ORDINANCE NO. 779

AN ORDINANCE OF THE TOWN OF NACHES, WASHINGTON, AMENDING SECTION 13.08.110 OF THE NACHES MUNICIPAL CODE RELATING TO USER CHARGES FOR SEWER SERVICE

WHEREAS, the Town Council sets the user charges for sewer services on a yearly basis, pursuant to the Naches Municipal Code; and

WHEREAS, the Town Council finds it is necessary to update and amend the user charges for sewer service due to increasing costs; and

WHEREAS, the Town Council finds it is in the best interest of the residents of the Town of Naches to amend Section 13.08.110 regarding sewer user charges to cover costs;

Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF NACHES, WASHINGTON as follows:

Section 13.08.110 of the Naches Municipal Code is amended to read as follows:

A. RESIDENTIAL RATES

1. Single-family dwellings shall be charged a rate of fifty-nine dollars and thirty-seven cent ($59.37) per month, regardless of occupancy status, provided sewer service is required or requested and connection has been made.

2. Multi-residential developments, including manufactured housing parks, condominium and townhouse developments, and residential development complexes (duplexes, triplexes, etc.) served collectively or independently, shall be charged at a rate of fifty-nine dollars and thirty-seven cent ($59.37) per unit, or space, per month, without consideration to occupancy status.

3. Low-Income Senior Citizens and Low-Income Disabled Persons Occupant Rate.

   (a) Single-family dwellings within the corporate limits of the Town of Naches, occupied by low-income senior citizens or low-income disabled persons shall be charged a rate of fifty-two dollars and eighty-five cents ($52.85) per month, per dwelling, provided sewer service is requested and connection has been made.

   (b) A senior citizen is a person who occupies a dwelling unit where either the person or the person's spouse is sixty-two years of age or older at the commencement of any month.

   (c) A low-income senior citizen shall be a senior citizen whose income, combined with the income of the spouse, if any, for the calendar year preceding was fifteen thousand dollars ($15,000.00) or less.

   (d) A disabled person is a person who occupies a dwelling unit and qualifies for special parking privileges under RCW 46.16.381(1)(a) through (f) or a blind person as defined in RCW 74.18.020(4) or developmentally disabled as defined in RCW 71A.10.020(2) or a mentally ill person as defined in RCW 71.05.020(1).

   (e) A low-income disabled person shall be a disabled person whose income, combined with the income of the spouse, if any, for the calendar year preceding was fifteen thousand dollars ($15,000.00) or less.

(f) Combined income shall be income from all sources, provided that only two-thirds (2/3) of any social security benefits, two-thirds (2/3) of any retirement pension, two-thirds (2/3) of disability benefits, and the full amount of any other income shall be considered as income for the purpose of this section, and provided further, that the gain realized by any person from the sale, transfer, or upon being displaced from, his or her residence shall not be considered as income for the purposes of this section, if reinvested in a replacement residence within eighteen (18) months of its realization.

(g) Determination of eligibility shall be made by the Town Clerk/Treasurer based upon the annual statement of the low-income senior citizen or low-income disabled person, or any other reasonable and verifiable means at the discretion of the Clerk/Treasurer.

4. Sewer service charges for residential sewer service customers located outside the corporate limits of the Town of Naches shall be one hundred fifty percent (150%) of the applicable sewer service charges charged to all Town residential sewer service customers.

B. COMMERCIAL/BUSINESS RATES

Sewer rates for commercial and business users shall be based upon the volume of water delivered for a minimum monthly charge, plus a unit rate for each cubic foot of water delivered in excess of the first four hundred (400) cubic feet, as follows:

1. The minimum monthly charge to a commercial/business account in this category shall be fifty-nine dollars and thirty-seven cent ($59.37) per establishment, per month, regardless of occupancy status.

2. Small Commercial Users: For commercial and business establishments maintaining only restroom facilities for employees and the public, with less than 5 full time employees, domestic waste charges shall be based upon metered water consumption per cubic foot, and shall be fifty-nine dollars and thirty-seven cent ($59.37) for the first four hundred (400) cubic feet and five dollars and twenty-eight cents ($5.28) per one hundred cubic feet thereafter, per month.

