

ORDINANCE 738

CITY OF LACEY

AN ORDINANCE READOPTING CHAPTER 13.16 OF THE LACEY MUNICIPAL CODE RELATING TO THE CITY'S SEWER RATES AND CHARGES AND PROVIDING FOR A LIEN FOR NONPAYMENT OF SUCH CHARGES

WHEREAS, the City Council duly considered, passed, and published an ordinance or ordinances enacting the chapter of the Lacey Municipal Code identified in the title to this ordinance relating to the subject matter so identified, and

WHEREAS, it has been asserted that ordinances of the City should have been posted in three public places in the City rather than published in the City's official newspaper, and if said assertion is upheld, the validity of that portion of the Lacey Municipal Code identified in the title to this ordinance may be in jeopardy and the Council takes this action in readopting the substantive provisions of said chapter solely for the purpose of protecting the City and its citizens against such a contingency; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Chapter 13.16 of the Lacey Municipal Code is hereby readopted to read as follows:

Chapter 13.16SEWER RATES AND CHARGES*Sections:

- 13.16.010 Service connection charges--Amount.
- 13.16.020 Service connection charges--Payment--Delinquency.
- 13.16.025 Reserve capacity sewer service charge.
- 13.16.027 Sewerage extension capacity charge.
- 13.16.030 Service charges--Equivalent residential unit defined.
- 13.16.040 Service charges--Volume of water for non-residential establishments.
- 13.16.050 Service charges--Payment--Availability of service.
- 13.16.060 Basic service charge--Designated.
- 13.16.061 Basic service charge--Disposition of certain portion.
- 13.16.065 Low income senior citizens and disabled citizens.
- 13.16.070 Service charges--Rounding off.
- 13.16.080 Service charges--Due when.
- 13.16.090 Service charges--Delinquency lien.

13.16.010 Service connection charges--Amount. All structures or properties used for human occupancy, employment, recreation or other purposes which are required to connect to the public sewer under the provisions of the city's ordinances shall pay a connection charge for each separate service connection provided to the property during construction of the public sewers and before restoration of the trench and surface of the street or easement area in which the sewer is laid. The amount of the connection charge will be determined at the time of construction of the public sewer. The cost of such connection to the sewer after the sewer construction is completed and the trench is closed and land or street surfaces are restored shall be an amount established by resolution of the city council. (Ord. 666 §24, 1982; Ord. 483 §2, 1978; Ord. 166 §3(A), 1970).

13.16.020 Service connection charges--Payment--Delinquency. Such service connection charge shall be paid at the time application is made for installation of a connecting

* For the statutory provisions regarding the rates that may be charged by a city and the factors that the city may consider when determining rates, see RCW 35A.21.150 and RCW 35.67.020.

"tee" and stub, or at such time as the city may bill for the installation of such tee and stub, if not previously paid. If such charges are not paid within thirty days of billing, the city shall have a lien as provided under RCW 35.67.200, and such delinquent charge shall bear interest at eight and one-half percent per year. The proceeds of such charges shall go into the sewer connection account of the sewer system construction fund of the city hereinafter created to defray the actual cost of connecting building sewers to the main or collector sewers and to provide a uniform basis of charge to the property owners regardless of the actual cost of individual connections. (Ord. 166 §3(B), 1970).

13.16.025 Reserve capacity sewer service charge. Unless there has been assessed against a particular parcel of real property a reserve capacity charge as part of the assessment under a city utility local improvement district there shall be paid for every structure, prior to the connection of such structure to the sewerage system or upon the first billing for sewerage service charges, whichever occurs first, a reserve capacity charge for each whole calendar month between March 1, 1977, and such beginning date. The reserve capacity charge for residential uses shall be three dollars for each of the whole calendar months for single-family structures, six dollars for each of the whole calendar months for two-family structures and three dollars for each of the first two living units and one dollar fifty cents for each additional living unit for each of the whole calendar months for those residential structures containing more than two living units. The reserve capacity charge for nonresidential structures shall be three dollars per ERU for each whole calendar month between the dates determined in accordance with an ERU value established by the joint sewerage facilities advisory committee. If the use of any structure changes subsequent to March 1, 1977, resulting in a significant increase of sewage discharge therefrom, there shall be a reserve capacity charge paid upon the first billing subsequent to the change at the rate of three dollars per ERU for each whole calendar month between March 1, 1977, and the date of the change for the increased monthly ERU's determined in accordance with an ERU value established by the advisory committee as set out in this section. (Ord. 484, 1978: Ord. 450 §1, 1977).

