

ORDINANCE NO. 171531

An ordinance amending the Los Angeles Municipal Code (LAMC) to convert the method of determining the Sewer Service Charge (SSC) for residential users from a method based on the average discharged percentage of water delivered to all residential users to one based on each user's Winter Water Use.

THE PEOPLE OF THE CITY OF LOS ANGELES

DO ORDAIN AS FOLLOWS

Section 1. Existing Subsection (c) of Section 64.41.01 of the Los Angeles Municipal Code is hereby deleted.

Sec. 2. Existing Subsections (a), (b), (g), (h), (i), (j), (k), (m), (n), (o), (p), and (q) of Section 64.41.01 of the Los Angeles Municipal Code are hereby re-lettered (v), (w), (k), (i), (q), (y), (c), (g), (p), (m), (l), and (n) respectively.

Sec. 3. Existing Subsections (d), (f), (l), and (e) of Section 64.41.01 of the Los Angeles Municipal Code are hereby re-lettered (a), (d), (u), and (x) respectively, and amended to read as follows:

(a) **“Adjustment”** - A determination that the volumetric amount of sewage which enters the sewer system from a premises is based on sewage volume other than that prescribed by Section 64.41.03(g) of this Article.

(d) **“Commercial”** - The use of the sewer system which is in any manner related to the operation of any premises for the purposes of business, trade, commerce, or as a church or public meeting place, and not otherwise included in the definitions of “Industrial,” “Multiple Dwelling,” or “Residential” in this Section.

(u) **“Residential”** - The use of the sewer system which is primarily related to domestic sewage production from a premises consisting of a residential dwelling or dwellings and not included in the definition of “Multiple Dwelling” in this Section.

(x) **“User”** - An owner or occupant of a premises in the City of Los Angeles from which sewage is discharged into the sewer system.

Sec. 4. New Subsections (b), (e), (f), (h), (j), (o), (r), (s), (t), and (z) of Section 64.41.01 of the Los Angeles Municipal Code are hereby added to read as follows:

(b) **“Billing Period”** - A period used by Water and Power to accumulate water consumption data for invoicing purposes. Such periods are “monthly” or “bimonthly.”

(e) **“Director”** - The Director of the Bureau of Sanitation of the Department of Public Works of the City of Los Angeles or the duly authorized representative thereof.

(f) **“Dry Winter Compensation Factor”** - A factor of 1.0 or less, determined annually by the Board, which is multiplied by the Winter Water Use of a premises to compensate for a Rainy Season with insufficient rainfall to obviate irrigation of outdoor planting.

(h) **“Fiscal Year”** - The twelve month period beginning the 1st day of July of a calendar year and ending the 30th day of June of the subsequent calendar year.

(j) **“hcf”** - A measurement unit of volume equal to 100 cubic feet.

(o) **“Multiple Dwelling”** - The use of the sewer system which is in any manner related to the ownership, operation, or maintenance of an apartment house, condominium, stock cooperative, or community apartment project; provided however, the application of this term is limited to a structure or structures consisting of five (5) or more dwelling units served by a single water meter, but shall not apply to the ownership, operation, or maintenance of mobile home parks as defined in Section 12.03 of this Code.

(r) **“Rainy Season”** - A period of consecutive days, determined annually by the Board to be most representative of a period within each fiscal year, during which the need for irrigation of outdoor planting is minimized.

(s) **“Rainy Season Billing Period”** - Determined annually by the Board individually for each premises, that bimonthly billing period or those two consecutive monthly billing periods, occurring wholly within the Rainy Season Review Period of a fiscal year, having the lowest average daily amount of water supplied to the premises.

(t) **“Rainy Season Review Period”** - A period of consecutive days completely containing the Rainy Season of a fiscal year, determined annually by the Board to be sufficiently long to determine a Rainy Season Billing Period for each premises.

(z) **“Winter Water Use”** - The average daily amount of water supplied to a premises during the Rainy Season Billing Period.

Sec. 5. Existing Subsections (f), (h), and (i) of Section 64.41.03 of the Los Angeles Municipal Code are hereby re-lettered (j), (k), and (l) respectively.

Sec. 6. Existing Subsections (b), (c), (d), (e) and (g) of Section 64.41.03 of the Los Angeles Municipal Code are hereby deleted.

Sec. 7. New Subsections (b), (c), (d), (e), (f), (g), (h), and (i) of Section 64.41.03 of the Los Angeles Municipal Code are hereby added to read as follows:

(b) The Sewer Service Charge (SSC) will be a charge to all users on the volume of sewage discharged to the sewer system from a premises. The SSC shall be paid by the user or other person billed by either Water and Power or the City Clerk, whichever has billed for such charge. If the user is someone other than the owner of the premises the owner and such user shall be jointly and severally obligated to pay the SSC. The imposition of the SSC based on the volume of sewage discharged shall not preclude imposition of a supplemental charge to industrial users based on the quality of sewage discharged ("Quality Surcharge Fee"), as provided by Section 64.30 D, 4 of this Code.

