

ORDINANCE NO. 2004-11-081

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, AMENDING VARIOUS SECTIONS OF THE BELLINGHAM MUNICIPAL CODE CHAPTERS 15.04, 15.08 AND 15.12 REGARDING THE ADMINISTRATION OF UTILITY SERVICES.

WHEREAS the City of Bellingham (the "City") Municipal Code currently sets forth administrative requirements governing the provision of water and sewer utility services; and,

WHEREAS these administrative requirements should be updated to reflect new services, revised service provision, and increased costs; and,

WHEREAS these revisions are in the best interests of the City of Bellingham and its utility customers and residents;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Bellingham Municipal Code Section 15.04.290 is hereby amended as follows:

15.04.090 - Payment, Temporary Discontinuance, Delinquent Accounts, And Penalty

A. [UNCHANGED]

B. [UNCHANGED]

C. [UNCHANGED]

D. [UNCHANGED]

E. [UNCHANGED]

F. In addition to interest, a delinquent water, sewer and/or storm and surface water utility account may also be charged a late-payment penalty of \$5.00 or 1.5% per billing period, whichever is greater.

Section 2: Bellingham Municipal Code Section 15.04.105 is hereby amended as follows:

15.04.105 - Lien For Delinquent Sewer and Surface and Storm Water Payments

In addition to any other remedies permitted by law, the City shall have a lien pursuant to RCW 35.67, as currently enacted or hereinafter amended, for all delinquent and unpaid sewer or storm and surface water rates and charges, including interest thereon, against any parcel or premises for which the sewer and/or storm and surface water rates and charges have been furnished. Said lien shall have the superiority, and may be foreclosed upon, as described in RCW 35.67, as currently enacted or hereinafter amended. The City shall be entitled to charge and collect \$50.00 to recover the City's costs associated with recording the lien and an additional \$50.00 to recover the City's costs

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associated with releasing the lien. The City shall be entitled to recover its costs incurred in collecting any delinquent sewer or surface and storm water payments, including court costs and attorney fees.

Section 3: Bellingham Municipal Code Section 15.08.010 is hereby amended as follows:

15.08.010 - Types Of Water Service

The following types of water service are provided by the city:

- A. "Single Family"** services include only those services connecting the water system to a single-family residence or duplex dwelling unit occupying a single premises on a single family zoned lot. The single family service size shall be 3/4" in diameter, except when the Director of Public Works determines, in his or her discretion, that a 1" or 1.5" service is necessary to meet the flow demands of that single family residence.
- B. "Non-Single Family"** services include all services not covered by subsections A, C, D, E, or F of this section
- C. "Fire protection"** service is a water service installed solely for the purpose of providing water to automatic fire sprinklers, on-site fire hydrants, or standpipes. All privately owned fire protection services shall include a flow-detection device of a type approved by the Director of Public Works. No domestic water supply connections are allowed on a fire protection service.
- D. "Resale water"** service is a metered service by which potable water is provided under contract to a water district or association for resale.
- E. "Industrial water"** service is non-potable water supplied for industrial purposes.
- F. "Irrigation water"** service is a service using potable water for landscaping and irrigation purposes only. Domestic water users are not allowed an irrigation water service.

Section 4: Bellingham Municipal Code Section 15.08.040 is hereby amended as follows:

15.08.040 - Water Service Connections

- A. [UNCHANGED]**
- B. [UNCHANGED]**
- C. [UNCHANGED]**
- D. All premises must have their own separate service connection with a city water main, except:**
 - (1) Fire protection services.**
 - (2) Commercial metered accounts, and industrial water accounts, in which cases each service shall be metered separately.**

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(3) Single family services may share a 1" water service connection where the connection is split at the property line into two separate ¾" services and meters.

E. As of January 1, 2005, all new water service installations shall be metered.

F. Beginning on January 1, 2005, Single Family customers who are not currently being served by a water meter may enroll in the "Voluntary Metering Program" ("VMP") through the Department of Public Works. The Director of Public Works shall establish a meter installation fee for each Single Family customer who chooses to participate in the VMP. This meter installation fee shall be adjusted annually by the Director of Public Works based upon the previous year's actual costs and after providing a minimum of 60 day's public notice prior to the adjustment. Once a customer elects to participate in the VMP, the customer can not return to the flat rate structure.

