

The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1982-20

No. 248 **AN ORDINANCE** IN AMENDMENT OF CHAPTER 1979-37, APPROVED SEPTEMBER 28, 1979, ENTITLED "AN ORDINANCE REGULATING THE USE OF INTERCEPTORS, PUBLIC AND PRIVATE SEWERS AND DRAINS; THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND GARBAGE DISPOSAL UNITS, THE DISCHARGE OF WATER AND WASTEWATERS INTO THE PUBLIC SEWERAGE SYSTEM, AND PROVIDING FOR THE ENFORCEMENT OF THESE RULES AND REGULATIONS AND COST RECOVERY PROGRAM IN THE CITY OF PROVIDENCE, COUNTY OF PROVIDENCE, STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS," AS AMENDED.

Approved April 30, 1982

Be it ordained by the City of Providence:

SECTION 1. Article XIV, Section 1 of Chapter 1979-37 of the Code of Ordinances of the City of Providence approved September 28, 1979 entitled "An Ordinance Regulating the Use of Interceptors, Public and Private Sewers and Drains; the Installation and Connections of Building Sewers and Garbage Disposal Units, the Discharge of Water and Waste Waters into the Public Sewage System and Providing for the Enforcement of These Rules and Regulations and Cost Recovery Program in the City of Providence, County of Providence, State of Rhode Island and Providence Plantations," is hereby amended by deleting Article XIV, Section 1 and inserting the following:

Article XIV.

RATES

"Section 1. There is hereby imposed an annual sewer use and treatment charge for the use of sewers, and the sewage collection system and for the treatment of sewage upon all industrial and commercial plants and facilities and residential facilities and all other users of said sewers, sewage collection system and sewage treatment facilities at the rates hereinafter set forth. The charge herein made, except as otherwise hereinafter provided, is assessed upon the recorded owner of the property served and having a connection or connections with said sewers, sewage collection system and sewage treatment facilities; said owner shall be deemed to be in control of said connection or connections and deemed to be the user of said sewers, sewage collection system and sewage treatment facilities.

"Section 2. The sewer use and treatment charge for industrial, commercial and institutional users hereby imposed, shall be based upon the water consumption of the property served either by the

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city system, its own private supplies, or both, as measured on a meter approved by the Director of Public Works, or his designee.

"SECTION 3. The sewer use and treatment charge imposed herein shall be as follows:

For residential property there shall be assessed a charge of fifty-five (\$55) Dollars per dwelling unit. "Residential" shall mean property containing fewer than six (6) dwelling units as verified by the City Assessor of Taxes of the City of Providence. Said sewer use and treatment charge for residential property shall be assessed for each calendar year commencing on January 1, 1982.

All other property within the City of Providence shall be deemed to be industrial, commercial or institutional for the purpose of this Section. The charge in such case shall be assessed at the rate of 95¢ per 100 cubic feet of water consumption. Said sewer use and treatment charge for industrial, commercial or institutional property shall be assessed and become effective upon passage of this Ordinance.

SECTION 4. The owner of a property which uses water, all or part of which is from a source or sources other than the city's water supply system, shall install without cost to the city, a meter or meters to measure such quantity of water received from other than the city's water supply system and discharged into the city's sewers. No meter shall be installed or be used for such purpose without the approval of the Director of Public Works.

In the event that a meter fails to register or has been removed for repairs, testing or other purposes during the billing period, the bill shall be issued based on the average daily rate of water consumption or sewage discharged as shown by the meter after it has been returned to service and is in proper working order.

If the meter has not been returned to service, the bill shall be issued based on the average daily rate of water consumption or sewage discharged for the previous two (2) year period.

SECTION 5. Whenever a property upon which a sewer use and treatment charge is hereby imposed uses water from the city's water supply system or other supply systems and part of the water so used is not discharged into the sewage system of the city, the quantity of water so used and not discharged into the city's sewers shall be excluded in determining the sewer use and treatment charge of said property and the charge shall be based upon the quantity of sewage passing into the sewage system of the city as determined by the Director of Public Works or some other employee of said city designated by him or at the option of the person subject to the charge, by a measuring device approved by the Director of Public Works, installed by the owner, without cost to the city.

