

BAY CITY ORDINANCES

ORDINANCE NO. 516

AN ORDINANCE DEFINING CERTAIN TERMS; ESTABLISHING A METHOD OF DETERMINING SEWER USER CHARGES AND CONNECTION FEES; ESTABLISHING REGULATIONS GOVERNING SEWER CONNECTIONS AND REQUIRING APPLICATION PERMITS AND FEES; PROVIDING RULES AND REGULATIONS FOR OPERATION OF THE SEWER SYSTEM AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR REVIEW AND REVISION OF RATES ON A PERIODIC BASIS; IDENTIFYING THOSE RESPONSIBLE FOR PAYMENT; PROVIDING FOR COLLECTION OF CHARGES; AND PROVIDING FOR REPEAL OF BAY CITY ORDINANCE NUMBERS 501, 506 AND 512 AND DECLARING AN EMERGENCY.

THE CITY OF BAY CITY ORDAINS AS FOLLOWS:

Section 1. Purpose. The City of Bay City desires to protect the waters within and adjacent to the City from pollution and to promote the health, safety and welfare of the residents. Therefore, a sewerage system has been developed to be operated by the City for collection, treatment and disposal of wastewater tributary to such a system.

Section 2. Repeal. Bay City Ordinance No. 442, codified as Bay City Ordinance 4-3 and passed June 11, 1985, Bay City Ordinance No. 313, codified as Bay City Ordinance 4-3 and passed June 3, 1971, Bay City Ordinance No. 408 passed November 19, 1981, Bay City Ordinance 319, codified as Bay City Ordinance 4-4 and passed April 6, 1972 and Bay City Ordinance 452, codified as Bay City Ordinance 4-3 and passed January 14, 1986, Bay City Ordinance 501, codified as Bay City Ordinance 4-3 and adopted June 11, 1991, Bay City Ordinance 506, codified as Bay City Ordinance 4-4, adopted July 16, 1991 and Bay City Ordinance 512, adopted August 11, 1992 are all hereby repealed in their entireties. Furthermore, all resolutions and motions setting rates, fees, charges or procedures pertaining to the City sewer system are hereby repealed except Resolution 92-19.

Section 3. Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in this ordinance and subsequent resolutions pertaining hereto shall be as follows:

3.1 Biochemical Oxygen Demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter (mg/L).

3.2 Building Sewer: The conduit which connects building wastewater sources to the public or street sewer including

lines serving homes, public buildings, commercial establishments and industry structures. In this specification, the building sewer is referred to in two sections: (1) the section between the building line and the property line, frequently specified and supervised by plumbing or housing officials; and (2) the section between the property line and the street: sewer, including the connection thereto, frequently specified and supervised by sewer, public works or engineering officials. (Referred to also as "house sewer," "building connection," "service connection.")

3.3 City: The City of Bay City, Tillamook County, Oregon.

3.4 Commercial User: Any premise used for commercial or business purposes which are not an industry user as defined in this section.

3.5 Connection Charge: The fee required for connection to the City of Bay City sewer system.

3.6 Domestic Waste: Any wastewater emanating from dwellings.

3.7 Dwelling Unit: One or more permanent rooms designed for occupancy by one family and not having more than one cooking facility.

3.8 Equivalent Dwelling Unit (EDU): A volume of wastewater which incurs the same cost for operations and maintenance as the average volume of domestic waste discharged from an average residential dwelling unit in the treatment works service area. The setting of EDU is based on policy established by the EPA.

3.9 Infiltration: That water other than sewage which enters the sewer system from the surrounding soil, typically from broken pipes, or defective joints in pipe and manhole walls.

3.10 Inflow: Water from stormwater runoff which directly enters the sewerage system only during or immediately after rainfall. Typical points of entry include connections with roof and area drains, storm drain connections and holes in manhole covers in flooded streets.

3.11 Industrial User: Any nongovernmental, nonresidential user of the public treatment works which is identified in the Standard Industrial Classification Manual, 1987, Office of Management and Budget. An industrial user defined in this manner may be excluded from the industrial category if it is determined that it will produce primarily domestic waste and/or waste from sanitary conveniences.