3. Medium Commercial Users: For commercial and business establishments maintaining only restroom facilities for employees and the public, with 5 to 10 full time employees, including churches and meeting halls, domestic waste charges shall be based upon metered water consumption per cubic foot, and shall be sixty-seven dollars and thirty-seven cents ($67.37) for the first four hundred (400) cubic feet and five dollars and twenty-eight cents ($5.28) per one hundred cubic feet thereafter, per month.

4. Large Commercial Users: For commercial and business establishments maintaining only restroom facilities for employees and the public, with more than 10 full time employees, domestic waste charges shall be based upon metered water consumption per cubic foot, and shall be ninety-three dollars and ninety-two cents ($93.92) for the first four hundred (400) cubic feet and five dollars and twenty-eight cents ($5.28) per one hundred cubic feet thereafter, per month.

5. Food Service Establishments: For grocery stores, bakeries, restaurants, drive-ins, taverns and convenience stores serving food, waste charges shall be based upon metered water consumption per cubic foot, and shall be one hundred-ten dollars and fifty cents ($110.50) for the first four hundred (400) cubic feet and ten dollars and fifty-six cents ($10.56) per one hundred cubic feet thereafter, per month.

6. Motels: Motels shall be charged at the rates listed above for commercial and business establishments based on metered water consumption per cubic foot. For purposes of

establishing the minimum monthly charge, each room shall be considered equivalent to a full time employee, regardless of occupancy status. If food is prepared and served at a motel, then the motel shall be considered a food service establishment.

7. Where multiple commercial and business establishments are tenants in a single building and are served by a common water meter, and have a single account with the Town, domestic waste charges shall be based upon metered water consumption per cubic foot. The minimum monthly charge shall be the total sum of the minimum monthly charges, determined as if each establishment were an individual account, using the commercial and business categories described above. A minimum of 400 cubic feet of usage shall be allotted to each establishment, and the charge per cubic foot for usage above the minimum shall be five dollars and twenty-eight cents ($5.28) per one hundred cubic feet thereafter, per month. If commercial and business establishments are served by separate water meters, then each establishment shall be charged at the appropriate base rate specified above, but not less than fifty-nine dollars and thirty-seven cent ($59.37) per meter, and the charge per cubic foot for usage above the minimum shall be five dollars and twenty-eight cents ($5.28) per one hundred cubic feet thereafter, per month.

8. Where multiple commercial and business establishments are tenants in a single building and are served by a common water meter, and each establishment has a separate account with the Town, domestic waste charges shall be based upon metered water consumption using the commercial and business categories described above. Billing amounts for usage in excess of the minimum, per cubic foot, shall be distributed equally between the establishments connected to the meter at a rate of five dollars and twenty-eight cents ($5.28) per one hundred cubic feet thereafter, per month.

9. Commercial/business users who lose water through evaporation, irrigation, or in a product, may request a reduction in their monthly sewer charge only if the difference between water consumed and wastewater discharged to the Town is documented through the use of water meters. In such a situation, the monthly sewer charges will be based upon the volume of wastewater discharged to the Town at the appropriate rate specified within this section.

10. Sewer service charges for commercial/business sewer service customers located outside the corporate limits of the Town of Naches shall be one hundred fifty percent (150%) of the applicable sewer service charges charged to all Town commercial/business sewer service customers.

C. SCHOOL RATES

Sewer rates for school users shall be based upon the volume of water delivered for a minimum monthly charge, plus a unit rate for each cubic foot of water delivered in excess of the first four hundred (400) cubic feet, as follows:

1. Schools: For public or private schools discharging sewage to the Town sewer system, waste charges shall be based upon average monthly metered water consumption per cubic foot during the non-irrigation season, and shall be two hundred fifty-five dollars and eighty-seven cents ($255.87) for the first four hundred (400) cubic feet and ten dollars and fifty-six cents ($10.56) per one hundred cubic feet thereafter, per month, per school. Average monthly metered water consumption during the non-irrigation season is defined as the total water consumed from October 1 through March 31 divided by six.

2. Administration and Ancillary Buildings: Administration, shop, maintenance, and other ancillary buildings owned or leased by the school, and receiving sanitary sewer service from the Town, shall be charged for service at the rates set forth for commercial/business users.

