

ORDINANCE NO. 4933

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO CHAPTER 2.12 "COLLECTION OF ACCOUNTS – UTILITIES, AND AMENDING SECTIONS 2.12.020, 2.12.025, 2.14.040, AND 9.91.300 OF THE ELLENSBURG CITY CODE.

WHEREAS, the City routinely reviews policies and procedures related to billing for utility service; and

WHEREAS, it is appropriate for the City to periodically adjust utility billing related policies and procedures; and

WHEREAS, the City is implementing new software to facilitate and perform utility billing procedures which require changes to the City's utility billing policies and procedures; and

WHEREAS, recent changes to state law require updates to City utility billing, disconnect and reconnection policies and procedures;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

**Section 1. Section 2.12.020 of the Ellensburg City Code, as last amended by Section 2 of Ordinance 4649, is hereby amended to read as follows:**

**2.12.020 When due – Monthly utility accounts.**

Monthly utility accounts are due and payable within 15 days following the date of mailing of the utility bill. If not paid by the due date, the entire account shall be deemed delinquent. The finance director/treasurer may temporarily pause deem accounts as delinquent to facilitate changes to City utility billing and payment technology or processes. When a monthly utility account becomes delinquent:

A. A final notice shall be sent by regular mail within five business days after the billing due date.

B. If there is no response received to the mailed final notice of account delinquency within five business days, a tag for disconnect shall be delivered within the next seven business days to the service address of the utility consumer giving at least five business days' notice of pending disconnection for said service address.

C. If the delinquent charges and penalties are still unpaid after five business days following the property being tagged for disconnection as provided in subsection (B) of this section, utility service shall be disconnected for said service address. [Ord. 4649 § 2, 2013; Ord. 3434 § 2, 1984; Ord. 3411 § 1, 1983.]

**Section 2. Section 2.12.025 of the Ellensburg City Code, as last amended by Section 3 of Ordinance 4649, is hereby amended to read as follows:**

**2.12.025 Due date – Delinquency – Penalty.**

A. All charges for utility services 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 fifteenth day following the billing date shall be considered delinquent and automatically incur an additional charge of \$10.00 as a late penalty for all utility services provided. Payments will first be applied to the oldest delinquent charges. Remaining funds will be credited to the utilities included in the delinquent bill by the prorated apportionment of the delinquent amount for each utility. If utility services have been disconnected as provided in ECC 2.12.020, service shall not be restored until all past due charges, penalties and fees have been paid, unless otherwise required by RCW 35.21.302. The finance director may waive all or a portion of the penalties provided herein in the event the director determines the late payment was the result of excusable neglect or extreme hardship.

B. The city shall have a lien against the premises to which utility services were furnished for up to four months of utility charges, to which the utility service is rendered 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.

C. When a disconnection notice has been ordered for failure to pay, a disconnect notice fee of \$25.00 for all utility services provided shall be charged to the delinquent account. The charge shall be in addition to the late fee penalty provided in subsection (A) of this section.

D. Discontinuance of service for any cause stated in this chapter shall not release the customer from his or her obligation to the city for payment of bills or charges. In addition, before service is restored to such property, the customer will be subject to the reconnection fee(s) established in Chapter 9.92 ECC.

**E. Weather-related disconnection and reconnection.**

1. Utility service for residential space heating shall be disconnected in accordance with RCW 35.21.300.

2. Residential water or electrical utility service shall not be involuntarily terminated, or shall be reconnected, during a heat-related event, in accordance with the requirements of RCW 35.21.302. [Ord. 4649 § 3, 2013.]

**Section 3. Section 2.14.040 of the Ellensburg City Code, as last amended by Ordinance 4375, is hereby amended to read as follows:**

**2.14.040 Utility deposit required.**

From and after the effective date of the ordinance codified in this chapter, no service shall be extended to any customer of a utility department of the city except upon written application for such utility service and upon payment in advance to the city finance director/treasurer of a deposit in the amount of the average monthly bill per utility for the service location as

determined by the city finance director/treasurer, or \$50.00 per utility for residential accounts and \$100.00 per utility for commercial accounts if twelve months of service history is not available for the service location. The deposit is charged for electric, gas, water, and sewer service. [Ord. 4375, 2003; Ord. 3893 § 1, 1993; Ord. 3570 § 2, 1987; Ord. 3547 § 1, 1986; Ord. 3514 § 1, 1985.]

