

ORDINANCE 1506

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING NBMC SECTION 13.08.130 RELATING TO WATER CHARGES; AMENDING NBMC SECTION 13.36.270 RELATING TO SEWER CHARGES; AMENDING THE CITY’S TAXES, RATES, AND FEES SCHEDULE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council desires to amend North Bend Municipal Code Sections 13.08.130 and 13.36.270, and the City’s Taxes, Rates, and Fees Schedule, to provide greater clarity to customers regarding monthly utility charges for water and sewer services;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC Section 13.08.130, Amended: North Bend Municipal Code Section 13.08.130 (Water Rates - Rates established) is hereby amended to read as follows:

13.08.130 Rates established.

Monthly charges shall apply to water supplied from the city of North Bend’s water distribution system as established by the taxes, rates and fees schedule adopted by ordinance for the following classes of accounts:

A. Single-family residential units inside the corporate city limits (including units in duplexes, triplexes, apartment houses, condominiums, trailer courts, and other multifamily dwellings), where each unit is supplied with a separate metered water service connection, shall pay the base charge plus an additional charge for each cubic meter of water consumed.

A senior/disabled low income water rate may apply to any single-family residential, duplex, triplex, or other multifamily dwelling unit inside the city limits that is supplied by a separate water meter service connection, if the person responsible for payment of the charge is a resident of that house or unit, has an annual gross income determined to be “low income” as determined by the U.S. Department of Housing and Urban Development guidelines, and either (1) is 65 years of age or older, or (2) is determined to be disabled by the definitions adopted by the Federal Social Security Administration. Proof of income, age and/or disability must be provided to the city on a form prepared by the city administrator, and the

reduced charge shall take effect for water service provided in the month following the month in which appropriate information is received.

B. Single-family residential units, duplexes, triplexes, apartment houses, condominiums, trailer courts, and other multifamily dwellings inside the city limits that are jointly served by only one metered water service connection shall pay the base charge plus an additional charge for each cubic meter of water consumed.

C. Mixed-use buildings (those buildings consisting of any combination of residential and commercial uses inside the corporate limits of the city) that are served by only one metered water service connection shall pay according to the following methodology:

1. One commercial base-charge determined by the actual water meter's size, regardless of the number of commercial businesses in the building;

2. One multifamily base-charge determined by the actual water meter's size, regardless of the number of residential units in the building; and

3. An additional volume charge at the commercial rate for each cubic meter of water consumed.

D. All other uses within the corporate city limits shall pay the specified base charge plus an additional charge for each cubic meter consumed.

E. Single-family residential units outside the city limits including units in duplexes, triplexes, and other multifamily dwellings that are served by separate water meter connections shall pay the specified minimum charge plus the charge for each cubic meter consumed.

F. Single-family residential units, duplexes, triplexes, apartment houses, condominiums, trailer courts, and other multifamily dwellings located outside the city limits that are jointly served by only one metered water service connection shall pay the base charge plus an additional charge for each cubic meter of water consumed.

G. All other users outside the city limits shall pay the specified base charge plus an additional charge for each cubic meter of water consumed.

H. The charges relating to water companies, water associations, water districts, and water processors shall be as established by the taxes, rates and fees schedule adopted by ordinance.

I. Any customer account within the corporate limits of the city serviced by meter connections solely for lawn, garden or landscape watering or other irrigation purposes shall pay the specified base meter charge plus an additional charge for each cubic meter of water consumed.

J. Contractors may request a temporary connection to the city's water system to obtain water for construction purposes. The city shall determine the location of such a temporary connection, if permitted. The contractor shall pay a deposit for the installation of a water meter and backflow preventer, refundable upon termination of the temporary connection if the meter and backflow preventer remain in good working condition. The contractor shall pay an additional fee for a hydrant permit and an administrative fee for each day that the water meter remains installed. The contractor shall pay an additional charge for each cubic meter of water consumed during the temporary connection.

K. The base rate charged in the taxes, rates and fee schedule shall be determined by the size of the meter serving the premises.

L. In addition to any applicable charges set forth in this Section, all users responsible for payment of any such charges shall pay a monthly surcharge equal to 6% of the total monthly charges owed by such user to the city for water services.