3. Sewer service charges for school sewer service customers located outside the corporate limits of the Town of Naches shall be one hundred fifty percent (150%) of the applicable sewer service charges charged to all Town school sewer service customers.

D. INDUSTRIAL RATES

Sewer rates for industrial users shall be based upon the volume of water delivered for a minimum monthly charge, plus a unit rate for each cubic foot of water delivered in excess of the first four hundred (400) cubic feet, as follows:

1. General Industrial User Conditions: The following conditions apply to all industrial users discharging to the Town wastewater facilities:

   (a) There shall be no unmetered sources of water contributing wastewater to the Town sewage works without the knowledge and prior written approval of the Town.

   (b) The Town reserves the right to test, monitor, and control any wastewater discharged to any Town facility at any time.

   (c) Industrial users who lose water through evaporation, irrigation, or in a product, may request a reduction in their monthly sewer charge only if the difference between water consumed and wastewater discharged to the Town is documented through the use of water meters. In such a situation, the monthly sewer charges will be based upon the volume of wastewater discharged to the Town at the appropriate rate specified within this section.

   (d) Industrial users of the Town wastewater facilities shall be evaluated and determined by the Town as to whether monitoring stations on wastewater discharges will be required. If monitoring stations are required by the Town, the Town shall designate when, where, and how many stations shall be placed. Town-approved monitoring stations shall be installed and maintained continuously in satisfactory and effective operation by, and at the expense of, the industrial user, at the direction of the Town.

2. Industrial Discharges: For establishments discharging industrial process wastes, either separate or in combination with domestic sewage, waste charges shall be based upon metered water consumption per cubic foot, and shall be two hundred fifty-five dollars and eighty-seven cents ($255.87) for the first four hundred (400) cubic feet and five dollars and twenty-eight cents ($5.28) per one hundred cubic feet thereafter, per month.

3. Sewer service charges for industrial sewer service customers located outside the corporate limits of the Town of Naches shall be one hundred fifty percent (150%) of the applicable sewer service charges charged to all Town industrial sewer service customers.

E. SPECIAL SEWER RATE CONSIDERATIONS

When a sewer rate is based on metered water consumption, there may be circumstances when normal procedures for determining monthly sewer rates do not apply. The following considerations shall apply when determining the monthly sewer rate under special circumstances:

1. When a water meter fails or malfunctions and it is not possible to accurately determine the amount of water consumed, the amount to be charged for sewer for any month during which the meter failure or malfunction or leak occurred shall be based on the metered consumption of water for the same period the previous year. In the event there is no record of water consumption for the same period in the prior year, the amount of consumption shall be estimated by the Town.

2. In the event of a verified leak, which would result in an unusually large sewer billing due to increased water usage, said sewer charges shall be based upon the metered consumption of water for the same period the previous year. In the event there is no record of water consumption for the same period in the prior year, the amount of consumption shall be estimated by the Town.

3. The average water consumption for the non-irrigation season shall be based on the water meter readings from October 1 through March 31, or the actual dates of meter readings closest to those dates representing six months of usage. Sewer rates for a new user now utilizing service from an existing meter shall be billed based on the water consumption for that meter, unless the new user has a history of water consumption at another meter in the Town and has terminated use of that other meter. If a new user has a history of lower water consumption at a previous meter within the Town, then the Town may use the previous history of water consumption to determine the sewer rate, provided a written request is made to the Town.

4. If insufficient information is available to determine the water consumption at a sewer service that is charged based upon the volume of water delivered, then the Town will determine the monthly sewer rate to be one hundred fifty percent (150%) of the minimum monthly charge for sewer service. Situations where this may occur include new accounts which do not have a history of water consumption to determine the average water consumption, services which do not have water meters, and services which may be turned off during portions of the year.

Section 2: The rates in this Section shall be effective beginning with the January 2023 billing period.

Section 3: This ordinance shall be effective after publication pursuant to law.

PASSED BY THE TOWN COUNCIL of the Town of Naches, Washington, this 12th day of December 2022.

Paul Williams, Mayor

ATTEST:

Elvira Birrueta, Clerk/Treasurer

APPROVED AS TO FORM:

Michael Shinn, Attorney