3.12 Operation, Maintenance & Replacement (OM&R): Activities required to ensure the dependable and economical function and treatment works.

a. Maintenance: Preservation of functional integrity and efficiency of equipment and structures. This includes preventative maintenance, corrective maintenance and replacement of equipment.

b. Operation: Control of the unit process and equipment that make up the collection and treatment works. This includes keeping financial and personal management records, laboratory control, process control, safety and emergency operation planning, employment of attorneys and consultants, payment of court costs and payment of any costs or fees reasonably associated with any of the above.

c. Replacement: Obtaining and installing equipment accessories or appurtenances that are necessary during the design or useful life, whichever is longer, of the collection and treatment works to maintain the capacity and performance for which such works were designed and constructed.

3.13 Person: Any individual, firm, company, association, society, corporation, partnership or group.

3.14 Public Treatment Works: A treatment works owned and operated by a public authority, in this case the City of Bay City.

3.15 Sanitary Sewer Inspector: An officer of the City of Bay City appointed by the Mayor, whose duty is to inspect all sanitary sewer connections and perform such other duties as delegated by the City Council.

3.16 Service Area: All the area served by the treatment works and for which there is one uniform user charge system.

3.17 Sewage: A combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present. The term "sewage" means waste water.

3.18 Sewage Treatment Plant: An arrangement of devices and structures used for treating sewage.

3.19 Storm Sewer: A sewer intended to carry only storm waters, surface runoffs, street wash waters and drainage.

3.20 Suspended Solids: Solids that either float on the surface of, are in suspension in water, or other liquids and which are removable by laboratory filtration.

3.21 Treatment Works: All facilities for collecting, pumping, treating and disposal of sewage. "Treatment system" and "sewerage system" shall be equivalent terms for "treatment works."

3.22 User: Every person using any part of the public treatment works of the City of Bay City.

3.23 User Charge: The monthly charges levied on all users of the public treatment works. At a minimum these charges must cover each user's proportionate share of the cost of operation and maintenance (including replacement) of such works as provided under Section 204(b)(1)(A) of the Clean Water Act.

Section 4. Sewer User Charges.

4.1 User charges shall be levied on all users of the public treatment works. Such charges shall cover the cost of operation and maintenance, replacement, administrative costs and bonding costs of such treatment works. The user charge system shall distribute these costs in proportion to each user's contribution to the wastewater loading of the treatment works. Factors such as strength, volume and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of O,M&R costs to each user.

4.2 There shall be assigned to each user an appropriate number of EDU's and this number shall represent the ratio of the cost incurred by the wastewater from the user to the cost incurred by the wastewater from the residential dwelling unit.

4.3 The user charge shall be calculated by multiplying the total number of EDU's for each user by a constant cost factor. This cost factor shall be set by resolution or ordinance by the City Council.

4.4 Should any user believe that he has been incorrectly assigned a number of EDU's, that user may apply for review of his user charge as provided in Section 7 of this Ordinance.

4.5 If it has been determined by the City that user's wastewater contribution is incorrectly assigned, the City shall reassign a more appropriate value to that user and shall notify that user of such reassignment.

4.6 Records of all assigned wastewater contributions forming the basis of the charges shall be kept on file with the City Recorder and shall be open for public inspection.

4.7 The sewer user charge for all property shall begin immediately upon connection to the sewer. Once the sewer user charge has commenced, no credit shall be given for vacancy unless the user has requested water service be discontinued and has paid all relevant fees. If the dates upon which the user charge is commenced or altered does not fall on the first day of a billing period, the rates shall be appropriately pro-rated.

Section 5. Fees, Charges and Monthly Sewer Rates. All fees, connection fees and charges and monthly sewer rates shall be set by the City by way of separate resolution after a public hearing. The proposed rate schedule shall be available at City Hall at least seven (7) days prior to the public hearing.

5.1 Review and Revision of Rates The sewer user charges established in Section 4 of this Ordinance shall, as a minimum, be reviewed every other year and revised periodically to reflect actual costs of operation, maintenance and replacement of the treatment works and to maintain the equitability of the user charges with respect to proportional distribution of the costs of the operation and maintenance in proportion to each user's contribution to the total wastewater loading of the treatment works.

5.2 Notification. Each user shall be notified on not less than an annual basis, in conjunction with a regular bill, of that portion of the user charges which are attributable to the operation, maintenance and replacement of the wastewater collection treatment and disposal system.

