

## CITY OF CARLTON

## CITY ORDINANCE NUMBER 126

## AN ORDINANCE ESTABLISHING WASTEWATER SYSTEM AND ESTABLISHING USER CHARGE AND INDUSTRIAL COST RECOVERY SYSTEM

ARTICLE I  
DEFINITIONS

Unless the context otherwise clearly indicates, the words and phrases used in this ordinance shall have the meaning ascribed to them in Article II of Ordinance No. 125, entitled "Ordinance Requiring and Regulating the Use of Public Sewer and Private Wastewater Disposal Facilities."

ARTICLE II  
WASTEWATER FACILITIES SYSTEM ESTABLISHED

Section 1. There is hereby established a City wastewater facilities system. Such system shall include all lateral, main, and interceptin sewers, wastewater pumping stations, equipment, and other works and facilities, whether presently existing or hereafter acquired, as are found necessary for completion of such system in first class operating condition adequate to collect and transmit all wastewater of the City which is discharged into the City's wastewater facilities system to the wastewater facilities of WLSSD.

Section 2. It is hereby declared and ordained that the establishment and operation of the City wastewater facilities system is necessary and conducive to the public health, safety, welfare and convenience of the City and its inhabitants, that such system shall constitute and be a public utility plant and convenience from which revenues may and shall be derived, and that service to be rendered to the inhabitants, industries, and properties by the collection of wastewater confers direct and indirect benefits to the inhabitants, industries, and properties of the City for which reasonable rates and charges may be imposed.

ARTICLE III  
USER CHARGE SYSTEM ESTABLISHED

Section 1. For the purpose of distributing among users within the City the charges made to the City by the WLSSD for the cost of the City's proportionate share of the operation, maintenance, including replacement, and debt service of WLSSD wastewater facilities, for the purpose of recovering from users the cost of operation, maintenance, including replacement and debt service of City wastewater facilities, and for services rendered and benefits conferred by WLSSD and City facilities, there is hereby established and wastewater facility user charge system.

Section 2. The user charges provided for in this article shall be collected by the City Clerk through a monthly or other periodic billing and collection procedure to be established in regulation form by the City Clerk and such procedure shall be effective upon approval of the Council by Resolution. Such procedure shall include a late payment penalty provision and shall provide for an interest charge on the unpaid balance of such charges.

Section 3. The owner of premises which are connected to the City's wastewater facilities, the occupant thereof and the user of the service shall be jointly and severally liable to pay for the service to such premises and the service is furnished to the premises by the City only upon the condition that the premises, occupant and user of the services are jointly and severally liable to the City therefore. A claim for unpaid charges which have been billed to the occupant of the premises or the user of the service may be recovered against the owner, occupant, or user in a civic action in any court of competent jurisdiction or, in the discretion of the City Clerk, may be certified to the County Auditor to be collected with taxes against such premises so served. Money paid to the County Auditor on such account shall belong to the City and shall be remitted to the City Treasurer by the County Auditor in the manner provided by law for the payment of other money belonging to the City. In addition to, and not in lieu of, the foregoing method of enforcing payment of such charges, the City Clerk may, according to such rules and regulations as he may have established and the Council shall have by resolution approved, cause the City water supply for and to any premises to be shut off until all arrears, with interest and penalties on such delinquent charges, shall be paid, together with the cost of shutting off and turning on such water.

Section 4. Except as otherwise hereinafter provided, for the purpose of determining the charge to be rendered against premises using the City's wastewater facilities system and the WLSSD wastewater facilities, the volume of wastewater discharged into the City wastewater facilities system by the owner, lessee, or occupant of any premises having any direct or indirect connection with such system shall be deemed to be and shall be based and computed upon the amount of water used on such premises.

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- (a) In all cases where such premises obtain water from the City's water supply and a meter is in place thereon, the volume of water used on any such premises shall be determined by the water meter readings made by the City.
- (b) In the case of non-residential users whereon the water is derived in whole or in part from sources independent from the City, water used thereon which is supplied from private sources shall, if required by the City Clerk, be measured by a water meter of a type approved by the City Clerk to be installed by the owner, lessee, or occupant of such premises at his own cost and subject to the supervision and inspection of the City Clerk. User charges against such premises shall be based upon the volume of water used thereon, as measured from both public and private sources. Whenever the owner, lessee, or occupant fails to install such meter, or where it is not practicable to measure the water consumed on any premises by meter, the City Clerk shall determine in such manner and by such methods as he may find practicable, considering conditions and attendant circumstances in each case, the estimated volume of water from private sources which discharges into such system. Such estimate shall be used in lieu of the meter volume of water from private sources to determine the user charge thereon and therefor.
- (c) In the case of residential users wherein water use is unmetered, the amount of water used on such premises shall be determined by a classification system determined by the City Council and established by Council resolution, such classification system shall be based upon the number of people living on the premises as determined by census performed by the City Clerk from time to time in such manner as he shall determine but designed to fairly and with reasonable accuracy determine the number of people living at each such premises. The classification system shall be so established as to fairly and reasonably apportion wastewater user charges among unmetered residential users and as between such unmetered users and metered users in the community. To that end, the classification system shall take into account total wastewater discharged to the WLSSD by the City and infiltration inflow to the City's system.

Section 5. Where the owner, occupant, or user of the service has been required by the City Clerk or the WLSSD, as authorized by Article VI Section 8, of the City's wastewater regulation ordinance, to install meters or other measuring devices that serve to demonstrate the volume of wastewater being discharged to the City's wastewater collection system and the WLSSD's treatment facilities, the volume of wastewater as so measured shall be the basis upon which the charges to be made hereunder shall be determined.

Section 6. Charges made to the City by the WLSSD for the cost of the City's proportionate share of the operation, maintenance, including replacement, and debt service of the WLSSD wastewater facilities shall be distributed among the users within the City in accordance with the WLSSD Domestic Equivalent Classification System, 1977, a copy of which is on file in the office of the City Clerk.

Section 7. For the purpose of recovering from users, the cost of operation, maintenance, including replacement and debt service of the City's wastewater facilities, there is established and shall be collected a user charge based upon the volume of wastewater discharged to the City's wastewater facilities system and determined as in Section 4, provided and in accordance with rates determined and established by resolution of the City Council from time to time. Until so modified by Council resolution, the rate system presently in effect in the City shall continue.

Section 8. Charges made to the City by WLSSD in accordance with the Industrial cost recovery requirements of Title II of the Federal Water Pollution Control Act Amendments of 1972 (Public Laws 92-500; 33 U.S.C. k251 et seq) shall be apportioned among industrial users within the City in accordance with the WLSSD Industrial Cost Recovery Classification system, 1977, a copy of which is on file in the Office of the City Clerk.

Passed this 6<sup>TH</sup> day of DECEMBER, 1977

CITY OF CARLTON

By Jan Groves  
Its Mayor

ATTEST

Angela Beckwith Clerk