

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
AMENDING SECTIONS 15.12.070,
“COMMERCIAL AND INDUSTRIAL – RATE
DETERMINATION BASED ON METERED
WATER SCHEDULE,” 15.12.075, “TEMPORARY
RATES AND DETERMINATION,” AND 15.32.070,
“WHEEL VALVES AND CURB SHUTOFF
VALVES,” OF THE MERCED MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:

SECTION 1. AMENDMENT TO CODE. Section 15.12.070,
“Commercial and Industrial – Rate Determination Based on Metered Water
Schedule,” of the Merced Municipal Code is hereby amended to read as follows:

**“15.12.070 Commercial and Industrial – Rate
Determination Based on Metered Water Schedule.**

For all commercial and industrial premises using metered
water as a basis for rate determination, the base monthly
sewer service charge shall be according to the following
schedule for each one hundred (100) cubic feet of water
purchased:

Premises	Units	2010-11	2011-12	2012-13	2013-14	2014-15*
Bakery--Wholesale	Per HCF	\$7.86	\$7.86	\$7.86	\$7.86	\$7.86
Barber & beauty shop	Per HCF	3.42	3.42	3.42	3.42	3.42
Bars w/o dining	Per HCF	3.92	3.92	3.92	3.92	3.92
Car wash	Per HCF	3.18	3.18	3.18	3.18	3.18

Construction	Per HCF	3.59	3.59	3.59	3.59	3.59
Government buildings	Per HCF	3.28	3.28	3.28	3.28	3.28
Department & retail stores	Per HCF	3.59	3.59	3.59	3.59	3.59
Dry industrial	Per HCF	5.80	5.80	5.80	5.80	5.80
Hospital & convalescent	Per HCF	3.73	3.73	3.73	3.73	3.73
Hotel with dining	Per HCF	4.86	4.86	4.86	4.86	4.86
Hotel without dining	Per HCF	3.99	3.99	3.99	3.99	3.99
Laundromat	Per HCF	3.45	3.45	3.45	3.45	3.45
Laundry	Per HCF	4.86	4.86	4.86	4.86	4.86
Light manufacturing	Per HCF	3.99	3.99	3.99	3.99	3.99
Markets w/o garbage disposal	Per HCF	7.93	7.93	7.93	7.93	7.93
Mortuaries	Per HCF	7.93	7.93	7.93	7.93	7.93
Professional office	Per HCF	3.28	3.28	3.28	3.28	3.28
Recreation halls	Per HCF	3.28	3.28	3.28	3.28	3.28
Repair shop & service station	Per HCF	4.14	4.14	4.14	4.14	4.14
Restaurant	Per HCF	7.86	7.86	7.86	7.86	7.86
Mixed Use Commercial	Per HCF	3.99	3.99	3.99	3.99	3.99
Soft water service	Per HCF	2.79	2.79	2.79	2.79	2.79
Theaters	Per HCF	3.42	3.42	3.42	3.42	3.42

Warehouses	Per HCF	3.28	3.28	3.28	3.28	3.28
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Each user shall pay a minimum monthly charge as follows:

2010-11	2011-12	2012-13	2013-14	2014-15*
\$1.60	\$1.60	\$1.60	\$1.60	\$1.60

* Starting July 1, 2015, the base sewer service charge shall be calculated based on a formula set forth in Section 15.12.025 of this Chapter.

The base sewer charge includes a ten percent (10%) allowance of metered water for non-sewage uses including, but not limited to, landscape irrigation.

The new rates set forth in this Section shall be implemented on July 1, 2010, with subsequent scheduled increases implemented on January 1st of each year.”

SECTION 2. AMENDMENT TO CODE. Section 15.12.075, “Temporary Rates and Determination,” of the Merced Municipal Code is hereby amended to read as follows:

“15.12.075 Other Water Meter Based Sewer Rate Estimates and Temporary Rate Determinations.

A. In addition to the schedule contained in Section 15.12.070, the City Engineer may create other water meter based sewer rate estimates and temporary sewer rate categories when he/she determines that an existing category does not accurately reflect the cost of providing service to the user. Other water meter based sewer rate estimates may be revised or cancelled by the City Engineer with notice. Any temporary rate so established shall be effective for a maximum of sixty (60) days or until the city council amends the schedule contained in Section 15.12.070.

B. The user shall pay the cost of processing any request for a determination pursuant to Section 15.12.070, or for a temporary rate pursuant to subsection A, subject to a minimum charge of Fifty Dollars (\$50.00).

C. Water meter based sewer estimate determinations of the City Engineer shall be effective for not more than one (1) year. When the volume of wastewater produced by any premises is determined by other water meter based sewage estimates, the owner or occupant of such premises shall pay to the City the cost of making the original and each subsequent annual estimate, subject to a minimum charge of Fifty Dollars (\$50.00) for each estimate made.”

SECTION 3. AMENDMENT TO CODE. Section 15.32.070, “Wheel Valves and Curb Shutoff Valves,” of the Merced Municipal Code is hereby amended to read as follows:

“15.32.070 Wheel Valves and Curb Shutoff Valves.

All water services shall have a wheel valve where the service pipe enters the house or structure. The City, upon request of a customer, will turn the curb shutoff valve on and off without charge to enable the customer to install the wheel valve.

It is unlawful for a customer, or any person, to turn on or turn off a curb shutoff valve without the permission of the Director of Public Works or his designee.

Except as indicated above, a customer is subject to a charge for having a curb shutoff valve turned on and off. The charge is Fifty Dollars (\$50.00) during normal working hours (eight a.m. to three p.m., Monday through Friday) and Seventy-Five Dollars (\$75.00) at all other times.”

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

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The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2013, and was passed and adopted at a regular meeting of said City Council held on the ____ day of _____, 2013, by the following called vote:

AYES: **Council Members:**

NOES: **Council Members:**

ABSTAIN: **Council Members:**

ABSENT: **Council Members:**

APPROVED:

Mayor

ATTEST:
JOHN M. BRAMBLE, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Her Axel 1/11/12
City Attorney **Date**