**Section 4. Section 9.91.300 of the Ellensburg City Code, as last amended by Section 3 of Ordinance 4897, is hereby amended to read as follows:**

**9.91.300 Sewer utility rate schedules.**

Effective Date: 1/1/2023

**A. Residential Single-Family SWW-11.**

1. Availability. This rate schedule is available to single-family dwellings having a single water service meter and churches.
2. Character of Service. Service shall be nonmetered and at a single point of receipt.

**B. Residential Multifamily SWW -12.**

1. Availability. This rate schedule is available to houses and other multiple-unit residential structures, including manufactured home parks. The residence units referred to in this schedule shall be those dwelling units contained in a single structure as the dwelling units are defined in the zoning ordinance.
2. Character of Service. Service shall be charged to and collected from each residential unit or property user having a city sewer connection for their property.

**C. Low-Income Senior Citizen/Low-Income Disabled Citizen SWW -13.**

1. Availability. This rate schedule is available for residential service to individuals who meet the definition of low-income senior citizen or low-income disabled citizen and who do not reside in federally subsidized housing. The rates established by this section will be published by the public works and utilities department on the city's website, and be made available from the city's finance department.
2. Character of Service. Service shall be nonmetered and at a single point of receipt.

**D. Commercial, Industrial and General Service SWW -21.**

1. Availability. This rate schedule is available to single and multiple services for commercial, industrial, residential units combined with commercial and/or industrial, schools, motels, hotels, trailer parks, social and fraternal facilities, governmental facilities, and other services not qualifying under other rate schedules.
2. Character of Service. Service shall be based on water usage through water or other approved meter to determine volume of sewage to be treated.

3. Rate. The rate shall be composed of a monthly volume charge and a daily customer charge.
4. Surcharges. The surcharges shall apply when effluent strength differs substantially from domestic wastes as determined by the public works and utilities director.

E. Central Washington University SWW-22.

1. Availability. This rate schedule is available to all Central Washington University facilities with the exception of single-family dwellings owned, leased or rented by the university.
2. Character of Service. Service shall be based on water usage through water or other approved meter to determine volume of sewage to be treated.
3. Rate. The rate shall be composed of a monthly volume charge and a daily customer charge.
4. Surcharges. The surcharges shall apply when effluent strength differs substantially from domestic wastes as determined by the public works and utilities director.

F. Multiple-Family SWW -23.

1. Availability. This rate schedule is available on an optional basis to single-family residences, apartment houses and other multiple-unit residential structures, including manufactured home parks.
2. Character of Service. Service shall be based on water usage through water or other approved meter to determine volume of sewage to be treated.
3. Rate. The rate shall be composed of a monthly volume charge and a daily customer charge.
4. Surcharges. The surcharges shall apply when effluent strength differs substantially from domestic wastes as determined by the public works and utilities director.

G. Municipal SWW -40.

1. Availability. This rate schedule is available to city-owned buildings.
2. Character of Service. Service shall be based on water usage through water or other approved meter to determine volume of sewage to be treated.
3. Rate. The rate shall be composed of a monthly volume charge and a daily customer charge.

H. High-Strength Commercial SWW -33.

1. Availability. This rate schedule is available, subject to city council approval, to commercial businesses with strengths differing substantially from typical commercial customers.

2. Character of Service. Service shall be based on water usage through water or other approved meter to determine volume of sewage to be treated.
3. Rate. The rates available under this schedule shall be established by contract between the city and the customer.

I. Nonprofit Agency Serving the Disadvantaged SWW -70.

1. Availability. This rate schedule is available to nonprofit agencies serving the disadvantaged. The rates established by this section will be published by the public works and utilities department on the city's website, and be made available from the city's finance department.
2. Character of Service. Service shall be based on water usage through water or other approved meter to determine volume of sewage to be treated.

