

Chapter 13.12

SEWER SYSTEM RATES AND CHARGES

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13.12.010 Definitions.

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

A. “Biochemical oxygen demand (BOD)” means the quantity of oxygen required by sewage for biochemical oxidation in five days at twenty degrees Centigrade in milligrams per liter by weight (mg/l).

B. “City administrator” means the city administrator of the city of Ripon, or such other person as may be designated by the city administrator to perform any services or make any determinations permitted or required in this

ordinance to be made by the city administrator.

C. “City engineer” means the city engineer of the city of Ripon, or such other person as may be designated by the city engineer to perform any services or make any determinations permitted or required in this chapter to be made by the city engineer.

D. “Commercial user” means any user not defined as residential or industrial user.

E. “Duplex” means a building containing two dwelling units.

F. “Dwelling unit” means a suite of one or more rooms which is occupied by, or intended to be occupied by, one family, with its own kitchen and bathroom facilities.

G. “Industrial sewer system” means the facilities for the collection, treatment and disposal of industrial waste.

H. “Industrial user” means any user engaged in the business of processing or manufacturing agricultural products, animals, poultry, goods, wares or other products or materials who processes or manufactures the same for the purpose of sale, resale or delivery in the processed or manufactured form.

I. “Industrial waste” means liquid and/or solids containing liquid other than sanitary sewage and discharged into the industrial sewer system.

J. “Mobile home park” means any area or tract of land where two or more spaces are rented or leased, or held for rent or lease to accommodate mobile homes.

K. “Mobile home space” means each space in a mobile home park designed to be used for parking a mobile home on a temporary semi-permanent or permanent basis.

L. “Mobile home subdivision” means any area or tract of land improved to subdivision standards with mobile home lots.

M. “Outside user” means any person responsible for the payment of sewer charges for any premises outside the city limits.

N. “Owner” means the person owning the fee or record title to any premises as shown by the official records of the county recorder of San Joaquin County.

O. “Person” means and includes any natural person, corporation, partnership, trust, or any other legal entity.

P. “Premises” means any lot, piece or parcel of land, building or other structure, or any part of any building or structure used for human habitation, or gathering, or carrying on any business, industry or occupation.

Q. “Residential user” means any user whose premises are used solely for residential purposes.

R. “Sanitary sewage” means waste discharging into the city sanitary sewer system and which contains human or animal excreta.

S. “Sanitary sewer system” means the facilities for the collection, treatment and disposal of sanitary sewage.

T. “Sewage” means industrial waste or sanitary sewage, or both.

U. “Sewer disposal service” means the services and facilities for the collection, treatment and disposal of industrial waste and sanitary sewage.

V. “Sewer service charge” means a charge established to pay the cost of operation, maintenance, expansion and improvement of the industrial and sanitary sewer system.

W. “Suspended solids” means the solids that either float on the surface of or in suspension in water, sewage or other liquids, and which are removable by laboratory filtering, expressed in milligrams per liter (mg/l) by weight. (Ord 277 §1, 1979)

13.12.020 Commercial and Industrial Sewer Service Charges

The monthly sewer service charge for commercial and industrial use within the City limits shall, wherever practicable, be based upon flow. The City Engineer may require commercial and industrial users to install flow meter equipment to accurately determine flows. Monthly sewer service charges shall be determined as follows:

A. Flat Rate Method. For commercial and industrial users discharging commercial and industrial waste to the sewer system of the City, a Minimum Base Rate of \$16.11 shall be charged. For users without flow meters, there shall be charged an additional amount of \$7.91 for electrical costs of aeration, and \$25.55 for rehabilitation of the facility to meet current effluent standards. Thus, the total Flat Rate Charge for commercial and industrial users without flow meters shall be \$49.57. The Minimum Base Rate and the Flat Rate Charge shall automatically be adjusted annually based upon the increase or decrease in the Bay Area CPI Index.

B. Flow Charge Method. For commercial and industrial users with flow meters discharging commercial and industrial waste to the sewer system of the City, a Minimum Base Rate of \$12.77 shall be charged. In addition, Flow Charges shall be charged as follows:

1. A Flow Charge of \$1.00 per 1,000 gallons of water used.

2. A Flow Charge for Biochemical Oxygen Demand (“BOD”) of \$110.00 per 1000 lbs.

3. A Flow Charge for Suspended Solids (“SS”) of \$120.00 per 1,000 lbs.

The monthly sewer service charge shall be the total of the Minimum Base Rate and all Flow

Charges. The Minimum Base Rate and the Flow Charges shall automatically be adjusted annually based upon the increase or decrease in the Engineer's News Record Index.

