

ORDINANCE NO. 982 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES AMENDING SECTION 14.16.020 OF THE MUNICIPAL CODE REGARDING WASTEWATER SERVICE CHARGES FOR CERTAIN COMMERCIAL USES

WHEREAS, the City of Paso Robles operates a wastewater collection, treatment, and disposal system to serve residents and businesses; and

WHEREAS, after following all required procedures in accordance with Article XIID, Section 6, of the California Constitution with respect to the adoption of new or increased property-related fees, the City Council adopted Ordinance No. 975 N.S. on December 6, 2011 enacting new wastewater service charges; and

WHEREAS, under Ordinance No. 975, the wastewater bills for residential customers are based on Winter Water Use, as defined in the Ordinance, whereas the wastewater bills for non-residential customers are based on monthly metered water use; and

WHEREAS, certain non-residential customers within areas zoned either Office Professional (“OP”) or T-3 Flex (as enacted by the Uptown/Town Center Specific Plan) have offices or businesses located within former single-family residential structures; and

WHEREAS, after further consideration, on April 3, 2012, City Council heard testimony that the use of wastewater services by non-residential wastewater customers within the OP or T-3 Flex zones is substantially similar to those of single-family residential customers and therefore adopted Resolution No. 12-057 directing City staff to propose an amendment to Ordinance No. 975, so that sewer bills for non-residential customers occupying properties zoned Office Professional or T-3 flex shall be determined in the same manner as those for Single-Family Residential users; and

WHEREAS, based on the analysis by staff, this change would result either in no change or lower wastewater bills for the approximately 150 affected properties, out of nearly 10,000 wastewater customers in the City and therefore the procedural requirements of Article XIID, Section 6, do not apply; and

WHEREAS, the total effect of the change in wastewater bills for the affected properties will have no significant effect on the revenues to the City Wastewater Fund.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Subsection (c) of Section 14.16.020 of the Paso Robles Municipal Code is hereby revised to read in its entirety as follows:

“14.16.020 Fees

- (c) Non-Residential Customers: Wastewater bills for businesses, hotels, schools and other non-residential uses (i.e. Industrial Users as defined Section 14.08.040) shall be based on metered monthly water use multiplied by the usage charge then in effect.

Non-residential customers may petition the City to have monthly sewer service charges based on something other than metered water use, provided that they meet all of the following conditions:

1. Are served by 3-inch water meter or larger or can demonstrate that average daily discharge to the sewer system exceeds 10,000 gallons per day for at least 6 months out of the year;
2. Can quantify monthly discharges to the sewer system by a means acceptable to the City Public Works Department, such as wastewater flow metering per:
 - *Water Measurement Manual*, Third Edition, United States Department of the Interior, Bureau of Reclamation, 2001, or most current edition,
 - *Sewer Flow Measurement*, Municipal Environmental Research Laboratory, U.S. Environmental Protection Agency,
 - *A Guide to Methods and Standards for the Measurement of Water Flow*, United States Department of Commerce, National Bureau of Standards,
 - *American Society of Testing Materials Annual Book of ASTM Standards*, Vol. II – Water, American Society of Testing Materials,
 - *NPDES Compliance Inspection Manual*, United States Environmental Protection Agency, or
 - Mass-balance calculations quantifying water supplied, adjusted for water exported in manufacture of a product;

3. Agree to periodic audits, no more frequently than annually and at customer's expense, to verify sewer discharge measurements;
4. Submit evidence of flow calibration of physical measurement devices annually or more frequently if judged necessary by the City Public Works Director;
5. Provide discharge flow data monthly to the City Department of Administrative Services for the purposes of levying sewer service charges. Failure to timely provide such information will result in sewer service charges being based on metered monthly water use multiplied by the usage charge then in effect; and
6. Obtain a Wastewater Discharge Permit per Section 14.10.210.

In the event that estimated average daily discharge to the sewer is less than 10,000 gallons per day for 24 consecutive months or more, sewer billing will revert to metered monthly water use multiplied by the usage charge then in effect.

Notwithstanding the foregoing, wastewater bills for non-residential customers at properties zoned either Office Professional or T-3 Flex shall be determined in the same manner as Single Family Residences, as described in subsection (a) above. Areas zoned Office Professional or T-3 Flex include portions of South Vine Street, Vine Street between 10th and 16th Streets, 12th Street, 13th street, and Spring Street between 16th and 21st Streets.”

SECTION 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 3. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

SECTION 4. Publication. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California and cause the same to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code section 36933.

Introduced at a regular meeting of the City Council held on June 19, 2012, and passed and adopted by the City Council of the City of El Paso de Robles on the 3rd day of July, 2012 by the following roll call vote, to wit:

AYES: Strong Gilman, Steinbeck, Hamon, Picanco
 NOES:
 ABSTAIN:
 ABSENT:

 Duane Picanco, Mayor

ATTEST:

 Caryn Jackson, Deputy City Clerk

3. Agree to periodic audits, no more frequently than annually and at customer's expense, to verify sewer discharge measurements;
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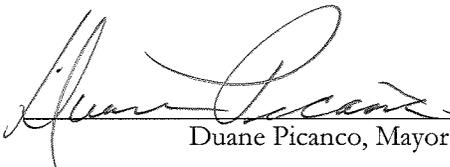
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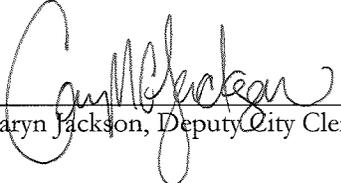
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