

Chapter 13A.28

CHARGES

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13A.28.010 Future connections. All future connections (being those building water connections not connected prior to the effective date of the ordinance codified in this title to the public water system) shall be subject to the following connection and inspection charges which shall be paid to the City by the person desiring to make such connection at the time a permit is issued to perform the work and before the connection is made. (Ord. 667, 1998; Ord. 405 S1 (part), 1981.)

13A.28.020 Connection permit fee schedule. The public water connection fee schedule shall be established pursuant to the current City Fee Schedule Resolution.

For service outside City corporate limits, one hundred fifty percent (150%) of the connection permit fee for City users of the same type shall be assessed. (Ord. 667, 1998; Ord. 622, 1995; Ord. 405 S1 (part), 1981.)

13A.28.030 Public water area charge fee. In addition to the water connection permit, before hookup, an area charge fee shall be assessed and collected by the City Clerk for each connection to the water main. Each new single-family dwelling unit, multi-family dwelling unit, and commercial account shall pay an area

charge as follows:

- A. Each new account shall pay an area charge as established by the current City Fee Schedule Resolution per square foot for the gross square footage associated with the connecting property developed, except that single-family dwellings located on individual tracts shall be limited to a maximum of twenty thousand (20,000) square feet for assessment purposes.
- B. When the gross square footage, associated with the connecting property developed, is less than the calculated total square footage, using the connecting property's legal boundary description, the area charge shall be based upon the calculated total square footage developed.
- C. An additional area charge will be assessed and collected for development of additional gross square footage associated with previously connected property. (Ord. 667, 1998; Ord. 622, 1995; Ord. 405 S1 (part), 1981.)

13A.28.040 Water charge schedule. Effective April 10, 1978, each lot or parcel of real estate which is connected to the public water system under this chapter or each additional connection made to serve such lot or parcel of real estate shall be charged for public water service pursuant to the current City Fee Schedule Resolution. The City shall suspend the accrual of public water services and charges to accounts that have been shut off for non-payment until services are reinstated and any fees and charges due pursuant to this chapter are paid in full. (Ord. 953, Feb. 2016; Ord. 667, 1998; Ord. 622, 1995.)

13A.28.050 Excess water charges. The charge for water over five hundred (500) cubic feet is established by the current City Fee Schedule Resolution. (Ord. 667, 1998; Ord. 622, 1995; Ord. 405 S1 (part), 1981.)

13A.28.060 Multiple housing units. In case of multiple housing complexes, apartments, mobile home courts, cabin courts, motels, hotels, single-room apartments within a residence, trailer courts and recreational vehicle courts, the monthly rate for public water service shall be computed in the following manner:

- A. The basic rate according to meter size, plus that amount for each unit over one, plus the normal excess water charges for each one hundred (100) cubic feet per month shall be established pursuant to the current City Fee Schedule Resolution. The number of units used for determining the monthly service charge shall be from an actual count of the number of units located on the property, such count to be made by the Superintendent once each month or as necessary but not necessarily at the same time each month. (Ord. 667, 1998; Ord. 622, 1995; Ord. 405 S1 (part), 1981.)

13A.28.070 Fire hydrant meters. In the case of fire hydrant meters, the monthly rates for public water service shall be established pursuant to the current City Fee Schedule Resolution.

A deposit, refundable upon return of the meter to the City in the same condition as when acquired, normal wear and tear excepted, shall be paid to the City Clerk prior to issuance of a meter by the Superintendent. The City Clerk shall

be notified in writing of the location of the property where the meter will be used and/or stored. (Ord. 667, 1998; Ord. 622, 1995; Ord. 405 S1 (part), 1981.)

13A.28.080 City payments to water and sewer departments. The City shall pay to the Water and Sewer Department from the Current Expense Fund per current City Fee Schedule Resolution the following amounts:

- A. For all water used in public buildings and parks, an amount figured at the regular rate for each service installed. (Ord. 740, December 2001; Ord. 667, 1998; Ord. 405 S1 (part), 1981.)

13A.28.090 Bulk water sales to mobile tanks. In the case of bulk water sales to mobile tanks, the rate for public water service shall be established pursuant to the current City Fee Schedule Resolution. (Ord. 667, 1998; Ord. 622, 1995; Ord. 405 S1 (part), 1981.)