5.3 Appeals. Appeal of the rate established by the City shall be made in writing to the City Recorder within 20 days of the billing of said use fee. The City Recorder shall respond in writing within 10 days of receipt of the appeal. If the user wishes to appeal further, they shall request in writing that the City Recorder place their specific appeal on the next scheduled regular City Council session. The decision of the City Council shall be final.

Section 6. Responsibility, Payment Delinquencies and Penalties

6.1 The user of the premises served by the sewerage system shall be responsible for payment of the sewer user charge for that property notwithstanding the fact that the property may be owned by another person.

6.2 The users of the sewerage system shall be billed on a monthly basis for services in accordance with the rate schedule as set forth by resolution of the Council. All monthly sewer charges shall be added to the water bill of the user.

6.3 Sewer user charges shall be due and payable to the City no later than the 10th day of the month in which it was billed. Unless otherwise provided, each and every fee and service charge fixed herein or established by separate resolution shall be due and payable on the 10th day of the month in which billed.

6.4 All new sewer service shall be required to pay a deposit as described by resolution of the Council. If at any time water service is disconnected for non-payment and charges are owing on the user's sewer account, said sewer deposit shall be used to pay any sewer charges owing to the City and the remainder, if any, shall be paid to the user. Upon resumption of water service, the user shall be required to pay a new sewer service deposit. In addition, a new service deposit shall be required any time a change of the person responsible for the account is requested.

6.5 All charges shall be deemed delinquent if not paid by the 10th day of the month in which it is billed.

6.6 If such charges are not paid by the 30th day of the month in which it is billed. Interest at the rate of 1% per month shall accrue on all accounts from the date of delinquency. In addition, a penalty shall be assessed at the rate of 5% per month from the date of delinquency which shall be added to the account and shall accrue interest in the same manner as all other delinquent charges beginning the following month.

6.7 In the event of failure to pay sewer charges after they have become delinquent, the City shall have the right to remove or close sewer and water connections and enter upon the property for accomplishing such purposes upon 15 days advance notice to the user. The expense of such discontinuance, removal or closing, as well as the expense of restoring service shall be a debt due to the City and may be a lien upon the property and may be recovered by civil action in the name of the City against the property owner, the user or both.

6.8 Sewer service shall not be restored until all charges, including interest accrued and the expense of removal, closing and restoration shall have been paid.

6.9 Change in ownership or occupancy of premises found delinquent shall not be cause of reducing or eliminating these penalties.

6.10 Advance annual payments shall be allowed. Such payments shall be made prior to July 1 of each year and shall be credited from July 1 to June 30 of the succeeding year. Such annual payments shall be subject to a five (5%) percent discount.

Section 7 Handling of funds

7.1 Every person applying for water and sewer service shall make application to the City. The person making application shall be deemed the user of the sewer service.

7.2 Bills for sewer user charges shall be mailed to the address specified in the application for permit to make the connection unless or until the different owner or user of the property makes application to the City. It is the user's responsibility to make application to the City whenever there is an occupancy or owner change. The user shall be solely responsible for notifying the City of termination of the service by user or transfer of the account to a subsequent user. Absent notice to the City, user shall be responsible for all charges incurred for the use of the system until City is notified and all required termination or transfer fees are paid in full.

7.3 All collections of sewer user charges shall be made by the City Recorder. Sewer user charges shall be computed as provided in Section 4 and by Council resolution and shall be payable as provided in Section 7.

7.4 The City Recorder is hereby directed to deposit in the Sewer Revenue Account all of the gross revenues received from charges, rates and penalties collected for the use of the sewage system as herein provided.

7.5 The revenues thus deposited in the Sewer Revenue Account shall be used exclusively for the operation, maintenance and repair of the sewerage system; administration costs; expenses of collection of charges imposed by this Ordinance or resolution and payments of the principle and interest on any general obligation bonds or other debts of the sewerage system of the City.

Section 8. Collection of Fees/Charges. The City may use such means for collecting of sewer charges or fees, as are provided by the laws of the State of Oregon or are authorized by the charter and ordinances of the City. When the user is the property owner, any delinquencies in payment thereof may be certified to the assessor for Tillamook County, Oregon, in accordance with the Oregon Revised Statutes. In addition, if such fee or charge is not paid to the City by the 30th of the month in which it is billed, such fee or charge shall become a lien in favor of the City against the property served if said property is owned by the user. The City Recorder shall make

a record of the lien in favor of the City in the City lien docket or book. If the user is not the property owner of the serviced property, then City may proceed by any action by law or statute to recover said fees and charges. Any overdue sewer charge or fee further may be collected, at the option of the City, by an action at law in the name of the City.

