

ORDINANCE NO. 2012-12-061

AN ORDINANCE OF THE CITY OF BELLINGHAM, AMENDING BELLINGHAM MUNICIPAL CODE CHAPTERS 15.12 AND 15.20 TO MODIFY SEWER SERVICE USAGE, RATES AND CHARGES.

WHEREAS, Chapter 35.67 RCW authorizes cities to provide water, sewer, and surface and storm water public-utility services and to fix, alter, regulate and control the rates and charges for the use of said public utilities; and

WHEREAS, the City of Bellingham ("City") owns and operates a sewer utility in accordance with Chapter 35.67 RCW to provide sanitary sewer collection and treatment; and

WHEREAS, Bellingham Municipal Code ("BMC") Chapters 15.12 and 15.20 establish sewer connection and usage rates and charges for all customers; and

WHEREAS, the City sewer utility is required to comply with state and federal laws and regulations in operating the sewer utility and that as the laws and regulations change the City is obligated to change its operations and policies related to the sewer utility; and

WHEREAS, the cost to the City to operate and maintain the sewer utility increases as regulations increase; and

WHEREAS, the City Council has determined that upgrading the wastewater treatment facility is a top priority for the sewer utility; and

WHEREAS, further cuts to the operation and capital program or additional use of reserves will result in the sewer utility not being able to sustain the minimum level of service set by law and Council policy; and

WHEREAS, the City retained an independent consultant, the FCS Group, to evaluate the revenue requirements to operate the sewer utility in compliance with all relevant regulations and City policies, to recommend a rate structure based on a cost of service analysis and to propose a rate schedule sufficient to meet the revenue requirements of the sewer utility; and

WHEREAS, the FCS Group has completed the study and has presented the results to the City Council in an open public meeting; and

WHEREAS, changes to BMC Chapters 15.12 and 15.20 are needed to adjust rates and create a customer-class rate structure based on wastewater strength and volume; and

WHEREAS, public input was sought, received and considered;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: A new section BMC 15.12.005 is added as follows:

15.12.005 - Definitions

- A. Biochemical oxygen demand** (abbreviated as "BOD") means the amount of dissolved oxygen used by biological organisms in water to break down organic material present in a given water sample over five days at 20° Celsius. The five day BOD determination shall be made by a laboratory accredited by the state of Washington for this method in accordance with standard procedures.
- B. Day or daily** means a 24 hour period commencing at midnight and concluding with the following midnight.
- C. Flow** means that quantity or volume in gallons of wastewater discharged into the sanitary sewer system.
- D. Milligrams per liter** (abbreviated as mg/L) means a measurement of concentration that shows a unit of mass equal to one thousandth (10^{-3}) of a gram of a certain substance present in one liter of liquid.
- E. Septage** means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other on-site sewage system components.
- F. Temporary Discharge** means those wastewater discharges that are approved to provisionally be sent through the City's wastewater collection system and can only be made upon written approval of the sewer Authority. The rate structure detailed in BMC 15.12.180, 15.12.200 or 15.12.210 would apply based on the characteristics and strength of the temporary waste discharge.
- G. Total suspended solids** (abbreviated as "TSS") means the amount of solids retained upon filtration through a glass fiber filter with a pore size 1.5 um, from a sample of known volume. The TSS determination shall be made by a laboratory accredited by the state of Washington for this method in accordance with standard procedures.
- H. Utility service contract** means a contract providing the terms and conditions upon sewer districts or wholesale sewer customers are authorized to discharge water or wastes into the city's sewer system.
- I. Wastewater** means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the flows received at the City of Bellingham's Wastewater Treatment Plant.

