

ORDINANCE NO. 2545

AN ORDINANCE AMENDING CHAPTER 13.12 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "WATER AND SEWER RATES"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. The title of Chapter 13.12 of the Moses Lake Municipal Code entitled "Water and Sewer Rates" is amended to read "Water, Sewer, and Stormwater Rates " and is further amended as follows:

13.12.005 Definitions:

- A. "City water system" means any water system operated by the City of Moses Lake.
- B. "City sewer system" means any sewer system operated by the City of Moses Lake.
- C. "City stormwater system" means "Stormwater Utility" as defined in Chapter 13.01.

13.12.040 Commercial Sewer Rates:

- A. The following shall be the monthly rate charged customers residing within the corporate limits of the city and outside the corporate limits of the city for all chargeable water discharged into the city sewer system by commercial users and dwellings with three (3) or more living units served by one (1) meter after May 1, 2008:

Amount Used (in cubic feet)	Sewer Rate
0-1,000	\$32.10 per month minimum
Over 1,000	\$1.20 per 100 cu. ft. or portion thereof

- B. For purposes of calculating sewer charges, chargeable water shall be defined as follows: Chargeable water shall be measured by the water consumed on the premises, whatever the source of such water, and the same will be metered either by a public utility meter or one installed and maintained by the owner of the premises at the owner's expense and approved and inspected by the city. Where the water is metered by a privately owned water meter and is used to determine sewer charges, the city shall be allowed access to the meter in order to read such meter. Where the use of water is such that a portion of all the water used does not flow into the sewer system, for whatever reason, but is lost by evaporation, irrigation, sprinkling or is used in manufacturing or in a manufactured product, or is lost for whatever reason, and the person in control provides proof of this fact and installs a meter or other measuring device approved by the city to measure the amount of water so used and so lost, or if the city is capable of determining the amount of sewage entering the city's sewer system by some other mechanical means, this water may be deducted from the actual water consumption used in calculating the sewer charge.

The sewer charges for triplexes and apartments, mobile home parks, schools, hospitals and other commercial establishments with increased usage for irrigation, only if their landscaping exceeds five thousand (5,000) square feet, shall be computed on the average consumption during the previous non-irrigation season, unless the user elects to install, at his expense, an approved measuring device to measure water not entering the sewer system. When a user has a swimming pool or cooling units discharging to the sanitary sewer, he must install an approved meter to determine the amount of water exempt from sewer charges during the irrigation season. The irrigation season shall be defined as the period in which statements are mailed for the April through November billing cycles.

- C. Sewer rates for commercial uses discharged into the sewer system may be separately determined by the City Council, based upon both volume and chemical characteristics of the sewage. The City Council reserves the privilege to require pre-treatment of any material discharged into the sewerage system, or to prohibit discharge into the system of industrial wastes that, because of either volume or concentration, will overload existing sewerage facilities.
- D. All air-conditioning and refrigeration units that are installed, replaced or that have capacity increased after the effective date of the ordinance codified in this chapter shall be required to install recirculating units. Disposal may not be accomplished by discharging into the sanitary sewer system.

13.12.042 Stormwater Rates: The following shall be the monthly rate for residential and non-residential properties.

- A. Developed residential properties shall be charged five dollars (\$5) per each dwelling unit.
- B. Developed non-residential properties shall be charged the following rates per Table 13.12.

TABLE 13.12		
Category	Impervious Area (s.f.)	RATE
Non-residential 1	Up to 6,000	\$5.00
Non-residential 2	6,001 to 15,000	\$8.50
Non-residential 3	15,001 to 30,000	\$12.50
Non-residential 4	30,001 to 60,000	\$25.00
Non-residential 5	60,001 to 120,000	\$50.00
Non-residential 6	120,001 to 240,000	\$100.00
Non-residential 7	More than 240,000	\$150.00

