

ORDINANCE NO. 2287 (2019)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, ESTABLISHING NEW USER RATES FOR CLASS II, CLASS III, CLASS IV, AND CLASS V SANITARY SEWER SERVICES WITHIN AND WITHOUT THE CITY LIMITS OF THE CITY OF BOTHELL; AND AMENDING SECTIONS 18.03.210, 18.03.270 AND 18.03.280 OF THE BOTHELL MUNICIPAL CODE TO REVISE AND CLARIFY APPLICATION AND BILLING PROCESSES AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR SUMMARY PUBLICATION

WHEREAS; It is the goal of the City of Bothell sanitary sewer utility to provide reliable, sanitary, and efficient wastewater collection and conveyance; and

WHEREAS; It is the City Council's vision to provide sanitary sewer utility management in a manner that is fiscally responsible; and

WHEREAS; The City Council reviews the sanitary sewer utility service charges annually to ensure the long-term fiscal viability of the utility; and

WHEREAS; the City Council deems it necessary to increase the user rates for sewer service within and without the City limits of the City of Bothell; and

WHEREAS; the City Council's deems it necessary to revise and clarify the application and billing processes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 18.03.210 of the Bothell Municipal Code is hereby amended to read as follows, with new text shown by underline and deleted text shown in strikethrough:

18.03.210 Rates – Users within city limits.

The following charges shall be made by the City for furnishing sewer service within the City limits:

- A. Class I. Single-family residence: ~~\$123.70~~ \$127.41 every two months for each housekeeping unit, together with an additional charge measured by multiplying the annualized winter-average water usage from the prior year which exceeds 200 cubic feet per month by ~~\$4.10~~ \$4.22 per 100 cubic feet of excess during the winter period. The winter period for this purpose is defined as November 1st through June 30th.

B. Class II. All commercial uses, which includes all uses not otherwise defined in Class I, Class III, Class IV and Class V: A minimum bi-monthly charge of ~~\$162.65~~ \$167.53, plus a customer equivalent charge measured by multiplying the water consumption and each occupancy which exceeds 750 cubic feet in any month by ~~\$10.42~~ \$10.73 per 100 cubic feet of excess.

C. Class III. Public and private schools: A minimum bi-monthly charge ~~\$162.65~~ \$167.53, per school together with an additional charge each month at the rate of ~~\$10.42~~ \$10.73 per 100 cubic feet in excess of 750 cubic feet per month of water consumption per separate building; provided, however, during the months when school is not in session for the entire month, the bi-monthly charge shall be ~~\$325.25~~ \$335.01 per school.

D. Class V. Multiple unit residences, including duplexes, triplexes, fourplexes, hotels, motels, cabins, apartments, condominiums and all of their housekeeping units, except mobile home parks: A minimum bi-monthly charge of ~~\$162.65~~ \$167.53, plus a customer equivalent charge measured by multiplying the water consumption which exceeds 750 cubic feet in any month by ~~\$10.42~~ \$10.73 per 100 cubic feet of excess.

E. In special cases, single-family residents will be billed according to the following policies:

Special Case	Sewer Rate Policy
New homes	Billed at system average charge until use is established.
Changes in property ownership	Billed only system average charge until use is established.
Non-water customers	Billed at system average charge.
Leak adjustments	Billed per adjusted winter volume. City will factor water leak adjustment into calculation for sewer rate.

F. Utility Tax. All charges set forth in this section shall be subject to the city's utility tax as set forth in BMC 5.08.020, which are not included in charges shown in BMC 18.03.210.

Section 2. Section 18.03.270 of the Bothell Municipal Code is hereby amended to read as follows:

18.03.270 Rates – Application

Charges to the owners of property with new structures shall commence on the date that the water meter is installed or the building served is actually occupied, whichever comes first, and unless before such actual occupancy the water meter registers 500 cubic feet or more, in which case charges shall continue thereafter regardless of amount of usage.

Section 3. Section 18.03.280 of the Bothell Municipal Code is hereby amended to read as follows:

18.03.280 Billing – Payment.

A. Billing Period. Sewer service charges provided for in this chapter shall be billed by the ~~finance~~ Public Works Department. Property owners shall be billed every other month on or about the twenty-fifth day of the month and charges shall be due on the twentieth day of the following month ~~20 days~~ after the date of invoice.