Section 2: Bellingham Municipal Code Chapter 15.12.010 shall be amended to read as follows:

15.12.010 - Sewer Service Class

A. The following types or classes of sewer service are provided by the City of Bellingham sewer utility:

1. Class 1 consists of all single family residential properties, parcels and buildings including all duplexes, outbuildings, appurtenant structures or detached buildings on a single tract where the primary use of the property is residential. Unmetered duplexes in Class 1 shall pay twice the rate as unmetered stand-alone single family residences. Duplexes with living units served by water meters shall be billed at the standard rate.
2. Class 2 consists of all multi-family residential properties, condominiums, apartments, residence halls, parcels and buildings or portions thereof on a single tract that are not considered Class 1 but where the primary use is residential.
3. Class 3 consists of all commercial and industrial properties, buildings, mixed use developments where separate meters are not provided, and any other non-residential use, such as restaurants, dry cleaners, hotels, laundry facilities, swimming pools or other similar uses, where the strength of the wastewater has a 5-day BOD less than 235mg/L and a TSS less than 270mg/L.
4. Class 4 consists of all commercial and industrial properties, buildings, mixed use developments where separate meters are not provided, and any other non-residential use, such as restaurants, dry cleaners, hotels, laundry facilities, swimming pools or other similar uses, where the strength of the wastewater has a 5-day BOD greater than or equal to 235mg/L but less than 500mg/L or a TSS greater than or equal to 270mg/L, but less than 500 mg/L.
5. Class 5 consists of all commercial and industrial properties, buildings, mixed use developments where separate meters are not provided, and any other non-residential use, such as restaurants, dry cleaners, hotels, laundry facilities, swimming pools or other similar uses, where the strength of the wastewater has a 5-day BOD greater than 500mg/L or a TSS greater than 500 mg/L.
6. Wholesale service is service provide by a utility service contract outside of City limits for sewer treatment, collection or conveyance. Contracts for wholesale services shall be limited to governmental entities or special purpose districts and shall specify the method of payment, means of measurement and service limitations as may be appropriate.

Section 3: Bellingham Municipal Code Section 15.12.040 shall be amended to read as follows:

15.12.040 - Sewer Service Connections

A. When the premises is within City limits and abuts upon a street or City-owned utility easement through which there is a City sewer main, the premises' owner may apply for service. Upon approval of the service application by the Director of Public Works and upon such conditions as required by the Director, the Department of Public Works shall issue a permit authorizing the premises to be connected to the system. Decisions of the Public Works Director on applications for sewer service under this subsection may be appealed to the Hearing Examiner. The written appeal and the appeal fee, if any, must be received by the Public Works Department by no later than 5:00 p.m. on the fourteenth day following the date the decision was issued.

B. Any person desiring to have a premises connected with the city sewer system shall make application to the Public Works Department on printed forms furnished for that purpose. Every such application shall be made by the owner or the purchaser under a real estate contract of the premises to be benefited, or by his authorized agent. The application must describe the property to be served, state fully the purposes for which the sewer service is required, and indicate that by signing the form, the applicant agrees to conform to the ordinances, rules, and regulations established as conditions for use of sewer services, and further agrees, as a condition to the furnishing of sewer services, that the City has the right to shut off the sewer service as required for such things as, by way of example, non-payment, repairs, extensions, denial of reasonable and lawful access to measure and sample flow or doing other necessary work.

1. Each person desiring to make a new connection to the city's public sewer for the purpose of discharging commercial or industrial wastes shall prepare and file with the public works department a written statement that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

2. In the event the written statement shows that the user will discharge an average daily flow in excess of 250,000 gallons in any given 24 hour period or a daily loading of suspended solids in excess of 500mg/L or a 5-day BOD in excess of 500mg/L, the requesting party shall, as a condition precedent to receiving any sewer service whatsoever, construct and install at his own cost and expense a measurement, sampling and sample storage facility to monitor all wastes entering the public sewer. Such facilities shall be constructed and installed in conformance with Department of Health and Department of Ecology standards and protocols for testing or as otherwise determined by the Director. Such facilities shall be dedicated to the City at no cost.

3. Upon installation and acceptance such facilities shall thereafter at all times be maintained by the city in a safe condition and in proper operating condition and shall be readily accessible to city personnel for reading and inspection.

