

CITY OF SOMERVILLE
ORDINANCE NO. 2016-____
In Board of Aldermen _____

Be it ordained by the Board of Aldermen, in session assembled, that Chapter 11, Section 11-125, paragraph (a) of the Code of Ordinances of the City of Somerville is hereby amended by striking its provisions and replacing them with the following:

Section 11-125. Water rates and Base Charges.

(a) Established. Water rates and base charges for water use shall be established by the superintendent of the water and sewer department, subject to the approval of the mayor and board of aldermen. Prior to setting the water rates and base charges, the superintendent shall conduct a public hearing on the proposed rates and charges no later than May 15 of any given year with notice of any new rates or charges provided to the board of aldermen at least 14 days prior to the public hearing. Any proposed new rates and charges shall be provided to the board of aldermen for its review on or before June 1. Rates set may be adjusted, subsequent to initial approval by the superintendent with the approval of the mayor and board of aldermen, without the necessity of a public hearing, to reflect any changes in any charge assessed to the city by any governmental body or agency of the commonwealth. If any such adjustment results in a lower rate than previously set, the new rate shall take effect immediately upon approval by the mayor and board of aldermen. If such adjusted rate is higher than otherwise set, the new rate shall take effect no sooner than 30 days after approval by the mayor and board of aldermen. Failure to hold a public hearing as required above shall prohibit the City from increasing rates and charges.

Approved:

President
Board of Aldermen

CITY OF SOMERVILLE

ORDINANCE NO. 2016-____

In Board of Aldermen _____

Be it ordained by the Board of Aldermen, in session assembled, that Chapter 11, Section 11-125 of the Code of Ordinances of the City of Somerville is hereby amended to read as follows [deletions based upon Legislative Matters Committee most recent recommendation are struck through; additions are underlined]:

ORDINANCE:

That Paragraph (a) of Section 11-125 of the Code of Ordinances be amended as follows:

Section 11-125. Water rates and Base Charges.

(a) Established. Water rates and base charges for water use shall be established by the superintendent of the water and sewer department, subject to the approval of the mMayor and bBoard of aAldermen. Prior to setting the water rates and base charges, the superintendent shall conduct a public hearing on the proposed rates and charges no later than May 15 of any given year with notice of any new rates or charges provided to the bBoard of aAldermen at least 14 days prior to the public hearing. Any proposed new rates and charges shall be provided to the bBoard of aAldermen for its review ~~and approval~~ on or before June 15. Rates set may be adjusted, subsequent to initial approval by the superintendent with the approval of the mayor and bBoard of aAldermen, without the necessity of a public hearing, to reflect any changes in any charge assessed to the city by any governmental body or agency of the commonwealth. If any such adjustment results in a lower rate than previously set, the new rate ~~or charge~~ shall take effect immediately upon approval by the mMayor and bBoard of Aldermen. If such adjusted rate is higher than otherwise set, the new rate shall take effect no sooner than 30 days after approval by the mayor and bBoard of aldermen. Failure to hold a public hearing as ~~set forth~~ required above shall prohibit the City from increasing rates and charges.

Approved:

President
Board of Aldermen

CITY OF SOMERVILLE
ORDINANCE NO. 2016-____
In Board of Aldermen _____

Be it ordained by the Board of Aldermen, in session assembled, that Chapter 11, Section 11-164 of the Code of Ordinances of the City of Somerville is hereby stricken and amended to read as follows:

Sec. 11-164. - Sewer user charges.

(a) Definitions. As used in this section, the following words and terms shall have the same meaning as set forth below:

The Act shall mean the Clean Water Act (33 USC 1251 et seq., as amended).

Replacement shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance which such works were designed and constructed. The term "operation and maintenance" includes replacement.

User charge shall mean a charge levied on users of the treatment works for the cost of operation of said works in accordance with Section 204(b) of the act.

(b) User charges.

(1) Established. Charges for sewer service shall be established by the superintendent of the water and sewer department, subject to the approval of the mayor and board of aldermen. Prior to setting the new sewer service charge, the water and sewer superintendent shall conduct a public hearing on the proposed charge no later than May 15 of any given year with notice of any new charges provided to the board of aldermen at least 14 days prior to the public hearing. Any proposed new charges shall be provided to the board of aldermen for its review on or before June 1 of any given year.

