

October 21 Version

CITY OF NORTH BONNEVILLE
ORDINANCE 1056

AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE, WASHINGTON, AMENDING NORTH BONNEVILLE MUNICIPAL CODE TITLE 13 BY AMENDING CHAPTER 13.12

Whereas, the City of North Bonneville finds it useful to evaluate its City wastewater code from time to time to assure its policies and practices are in keeping with the times, and;

Whereas, a review of the current code finds the language outdated, lacking clarity and conflicting and;

Whereas, the City Council believes updating the code serves the public's best interests, and;

NOW, THEREFORE; THE CITY COUNCIL OF THE CITY OF NORTH BONNEVILLE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1: Amending sections 13.12.135 rate schedule; 13.12.150 appeals procedure; 13.12.155 payment, and 13.12.160 collection

13.12.135 Rate schedule

A. Base Rate.

The sewer base rate shall be charged each utility customer in accordance with the adopted utility rates, charges and fees schedule multiplied by the number of units served, except for those fees discussed in subparagraphs 1 and 2 below.

1. The base rate for a lodging facility shall be in accordance with the adopted utility rates, charges and fees schedule per unit.

~~2. The owner of an RV Park whose business is not connected to the City's water system shall pay a sewer per unit space sewer fee rather than a sewer base fee.~~

B. Consumption Charge.

In addition to the base rate, each customer shall pay a consumption fee for each 100 cubic feet of water consumed and payable in accordance with the adopted utility rates, charges and fees schedule. Water consumption will be determined each year by averaging the customer's water meter reading during the months November through February. This average monthly usage shall be applied to each customer's monthly bill until the next averaging update. Average consumption shall be re-computed in March of each year.

1. A property owner or account holder whose property does not have a sufficient history to calculate an average water consumption shall be charged according to the City-wide average consumption based on zoning and/or use (i.e. single family, multi-family, commercial). Those subject to averaging include residential property owners or account holder who do not occupy their dwelling between November 1st and March 1st, this being the time period when averaging is determined. Once a property's history has been established, the account will be re-evaluated every March.

2. A property owner or account holder who occupies a dwelling less than one month between November 1st and March 1st shall be charged according to the City-wide averaging process based on zoning and/or use (i.e. single family, multi-family, commercial)

3. A property owner or account holder who voluntarily has their water turned off temporarily shall continue to pay the applicable water and sewer monthly service charges. Customers who ask the

City to turn their water off permanently [a time period greater than 180 days] or those whose water has been turned off by the City will not continue to pay the monthly sewer and water service charges until service has been restarted. For the purposes of this section "temporarily" shall mean less than 180 contiguous days.

4. A property owner or account holder who routinely discharge less water into the sewer system than they consume through the water system may apply to the City council for an amended rate, which may be the city-wide average consumption based on zoning and/or use (i.e. single family, multi family, commercial).

5. A property owner or account holder who applies for a water usage adjustment under section 13.04.200 may also apply for an adjustment of consumption-based sewer bills in accordance with the City's adjustment procedures.

C. RV Parks and Campgrounds.

An RV Park owner whose property is connected to the City's water system shall pay a sewer base fee for every RV site occupied on a monthly basis through lease arrangement and a prorated monthly sewer base fee for every transient site [RV or Campground] occupied for less than a month.

~~The property owner of an RV Park and/or Campground that is not connected to the City's water system shall provide the City a monthly accounting of their sewer usage based on the number of spaces occupied through a monthly lease arrangement and a number of transient customers who occupy a space or site for less than a month. The base fee shall be according to the adopted utility rates, charges and fees schedule. In addition to the sewer base rate each customer shall pay a consumption the RV Park owner will pay a consumption fee for each 100 cubic feet of water consumed and payable in accordance with the adopted utility rates, charges and fees schedule.~~

~~The RV Park or campground fee for each space or site based on a monthly lease or per day basis for those who are transient [stay a time period less than a month] shall be according to the adopted utility rates, charges and fees schedule.~~

D. Annual Increase.

On March 1st of each year, the sewer base and consumption rates shall increase according to the Consumer Price Index for All Urban Consumers (CPI-U) relying on the August reading of the previous year, rounded to the nearest penny.

(Ord.1037, Ord. 1023, 2013; Ord. 1022, 2013; Ord. 1015, 2012; Ord. 1004, 2012; Ord. 992, 2011; Ord. 982, 2011; Ord. 979, 2011; Ord. 873 (part), 2005; Ord. 832 (part), 2003)

13.12.150 Appeals procedure

A. A property owner aggrieved by City staff's interpretation of this chapter may submit a written appeal to the City Council setting forth the events and circumstances leading to the appeal.

B. A Council hearing set for appeal purposes shall be held no less than ten (10) days or more than forty-five (45) days after the appeal has been filed. No less than seven (7) days prior to the meeting date the City Council shall provide the property owner with notice of the date and time established for the hearing. The decision of the City Council shall be final unless appealed as provided by law. A utility billing appeals procedure is set forth in 13.12.155.

(Ord.1056, Ord.1037, Ord. 832 (part), 2003)

13.12.155 Payment

A. Obligation to pay. Each person shall pay the City Utility charges owed when due. The charges for utilities [sewer and water] shall accrue monthly and be billed bi-monthly. Utility bills shall be mailed to the property owner or account holder's most current address or known address the first part of January, March, May, July, September and November. Utility payments are applied in a priority fashion, first to payment of wastewater [sewer] charges and second to water charges.