- C. Undeveloped property shall not be charged a service rate.
- D. Non-residential property owners may submit a request for the following credits to the stormwater utility fees. Residential properties are not eligible for credits. The credits are not cumulative. Requests for credit shall be submitted to the Municipal Services Director on forms provided by the Municipal Services Department.
 1. A credit of up to eighty percent (80%) may be approved for non-residential properties for portions of on-site stormwater discharges to privately maintained on-site treatment facilities that are in compliance with an active National Pollutant Discharge Elimination System (NPDES) permit. A copy of the NPDES permit and the associated Stormwater Pollution Prevention Plan (SWPPP) shall be provided to the Municipal Services Director with the application for credit. No credits will be approved for stormwater discharged to facilities that are maintained and serviced by the stormwater utility.
 2. A credit of up to fifty percent (50%) may be approved for non-residential property for portions of on-site stormwater discharges to privately maintained on-site treatment facilities and disposal systems that meet best management practices (BMPs) of the most current version of the *Stormwater Management Manual of Eastern Washington* (SWMMEW), meet all City of Moses Lake requirements, and are approved by the Municipal Services Director.
 3. A credit of up to ten percent (10%) may be approved for non-residential property for portions of on-site stormwater discharges from roofs of non-residential buildings to privately maintained stormwater facilities that utilize a permissive rainwater harvesting system that complies with the Department of Ecology's requirements and is approved by the Municipal Services Director.

E. Approval of credit shall be indicated by a credit application that is signed by the Municipal Services Director. Approved credits are effective for the first full month's billing cycle following the date of approval. Credits may be approved for multiple billing cycles, provided that conditions of approval are continuously met by the applicant. Credits are not retroactive to current or prior billings. Credits for future billing cycles may be revoked by the Municipal Services Director if on-site conditions change; if federal, state, or local regulations change such that on-site stormwater treatment facilities are no longer current or acceptable; or if the ordinance for stormwater is revised by City Council.

F. The above stormwater rates will become effective March 1, 2010.

13.12.045 Rate Indexing: Water, sewer, and stormwater rates shall be revised with billing dates every year after May 1, 1998 for sewer and water and after May 1, 2011 for stormwater; by an amount equal to the increase in the All Urban Consumers, All West City Average, December to December, Consumer Price Index (CPI). The increases shall be rounded to the next \$.05 increment for base or flat rates and to the next \$.01 increment for rates for consumption and use in excess of the base or flat rate. The increases shall be computed by the Finance Department and confirmed by City Council action considered at a regular Council meeting at least thirty (30) days before the revised rates are to become effective.

13.12.050 Surcharge for Water and Sewer: In addition to the rates established for water and sewer services as set forth in this chapter, a twenty-five percent (25%) surcharge shall be assessed for water service and sewer service furnished outside the city limits except for the area commonly known as the former Larson Air Base. In addition to the rates established for water and sewer services as set forth in this chapter, an eight percent (8%) surcharge shall be assessed for water service and sewer service furnished outside the city limits in the area commonly known as the former Larson Air Base.

13.12.051 Water, Sewer, and Stormwater Billing: A water, sewer, and stormwater bill shall be mailed every month to every customer for water and sewer service supplied during the time period shown on the bill. Each water, sewer, and stormwater bill shall contain the following information:

- A. The charge and/or installment.
- B. The date of the bill.
- C. The bills are due within thirty (30) days from the date of the bill. Past due amounts are due immediately upon receipt of a bill.
- D. Notice if bill is based on an estimated measurement of the amount of service supplied.
- E. A telephone number to call in order to obtain information.

13.12.052 Customer Dispute:

A. At any time before the date of termination of water service for nonpayment of the amount shown on a water, sewer, and stormwater bill, or a notice of termination, a customer may dispute the correctness of all or part of the amount shown in accordance with the provisions of this section. A customer shall not be entitled to dispute the correctness of all or part of the amount if all or part of the amount was the subject of a previous dispute under this section.

