

ORDINANCE NO. 989 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 SMALL MULTI-FAMILY DWELLINGS

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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 single-family residences are based on Winter Water Use, as defined in the Ordinance.

WHEREAS, Ordinance No. 975 provides that sewer bills for multi-family dwellings with two or more dwelling units under common ownership are based on monthly water use.

WHEREAS, after the new sewer rates became effective July 1, 2012, staff learned that many small multi-family dwellings have only one water meter for both indoor and outdoor uses, and have significant irrigated landscaping.

WHEREAS, multi-family dwellings of four units or less are typically located within single-family residential neighborhoods. Water usage patterns for small multi-family dwellings indicated water use is consistently low in the winter and consistently high in the summer, similar to single-family residences. Staff determined it would be appropriate to change the basis of sewer charges for multi-family dwellings of four units or less to Winter Water Use, rather than monthly water use.

WHEREAS, based on the analysis by staff, this change would result either in no change or lower wastewater bills for the approximately 325 affected properties, out of nearly 10,000 wastewater customers in the City, and that such change would result in no changes to rates for other customers, therefore the procedural requirements of Article XIID, Section 6, do not apply; and

WHEREAS, the change in wastewater bills for the affected properties will have no significant effect on the revenues to the City's Sewer Enterprise 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**

- (a) Single-Family Residences: Monthly wastewater bills for single-family residential customers shall be based on the average monthly metered water use from the previous December-January-February billing period ("Winter Water Use") multiplied by the usage charge then in effect. The "Winter Water Use" shall establish the maximum usage for the remainder of the year's wastewater billing; if actual water usage in any one month is less than a customer's Winter Water Use, that month's bill shall be based on the actual usage multiplied by the usage charge then in effect. Notwithstanding the foregoing, if a customer's Winter Water Use averages 2 HCF per month or less, the monthly wastewater bill shall be based on the average of two (2) consecutive Winter Water Use periods.

For new service accounts, the initial year's billing will be based on the then-current median single family residential Winter Water Use, as determined by City Department of Administrative Services, multiplied by the usage charge then in effect. The 2011 median single-family residential Winter Water Use is 7 HCF/month.

Condominiums are residential units held under separate ownership with the underlying parcel held under common ownership. Condominium units served by individual water meters shall be billed as single-family residences.

A small multi-family dwelling is a building containing four or less dwelling units under single ownership. A small multi-family dwelling served by only one water meter for both indoor and outdoor water uses, or that has separate water meters for each dwelling unit, shall be billed as single-family residences.

- (b) Large Multi-Family Dwelling: A large multi-family dwelling is a building comprised of more than four dwelling units under single ownership, such as apartment complexes, or any other multi-family dwelling that has a separate water meter for outdoor water uses. Monthly wastewater bills for large multi-family dwellings shall be based on metered monthly water use multiplied by the usage charge then in effect.”

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 January 15, 2013 and passed and adopted by the City Council of the City of El Paso de Robles on the 5<sup>th</sup> day of February, 2013 by the following roll call vote, to wit:

AYES: Hamon, Steinbeck, Martin, Strong, Picanco

NOES:

ABSTAIN:

ABSENT:

  
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Duane Picanco, Mayor

ATTEST:  
  
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Caryn Jackson, Deputy City Clerk