13A.28.100 Customers outside City limits. In the case of public water service to customers outside the corporate limits of the City, the charge shall be one hundred fifty percent (150%) of the water consumption charges for consumers within the City limits. (Ord. 667, 1998; Ord. 405 S1 (part), 1981.)

13A.28.110 Consumption calculation units. In calculating public water consumption, calculations shall be made in units of one hundred (100) cubic feet. (Ord. 667, 1998; Ord. 405 S1 (part), 1981.)

13A.28.120 New account servicing fee. City water and/or sewer services shall be approved upon the completion of an application for services and the payment of a non-refundable, new account servicing fee pursuant to the current City Fee Schedule Resolution. For the purpose of this chapter, a new account is any account sought by an individual not previously served, at the street address of requested service, by the City water or sewer services, either individually or as a member or a marital community, or under another name. (Ord. 667, 1998; Ord. 622, 1995; Ord. 540, 1990.)

13A.28.130 Credit for vacant premises. Any-premises which shall have been destroyed, removed, or unoccupied for a period of not less than 120 days, may, upon appropriate application and the payment of the fee established therefore, apply to suspend the accrual of public water services and charges therefore for the period that the premises is unoccupied. At the time of reoccupancy, notice shall be given to the City, and public water services and charges therefore shall be reinstated. If the period of suspension is less than 120 days, water charges shall accrue during the period of vacancy and shall be immediately due and payable upon the recommencement of services. (Ord. 953, Feb. 2016; Ord. 727, May, 2001; Ord. 667, 1998; Ord. 405 S1 (part), 1981.)

13A.28.140 Meter accuracy check. Should any customer receiving water services through a City water meters having a bona fide dispute regarding the accuracy of that meter, may request in writing to the City Clerk that the meter be checked for accuracy There will be no charge for such service, however, if the second or subsequent request for accuracy testing be made within the same billing period, a charge in the amount established pursuant to the current City Fee Schedule

Resolution shall be paid to the City prior to the meter check. Should the meter, upon checking, be found not to be delivering an amount equal to or greater than that recorded by the meter, the City will refund the charge to the payor as shown by the receipt. (Ord. 843, November 2008; Ord. 667, 1988; Ord. 405 S1 (part), 1981.)

13A.28.145 Billing procedures – Meter Reading.

- A. The City shall send the bill for utility services to the owner of the property receiving utility services who shall be deemed for the purpose of this code as the utility customer. The owner may, however, upon written authorization permit the billings for utility services to be mailed to a tenant or other occupant at the service premises. This authorization shall not relieve the owner from liability for utility charges incurred, liens or the obligation to maintain the utility account current as a condition for the receipt of utility services.
- B. Bills for service will be prepared and mailed to each customer on a monthly basis.
- C. Billings for any meter that is not accessible for reading due to vicious dog(s), debris, fencing, vehicle parking or similar circumstances, will be estimated based upon the minimum consumption units. The billing will be adjusted the next reading to reflect the actual water consumption during the period of unaccessibility. (Ord. 843, November 2008; Ord. 732, September 2001; Ord. 696, 2000.)

13A.28.150 Due date. All charges for the public water services shall be due on the second working day of the month following the month the services were provided and payable at the office of the City Clerk, Charges for public water services shall become delinquent if not received at City Hall by close of business as listed in Section 2.04.010 on or before the 20th day of the billing month. A late fee will be assessed at the beginning of the following working day of such month, and the City will mail a second notice, with the delinquent fee, on the following working day after the 20th.

If the 20th day of the billing month falls on a Saturday, Sunday or legal holiday, public water services shall be delinquent if not received by the City by close of business as listed in Section 2.04.010 on the first working day thereafter. Mail or deposit box payments will not be considered received by the City prior to delinquency unless actually received prior to the default date and time.

A delinquent fee set by the most current City Fee Schedule Resolution shall be assessed on each water account not paid prior to delinquency.

The delinquent fee shall be waived by the City if all of the following conditions apply:

1. The account holder does not have any previous water or sewer charge delinquencies on their account for the prior 12 month period.
2. The account holder contacts the City before the close of business of last

working day of the month the charges are due to request the waiver.(Ord. 953, Feb. 2016; Ord. 899, 2012; Ord. 843, 2008; Ord. 792, 2005; Ord. 732, 2001; Ord. 703, 2000; Ord. 667, 1998; Ord 622, 1995; Ord. 549, 1991.)