Charges may be adjusted, subsequent to initial approval by the superintendent, with the approval of the mayor and board of aldermen, without the necessity of a public hearing, to reflect any changes in any charge assessed to the city by any governmental body or agency of the commonwealth. If any such adjustment results in a lower charge than previously set, the new charge shall take effect immediately upon approval by the mayor and board of aldermen. If such adjusted charge is higher than otherwise set, the new charge shall take effect no sooner than 30 days after approval by the mayor and board of aldermen. Failure to hold a public hearing as required above shall prohibit the city from increasing charges.

(2) Method of assessment. Rates shall be established based upon a uniform rate per 100 cubic feet of water consumed. At a user's option and expense, assessments may be made on continuously metered sewage flow, or upon water sales to activities resulting in a discharge to the sewer. Said assessments shall be made pursuant to readings obtained from metering devices approved by the commissioner. For

users whose bill is based upon metered sewage, the rate shall be 1.11 times the rate established for those whose bill is based upon metered water. Where water consumption data is not available, bills for sewer services shall be based upon estimated consumption, as determined by the commissioner.

(3) Payment. Bills for sewer service shall be rendered a minimum of two per year and a maximum of four per year and are due and payable within 30 days. Interest shall accrue on bills not paid within 30 days from the date of mailing at the rate established by Section 57 of Chapter 93 of the General Laws.

(c) Appeals. Persons aggrieved of bills rendered pursuant to subsection (b) of this section shall have the following rights of appeal:

(1) Notification. Within the time frame allowed for payment of said bills, the aggrieved party shall notify the commissioner that said bill is contested. The notification shall include an explanation as to why the bill is contested, and should provide the commissioner with such information as is necessary to determine the validity of the claim. The commissioner may prescribe such forms as are necessary to expedite this process.

(2) Resolution. Upon receipt of an appeal, the commissioner shall act upon same as quickly as possible and shall inform the claimant in writing of the result of the investigations. The determination of the commissioner shall also be transmitted to the treasurer who shall take the following action:

a. For first claims and claims found to be valid, the date of billing shall be revised to the date of the commissioner's determinations. Revised charges shall then be due and payable as is specified in subsection (b)(3) of this section.

b. For second and subsequent claims found to be invalid, the date of billing shall be as originally issued, and charges and interest shall be computed as specified in subsection (b)(3) of this section.

(d) Tax liens of overdue charges. Charges for sewer use which are overdue and uncontested shall become a tax lien as is provided in Sections 16A through 16F of Chapter 83 of the General Laws.

(e) Increases restricted. The superintendent of the water division shall prepare and submit to the board of aldermen on or before April 1, 1984 a plan for the installation of water meters in each residence, business, industrial or other location where no meter currently exists. Said plan shall provide for the complete metering of water services in the city by December 31, 1986. The superintendent of the water division shall submit to the board of aldermen on or before December eighth in each year of the installation period, a statement, signed under the penalties of perjury, that not less than one-third of the total number of unmetered services existing on December 8, 1984 have been installed during such year. If the total number of water meters out of service in any year next succeeding the end of the installation period on December 31, 1986 exceeds 500 meters, then no sewer rate increase shall be authorized or approved under subsection (b)(1) or (b)(2) of this section, without additional approval of the board of aldermen.

Approved:

President
Board of Aldermen

CITY OF SOMERVILLE
ORDINANCE NO. 2016-____
In Board of Aldermen_____

SEWER USER CHARGES

Be it ordained by the Board of Aldermen, in session assembled, that Chapter 11, Section 11-164 of the Code of Ordinances of the City of Somerville is hereby amended as follows [Deletions are struck through; additions are underlined]:

Section 11-164 is hereby amended as highlighted below:

Sec. 11-164. - Sewer user charges.

The Act shall mean the Clean Water Act (33 USC 1251 et seq., as amended).

Replacement shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance which such works were designed and constructed. The term "operation and maintenance" includes replacement.