Section 5: Bellingham Municipal Code Section 15.08.050 is hereby amended as follows:

15.08.050 - Water Service Installation Fees

A. Prior to approval of an application for water service by the Finance Director, the fees applicable to the requested service shall be determined. The fees consist of the system development charge, assessments, installation fees, and other charges as specified in this chapter.

B. Specified fees shall be paid to the Finance Director in full at the time of application. The Finance Director shall advise the Department of Public Works when payment has been received.

Section 6: Bellingham Municipal Code Section 15.08.060 is hereby amended as follows:

15.08.060 - Water Service Installation

A. All water services shall be installed in accordance with current American Water Works Association ("AWWA") standards and all city standards and specifications.

B. [UNCHANGED]

C. [UNCHANGED]

D. [UNCHANGED]

E. [UNCHANGED]

F. The new water service shall consist of the tap to the main, the corporation stop at the main, pipe from the water main to the meter, meter box, meter and stopcock. This service shall be owned and maintained by the city from the main to house side of the stopcock. The connection to the premises side of the stopcock is not part of the City owned water service.

G. [UNCHANGED]

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H. All services other than single-family residential shall be subject to review by the Public Works Department using the Uniform Plumbing Code and the AWWA "Sizing Water Service Lines and Meters"; except that standby fire-protection services shall be sized based on fire-flow requirements determined by the Fire Department.

I. [UNCHANGED]

J. [UNCHANGED]

K. [UNCHANGED]

Section 7: Bellingham Municipal Code Section 15.08.080 is hereby amended as follows:

15.08.080 - When Main Extension Required

A main extension is required whenever property within the water service zone is developed and that property does not abut a water main, or when an existing abutting water main is not adequate to provide the required water pressure or flow characteristics. Minimum flow is that set by state law, which is currently thirty p.s.i. at normal peak flow.

Section 8: Bellingham Municipal Code Section 15.08.180 is hereby amended as follows:

15.08.180 - Tampering With Water Service After Suspension

A. Should any person turn on a water service without authorization after it has been shut off by the city, the account shall be assessed the tampering fee for the first occurrence. Further incidents of tampering will cause the account to be assessed at twice the tampering fee for each additional occurrence. The Owners or the purchasers under a real estate contract of the premises who do not occupy the premises will, if possible, be notified of the imposition of a tampering fee.

B. After any person has tampered in three consecutive occurrences, the city shall disable the water service in such a manner that there is a physical disconnection of the water service from the city water main. The account shall be charged a disabling fee for the cost to disconnect the service line. The fee shall include the total cost of labor, material, equipment, and any administrative or overhead charges as provided for in 15.08.240(F).

C. Should any person turn on a new water service before opening a water account, a tampering fee shall be assessed and paid before the owner can open a new water account or begin receiving water service.

Section 9: Bellingham Municipal Code Section 15.08.215 is hereby amended as follows:

15.08.215 - Installation Permit Fees

An installation permit fee is charged for each service connection, and:

A. The installation permit fee is \$35 per service, except when combined with a sewer permit, when the fee for both permits is a total of \$50.

B. Moneys received for this fee shall be deposited into the water fund unless the permit is a combined permit, in which case one-half of the fee shall be deposited to the water fund, and one-half to the sewer fund.

Section 10: Bellingham Municipal Code Section 15.08.220 is hereby amended as follows:

15.08.220 - Calculation Of Installation Fee - Meters

An installation fee will be charged for each service requested. This fee is for the cost of installing the water service from the main to the property line including, but not limited to, main taps, corporation cocks, valves, pipes, meters, site restoration, and other materials, labor, and equipment charges necessary.

A. The fee for water services less than 1½" in diameter shall be a flat rate for each size. The Director of Public Works shall analyze previous actual installation costs for each size, shall determine the fee annually, and shall give 60 days' public notice thereof.

B. The fee for water services 1½" in diameter and larger will be actual cost of installation plus administrative and overhead charges. The water system superintendent shall prepare an estimate of installation costs to determine the amount of money to be deposited. Any adjustment in the actual cost of installation because of variance between the estimate and the actual cost shall be refunded upon completion of the job to the applicant, or by payment by the applicant to the city of any additional expense above the estimate.

C. The cost of the meter and meter installation will be in addition to the water service fees. The Director of Public Works shall establish a flat rate for meter installations less than 1½" in diameter, shall annually adjust that rate based on the previous year's costs, and shall give 60 days' public notice thereof. Meters 1½" and larger shall be estimated as in subsection B above. All meters shall be and remain the property of the city, and may be installed or removed by the Department of Public Works in conformity with this chapter.