13A.28.160 Delinquent payment--Lien. All charges for public water connections and assessments and all service charges provided by the current City Fee Schedule Resolution or as it may be hereinafter amended together with penalties and interest thereon shall be a lien upon the property with which such connections are made or to which such public water service is rendered, which lien shall be superior to all other liens and encumbrances whatsoever, except for general taxes and local special assessments. Enforcement of such lien or liens shall be in the manner provided by law. (Ord. 667, 1998; Ord. 622, 1995; Ord. 405 S1 (part), 1981.)

13A.28.170 Delinquent payment - - Service shutoff. As an additional and concurrent method of enforcing the lien of the City, unless full payment is received at City Hall by close of business by close of business as listed in Section 2.04.010, on or before the last business day of each month, services will be shut off on the first business day of each month. Mail or deposit box payments will not be considered received by the City prior to delinquency unless actually received prior to the default date and time.

Such services to the premises shall not be restored until such time as all charges, costs, penalties, and interest, as provided by the current City Fee Schedule Resolution, together with any additional sums which may be charged for the disconnection, reconnection, or utility account reinstatement have been paid in full.

The customer will have a right for a review before the Mayor for determination of a bona fide dispute concerning the correctness of the bill.

A request for review must be made within by the 15th of the month such payment is due. (Ord. 899, Feb. 2012; Ord. 843, Nov., 2008; Ord. 792, April 2005; Ord. 732, Sept. 2001; Ord 696, 2000; Ord. 667, 1998; Ord. 622, 1995; Ord. 405 SI (part), 1981).

13A.28.180 Hearing - - Notice. All persons requesting a hearing as to the correctness of the water utility bill shall make such request in writing at the office of the Mayor by the 15th day of the month such payment is due. The initial hearing date shall be set prior to the date designated for the termination of services. The hearing shall be before the Mayor to determine and make any necessary correction to the water utility bill. The determination of the Mayor shall be final and rendered to the utility customer in writing prior to the date designated as the termination of services. If the utility customer prevails and the utility bill is corrected, the delinquency penalty, as set by the most current City Fee Schedule Resolution, shall be waived. (Ord. 843, November 2008; Ord. 732, September 2001; Ord. 667, 1998; Ord. 493, 1986; Ord. 405 S1 (part), 1981.)

13A.28.190 Shutoff for repairs. The Superintendent is directed and authorized to immediately shutoff all public waterlines whenever such lines develop leaks or their condition constitutes a danger to the City. Such lines shall remain shutoff

until properly repaired or replaced. Any repairs and replacements necessary shall be accomplished by and at the sole expense of the owner of the property to which the service is provided, subject to the supervision and final approval of the Superintendent. (Ord. 667, 1998; Ord. 405 S1 (part), 1981.)

13A.28.200 Inspection access. The Superintendent shall have free access at reasonable hours to all buildings or premises served by the public water system for the purpose of inspecting water meters, inspecting pipes, connections, valves and fixtures and inspect the manner in which the provisions of this chapter are being complied with.

The Superintendent may, upon reasonable cause to believe a violation of this Title has occurred, that damage to the collection system has or is threatened to occur, or to prevent damage or injury to private or public property, may enter and make such inspections, corrections, repair or alterations as may be necessary to determine whether a violation has occurred or to prevent damage to private or public property. This right of inspection shall include authority to collect all information from City utility customers regarding discharges to the City public sewer system including the completion of questionnaires on water usage, wastewater discharges, flow measurements, collection of samples of discharge for analysis, and changes in business activity conducted on the premises as may be necessary for the protection, maintenance and improvement of the public sewer system. (Ord. 684, 1999; Ord. 667, 1998; Ord. 405 S1 (part), 1981.)

13A.28.210 Fire hydrants--Operation. No person without a current City authorized permit, other than the Superintendent or the Fire Department, shall operate fire hydrants or interfere therewith in any way. (Ord. 667, 1998; Ord. 405 S1 (part), 1981.)

13A.28.220 Exemption.

A. A fifty percent (50%) utility credit is hereby established for any residential water charge for those water users who qualify as a low income senior citizen or low income disabled citizen under this section.