C.-F. [UNCHANGED]

G. As a condition of service all new sewer customers after January 1, 2013 shall be connected to City of Bellingham water system and shall have a water meter installed.

Section 4: Bellingham Municipal Code Section 15.12.160 shall be amended to read as follows:

15.12.160 - Sewer Installation Permit Fee.

An application permit fee is charged for each service connection application. The fee for application shall be determined by the Public Works Director by separate fee schedule.

Section 5: Bellingham Municipal Code Chapter 15.12.180 shall be amended to read as follows:

15.12.180 - Sewer Use Rates

A. Class 1 - The usage rate for class 1 customers shall be a flat rate as follows:

- \$33.97 per month beginning January 1, 2013;
- \$35.07 per month beginning January 1, 2014;
- \$37.24 per month beginning January 1, 2015;
- \$39.47 per month beginning January 1, 2016;
- \$41.66 per month beginning January 1, 2017;
- \$43.16 per month beginning January 1, 2018

B. Class 2 - The usage rate for class 2 customers shall consist of a monthly fixed charge plus a volumetric based charge for consumption in excess of 800 cubic feet (5984 gallons) as measured at the domestic water meter per month as follows:

- Base rate of \$33.97 per month plus \$4.09 per hundred cubic feet beginning January 1, 2013;
- Base rate of \$35.07 per month plus \$4.66 per hundred cubic feet beginning January 1, 2014;
- Base rate of \$37.24 per month plus \$4.99 per hundred cubic feet beginning January 1, 2015;
- Base rate of \$39.47 per month plus \$5.43 per hundred cubic feet beginning January 1, 2016;
- Base rate of \$41.66 per month plus \$5.80 per hundred cubic feet beginning January 1, 2017;

Base rate of \$43.16 per month plus \$6.07 per hundred cubic feet beginning January 1, 2018.

C. Class 3 - The usage rate for class 3 customers shall consist of a monthly fixed charge plus a volumetric based charge for consumption in excess of 800 cubic feet (5984 gallons) as measured at the domestic water meter per month as follows:

Base rate of \$33.97 per month plus \$4.09 per hundred cubic feet beginning January 1, 2013;

Base rate of \$35.07 per month plus \$4.66 per hundred cubic feet beginning January 1, 2014;

Base rate of \$37.24 per month plus \$4.99 per hundred cubic feet beginning January 1, 2015;

Base rate of \$39.47 per month plus \$5.43 per hundred cubic feet beginning January 1, 2016;

Base rate of \$41.66 per month plus \$5.80 per hundred cubic feet beginning January 1, 2017;

Base rate of \$43.16 per month plus \$6.07 per hundred cubic feet beginning January 1, 2018.

D. Class 4 - The usage rate for class 4 customers shall consist of a monthly fixed charge plus a volumetric based charge for consumption in excess of 800 cubic feet (5984 gallons) as measured at the domestic water meter per month as follows:

Base rate of \$33.97 per month plus \$4.09 per hundred cubic feet beginning January 1, 2013;

Base rate of \$35.07 per month plus \$4.66 per hundred cubic feet beginning January 1, 2014;

Base rate of \$37.24 per month plus \$4.99 per hundred cubic feet beginning January 1, 2015;

Base rate of \$39.47 per month plus \$5.43 per hundred cubic feet beginning January 1, 2016;

Base rate of \$41.66 per month plus \$5.80 per hundred cubic feet beginning January 1, 2017;

Base rate of \$43.16 per month plus \$6.07 per hundred cubic feet beginning January 1, 2018.

E. Class 5 - The usage rate for class 5 customers shall consist of a monthly fixed charge plus a volumetric based charge for consumption in excess of 800 cubic feet (5984 gallons) as measured at the domestic water meter per month as follows:

Base rate of \$33.97 per month plus \$4.09 per hundred cubic feet beginning January 1, 2013;

Base rate of \$44.35 per month plus \$6.09 per hundred cubic feet beginning January 1, 2014;

Base rate of \$56.84 per month plus \$7.83 per hundred cubic feet beginning January 1, 2015;

Base rate of \$59.84 per month plus \$8.44 per hundred cubic feet beginning January 1, 2016;

Base rate of \$62.97 per month plus \$8.98 per hundred cubic feet beginning January 1, 2017;

Base rate of \$65.23 per month plus \$9.40 per hundred cubic feet beginning January 1, 2018.

