

ORDINANCE NO. 2570

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

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

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

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, 2010:

Amount Used (in cubic feet)	Sewer Rate
0-1,000	\$32.85 per month minimum
Over 1,000	\$1.25 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 property owner of the premises at the property 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 stormwater fees on residential and non-residential properties.

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

TABLE 13.12.042

Category	Impervious Ground Cover (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 stormwater fee.
- D. Non-residential property owners may submit a request for the following credits to the stormwater 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 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 stormwater systems that meet best management practices of the most current version of the *Stormwater Management Manual for Eastern Washington*, 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.

13.12.060 Payment of Accounts:

- A. Water, sewer, garbage, and stormwater bills shall be the responsibility of and billed directly to the property owner, unless the property owner wishes the bill sent to another address, the same shall be due and payable within thirty (30) days of the billing date. If the property owner wishes the bill sent to another address, the property owner first must execute a form provided by the City of Moses Lake indicating the property owner's desires. The form shall include the property owner's name and address, the address to which the bill shall be sent, and a statement that if the person at the address to which the bill is sent moves and leaves an unpaid balance, the property owner assumes 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 either the water charge, sewer charge, or the stormwater charge is delinquent, and should the water supply be turned off for failure to pay either 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 or sewer 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 July 13, 2010.



Jon Lane, Mayor

ATTEST:



Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

James A. Whitaker, City Attorney