

First Reading: 2/19/2013

Second Reading: 2/19/2013

ORDINANCE NO. 919

**AN ORDINANCE OF THE CITY OF BENTON CITY,
WASHINGTON, AMENDING SECTION 13A.16.050
"EXEMPTION" AND SECTION 13A.28.220 "EXEMPTION" TO
AMEND THE UTILITY CREDIT FOR LOW INCOME SENIOR
AND DISABLED CITIZENS**

WHEREAS, pursuant to RCW 74.38.070, the City of Benton City is enabled to provide a reduction in rates for low income senior citizens or low income disabled citizens receiving municipal water and sewer services ; and

WHEREAS, the RCW qualifying a person for special parking privileges was recodified in 2010; and

WHEREAS, the low income threshold was last amended in 1995 and should be updated to reflect inflation; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF BENTON CITY, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section 1. That Section 13.16.050 entitled "Exemption" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

13A.16.050 Exemption.

A. A fifty percent (50%) utility credit is hereby established for any residential sewer charge for those sewer users who qualify as a low income senior citizen of 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 ~~eighteen thousand dollars (\$18,000.00)~~ twenty six thousand dollars (\$26,000.00) per year; or

b. As a "low income disabled citizen," : a person whose combined income for the household obtaining sewer services, including that of his or her spouse or co-tenant, does not exceed ~~eighteen thousand dollars (\$18,000.00)~~ 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 under RCW ~~46.16.381 (1) (a) through (f)~~ 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 or loans shall not be considered as income. Capital gains from the sale of a claimant's residence shall not be considered to be income if 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 a 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. 667, 1998; Ord. 614, 1995; Ord. 494, 1986.)

Section 2. That Section 13.28.220 entitled "Exemption" of the Benton City Municipal Code shall be and hereby is amended and shall read as follows:

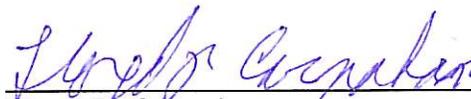
13A.28.220 Exemption.

- 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 ~~eighteen thousand dollars (\$18,000.00)~~ 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 ~~eighteen thousand dollars (\$18,000.00)~~ 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 under ~~RCW 46.16.381 (1) (a) through (f)~~ 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. 667, 1998; Ord. 614, 1995; Ord 560, 1992; Ord. 405 S1 (part), 1981.)

Section 3. This Ordinance shall take full force and effect five (5) days after its approval, passage and publication as required by law.

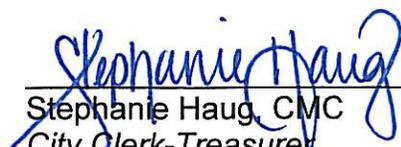
PASSED by the City Council of the City of Benton City, Washington, and approved as provided by law this 19 day of February, 2013.



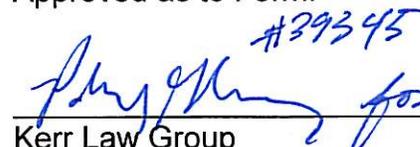
 Lloyd R. Carnahan
 Mayor

Attest:

Approved as to Form:



 Stephanie Haug, CMC
 City Clerk-Treasurer

 #39345

 Kerr Law Group
 City Attorney