Section 2. NBMC Section 13.36.270, Amended: North Bend Municipal Code Section 13.36.270 (Sewer Regulations – Rates) is hereby amended to read as follows:

13.36.270 Rates.

Monthly charges, as established by the taxes, rates and fees schedule adopted by ordinance, shall apply to the following classifications of users of the city sewer system:

A. Each single-family residential unit inside the corporate limits of the city (including units in duplexes, triplexes, apartment houses, condominiums, trailer parks, and other multifamily dwellings), where each unit is supplied with a separate metered water service connection, shall pay the base sewer charge plus an additional charge per cubic meter of water consumed over an initial 10 cubic meters consumed that month as measured by the water meter.

A senior/disabled low income sewer rate may apply to any single-family residential, duplex, triplex, or other multifamily dwelling unit inside the city limits that is supplied by a separate water meter service connection in which the person responsible for payment of the charge is a

resident of that house or unit and has an annual gross income determined to be “low income” as determined by the U.S. Department of Housing and Urban Development guidelines, and either (1) is 65 years of age or older, or (2) is determined to be disabled by the definitions adopted by the Federal Social Security Administration. Proof of income, age and/or disability must be provided to the city on a form prepared by the city administrator, and the reduced charge shall take effect for sewer service provided in the month following the month in which appropriate information is received.

B. Single-family residential units, duplexes, triplexes, apartment houses, condominiums, trailer courts, and other multifamily dwellings inside the corporate city limits that are serviced by only one metered water service connection shall pay the base charge for each residential unit plus an additional charge per cubic meter of water usage over the initial 10 cubic meters of water consumed that month as measured by the water meter.

C. Mixed-use buildings (those buildings consisting of any combination of residential and commercial uses) inside the city limits that are served by only one metered water service connection shall pay according to the following methodology:

1. One commercial base-charge, regardless of the number of commercial businesses in the building;
2. A multifamily base-charge for each residential unit in the building; and
3. An additional charge, at the commercial rate, for each cubic meter of water usage over the initial 20 cubic meters of water consumed that month for the entire building as measured by the water meter.

D. All other users inside the city limits shall pay the specified base charge plus an additional charge for each cubic meter of water consumed over the initial 10 cubic meters of water consumed that month as measured by the user’s water meter.

E. All users outside the city limits shall pay the base charge plus an additional charge for each cubic meter of water consumed over the initial 10 cubic meters of water consumed that month as measured by the user’s water meter.

F. In the event that any user of the sewage system, by reason of the user’s activities, is in two or more of the classifications set out in this Section, the rate for such users shall be the highest rate established for any such classification.

G. In the event that a user of the sewage system obtains water from a metered system other than the city's water system, the charges for sewer system usage shall be based on the meter readings from the purveyor of the water supply. As a condition of sewer service, the property owner shall sign an agreement with the city authorizing the water purveyor to provide the city water use records for the building to be served by sewer.

H. In the event the user of the sewage system obtains water from a private source that is not metered, the user shall pay the prescribed base fee for the associated uses in the building as set forth in the taxes, rates and fees schedule.

I. A user of the sewage system may apply in writing to the city administrator for a sewage charge adjustment. The burden is on the user to demonstrate by clear and convincing evidence based on studies and other data that the water consumption used to calculate the sewage charge is greatly disproportionate to the user's impact on the sewage system as compared to other users of the sewage system. Requesting such an adjustment does not extend the period for payment of the sewage charge. An adjustment on a delinquent account shall not be made until the account is paid in full. The city administrator shall establish processes and procedures for reviewing requests for adjustments and may revoke an adjustment at any time. The decision of the city administrator shall be final.

J. In addition to any applicable charges set forth in this Section, all users responsible for payment of any such charges shall pay a monthly surcharge equal to 6% of the total monthly charges owed by such user to the city for sewer services.

Section 3. Taxes, Rates & Fees Schedule, Amended: The City Council hereby authorizes and directs the City Clerk to make the appropriate changes to the City's Taxes, Rates, and Fees Schedule in accordance with the above-adopted amendments. Such amended Taxes, Rates, and Fees Schedule is attached hereto as Exhibit A and supersedes and replaces all other prior versions.

Section 4. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5TH DAY OF
NOVEMBER, 2013.**

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

Published: November 13, 2013
Effective: November 18, 2013

ATTEST/AUTHENTICATED:

Susie Oppedal, City Clerk