B. Content of Bill Notice. The Utility bill shall contain the following: Notify the customer that payment of the bill is due within 20 days after it has been sent and if not paid within that timeframe will be deemed to be delinquent on the 21st day and subject to a late fee applied in accordance with the adopted utility rates, charges and fees schedule. The late fee will be added to the account.

C. Content of Notice of Delinquency. A notice of the Delinquency shall be designed to alert the customer of a delinquent balance. It also serves as a shutoff [discontinuation] notice and right to appeal.

- 1) Notice of Right to Appeal. The notice of delinquency shall advise the property owner or account holder of an opportunity to present billing objections and discrepancies to the City's attention through a hearing process. The notice shall provide that the property owner or account holder must contact the City in writing within 10 days after the notice of delinquency is sent and request a hearing.
- 2) The Notice of Delinquency shall be mailed to the property owner's or account holder's most current address provided to the City in writing, allowing them an additional 10 days to pay the full utility amount due or make payment arrangements by way of a payment agreement.
- 3) The notice shall advise customers that if they wish to make payment arrangements, they shall do so by way of a water/sewer payment agreement. A property owner in billing arrears whose service has not been shut off for non-payment shall provide a minimum 50 percent payment of their unpaid utility balance. If the property owner has multiple accounts, payment arrangements can only be made on one account at a time. The property owner is responsible for the tenant's unpaid bills. The unpaid balance is subject to additional late fees and must be paid off prior to the next billing.
- 4) The notice of delinquency shall contain a shut off notice advising the customer that delinquent accounts shall result in water service discontinuation action [shut off] on the 11th day after the Notice of Delinquency has been sent in accordance with provisions of this chapter.

D. Appeal Hearing Procedure: the written request of the property owner or account holder to seek and informal hearing shall suspend water disconnection action. The hearing shall be held within 5 days of the hearing request, or longer upon mutual agreement of the appellant and the City. The property owner or account holder shall have the right to present evidence why such utility should not be terminated. The hearing shall be conducted during normal hours on an informal basis. A record of the hearing, including the date of the hearing, who was present, and the findings made as to whether or not the customer had good cause not to pay the bill and the reasons therefore, shall be in writing. The written finding shall be filed in the town utility system record. The hearing shall be conducted by the City administrator or designee familiar with the customer's billing information.

E. Service Reconnection Fee. In the event the City shuts off a water supply, the property owner/account holder will be assessed a turn on fee in accordance with the adopted utility rates, charges and fees schedule. If the water service is discontinued for non-payment the City

shall only accept full sewer and water payment to include all payment in arrears before water service is restored. Water service restoration requests made after 3:00 P.M. Monday through Thursday will be subject to an additional fee in accordance with the adopted utility rates, charges and fee schedules. If water shut off is scheduled for Friday or on a City or Federal Holiday the service will be continued until the next work day.

- F. NSF Checks. If the City receives a non-sufficient check [NSF] the property owner/account holder shall be charged a handling fee in accordance with the adopted utility rates, charges and fees schedule. If a person writes more than one NSF check to the City within a 12 month period, the City reserves the right to require cash payment for services rendered.

Deposit Upon Reconnection: If a property owner or account holder has their water shut off twice in the past 12 months the City shall require an additional deposit to reconnect the water in accordance with the adopted utility rates, charges and fees schedule. Termination of service does not relieve the utility customer of the obligation to pay all outstanding bills and charges.

(Ord. 1056, Ord.1037, Ord. 832 (part), 2003)

13.12.160 Collection

A. The City is directed to collect the sewer service charges and connection fees and distribute them as follows: Sewer service charges shall be paid into a fund designated as the "sewer fund." and connection fees shall be paid into a fund designated as the "sewer reserve fund."

B. Sewer charges shall accrue and if not paid on or before 20 days after the billing date they will become delinquent on the 21st day. At that time a delinquency fee will be added to the bill and a notice of the delinquency, will be sent by mail to the last known mailing address or known address. The notice provides an additional 10 days to pay the full amount due or make payment arrangements by way of a payment contract. If utility charges are not paid according to the timelines outlined in 13.12.155 and/or an appeal filed timely, the property owner/account holder is subject to water disconnection. The City reserves the right to assign delinquent utility customer debts to licensed collection agencies under the authority provided in RCW 19.16.500. (Ord. 1056, Ord. 1037, Ord. 982, 2011; Ord. 971, 2010; Ord. 832 (part), 2003)


Section 2 Severability

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

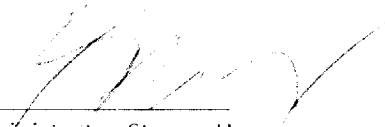
Section 3 Effective Date and Publication

A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect five days after publication.

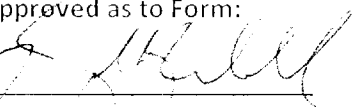
PASSED IN REGULAR SESSION this 27TH day of October, 2015



Mayor Don Stevens

Attest:


City Administrator Steven Hasson

Approved as to Form:


Ken Woodrich City Attorney North Bonneville