B. The procedure for customer disputes shall be as follows:

1. Before the date of termination, the customer shall notify the Finance Department in writing, that he disputes all or part of the amount shown on a water, sewer, and stormwater bill or a notice of termination, stating as completely as possible the basis for the dispute.
 2. If the Finance Department determines that the present dispute is untimely or that the customer previously disputed the correctness of all or part of the amount shown, the Finance Department shall mail to the customer a notice stating that the present dispute is untimely or invalid. The city shall then proceed as if the customer had not notified the city of the present dispute.
 3. If the city determines that the present dispute is not untimely or invalid under this section, the city, within three (3) days after receipt of the customer's notice, shall arrange an informal meeting between the customer and the Finance Department.
 4. Based on the city's records, the customer's allegations and all other relevant materials available to the Finance Department, the Finance Department shall resolve the dispute, attempting to do so in a manner satisfactory to both the city and the customer.
 5. Within five (5) days of completion of the meeting, the Finance Department shall mail to the customer a copy of its decision resolving the dispute.
 6. The decision shall be final and binding on the customer.
- C. Utilization of this dispute procedure shall not relieve a customer of his obligation to timely and completely pay all other undisputed charges and/or installments and surcharges, and the undisputed portion of the amount which is the subject of the present dispute. Notwithstanding this section, failure to timely and completely pay all such undisputed amounts shall subject the customer to termination of water service in accordance with the provisions of this ordinance.
- D. Until the date of the Finance Department's decision the city shall not terminate the water service of this customer and shall not issue a notice of termination to him solely for non-payment of the disputed amount. If it is determined that the customer must pay some or all of the disputed amount, the city shall promptly mail to, or personally serve upon the customer, a notice of termination, which shall contain the following:
1. The amount to be paid.
 2. The date of the notice of termination.
 3. The date of termination, which shall be at least ten (10) days after the date of the notice of termination is issued.
 4. Notice that unless the city receives complete payment of the past due amount shown prior to the date of termination, water service shall be terminated.
 5. An informational telephone number.

13.12.053 Water Service Termination Procedures:

- A. The provisions of this section shall govern all terminations of water service for non-payment of city charge and/or installments and surcharges.
- B. If by the payment date shown on a water, sewer, and stormwater bill, the city has not received complete payment of the amount shown on the bill the city shall mail to, or personally serve upon, the customer a notice of termination. The notice of termination shall be sent with the current month's bill. The notice shall indicate the amount past due.

- C. The notice of termination shall contain the following:
1. The amount past due and the amount of the current month's billing.
 2. The date of the notice of termination.
 3. The date of termination, which shall be no less than ten (10) days from the date of the notice of termination.
 4. Notice that unless the city receives complete payment of the amount past due prior to the date of termination, water service shall be terminated.
 5. Notice that in lieu of paying the entire amount shown, a customer, prior to the date of termination, may notify the city that he disputes the correctness of all or part of the amount shown, if all or part of the amount shown was not the subject of a previous dispute.
 6. Notice that seven dollars (\$7) will be assessed as a delinquent service charge if not paid and received by the Finance Department, Utilities Division, by 5 p.m. on the day prior to the date shown on the delinquent notice and that twelve dollars (\$12) will be assessed as an additional service charge if not paid by the date and time shown on the delinquent notice provided the payment is not extended as set forth in this section.
 7. An informational telephone number.
 8. Notice that thirty dollars (\$30) will be assessed as a service charge for all water turn-ons or turn-offs after 4:00 p.m. and before 8:00 a.m. and at any other time which is not a normal working day of the city, such as weekends or legal holidays.
- D. If the city receives payment of the past due amount shown on the notice of termination, such payment shall be considered a timely and complete payment for purposes of this ordinance.

13.12.054 Limitations on Termination of Water Service:

- A. The city shall terminate water service for nonpayment of past due water, sewer, and stormwater charges and/or installments and surcharges only during the hours of 9 a.m. to 3 p.m. Monday through Thursday. No terminations shall be permitted on a legal holiday or on the day before a legal holiday.
- B. In the event the city should proceed to terminate water service to any property which has failed to pay a past due amount after delivery of written notice, the employee of the city dispatched to disconnect the water service shall make a reasonable effort to inform the user that water service is being terminated. The city employee may not accept payment of the delinquent amount from the user, but the employee shall not terminate water service to the property until the user has been afforded an opportunity of not less than one (1) hour in length to reach the city hall and arrange to bring the account current.