(c) Any allocation of the Sewer Service Charge rate between the financing of capital improvements and the payment of the costs of operation and maintenance (including replacement) of the sewer system, or any other adjustment of the rate, necessary to comply with the provisions of federal or state law, shall be made by the Board following adoption of the budget for each fiscal year.

(d) No Sewer Service Charge shall be billed to or collected from a premises where no portion of the water supplied or delivered to the premises, from whatever source, neither traverses through any portion of the City's sewer collection system or is treated at any of the City's sewage treatment facilities.

(e) Sewer Service Charge Computation: The Sewer Service Charge for each user shall be computed by multiplying the applicable rate, as provided in Subsection (f), by the volume of sewage discharged to the sewer system from a premises, as provided in Subsection (g); the result shall be decreased by a low-income subsidy, as provided in Subsection (h), or increased by a low-income subsidy surcharge, as provided in Subsection (i), whichever is applicable.

(f) Rate: The rate applicable to calculating the Sewer Service Charge shall be determined as follows:

(1) For users whose premises discharge sewage to the sewer system, and such sewage is treated in the City's facilities, the rate shall be \$2.26 per hcf of sewage discharged, except as provided in (2) below.

(2) Any Low-Strength Industrial User may petition the Board and request to pay its Sewer Service Charge at the Low-Strength Sewer Service Charge Rate of \$1.475 per hcf, for the flow component of its wastewater discharge in addition to paying a "Zero-Based" Quality Surcharge Fee for the strength component of its wastewater discharge per Section 64.30 D, 4, (b) and (c) of this Code. The petitioner must submit analytical data on its discharge at the time of and with its petition, demonstrating that the average strengths of its BOD and/or SS concentrations discharged over a one-year period are less than 215 milligrams per liter of BOD and/or 205 milligrams per liter of SS, the strength of average domestic sewage. Fees paid in accordance with this paragraph shall be effective for services provided up to one year prior to date of petition to pay such fees, but shall in no case be effective for services provided before July 1, 1996.

(3) If a premises discharges sewage to the sewage collection system but the sewage is not treated at the City's sewage treatment facilities, the applicable rate shall be 15% of what it would otherwise be if the sewage was treated at the City's sewage treatment facilities.

(g) Sewage Volume: The volume of sewage discharged from a premises, used for the purposes of calculating the Sewer Service Charge, shall be determined as follows, unless the Board has authorized an adjustment pursuant to Subsection (b) of Section 64.41.07:

(1) For Residential Users, the volume for each day billed shall be the greater of the following: (A) the Winter Water Use of the premises for the most recently determined Rainy Season Review Period multiplied by the corresponding Dry Winter Compensation Factor; or (B) the minimum reasonable volume of sewage discharged by a household consisting of one resident as determined by the Board. The Board shall establish rules to determine when insufficient data exists to calculate a user's Winter Water Use at a corresponding premises and to estimate the volume of sewage discharged in such an instance.

(2) For Commercial, Governmental, Multiple Dwelling, and Industrial users, the volume shall be 90% of the volume of water supplied to the premises during the billing period.

(3) Direct Measurement/Calculation:

A. In lieu of paragraphs (1) or (2) above, the Board may authorize the direct measurement or calculation of the volume of sewage discharged from a premises in the following circumstances:

i. Where in the Board's judgement, the flows of sewage from the premises are sufficient for accurate measurement, any user may obtain a permit from the Board and install a device or devices approved by the Board to measure all the sewage discharged into the sewer system from the premises. For purposes of this article, the total aggregate sewage measured through said device or devices sharing a given billing period will be deemed to be the sewage volume discharged from the premises for said billing period.

ii. Where the plumbing on a premises has been arranged to isolate the plumbing which serves uses that are tributary to the sewer from the uses not so tributary, subject to inspection and approval by the Department of Building and Safety (DBS), a user may obtain Board authority to install one private water meter for each tributary City water meter serving the premises. When the private meter is installed on the tributary service, the Sewer Service Charge shall be billed based on the volume of water through the private meter during the billing period. When the private meter is installed on the non-tributary service, the Sewer Service Charge shall be billed based on the difference between the volume through the City meter and the private meter during the billing period. A user may allow hose bibbs to remain attached to the tributary service, but no credit against the Sewer Service Charge shall be given in such a case. The Board shall promulgate rules which determine whether the meter is to be installed on the tributary or non-tributary service.

A user may choose at any time to revert to volume determination based on the methods in paragraphs (1) or (2) above, whichever is applicable; however, such a user may not again be approved for private metering before 12 months have elapsed since the effective date of reversion.