Section 9. Lien Docket. The City of Bay City, shall maintain a lien docket relative to the operation of the sanitary system for those users who are owners of the property being serviced which are delinquent in their accounts Said docket shall contain:

- (a) The date of the entry of the lien.
- (b) The number or letter of each lot assessed and the number or letter block of which it is a part.
- (c) The description of each unplatted tract or parcel of land.
- (d) The sum assessed upon each lot or parcel thereof or tract of land.
- (e) The name of the owner or that owner is unknown. However, failure to enter name of owner or mistake in name of owner, or entry of a name other than that of true owner shall not render void any assessment or in any way affect the lien of the City of the property described in the document.
- (f) Such lien shall accrue interest at the rate of nine (9%) percent per annum or the statutory interest rate, whichever is greater.

Section 10. Application for Connection.

10.1 Application for sewer connection shall be made in writing in the form prescribed by officials of said City. Application shall be made at the time of building permit application, if any. Applicant shall be required to provide sufficient information for the City to assign Applicant an EDU. If the application is approved and the fees paid as provided, the City shall issue a sewer connection permit, specifying the location where said connection shall be made. In the event that Applicant fails to connect to the City sewer system within one year of the date the application is approved, then Applicant shall reapply for the sewer connection. The Applicant shall pay the difference between the connection fee already paid and the connection fee in effect at the time Applicant physically connects to the system. No credit shall be given for any interest accrued on funds paid by Applicant if Applicant fails to connect to the sewer system within one year.

10.2 If within one year of the time of connection, the City finds that Applicant's usage of the system is more than 1 EDU different than assigned to him/her at the time of application, then the City shall adjust the connection fee to reflect the actual EDU's. Applicant shall have 60 days to pay the adjusted connection fee.

10.3 Permits shall be obtained from the City Recorder of the City of Bay City for inspection and connection. The fees for the mainline extension and for residential and commercial

sewer connection shall be set forth in a separate rate ordinance. The form of the permit shall be as prescribed by the City Council.

Section 11. Connection to System. Any person who uses any building for human occupancy, employment, or otherwise required to have toilet facilities under the Oregon Uniform Building Code within the City of Bay City is required, at his/her expense, to install suitable toilet facilities and to connect such facilities directly to the public sewer. Connection shall be made within ninety days after the City Recorder gives notice to connect or one year after application to connect has been approved by the City. It shall be the duty of such user to make application, pay the fees as hereafter prescribed, and complete said sewer connection within 90 days from the date of said notice, unless for good and sufficient reason the City shall, in writing, extend the time for the completion of such connection.

Application for sewer connection permits must conform with provisions of any ordinances and other applicable laws regulating excavation in or under streets or alleys.

Section 12. Failure to Connect. Any person of the City of Bay City who meets the criteria of Section 11 and who knowingly fails to connect to the sanitary system commits a violation of the ordinances of the City of Bay City. The City Council may, in lieu of, or in addition to any other remedy, go upon the property failing to connect and make the necessary extension and connection and charge the cost thereof against the user benefitted by the sewer connection. Any entering upon the property for the purpose of making the connection and installation by any agent, employee, representative or official of the City of Bay City shall not be deemed a trespass.

Section 13. Connection Inspection. The City shall be given reasonable notice to allow inspection of a sewer connection before completion, and while the connections are still uncovered. All work is to be done in accordance with the specifications contained in the permit, which specifications shall require the use of the same type of sewer pipe that is used in laterals. The manner of the connection shall be subject to the approval of the City official designated to inspect the work.

In constructing connections to the sanitary sewer system of the City of Bay City, the following rules and regulations shall be adhered to:

(a) Materials. Pipe used in any connection to the sanitary system may be cast iron, plastic or polyvinyl chloride; any other material used shall not be installed until fully approved by the sanitary sewer inspector.

(b) Angles, elbows and cleanouts. Angles, elbows and cleanouts shall be installed in appropriate locations fully approved by the sanitary sewer inspector; a cleanout shall be

installed for every 90 degree turn in the line and for every 100 feet of sewer connecting line; no elbow shall be more than 45 degrees and there shall be at least 1 foot of line between elbows; i.e., to make a 90 degree turn in the line, there shall be a cleanout, 45 degree elbow, 1 foot of line minimum and a 45 degree elbow, then continue the line.