C. Alternative Methods.

1. As an alternative to the installation of flow meters, existing commercial and industrial users which do not presently have flow meters installed may request, in lieu of paying the Flat Rate Charge, that the City Engineer calculate an alternative sewer rate based upon the number of fixtures (i.e. sinks, toilets, etc) utilized on their property.

2. For purposes of computing the amount of water used pursuant to Section 13.12.020 (B)(1), commercial and/or industrial users may request that the City Engineer allow a reduction based on the amount of water used by such business but not actually discharged into the domestic sewer system (including, but not limited to, water used for landscaping, irrigation, evaporation or other consumption). The City Engineer's determination shall be binding and conclusive. (Ord. 649 §1, 2001)

13.12.030 Residential Sewer Service Rates

Every person whose premises in the City is served by a connection with the sewer system of the City whereby domestic sewage is disposed of by the City either through the domestic sewer system or otherwise, and who is classified as a residential user shall pay a sewer service rate as follows:

A. For single family dwellings, a rate of \$13.43 per month.

B. For each dwelling unit in a duplex, a rate of \$13.43 per month.

C. For each dwelling unit in an apartment building, other type of multiple dwelling group, or mobile home space in a mobile home park, a rate of \$13.43 per month.

D. For each separate detached apartment or dwelling unit as defined in this Chapter which is a part of a retirement home complex, a rate of \$1.01 per month. For retirement home occupants not occupying a separate dwelling unit or detached apartment, a rate of \$2.94 per month.

E. Rate Reduction. A discount of 20% shall be granted to qualified Owners or Occupants whose household income qualifies as "very low income" as defined in Section 16.194.020 of this Code. A discount of 10% shall be granted to qualified Owners or Occupants whose household income qualifies as "lower income" as defined in Section 16.194.020 of this Code. Owners or Occupants seeking the discount set forth in this subsection shall present adequate proof of income status to the City Clerk, whose decision shall be final. (Ord. 649 §1, 2001; Ord. 727 §1, 2005)

13.12.040 Sewer connection charges.

A. Sewer Connection charges, as amended by resolution, are set out in the Fee Schedule at the end of this code.

B. The commercial or industrial connections shall be determined by the city administrator of the city and shall be a reasonable fee based upon all applicable facts pertaining to the particular connection and the cost to make such connection and any and all facts as submitted by the users in connection with the sewer system. Any such connection charge shall be subject to the right of appeal to the city council of the city by the user who shall file an appeal in writing with the city clerk ten days after first being notified in writing by the city administrator of the proposed industrial or commercial connection charge. The city council, upon receiving such appeal shall immediately bring the matter on for hearing before the city council within thirty days of the receipt of the appeal. The decision of the city

council as to the commercial or industrial connection charge to be made shall be final. (Ord. 277 § 4, 1979)

13.12.050 Payment of service charges.

A. Charges for sewer service to users shall begin on the first of the month following completion or occupancy of a residence, building or industrial plant, whichever date shall first occur.

B. All charges for sewer service become delinquent ten days after the close of the billing period for sewer service charges. (Ord. 277 § 5, 1979)

13.12.060 Responsible person designated.

All sewer service charges shall be billed to the following persons:

A. In the case of any person whose premises are connected with the city water system, then to the person who requested such connection to the city water system or to his successor in interest or to any person requesting that such bill be charged to him;

B. In the case of any person whose premises are not connected to the city water system, then to the person who requested the connection to the sewer service or his successor in interest, or if no such request was made, then to the owner of record of such premises on the date when the premises were connected to the sewer service or to the successor in interest to such person or to any person requesting that such bill be charged to him;

C. On premises served with city water, the charge for sewer service shall be added to the charge for water service and the billing therefor, and payment of the total amount must be made in accordance with the provisions regulating the

payment of water service charges;

D. On premises not served with city water, the billing for sewer service charges shall be made insofar as practical in accordance with the city's procedure for billing charges for water services, or if not practicable, they shall be as determined by the city administrator;

E. Upon failure of a user to pay any applicable fee or charge set forth in this chapter which is delinquent, or if the user shall violate any other provision of this chapter, any one or more of the following actions authorized in this section may be taken by the City to enforce such payment or correct such violation: in each case where all or any part of any users fee or charge remains unpaid for twenty-five days after the date of billing, it shall then be deemed delinquent, and a basic penalty of 10% of the total amount of such bill shall be added to such bill for the first month of delinquency. In addition, an amount equal to 1% per month of the total amount of such bill thereafter shall be charged for each month during the time that said bill shall remain unpaid after its original delinquent date and the user's account remains in an open status. (Ord. 515 § 3, 1994)