The Board may require the user at any time to install a device to telemeter the data obtained by the metering device back to a City computer if the installed meter allows for this to be done.

B. Whenever the Board has authorized the direct measurement or calculation of sewage volume discharged from a premises, the user shall bear all responsibility for the expense of permits, equipment, installation, and maintenance of any private water meter. The Board may require periodic testing of installed equipment to insure reasonable accuracy. The board may revert a user who does not repair malfunctioning equipment within the time which the Board may specify to volume determination based on the methods in paragraphs (1) or (2) above, whichever is applicable.

(h) Low-Income Subsidy: The Sewer Service Charge shall be reduced by 31% for low-income Residential users who pay such charges, the definition of such a class being determined by the Board of Water and Power Commissioners, for the first 18 billing units (a billing unit being each hcf of sewage entering the sewer system) of each two-month billing period, or the first nine billing units for each one-month billing period as to any such Residential user billed monthly.

(i) Low-Income Subsidy Surcharge: The Sewer Service Charge to all users, who are not within the class of a low-income Residential user, as provided in Subsection (h), shall be increased by a surcharge of 0.84%.

Sec. 8. Existing Subsection (g) of Section 64.41.05 of the Los Angeles Municipal Code is hereby amended by changing the reference to LAMC Section "64.1.03(c)" in said Subsection (g) to LAMC Section "64.41.03".

Sec. 9. Existing Subsection (j) of Section 64.41.05 of the Los Angeles Municipal Code is hereby amended by changing the term "City Engineer" to "Director".

Sec. 10. Existing Section 64.41.07 of the Los Angeles Municipal Code is hereby amended by changing the title from "**SEC. 64.41.07 ADJUSTMENTS AND APPEALS.**" to "**SEC. 64.41.07 ADJUSTMENTS - EXEMPTIONS - APPEALS.**"

Sec. 11. Existing Subsection (b) of Section 64.41.07 of the Los Angeles Municipal Code is hereby amended to read:

(b) The Board shall have the power to provide for adjustments to the volume of sewage determined to be discharged to the sewer system in the following instances when:

(1) The user's sewage volume would otherwise be determined by Section 64.41.03(g)(1) and there was a extraordinary, non-occupancy related condition occurring during the Rainy Season Billing Period substantially affecting the user's Winter Water Use.

(2) The user's sewage volume would otherwise be determined by Section 64.41.03(g)(2) and the user's actual discharge of sewage to the sewage system is determined to be substantially less than 90% of the volume of water supplied to the premises.

(3) The premises is unoccupied throughout a billing period.

Sec. 12. Existing Subsections (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) of Section 64.41.07 of the Los Angeles Municipal Code are hereby re-lettered (d),(e), (f), (g), (h), (i), (j), (k), (l), and (m) respectively.

Sec. 13. New Subsection (c) of Section 64.41.07 of the Los Angeles Municipal Code is hereby added to read:

(c) The Board shall have the power to provide for exemptions as defined in this Article.

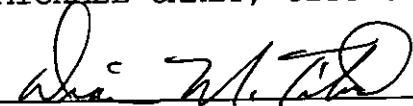
Sec. 14. Existing Section 64.30.D.4(b) of the Los Angeles Municipal Code is hereby amended by changing both references to LAMC "Section 64.41.01 (q)" to read "Subsection (n) of Section 64.41.01".

Sec. 15. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

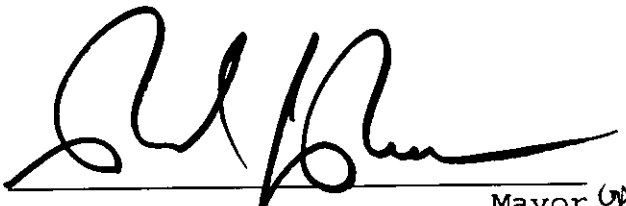
Sec. 16. The effective date of this ordinance shall be July 1, 1997.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles FEB 11 1997 and was passed at its meeting of FEB 18 1997.

J. MICHAEL CAREY, CITY CLERK

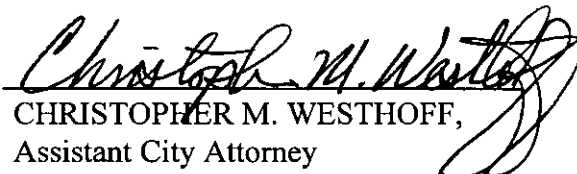
BY  Deputy

Approved FEB 27 1997

 Mayor *68*

Approved as to form and Legality

2/10/97
JAMES K. HAHN, City Attorney

By 
CHRISTOPHER M. WESTHOFF,
Assistant City Attorney

File No. 93-1896
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