the date such lien shall be created.”

**Section 4.** Carlton Municipal Code Section 13.04.360 is hereby amended in its entirety to read as follows:

**“13.04.360 Payment responsibility.**

The property owner of record shall be responsible for payment of all charges prescribed in this chapter related to water services provided to such property that are billed directly to the property owner or for which the property owner has agreed to assure payment. If the property owner of record has signed an agreement with the city in a prescribed form requesting services and authorizing billing of utility charges directly to a tenant, the city shall be authorized to establish a new utility account in the name of a tenant. If a tenant or other person residing at the address

where water service is provided fails to pay for such service, such charges shall be billed to and payable by the property owner of record if the property owner has agreed in writing to be responsible for such service.”

**Section 5.** Carlton Municipal Code Section 13.04.370 is hereby amended in its entirety to read as follows:

**“13.08.370 Liens.**

Water service charges which are requested by and billed to the property owner, which shall not be timely paid, shall be a lien against the premises served from and after the date of delinquency in payment by the property owner and entry of such delinquency on the ledger of accounts pertaining to the city water system. Such ledger of accounts shall be made available for inspection to anyone interested in ascertaining the amount of such charges. Whenever a bill for sewer service remains unpaid by the property owner for ninety (90) days after it has been rendered to the property owner, the lien thereby created may be foreclosed in the manner provided by ORS 223.610, or in any manner provided by law or ordinance of the city. Any lien created pursuant to this section shall have priority over any other encumbrance against the premises, including encumbrances created and recorded prior to the date such lien shall be created.”

**Section 6.** This ordinance, being necessary for the immediate preservation of the public peace, health, and safety of the City of Carlton, an emergency is declared to exist, and this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

**ADOPTED** by the City Council on July 3, 2018, by the following votes:

**AYES:** 6 [Carl, Chitwood, Jernstedt, Oriet, Rhoads, Wilder]  
**NAYES:** 0  
**ABSENT:** 1 [Ward-Mullen]  
**ABSTAIN:** 0

**APPROVED** and signed by the Mayor on July 3, 2018.

**ATTEST:**

  
Jennifer L. Nelson, City Recorder

  
Kathie Oriet, Mayor