SECTION 6. All meters or other measuring devices installed or required to be used under the provisions of this article shall be under the control of the chief engineer of the water supply board and the Director of Public Works. The owner of the property upon which any such measuring device is installed shall be responsible for its maintenance and safekeeping, and all repairs thereto shall be made at the owner's cost, whether such repairs are made necessary by ordinary wear and tear or other causes. Bills for such repairs if made by the city, shall be due and payable at the same time, be collected in the same manner, and be subject to the same penalties, as are the bills for repairs of water rates.

SECTION 7. Whenever sewer service to any property begins after the first day or terminates before the last day of any billing period, the sewer use and treatment charge for such property for said period shall be for that portion of the period during which the property is served; provided however, that in making such apportionment, a fraction of a month amounting to one-half ($\frac{1}{2}$) or more of a month shall be counted a full month and a fraction of a month amounting to less than one-half ($\frac{1}{2}$) of a month shall be disregarded.

SECTION 8. All sewer use and treatment charges shall be due and payable at the same time that water charges are due and payable. Bills shall be prepared and collected at the same time and in the same manner as the charges for water. Said payments shall apply to all property owners or users subject to the payment of sewer use and treatment charges without regard to the source of the water used by them.

SECTION 9. All sewer use and treatment charges not paid within twenty (20) days after issuance of the bill therefor shall be deemed to be overdue and delinquent.

SECTION 10. The city collector is hereby charged with the duty of collecting all sewer use and treatment charges. Bills shall be prepared by the water supply board and filed with the city collector for collection.

SECTION 11. Failure to pay the sewer use and treatment charges imposed herein by the due date shall result in shutting off the water service, without regard to change of ownership or occupancy of such premises. Water shall not again be turned on until all sewer use and treatment charges due and payable have been paid.

SECTION 12. No sewer use and treatment charge is hereby imposed on properties outside the city from which sewage and other liquid wastes are discharged into the sewers of the city under an agreement between the city and any other political subdivision of the state, or upon properties within the city not receiving sewer service from the city's facilities, nor upon any tax supported department of the city.

SECTION 13. The Director of Public Works shall make and enforce such additional regulations as said he may deem necessary for the collection of the sewer use and treatment charge for the use of sewers, sewage collection system and sewage treatment facilities.

SECTION 14. A Sewer Fund is hereby established as a depository for all annual sewer use and treatment charges imposed under this ordinance; and for all sewer use and treatment charges previously assessed by the City and remaining to be collected, including without limitation charges assessed pursuant to Chapter 1981-35 of the Code of Ordinances of the City, provided, however, that the first \$850,000 collected by the City attributable to the charges assessed pursuant to Chapter 1981-35 need not be placed in the Sewer Fund but may be commingled with other funds of the City. In addition, there shall be deposited into said Sewer Fund all sums received by the City from the City of Cranston and the Towns of North Providence and Johnston, with respect to use by those communities from and after January 1, 1982, of the City's sewers and sewage collection system, and for the treatment of sewage.

The Sewer Fund shall be a segregated, restricted fund. Disbursements from the fund shall be employed for the sole purpose of the costs incurred for the operation and maintenance of sewers, the sewage collection system, the treatment of sewage, for the enlarging or rehabilitation of the existing or future sewer system, and for paying the principal and interest on debt related to sewers, the sewage collection system, and the treatment of sewage. In addition to the foregoing, disbursements may be made from the Sewer Fund to meet any and all billings or other charges or costs imposed by the Narragansett Bay Water Quality Management District Commission (hereinafter "Commission"), created pursuant to Chapter 25 of Title 46 of the Rhode Island General Laws, as amended.

SECTION 15. The sewer use and treatment charge for the use of sewers, sewage collection system and sewage treatment facilities of the City of Providence hereby imposed shall become effective in accordance with the provisions as hereinabove stated.

IN CITY COUNCIL

APR 22 1982
FIRST READING
READ AND PASSED

IN CITY
COUNCIL

APR 29 1982

FINAL READING
READ AND PASSED

PRESIDENT

CLERK

APPROVED

APR 30 1982

MAYOR