(c) Slope. The line shall slope at a minimum of 1/4 inch to a 1 lineal foot of pipe; if it becomes necessary to slope a pipe more than 3/4 inch to 1 lineal foot, then a vertical pipe shall be installed to a depth necessary to continue the line at the required slope.

(d) Depth. No pipe outside the boundaries of the building shall be less than 18 inches under the surface of the ground.

(e) Seals. All pipe joints must be sealed tight enough to prevent exfiltration or infiltration, and all tests made relative thereto shall be according to state standards.

(f) Inspections. All lines installed between improvements and sewer line must be inspected by the sanitary sewer inspector before they are covered.

Section 14. City Main Lines. The City owns all main lines. Any connection to or disconnection from the City mains, will be made by the Public Works Superintendent or a City employee under his/her direction, or by a private contractor, subject to Council approval as provided below. Installation shall be in accordance with City standards for material and installation.

Section 15. User Line. The user line is the line from the City main line to the residence or other structure. A user line, or house service line, will be laid and maintained at the expense of the user who shall protect such line from injury and be responsible for all damages resulting from leaks, breaks or other causes. The user may construct his/her own customer line or may hire a contractor. The installation shall be done in accordance with all State, County and City licensing and bonding regulations relative to the construction. The customer line shall be at least four inches in diameter, inside measurement.

Section 16. Control of Construction. The City Council shall decide which service line, mainline extensions or major repairs shall be constructed by the City work force and which shall be constructed by private contractors. The Public Contracting law regarding bids and competitive quotes shall be followed when a private contractor is used for construction.

Section 17. Extension Costs. The cost of the extension of existing or installed lines shall be in addition to the connection fee and shall be based on a cost basis for each such extension, the cost basis being the actual cost of labor, materials, and equipment expended and used in the extension of new sewer lines and installation of new sewer lines.

Section 18. Illegal Connections. No person, firm or corporation shall make any sewer connection to the sanitary sewer system or to a storm drain of the City of Bay City without making application and securing a permit therefore.

Section 19. Sanitary-Sewer Inspector. There is hereby created the office of Sanitary-Sewer Inspector, whose duty shall be to inspect all sanitary sewer connections and perform such other duties as may be delegated to the inspector by the Council. The inspector shall be appointed by the Mayor with the approval of the Council, and shall be paid a salary determined by said Council, and shall serve at the pleasure of the Council. Any decision of the inspector shall be subject to a direct appeal to the Council of the City of Bay City, said appeal to be perfected by appellant giving written notice to the Council of said controversy and said appeal at least 10 days prior to the next regular meeting of the Council.

Section 20. Drainage. Neither temporary nor permanent drainage of excavation into the sanitary sewer system shall be permitted. Drainage from roofs, storm sewers or storm drains shall not be permitted into the sanitary sewer system, and no such connection shall be permitted.

Section 21. Prohibited Flow. The following shall not be allowed to flow into or be deposited in the sewer system:

- (a) Petroleum, coal tar, vegetable and mineral oils and products, and their derivatives and wastes.
- (b) Greases, oils and sludges from service stations, garages, repair shops, machine shops, cleaning establishments or other industries or establishments.
- (c) Explosive or inflammable liquids and gases.
- (d) Acids, alkalies or other corrosive liquids, gases or substances of sufficient strength to damage sewers, manholes, pumping stations or treatment plant units.
- (e) Paints or waste products from paint manufacturers.
- (f) Substances which will form deposits or obstructions in sewers or which, when mixed with sewage, will precipitate material and thus form deposits in sewer.
- (g) Ashes, cinders, sand, earth, coal, rubbish or metals of any kind.
- (h) Live steam, exhaust steam or water having a temperature above 140 degrees F.
- (i) Ground or unground fruit peelings and cores from canneries or packing plants.
- (j) Cull fruits and vegetables.
- (k) Fruit and vegetable pits and seeds such as those from peaches, apricots, cherries, prunes, pumpkins and squash. (l) Paunch, stable and barn manure. (m) Cull walnuts and filberts.
- (n) Offal from slaughterhouses.
- (o) Dead animals.
- (p) Sulphite or sulphate liquor and "white" water from pulp and paper mills.