F. Unless otherwise abrogated by the City Council, beginning January 1, 2019 and each year thereafter, the sewer utility rates levied in 2018 shall continue with an annual adjustment each year in January by an inflationary factor tied to the Consumer Price Index, All Urban Consumers (CPI-U), Seattle-Tacoma-Bremerton index. The inflationary factor shall be calculated and rates shall be adjusted by the Finance Director in September of each year using 12 prior months of Consumer Price Index data.

Section 6: Bellingham Municipal Code Section 15.12.190 is hereby repealed in its entirety.

Section 7: Bellingham Municipal Code Section 15.12.200 shall be amended to read as follows:

15.12.200 - Rates for Services Outside the City.

Rates for all services located outside of the corporate limits of the city are computed in the same manner as similar services within the city, except that the rates are increased by a surcharge of 50 percent excluding services provided by contract agreement with a sewer district or association in accordance with BMC 15.36.

Section 8: Bellingham Municipal Code Chapter 15.12.210 is hereby revised and amended to read as follows:

15.12.210 - Septage Wastes - Use Rates for Dumping

A. Septic tank or other septage wastes, hauled liquid waste, construction waste water, polluted stormwater runoff, chlorinated water or other liquid waste generated within Whatcom County may ~~only~~ be discharged at the wastewater treatment plant or to the City of Bellingham sewer system with the written authorization of the Public Works Director or designee.

Nothing in this section shall be construed to require the City to receive septage or other liquid waste.

B. The use rate for dumping septage tank wastes shall be considered a special service fee and shall be determined by the Public Works Director annually and published by December 1 of each year. In publishing rates the Public Works Director shall at a minimum post a visible notice at the wastewater plant, provide the proposed rates to the City Clerk, Finance Director

and the City Council. Rates published by the Public Works Director shall take effect on January 1 following publication unless otherwise abrogated by the City Council. In establishing special service fee rates for septage receiving the Public Works Director shall consider total volume and strength, based on biological oxygen demand (BOD) and total suspended solids (TSS).

C. For other liquid waste discharged on a short term basis the Public Works Director shall determine a discharge fee consistent the use rates outlined in this chapter and shall establish such terms and conditions for discharge as may be needed to comply with the City's operating permits.

D. The following practices and prohibitions apply to all septage or liquid waste hauled to the Bellingham wastewater treatment plant:

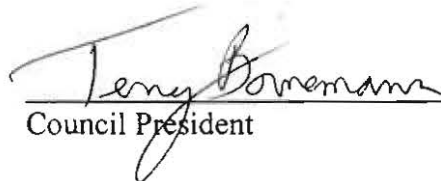
1. Decanting of septage waste prior to discharge to the City treatment plant is not allowed.
2. Septage discharged to the treatment plant should not contain any measurable fats, oil or greases.
3. Sampling of each septage load must occur at the time of discharge by the hauler, utilizing containers provided by the City.

E. The Public Works Director shall establish policies and procedures for the septage and liquid waste receiving and billing provided that said procedures shall be consistent with policies set forth by the Finance Director for payment and collection of fees.

Section 9: Bellingham Municipal Code Chapter 15.20 is hereby repealed in its entirety.


Section 10: Effective Date. This Ordinance shall take effect January 1, 2013.

PASSED by the Council this 10th day of December, 2012.



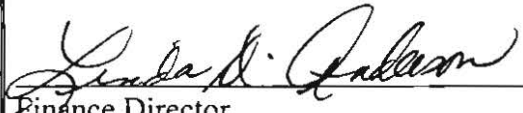
Council President

APPROVED by me this 18th day of December, 2012.



Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published:

December 14, 2012