D. If a meter is found to be out of order by failing to register properly, the account shall be charged at the average monthly consumption as shown by the meter during the corresponding period of the preceding year.

E. In all cases where meters are lost, injured or broken by carelessness or negligence of owners or occupants of premises, they shall be replaced or repaired under the direction of the Director of Public Works and the cost charged against the owner or occupant; and in case of nonpayment for meter damage, the water shall be shut off, and will not be turned on until such charge and the charge for turning on the water are paid in the same manner as provided for delinquent payments.

F. Meters shall be of the type designated by the Director of Public Works and shall be installed at the cost of the person requiring water service.

G. If the owner or occupant of a premises served by a metered service desires to have a water meter tested for accuracy, the following procedures shall apply:

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- (1) The owner or occupant must request a meter test.
- (2) Upon receiving the request, the Department of Public Works shall prepare an estimate of the cost to perform the test, including overhead and administrative charges.
- (3) The owner or occupant must deposit an amount equal to the estimated test costs with the Finance Director.
- (4) Upon notice from the Finance Director that the necessary fee has been received, the department will schedule the meter test. The owner or occupant will be notified of the test and may witness the test if desired.
- (5) Should the meter over-register consumption, repair or replacement of the meter will be made by the department and the meter test fee will be refunded to the owner or occupant. If the meter is accurate (AWWA Standards) or under-registers, the meter test fee shall be deposited to the water fund.

Section 11: Bellingham Municipal Code Section 15.08.230 is hereby amended as follows:

15.08.230 - Connection Charges

- A.** Charges imposed to connect to and receive city water service shall consist of the following:
- (1) A system development charge determined pursuant to 15.08.250(C), reflecting the demand placed on the system.
 - (2) If applicable, a connection fee for the specific property involved, as determined by the Department of Public Works, to insure that each connected property bears its equitable share of the cost of the system, plus interest pursuant to subsection 3 below.
 - (3) The connection fee herein shall include accrued interest at a rate fixed at the Federal Reserve rate for a 10-year Treasury Note, as determined on the recording date of the Statement of Intent to Collect;

PROVIDED, that interest shall only be accrued for a period not to exceed 10 years; and PROVIDED FURTHER, that no interest shall be collected within the first 90 days of recording of the Statement of Intent to Collect; and PROVIDED FURTHER, that the aggregate amount of the interest shall not exceed the equitable share of the cost of the system allocated to a given property owner.
 - (4) Any applicable private latecomer charges and interest.
- B.** System development charge credits are available and shall be calculated as follows:
- (1) If an existing service is exchanged for a larger service, credit shall be given for the smaller service at the current rate.

(2) No refunds will be given for exchange or reactivation to smaller size services.

(3) If an abandoned service is reactivated within three years of abandonment, credit shall be given for the service being activated. Value of credit shall be current charge for that size service irrespective of whether a fee was ever collected.

(4) If the abandoned service is reactivated after three years of abandonment, credit will be given only up to the amount previously paid.

Section 12: Bellingham Municipal Code Section 15.08.250 is hereby amended as follows:

15.08.250 - Water Rates And Charges

A. The rates charged for each shut-off or turn-on are:

(1) During normal work hours: \$20.00 each; and

(2) After normal work hours: \$65.00 each.

B. The hydrant fee assessed for each lineal foot of main extension or portion thereof is: \$5.00.

C. [UNCHANGED]

D. The following water use rates are effective from January 01, 2005 through December 31, 2010:

(1) [UNCHANGED]

(2) [UNCHANGED]

(3) [UNCHANGED]

(4) [UNCHANGED]

(5) [UNCHANGED]

(6) [UNCHANGED]

(7) [UNCHANGED]

(8) Untreated Industrial Water

(a) [UNCHANGED]

(b) Volume Rate:

(i) Block 1 – per ccf up to and equal to 296,000 ccf per month

2005	\$0.063/ccf
2006	\$0.064/ccf
2007	\$0.066/ccf
2008	\$0.067/ccf
2009	\$0.069/ccf
2010	\$0.070/ccf

(ii) Block 2 – per ccf greater than 296,000 ccf per month

2005	\$0.636/ccf
2006	\$0.641/ccf
2007	\$0.724/ccf
2008	\$0.735/ccf
2009	\$0.745/ccf
2010	\$0.756/ccf