Section 22. Infiltration and Inflow

22.1 All users identified by the City as contributors to excessive or improper infiltration or inflow into the treatment works shall be advised in writing of their infiltration and inflow problems. The City shall notify both the user and the property owner of such problems, if the user is not also the property owner. Notice to one user and to one property owner with a legal interest in the property as per public records shall be deemed sufficient notice. The City may require inspection of the repairs by the Sanitary Sewer Inspector.

22.2 All such situation property shall be provided a 60-day grace period in which to correct the infiltration and inflow problems as identified, said 60-day grace period to extend from the date of notification.

22.3 By the end of the 60-day grace period, each user or property owner shall notify the City that corrective actions have been taken or are in progress, which actions shall be specified in the notification to the City or, if inspection is required, the user or property owner shall notify the City that the repairs are available for inspection within the 60-day grace period.

22.4 A user or property owner failing to notify the City of corrective actions prior to the end of the 60-day grace period shall be subject to termination of service, without further notice and water service shall be immediately discontinued and shut off until the violation shall have been corrected in accordance with Federal, State and City regulations.

22.5 In the event any instance of excessive or improper infiltration or inflow into the treatment works of the City shall continue beyond the 60-day grace period, it is hereby declared that such continuing infiltration or inflow is a public nuisance, that the City shall have the right to abate such public nuisance, and to enter upon any private property within the City for such purpose without further notice. In the event the user and the property owner are the same person, the City shall assess the cost of such abatement as a lien against the property upon which such continuing infiltration and inflow occurs and shall assess the cost of such abatement to the property upon or from which infiltration and inflow occurs. Such assessment shall be levied by the filing of a statement of such costs together with the description of the property or properties to be assessed, together with the names of the owner(s) thereof with the City Recorder, whereupon the City Recorder shall forthwith enter such assessment as a lien against such property in the Lien Docket of the City. An

administration fee of 10% of the cost, plus the actual cost of attorneys fees expended shall be charged and collected by the City in addition to all costs of abatement.

Section 23. Violation of Manhole. It shall be unlawful and a Class A misdemeanor for any person, firm, associate or corporation, without authority from the City of Bay City, to open any manhole or sewage lift station or to enter into or interfere or tamper with any sewer, manhole, sewage lift station or City property at the sewage lagoon or stabilization pond, or to break or violate any rules or regulations adopted by resolution or ordinance of the City Council prohibiting the depositing in or disposal of damaging substances through the City sewerage system. Any person or persons found guilty of such offense or pleading guilty thereto may be punished by a fine not to exceed \$2,500.00, or by imprisonment in the County jail for not more than one year, or both such fine and imprisonment; and any firm, association or corporation found guilty of any such offense may be punished by a fine not to exceed \$2,500.

Section 24. Violation-Failure to Connect. Failure to connect to the sewer system is a Class A misdemeanor as defined under the laws of the State of Oregon. Violations of any other of the provisions of this ordinance shall be punished as Class B misdemeanors as defined by the statutes of the State of Oregon. Each day in which violations shall continue shall be deemed separate offenses.

Section 25. Violation-Civil Damages. The City may proceed against the person violating the ordinance in any court of competent jurisdiction.

(a) Each day of violation of a provision of this Ordinance constitutes a separate offense.

(b) As an additional remedy, the City may impose a fine of the greater of \$500.00 per day per violation or the cost of any expense, loss, cost of repair or damage occasioned by the City arising by reason of such violation, including the costs of the City's attorneys fees, whichever is greater.

(c) The City shall have all other remedies available to it by law.

Section 26. Severability. If any provision, section, sentence or phrase of this ordinance shall for any reason be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment or decision shall not affect the validity of the remaining portions of this ordinance.

Section 27. Emergency. The City of Bay City deems an emergency to exist to effectuate a timely and efficient transition in the sewer rate calculations and charges and

therefore this ordinance shall be in full force and deemed effective January 12, 1993 upon passage by the Council and approval by the Mayor.

PASSED and ADOPTED by the City Council this 12th day of January, 1993 and APPROVED by the Mayor this 12th day of January, 1993.

/s/ Butch Olson, Mayor
Butch Olson, Mayor

ATTEST:

/s/ Linda Wheeler
Linda Wheeler, City Recorder