13.12.070 Increase or decrease of charges.

Rate Modifications. Any fees or charges set forth in this Chapter, including applicable price indices, may be modified, changed or eliminated by adoption of a resolution of the City Council, in compliance with applicable law. All fees contained and set forth in any of the provisions of Chapter 13.12 shall be adjusted annually as of the first day of January of each year hereafter to reflect any increase or decrease as shown in the Bureau of Labor Statistics, Modesto Region "Consumer Price Index, West Urban CPI-U All Items, 12 Month % Change." (Ord. 727 §1, 2005)

13.12.080 Rebates.

All sewer disposal service revenues collected shall be retained by the city regardless of the date of termination of sewer service, and no rebate shall be made for any mid-month disconnection. (Ord. 277 § 13, 1979)

13.12.090 Advance payment discounts.

A discount of not to exceed five per-cent may be given by the administrative officer for all accounts paid annually in advance, on or before February 10th of any calendar year. (Ord. 277 § 17, 1979)

13.12.100 Sewer rules and regulations.

A. No person shall discharge or allow the discharge of or dump sanitary sewage or industrial wastes or other waste matters into the sewage system except in compliance with the terms of this chapter and upon payment of the fees as provided in this chapter.

B. No person shall discharge or allow the discharge of any toxic or flammable material or any other material which would be injurious to sewer treatment processes or to the conduits carrying domestic or industrial wastes.

C. No person shall connect property to the sewer disposal system without first obtaining the consent of the city and paying all fees and charges as imposed by the city.

D. The value of BOD to be used in determining the strength of waste of an industrial user may be determined by the city based upon the average of at least four grab samples taken at reasonable intervals during the billing period.

E. The city shall have the right to prohibit the discharge into the sewer service of any petroleum products, waste by-products, or combustible by-products, or materials in quantities which may be hazardous or injurious to the sewer system or its operation, as well as any industrial waste

containing any toxic or poisonous substance in a sufficient quantity to interfere with the biological processes or that would pass through the sewer service treatment plant and which may in the opinion of the city engineer cause damage thereto. (Ord. 277 § 8, 1979)

13.12.110 Enforcement authority and procedures.

A. The city administrator shall insure enforcement of this chapter by coordinating the actions of all city departments concerned.

B. In the event of a violation of any of the terms of this chapter or any rules or regulations established under this chapter, the city administrator shall notify in writing the person causing, allowing or committing such violation, specifying the violation and, if applicable, the time after which, upon the failure of such person to prevent or rectify the violation, that the city will exercise its authority to disconnect the system from the municipal water system and/or the sewage system; provided, that such time shall not be less than five days after deposit with postage paid of such notice in the United States Post Office at Ripon, addressed to the person to whom notice is given; provided further, however, that in the event such violation results in a public hazard or menace, then the city administrator may immediately enter upon the premises without notice and do such things and spend such sums as may be necessary to abate such hazard, and the reasonable value of things done and the amounts expended in so doing shall be a charge upon the person so in violation.

C. In any case where a bill for sewer service charges shall become delinquent, the city administrator may cause the premises to be disconnected from the water system, and he may also disconnect the premises from the sewage

system. Whenever premises have been disconnected from either the water or sewage system for the nonpayment of sewer service charges, such premises shall not be reconnected to either the water system or the sewage system until all delinquent fees have been paid, together with such reasonable charges for reconnection as may be established from time to time by the city.

D. Each sewer service charge levied by or pursuant to this chapter on any premises within the city is made a lien upon such premises, and any steps authorized by law may be taken by the city to enforce payment of such lien.

E. Upon the failure of any user to pay any sewer service charge prior to delinquency, or to comply with the terms of this chapter or any rules and regulations, any one or more of the actions authorized in this section or which may be required may be taken by the city or city officials to enforce such payment or compliance, subject to the notice provisions as set forth in this section. (Ord. 277 § 7, 1979)

13.12.120 Appeal.

Any person aggrieved by the interpretations, applications or the requirements of the provisions

of this chapter may appeal to the city council by filing a written notice of appeal with the city clerk, setting forth the objections. After hearing the objections of such person, as soon as the same can be heard, and giving due consideration thereto, the council shall make its decision on the matters contained in the appeal, and its decision shall be final and conclusive. (Ord. 277 § 11, 1979)

13.12.130 Action to enforce payment.

As an alternate to any other procedures provided in this chapter or given by law, the city may bring an action against the owner, occupant, user or lessee of the premises to whom the sewer service was rendered for the collection of the amount of the delinquent rate and charge and the costs of collection. (Ord. 277 § 14, 1979)

13.12.140 Violation—Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Chapter 1.08 of this code. (Ord. 277 § 15, 1979)