1. To qualify for the utility credit:

a. As a "low income senior citizen" that person must be sixty five (65) years of age or older at the time of application and the combined income for the household including his or her spouse or co-tenant, must be less than} twenty six thousand dollars (\$26,000.00) per year; or

b. As a "low income disabled citizen" meaning a person whose combined income for the household obtaining water services, including that of his or her spouse or co-tenant, does not exceed twenty six thousand dollars (\$26,000.00) per year and who meets one of the following criteria:

1) A person qualifying for special parking privileges RCW 46.19.010 (1) (a) through (j);

- 2) A blind person as defined by RCW 74.18.020; or
 - 3) A disabled, handicapped, or incapacitated person as defined under any other existing state or federal program.
- B. Combined income as used in this section means the combined income from all sources whatsoever and includes all income of the claimant and residents of the household, including spouses and co-tenants, except to the extent that it represents a return of capital or investment. It shall include two-thirds (2/3) of any social security benefits. Combined income shall also include income from pensions, disability payments, annuities, and retirement. It further includes investment income in the form of stocks, investments on savings accounts and bonds, capital gains, gifts, and inheritances, and net rental income from real and personal property. Reimbursement for loans shall not be considered to be income in reinvested in a replacement residence within eighteen (18) months from the date of sale.
- C. Applications for the utility credit shall be made on an annual basis, commencing on January 1 of each year. Applications shall verify, upon a form provided by the City, such information and such other data as deemed necessary by the City to establish eligibility for the utility credit.
- D. The utility credit may be forfeited for the remainder of a calendar year by:
1. Failure to timely pay, when due, any charge for utility services; or
 2. Loss of eligibility for the utility as described above. Forfeiture of eligibility or denial of eligibility for the utility credit may be subject to appeal to the City Council in the manner set forth in Section 13A.12.120. (Ord. 919, Feb 2013; Ord. 667, 1998; Ord. 614, 1995; Ord 560, 1992; Ord. 405 S1 (part), 1981.)

13A.28.230 Disposition of funds. All collected user and connection and area fees shall be deposited as follows:

- A. **Monthly Water User Fees.** All of the collected user fees, except those portions designated by resolution by the City Council as necessary to maintain the Sewer and Water Capital Maintenance Fund as provided below, shall be deposited in the Water and Sewer Revenue Fund. This fund is to pay sanitary sewer and water operation and maintenance costs. That portion designated by the City Council shall be deposited in a special fund created by the City Clerk and known as the Sewer and Capital Maintenance Fund. The collected user fees shall be deposited into a special fund created by the City Clerk and known as the Sewer and Water Capital Maintenance Fund. The City Council shall, by resolution, designate a percentage of user fees, not to exceed twenty percent (20%), which shall be deposited to this fund to afford a minimum balance of fifty thousand dollars (\$50,000.00), or such greater amount as the City Council may deem necessary to effectively meet the purpose of the fund. This fund is to be used to pay for repair and/or replacement of the major system components as approved by the City Council.
- B. **Water Connection Permit Fees.** All collected connection fees shall be deposited in the Water and Sewer Revenue Fund to repair the costs of labor, equipment

and materials necessary for the installation of water connections.

- C. Area Charge Fees. All collected area fees shall be deposited in a special fund created by the City Clerk and known as the Sewer and Water Capital Improvement Fund. This fund is to be used to pay for water and sewer system expansion, increased capacity, or improvement as approved by the City Council. (Ord. 667, 1998; Ord. 588, 1993; Ord. 490, 1986; Ord. 405 S1 (part), 1981.)

13A.28.240 Charges for service—Budget payment.

- A. The City Clerk/Treasurer is hereby authorized to create and implement a budget payment plan for residential customers in accordance with state law. Such a plan shall permit the authorized customer to make payments of utility charges on an annual averaged basis rather than on a monthly basis, with at least one annual adjustment to ensure that the amount paid on an annual basis reflects the actual charges incurred. Such plan shall be offered to residential customers as provided for in RCW 35.21.300, and may be offered to all residential customers as provided for in the budget payment plan. (Ord. 953, Feb. 2016)

13A.28.250 Deferred Payment Agreement.