13.12.055 Joint Charging: All charges for water, sewer, stormwater, and garbage payments due the city shall be billed jointly on one (1) statement. If water, sewer, and stormwater charges are billed in conjunction and simultaneously with statements issued by the city for refuse collection and disposal, all payments received from a customer shall be credited first to past due garbage charges, then the remainder, if there be any, first to past due sewer charges, to past due water charges, and then to stormwater. Payments on current accounts shall be credited first to garbage charges then the remainder, if there be any, to sewer charges, to water charges, then to stormwater.

13.12.056 Utility Tax Passthrough:

- A. Section 3.30.050 provides in part for the collection of a utility tax upon every person, including the city, who engages in the selling or furnishing of sewer, water, and stormwater, or a service of sewer, water, and stormwater, or the providing of facilities for sewer, water, and stormwater. As a result of the operation of its water, sewer and stormwater systems, the city is subject to the utility tax imposed by Section 3.30.050.
- B. The city is authorized to collect the percentage of gross income portion of the utility tax imposed by Section 3.30.050 from the users of the city's water, sewer, and stormwater systems by including on the billing of each user residing within the corporate limits of the city, the sum the city would be liable to pay as a utility tax on that basis.

13.12.060 Payment of Accounts:

- A. Water, sewer, garbage, and stormwater bills shall be the responsibility of and billed directly to the owner of the real estate, unless the owner of the real estate wishes the bill sent to another address, the same shall be due and payable within thirty (30) days of the billing date. If the owner of the real estate wishes the bill sent to another address, the owner of the real estate first must execute a form provided by the City of Moses Lake indicating his desires. The form shall contain at a minimum, the owner of the real estate's name and address, the address to which he wishes the bill sent, and a statement that if the person at the address to which the bill is sent moves and leaves an unpaid balance, the owner of the real estate recognizes his responsibility for the bill. The billing dates for utility accounts shall be as follows:

Routes 1 through 15 on the 20th of each month
Routes 16 through 29 on the 30th of each month
Routes 50 through 60, 70, and 71 on the 10th of each month

- B. The property owners of commercial accounts and governmental agencies may sign agreements requesting that their monthly statements be mailed to service addresses. The statement will contain the same information referred to in subsection A.
- C. The city reserves the right to cut off the water supply from the premises. The water supply may be cut off if any water charge, sewer charge, or the stormwater charge is delinquent, and should the water supply be turned off for failure to pay the sewer charge, water charge, or stormwater charge when due, the water supply shall not be turned on until all delinquent charges have been paid in full. A service charge shall be assessed as set forth in Subsection B of 13.12.085 and shall be added to the amount past due and will be billed on the next month's statement.
- D. The city shall have a lien against the premises for unpaid water, sewer, and stormwater charges as provided by the laws of the state.
- E. Advance payments may be made on any garbage, water, sewer, or stormwater account.
- F. Water service will not be terminated if there is a past due water, sewer, or stormwater charge of ten dollars (\$10) or less, subject to subsection G.
- G. No water, sewer, or stormwater bills shall be allowed to be more than sixty (60) days past due regardless of the past due amount. If a water, sewer, or stormwater account is to become sixty (60) days past due, water service shall be terminated as provided herein before the sixtieth (60th) day ends.
- H. No garbage, water, sewer, or stormwater account will be transferred to another person, partnership, corporation, or other entity unless the account is brought current prior to the requested transfer.

- I. Property served by more than one (1) meter must keep all accounts current in accordance with this chapter in order to avoid water service being terminated to all meters serving the property.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on January 12, 2010.



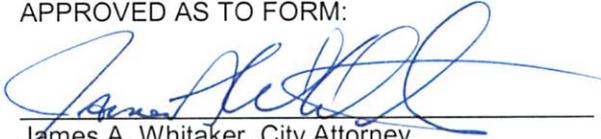
Jon Lane, Mayor

ATTEST:



Ronald R. Cone, Finance Director

APPROVED AS TO FORM:



James A. Whitaker, City Attorney