B. Delinquent Accounts – Penalty. All charges for sewer service furnished by the city shall be due and payable to the city on the date shown on the face of the bill. Charges for services remaining unpaid at the close of business on the twentieth day following the billing date shall be considered delinquent and automatically subject to an additional late charge, as a penalty. Late charges shall be as established by resolution of the city.

C. Delinquent Accounts – Sewer Lien. In addition to all other remedies authorized by this chapter, the city shall have a lien for unpaid rates and charges for sewer service, penalties levied pursuant to RCW 35.67.190 and BMC 18.03.570 as now existing or hereafter amended, and connection charges, including interest thereon, against the premises to which the service has been furnished or is available. The city may foreclose the lien under procedures set forth in Chapter 35.67 RCW, as now existing or hereafter amended.

D. Sewer Lien – Effective Period. The city’s sewer lien shall be effective for a total of six months’ delinquent sewer service charges without the necessity of any writing or recording of the lien with the county auditor.

E. Alternative Enforcement of Lien – Water Cutoff. As an additional and concurrent method of enforcing the lien authorized by this chapter, the city shall have the right to cut off the water service to the premises to which such sewer service was furnished until all charges are paid, including interest, connection charges and penalties levied under RCW 35.67.190, together with a cutoff fee, as may be established from time to time by resolution of the city council; provided, however, where a sewer lien notice is required to

be recorded, water service may only be cut off within two years from the date of recording of the lien notice.

F. **Water Leaks – Adjustments to Bill.** For property owners whose billing is based on water consumption, adjustments in billing charges may be made in the event of increased water usage due to leaks in the property owner’s system. If a property owner wishes an adjustment in a billing charge due to a water leak, a written request must be submitted to the finance director. The written request shall include the name, address, telephone number and service address, if different than above, of the property owner requesting the adjustment, the date and proof of adequate repair of the leak which may be established by receipt or billing for repair work and/or materials if the repair was accomplished by the property owner. Credit shall be posted to the account on the billing following submittal of proof of repair for a period extending up to 120 days prior to the date of repair. The charge for sewer shall be based on the water consumption history and other factors which, in the determination of the finance director, affect the property owner’s water consumption.

G. **Responsibility of Sewer Charges.** Charges for sewer service shall be the responsibility of the property owner.

H. **NSF Checks.** Pursuant to Chapter 62A.3-515 RCW, if a check received in payment for sewer service charges is dishonored by nonacceptance or nonpayment, the city shall charge a reasonable handling fee fixed from time to time by resolution of the city council. If the check is not paid within 15 days after notice of dishonor, sent by certified mail to the last known address of the person responsible therefor, the drawer of said check shall be liable for interest, collection costs and attorneys’ fees incurred in collecting the dishonored check. In addition, in the event of a court action on the dishonored check, after notice and the expiration of 15 days, the city shall be entitled to damages in the amount of three times the face value of the check or \$300.00, whichever is less, pursuant to Chapter 62A.3-515 RCW.

Section 4. Severability. If any section, sub-section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sub-section, sentence, clause or phrase of this ordinance.

Section 5. Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 6. Referendum and Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum,

and shall take effect January 1, 2020, which is not less than five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

Section 7. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

APPROVED:



ANDREW J. RHEAUME
MAYOR

ATTEST/AUTHENTICATED:



LAURA HATHAWAY
CITY CLERK

APPROVED AS TO FORM:



PAUL BYRNE
CITY ATTORNEY

FILED WITH THE CITY CLERK: 10/10/2019
PASSED BY THE CITY COUNCIL: 10/15/2019
PUBLISHED: 10/18/2019
EFFECTIVE DATE: 1/1/2020
ORDINANCE NO.: 2287 (2019)

SUMMARY OF ORDINANCE NO. 2287 (2019)

City of Bothell, Washington

On the 15th day of October, 2019, the City Council of the City of Bothell passed Ordinance No. 2287 (2019). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

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The full text of this Ordinance will be mailed upon request.



LAURA HATHAWAY
CITY CLERK

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