- A. The city shall enter into a deferral agreement with a customer of an active past-due account provided the customer requests the deferral and can demonstrate a bona fide economic hardship to the City. The customer shall pay a deferral agreement fee equal to the first month's installment before the deferral agreement is executed by the city, and a \$5 a month service charge.
- B. The following situations constitute a bona fide economic hardship to implement this section;
1. A serious illness or injury suffered by the customer or a member of the customer's household;
 2. The death of a member of the customer's household;
 3. Loss of employment or deportation;
 4. Economic loss due to natural disaster;
 5. Domestic violence against the customer; or
 6. A commitment by an independent program to assist the customer with payment that requires terms other than those in the original deferred payment agreement
- C. The maximum term for a deferral agreement shall be six (6) months. Estimated future billings will be included into the payment plan so that the account is current at the end of the deferral agreement term.
- D. The deferral agreement shall be in substantially the following form:

DEFERRAL AGREEMENT
DELINQUENT UTILITIES

Date:

IN ORDER TO PAY A DELINQUENT ACCOUNT BALANCE, _____, hereinafter "Maker", promises to pay to THE CITY OF BENTON CITY, hereinafter "Holder", the principal sum of _____ Dollars and NO/100----- (\$_____.00), together with a fee in the amount of \$____ each month, as follows:

1. INSTALLMENT PAYMENTS: Maker shall pay, (check one)

a. () INSTALLMENTS of _____ dollars (\$_____) including a fee in the amount of \$_____ due monthly by the 20th of the month.

b. () INSTALLMENTS of _____ dollars (\$_____)

() calendar month

() third calendar month

() sixth calendar month

() Other: _____

2. DUE DATE: The entire balance of this Note together with any and all fees accrued thereon shall be due and payable in full on _____ day of _____, 20__.

3. ALLOCATION OF PAYMENTS: Each payment shall be credited first to any late charge due, second to interest, and the remainder to principal.

4. PREPAYMENT: Maker may prepay all or part of the balance owed under this Note at any time without penalty.

5. CURRENCY: All principal and interest payments shall be made in lawful money of the United States.

6. LATE CHARGE: If Holder receives any installment payment more than ten days after its due date, then a late payment charge of \$25 shall be added to the scheduled payment.

7. ACCELERATION: If Maker fails to make any payment owed under this Note, and such default is not cured within ten days after written notice of such default, then Holder may, at its option, declare all outstanding sums owed on this Note to be immediately due and payable, and turn off the Maker's water, and terminate all other services provided to Maker under Title 13 of the Benton City Municipal Code.

Maker's initials _____

8. ATTORNEYS' FEES AND COSTS: Maker shall pay all costs incurred by Holder in collecting sums due under this Note after a default, including reasonable attorneys' fees, whether or not suit is brought. If Maker or Holder sues to enforce this Note or obtain a declaration of its rights hereunder, the prevailing party in any such proceeding shall be entitled to recover its reasonable attorneys' fees and costs incurred in the proceeding (including those incurred in any bankruptcy proceeding or appeal) from the non-prevailing party. In addition, Holder may contract with a collection agency in accordance with the procedures contained in RCW 19.16.500 to collect upon this note and add a reasonable fee in the maximum amount set forth in RCW 19.16.500.

9. WAIVER OF PRESENTMENTS: Maker waives presentment for payment, notice of dishonor, protest and notice of protest.

10. NON-WAIVER: No failure or delay by Holder in exercising Holder's rights under this Note shall be a waiver of such rights.

11. SEVERABILITY: If any clause or any other portion of this Note shall be determined to be void or unenforceable for any reason, such determination shall not affect the validity or

enforceability of any other clause or portion of this Note, all of which shall remain in full force and effect.

12. INTEGRATION: There are no verbal or other agreements, which modify or affect the terms of this Note. This Note may not be modified or amended except by written agreement signed by Maker and Holder.

13. EXECUTION: Each Maker executes this Note as a principal and not as a surety. If there is more than one Maker, each such Maker shall be jointly and severally liable under this Note.

14. DEFINITIONS: The word Maker shall be construed interchangeably with the words Borrower or Payer and the word Holder shall be construed interchangeably with the words Lender or Payee. In this Note, singular and plural words shall be construed interchangeably as may be appropriate in the context and circumstances to which such words apply.

Maker (signatures)

INSERT PROPERTY OWNER'S NAME

INSERT PROPERTY OWNER'S NAME
Approved by:

CITY CLERK/TREASURER

Maker's address for all notices given by Holder under this Note:

_____ .

(Ord. 953, Feb. 2016)