- E. The Fire protection service rate is \$100.00 per year.
- F. The tampering fee is \$75.00.
- G. Water rates and charges for services outside the city limits are 150% of the aforementioned rates and charges, except the cost reimbursable installation fee described by this Chapter.
- H. The water rate provided for in 15.08.250 (D) (7) shall be used to fund land acquisition and other land preservation measures in the Lake Whatcom Watershed. Acquisitions and other land preservation measures and prioritization of such, and allowed uses and improvements to acquired property shall be determined by the City Council. Land preservation measures include, but are not limited to, items such as purchases of transfer of development rights, conservation easements, access/use rights, and their associated maintenance and administration expenses. Funds generated by the water rate increase may also be used for repayment and debt service on bonds or other financing instruments used to further the stated objectives of watershed land acquisition and other land preservation measures.

Section 13: Bellingham Municipal Code Section 15.12.160 is hereby amended as follows:

15.12.160 - Sewer Installation Permit Fee.

An installation permit fee is charged for each service connection:

- A. The installation permit fee is a flat rate of \$35 per service, except when combined with a water permit, when the fee for both permits is a total of \$50.
- B. Moneys received for this fee shall be deposited into the sewer fund, unless the permit is a combined permit, in which case ½ shall be deposited to the sewer fund and ½ to the water fund.

Section 14: Bellingham Municipal Code Section 15.12.170 is hereby amended as follows:

15.12.170 - Calculation Of Charges.

- A. Charges imposed to connect to and receive city sewer service shall consist of the following:
- (1) A system development charge determined pursuant to 15.12.175(A).
 - (2) The connection fee for the specific property involved, as determined by the Department of Public Works, to insure that each connected property bears its equitable share of the cost of the system, plus interest pursuant to 15.12.175(C) and (D).
 - (3) Any applicable private latecomers charges and interest.
- B. Monies collected as provided under this section shall be deposited in the cumulative sewer reserve fund.
- C. [UNCHANGED]

Section 15: Bellingham Municipal Code Section 15.12.180 is hereby amended as follows:

15.12.180 - Flat-Rate Services - Sewer Use Rates.

- A. Flat-rate services are charged a monthly rate for each month or portion of a month in which service is received. The flat rate applies to any unmetered or metered single family dwelling-unit on a single family zoned lot that is connected to the city's sewer system; any duplex dwelling unit on a single family zoned lot with two water meters, and to any dwelling unit that is connected to the city's water system, and abuts a city right-of-way or utility easement within the corporate limits of the city containing a sewer main, thereby being capable of receiving sewer service.
- B. [UNCHANGED]
- C. [UNCHANGED]

Section 16: Bellingham Municipal Code Section 15.12.215 is hereby amended as follows:

15.12.215 - Tampering With Sewer Service After Suspension.

- A. Should any person reconnect a sewer service without authorization after it has been shut off by the city, the account shall be assessed the tampering fee for the first occurrence. If additional incidents of tampering occur, the account shall be assessed twice the tampering fee for each additional occurrence.
- B. The tampering fee is \$75 for the first occurrence.
- C. Owners or purchasers under a real estate contract of the premises who do not occupy the premises will, if possible, be notified of the imposition of a tampering fee.

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Section 17: Bellingham Municipal Code Section 15.12.225 is hereby amended as follows:

15.12.225 - Penalty

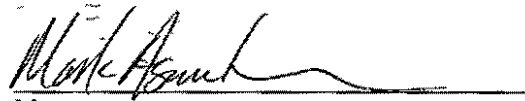
There shall be imposed a late-payment penalty of 1.5% of the amount owing pursuant to Sections 15.12.210. This penalty shall be levied on all payments that are 15 days past the due date and shall apply to all amounts outstanding.

Section 18: Effective Date: This Ordinance shall take effect on January 01, 2005.

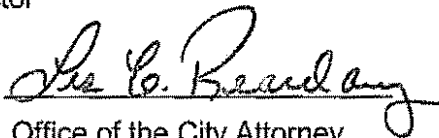
PASSED by the Council this 22nd day of November, 2004.


Council President

APPROVED by me this 6th day of Dec, 2004.


Mayor

Attest: 
Finance Director

Approved as to form: 
Office of the City Attorney

Published: November 26, 2004

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