J. Large Customer/Contractual SWW -80.

1. Availability. This rate schedule is available to new sewer customers whose sewer service is provided by contract authorized by the city council. The city will provide sewer service under this schedule; provided, that:
  - a. Adequate capacity exists in the city's wastewater collection system; and
  - b. Adequate capacity exists in the city's wastewater treatment plant; and
  - c. The customer has executed a sewer sales agreement with the city for services under this schedule.
2. Character of Service. Service shall be based on water usage through water or other approved meter to determine volume of sewage to be treated.
3. Rate. The rates available under this schedule shall be established by contract between the city and the customer.

#### Sewer Rate Summary

Rate Class	Rate Effective Date				Consumption Unit
	1/1/2022	1/1/2023	1/1/2024	1/1/2025	
<u>SWW</u> -11					
Residential Single-Family	\$1.2345	\$1.3401	\$1.4548	\$1.5793	Flat Rate/Day
<u>SWW</u> -12					
Multifamily	\$1.2171	\$1.3212	\$1.4342	\$1.5570	Each/First Four Units/Day
	\$0.9120	\$0.9900	\$1.0747	\$1.1667	Each Additional Unit/Day
<u>SWW</u> -21					
Commercial/Industrial	\$1.4058	\$1.5429	\$1.6933	\$1.8584	Customer Charge/Day

Rate Class	Rate Effective Date				Consumption Unit
	1/1/2022	1/1/2023	1/1/2024	1/1/2025	
<u>SWW -22</u>	\$4.5234	\$4.9644	\$5.4484	\$5.9796	Per 1,000 Gallons of Water Use
	\$0.3645	\$0.4000	\$0.4390	\$0.4818	Per Lb BOD Surcharge > 200 mg/l
	\$0.3645	\$0.4000	\$0.4390	\$0.4818	Per Lb Suspended Solids > 250 mg/l
CWU	\$1.4259	\$1.5649	\$1.7175	\$1.8850	Customer Charge/Day
	\$4.82	\$5.29	\$5.81	\$6.38	Per 1,000 Gallons of Water Use
	\$0.3697	\$0.4057	\$0.4453	\$0.4887	Per Lb BOD Surcharge > 200 mg/l
	\$0.3697	\$0.4057	\$0.4453	\$0.4887	Per Lb suspended solids > 250 mg/l
<u>SWW -23</u>	\$1.2171	\$1.3212	\$1.4342	\$1.5570	Customer Charge/Day
	\$3.92	\$4.25	\$4.62	\$5.01	Per 1,000 Gallons of Water Use
	\$0.3697	\$0.4013	\$0.4356	\$0.4729	Per Lb BOD Surcharge > 200 mg/l
<u>SWW -40</u>	\$0.3697	\$0.4013	\$0.4356	\$0.4729	Per Lb Suspended Solids > 250 mg/l
	\$1.2967	\$1.4134	\$1.5406	\$1.6793	Customer Charge/Day
	\$4.39	\$4.78	\$5.21	\$5.68	Per 1,000 Gallons of Water Use
<u>SWW -80</u>	\$1.4058	\$1.5429	\$1.6933	\$1.8584	Customer Charge/Day
	\$4.94	\$5.43	\$5.95	\$6.54	Per 1,000 Gallons of Water Use
	\$0.3645	\$0.4000	\$0.4390	\$0.4818	Per Lb BOD Surcharge > 200 mg/l
	\$0.3645	\$0.4000	\$0.4390	\$0.4818	Per Lb Suspended Solids > 250 mg/l

[Ord. 4897 § 3, 2022; Ord. 4844 § 8, 2019; Ord. 4817 § 1, 2018; Ord. 4804 § 4, 2018; Ord. 4690 § 1, 2014; Ord. 4555 § 9, 2009; Ord. 4503 § 2, 2007.]

**Section 5. Severability.** If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

**Section 6. Corrections.** Upon the approval of the City Attorney, 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.

**Section 7. Effective Date.** This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 4<sup>th</sup> day of December, 2023.

ATTEST:

  
MAYOR

  
CITY CLERK

Approved as to form:

  
CITY ATTORNEY

Publish: 12-7-23

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4933 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4933 was published as required by law.

  
BETH LEADER