13.16.027 Sewerage extension capacity charge. A. There is levied a sewerage extension capacity charge on all properties proposed to be connected for service by the Lacey sewerage system and lying outside of utility local improvement districts, local improvement districts or other sewered areas existing as of the date of the ordinance codified in this section, which districts have been formed in whole or in part

for sewerage improvements; provided, however, that the exemption for such existing districts shall not apply to those properties proposed for an increased equivalent residential unit use as provided in subsection D of this section. The amount of the sewerage extension capacity charge levied on a particular piece of property shall be equal to the number of equivalent residential units estimated to be used by said property multiplied by the rate per equivalent residential unit determined as set forth in subsection B of this section. The term "equivalent residential unit" or "ERU" shall be defined as provided in Section 13.16.030 of this code.

B. The sewerage extension capacity charge for each equivalent residential unit shall be the sum of the following elements:

1. The actual cost of existing trunk, interceptor and other common use facilities which lie downstream of the subject property minus any federal or state grants received for such construction divided by the capacity of such downstream facility in terms of equivalent residential units;
2. The estimated cost of the following facilities downstream of the connection point which need to be enlarged, expanded or constructed:

- a. Enlargement of Lacey Boulevard lift stations,
- b. Construction of additional Lacey Boulevard lift station,
- c. Construction of Martin Way lift station, force main and trunk facilities,
- d. Enlargement of Mt. Tahoma lift station,
- e. Construction of Southwick lift station, force main and trunk facilities,
- f. Enlargement of Golf Club Road lift station, divided by the capacity of such downstream facilities in terms of equivalent residential units. The cost estimates for the construction of such future facilities shall be projected to the date of estimated construction. The cost estimates for purposes of the computation called for in this subsection B shall include all construction, engineering, financing and administrative costs associated with the construction of each such facility.

C. The sewerage extension capacity charge levied herein shall be due and payable for each individual service prior to the connection of such service to the Lacey water or sewerage system.

D. If the land use of a property is proposed to be changed to a use which will increase the equivalent residential unit use of sewerage capacity and said proposed change in use is after charges levied herein have been computed and paid, or said property is located in an area otherwise exempt from the operation of this section, a condition of allowing said increased use shall be that the owner of said property

will pay to the city an additional sewerage extension capacity charge in accordance with this section equal to the increase in the contemplated equivalent residential unit use.

E. All charges collected by the city pursuant to subsection B1 of this section shall be paid into the water and sewer revenue fund and held in a restricted account for the purpose of rebuilding, repairing and maintaining existing facilities, and should the city council so determine, for the purpose of debt service requirements for any bond issue for sewerage facilities authorized after the effective date of the ordinance codified in this section. All charges collected by the city pursuant to subsection B2 of this section shall be paid into the sewerage capital reserve fund established by Chapter 3.45 and used for the purposes set forth in said chapter.

F. The charges established and levied by this section shall be in addition to any and all charges for reserve capacity of joint sewerage facilities under Section 13.16.025 and any and all charges resulting from a latecomers' agreement established as set forth in Sections 13.52.020 through 13.52.050 of this code.

G. In order to facilitate the administration of this section, Chapter 3.45 and Section 13.30.030 and inform the public of the charges to be levied, the council shall pass a resolution establishing zones within the city based upon the existing downstream facilities utilized by properties within said zone and future facilities which will be needed and further set forth the dollar amount of the charges computed as set forth in this section. (Ord. 599 §2, 1981).

13.16.030 Service charges--Equivalent residential unit defined. The definition of an "equivalent residential unit" (ERU) for the various classes of customers is as follows:

(1) Single-family residence including mobile homes not in mobile home parks as described in subsection (3) below: One ERU per month;

(2) Duplex (two family) residence: Two ERUs per month;

(3) Triplexes, apartments, mobile home parks and other multiple family residential customers: One ERU for each of the first two living units or spaces available for occupancy and one-half ERU for each additional unit or space;

(4) Commercial or industrial customers not readily identified as a residential customer including, but not limited to, hotels, motels, boarding or rooming houses, nursing and transient (overnight) trailer parks: One ERU for each nine hundred cubic feet of water consumed with a minimum monthly charge of one ERU. (Ord. 166 §10(A), 1970).