User charge shall mean a charge levied on users of the treatment works for the cost of operation of said works in accordance with Section 204(b) of the act.

(b) User charges.

(1) Established. Charges for sewer service shall be established by the ~~commissioner of public works superintendent of the water and sewer department, subject to the approval with the approval of the mayor and board of aldermen.~~ provided the commissioner conducts Prior to setting the new sewer service charge, the water and sewer superintendent shall conduct a public hearing on the proposed charge no later than May 15 of any given year with notice of any new charges provided to the board of aldermen at least 14 days prior to the public hearing. Any proposed new charges shall be provided to the board of aldermen for its review on or before June 1 of any given year.

Charges may be adjusted, subsequent to initial approval by the superintendent, with the approval of the mayor and board of aldermen, without the necessity of a public hearing, to reflect any changes in any charge assessed to the city by any governmental body or agency of the commonwealth. If any such adjustment results in a lower charge than previously set, the new charge shall take effect immediately upon approval by the mayor and board of aldermen. If such adjusted charge is higher than otherwise set, the new charge shall take effect no sooner than 30 days after approval by the mayor and board of aldermen. Failure to hold a public hearing as required above shall prohibit the city from increasing charges.

~~and that the commissioner sets the rate with the approval of the mayor, no later than June 1 of that same year to be applied prospectively to sewer service beginning on July 1 of that same year.~~

(2) Method of assessment. Rates shall be established based upon a uniform rate per 100 cubic feet of water consumed. At a user's option and expense, assessments may be made on continuously metered sewage flow, or upon water sales to activities resulting in a discharge to the sewer. Said assessments shall be made pursuant to readings obtained from metering devices approved by the commissioner. For users whose bill is based upon metered sewage, the rate shall be 1.11 times the rate established for those whose bill is based upon metered water. Where water consumption data is not available, bills for sewer services shall be based upon estimated consumption, as determined by the commissioner.

(3) Payment. Bills for sewer service shall be rendered a minimum of two per year and a maximum of four per year and are due and payable within 30 days. Interest shall accrue on bills not paid within 30 days from the date of mailing at the rate established by Section 57 of Chapter 93 of the General Laws.

(c) Appeals. Persons aggrieved of bills rendered pursuant to subsection (b) of this section shall have the following rights of appeal:

(1) Notification. Within the time frame allowed for payment of said bills, the aggrieved party shall notify the commissioner that said bill is contested. The notification shall include an explanation as to why the bill is contested, and should provide the commissioner with such information as is necessary to determine the validity of the claim. The commissioner may prescribe such forms as are necessary to expedite this process.

(2) Resolution. Upon receipt of an appeal, the commissioner shall act upon same as quickly as possible and shall inform the claimant in writing of the result of the investigations. The determination of the commissioner shall also be transmitted to the treasurer who shall take the following action:

a. For first claims and claims found to be valid, the date of billing shall be revised to the date of the commissioner's determinations. Revised charges shall then be due and payable as is specified in subsection (b)(3) of this section.

b. For second and subsequent claims found to be invalid, the date of billing shall be as originally issued, and charges and interest shall be computed as specified in subsection (b)(3) of this section.

(d) Tax liens of overdue charges. Charges for sewer use which are overdue and uncontested shall become a tax lien as is provided in Sections 16A through 16F of Chapter 83 of the General Laws.

(e) Increases restricted. The superintendent of the water division shall prepare and submit to the board of aldermen on or before April 1, 1984 a plan for the installation of water meters in each residence, business, industrial or other location where no meter currently exists. Said plan shall provide for the complete metering of water services in the city by December 31, 1986. The superintendent of the water division shall submit to the board of aldermen on or before December eighth in each year of the installation period, a statement, signed under the penalties of perjury, that not less than one-third of the total number of unmetered services existing on December 8, 1984 have been installed during such year. If the total number of water meters out of service in any year next succeeding the end of the installation period on December 31, 1986 exceeds 500 meters, then no sewer rate increase shall be authorized or approved under subsection (b)(1) or (b)(2) of this section, without additional approval of the board of aldermen.

Approved:

President
Board of Aldermen