13.16.040 Service charges--Volume of water for non-residential establishments. The volume of water to be used for fixing the charges for nonresidential establishments shall

include any and all water purchased from public or private water companies or both and all water obtained from all other sources as determined by meters installed and maintained by public and/or private companies; by meters installed and maintained by the property owner as may be approved by the city or by estimates or measurements made by the city where metering is deemed impractical. Water used solely for irrigation or such other use which does not enter the sanitary sewer system may be excluded provided such water is separately metered or not metered and the use of such water is completely separated from the sanitary sewer system. (Ord. 166 §10(B), 1970).

13.16.050 Service charges--Payment--Availability of service. Payment for sewer service shall include all residential and nonresidential establishments where sewer service is available whether or not the establishments are in fact occupied or connected to a sewer. Sewer service is considered to be available if there is a sewer in a right-of-way or easement adjacent to the property and when the sewage originates within two hundred fifty feet of such sewer; subject to the provisions of Section 13.08.030 herein. The monthly sewer service charge shall become effective as soon as official notice is given that sewer service is available. (Ord. 166 §10(C), 1970).

13.16.060 Basic service charge--Designated. The "basic sewer service charge" of Lacey shall be \$12.35 per month per equivalent residential unit. (Ord. 651 §1, 1982: Ord. 613 §1, 1981: Ord. 574, 1980: Ord. 550 §1, 1979: Ord. 453, 1977: Ord. 395 §1, 1975: Ord. 330 (part), 1974: Ord. 273 §1, 1973: Ord. 166 §10(D), 1970).

13.16.061 Basic service charge--Disposition of certain portion. From and after the effective date of the ordinance codified in this section and Section 13.16.060, that portion of the basic sewer service charge levied for the purpose of replacing, rebuilding and repairing existing sewerage facilities, which sum is currently in the amount of \$2.75 per month per equivalent residential unit, shall be held in the water and sewer revenue fund in the restricted account for the purpose of replacing, rebuilding and repairing existing sewerage facilities of the city, and should the city council so determine, for the purpose of debt service requirements for any bond issue for sewerage facilities authorized after the effective date of the ordinance codified in this section and Section 13.16.060. (Ord. 613 §2, 1981).

13.16.065 Low income senior citizens and disabled citizens. There shall be a 15 percent reduction of that portion of sewerage charges levied for the maintenance and

operation of the sewerage collection system of the city of Lacey billed directly to low income senior citizens and low income disabled citizens. A low income senior citizen for the purposes of this section is defined as a single residential occupant or head of a household who is 62 years of age or older, having a maximum annual income below \$8,000.00 if single and \$11,000.00 if married. A low income disabled citizen for purposes of this section is defined as a single residential occupant or head of a household who has been found to be currently disabled by the Social Security Administration or is a disabled veteran certified by the Veterans' Administration as having a disability of at least 40 percent and having a maximum annual income below \$8,000.00 if single and \$11,000.00 if married. (Ord. 581 §2, 1980).

13.16.070 Service charges--Rounding off. The monthly sewer service charges as established in this chapter shall be rounded to the nearest five cents and shall be rounded downward if the calculated figure lies equally between adjusted rates; provided, however, the minimum equivalent.

residential unit charge shall apply for any month or portion thereof that service is rendered and the minimum charge shall not be prorated on the basis of a partial month's service. (Ord. 448 §1, 1977: Ord. 166 §10(E), 1970).

13.16.080 Service charges--Due when. All bills for sewer services shall be rendered and shall be due and payable in accordance with the provisions of Section 13.44.030 of this code. (Ord. 448 §2, 1977: Ord. 287 §1, 1973: Ord. 276 §1, 1973).

13.16.090 Service charges--Delinquency lien. The city shall have a lien for all sewer charges and penalties not paid in accordance with the provisions of Section 13.44.030 of this code, and may, in addition to enforcing the lien by the procedure set forth in RCW 35.67.210 through 35.67.280, enforce the lien by shutting off the water service from the premises to which such sewer service was furnished until the charges together with penalties are paid. (Ord. 448 §3, 1977: Ord. 276 §2, 1973).

Section 2. It is the intent of the City Council in passing this ordinance to readopt the provisions set forth herein only if said readoption is ruled necessary. It is further the intent of the City Council to reaffirm all of the provisions of Chapter 13.16 of the Lacey Municipal Code as originally adopted and further amended by ordinances of this Council.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON this 28th day of March, 1985.

CITY COUNCIL

BY *M. Brown*
Mayor

Attest:

Timothy McGuire
City Clerk

Approved as to form:

[Signature]
City Attorney

Posted: March 29, 1985