

Town of Cathlamet, Washington

ORDINANCE 662-22

AN ORDINANCE OF THE TOWN OF CATHLAMET COUNCIL AMENDING CERTAIN SECTIONS AND CHAPTERS OF TITLE 13 OF THE CATHLAMET MUNICIPAL CODE AND REPEALING CHAPTER 13.80 ARTICLES I, II, III, IV AND VI OF ORDINANCE 550-12 RELATING TO WATER AND SEWER UTILITIES

WHEREAS, the Town of Cathlamet's water and sewer utility rates and billing procedures are set forth in Title 13 of the Cathlamet Municipal Code; and

WHEREAS, the Rural Community Assistance Corporation (RCAC) performed a sewer rate study and water rate structure analysis for the town in 2021; and

WHEREAS, after reviewing the rate study and RCAC's recommendations, the Town Council has determined that the Town's utility rates and related procedures should be amended;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CATHLAMET:

SECTION 1. The following definitions shall be added to CMC 13.05.010:

21. "CCF" means one hundred (100) cubic feet, equivalent to seven hundred forty-eight (748) gallons.
22. "CF" means one (1) cubic foot, equivalent to seven point four-eight (7.48) gallons.
23. "Irrigation" means water used exclusively for watering lawns and gardens.
24. "Metered water consumption" means water measured through public utility meters or meters owned and installed by the customer and approved by the Superintendent.
25. "Multiple-family (multifamily) dwelling" means a building or portion thereof designed or used as a residence by two or more families and containing two or more dwelling units billed on one water meter.
26. "Multiple-residential/commercial unit" means a building or portion thereof designed defined as both a commercial unit and a multiple-family dwelling containing one or more commercial units and two or more residential rental units billed on one water meter.
27. "Seasonal customers" means residential customers who leave their homes vacant during a significant portion of the three (3) month period used to calculate the winter-average water consumption.
28. "Sewage" or "Wastewater" means refuse liquids or waste matter carried off by sewers.
29. "Service connection" is defined as the pipe, meter and water facilities from the town main or branch line to the outlet side of the meter.
30. "Sewer volume charge" means the dollar charge equal to the sewer volume rate multiplied by the winter-average calculated based on the measured volume of water from all sources consumed on the premises, in accordance with this chapter.
31. "User" shall mean every person or entity using any part of the public drinking water and/or sewerage system of the town of Cathlamet.
32. "User charge" shall mean the periodic charges levied on all users of the drinking water and/or public sewerage system, and shall, at a minimum, cover each user's proportionate share of the cost of operation and maintenance of said sewerage system.

33. "Winter-average" means any winter-average usage period established in this chapter, including adjusted, special and standard winter-averages:
- a) "Standard Winter-average" means the average of metered water consumption during a consecutive three-month period, after December 1st and before March 1st or as otherwise set forth in as set forth in **CMC 13.95.030(1)**.
 - b) "Special winter-average" means the average of metered water consumption during an alternative usage period for a specific account and/or user classifications as set forth in **CMC 13.95.030(2)**.
 - c) "Adjusted winter-average" means the average of metered water consumption during an alternative usage period for seasonal customers or accounts with water loss adjustments, as reasonably determined by the Clerk-Treasurer consistent with the provisions set forth in **CMC 13.95.030(3)**.

SECTION 2. CMC 13.10.060 and Ordinance 569-13 shall each be amended and read as follows:

The town of Cathlamet hereby sets the following fees for water and sewer connections:

	Water <i>Provisions specified in Chapter 13.25</i>	Sewer <i>Provisions specified in Chapter 13.70</i>
In Town Connection Fees:	\$3,000 plus cost of labor and materials	\$3,000 plus cost of labor and materials
Out of Town Connection Fees:	\$5,000 plus cost of labor and materials	\$5,000 plus cost of labor and materials
Utility Deposit:	As specified in CMC 13.15.005	
New Connection:	As specified in CMC 13.25.040 (turn-on fee)	
Building Sewer Permit:	As specified in CMC 13.80.320 (private sewage disposal systems)	
Existing Service Disconnect/Reconnect:	\$30.00, service charge	
<p><i>* NOTE: Sewer connections made to the interlocal agreement between the town and Wahkiakum County governing the Boege Road sewer extension are subject to both a town connection fee of \$5,000, plus a \$3,000 county system development fee, pursuant to CMC 13.75.020 and 13.75.030.</i></p>		

The minimum monthly charges set forth in Chapter 13.95 for all services shall commence immediately upon connection to the town's water or wastewater systems regardless of occupancy.

SECTION 3. CMC 13.15.010 and Section 5 of Ordinance 601-17 shall each be amended and read as follows:

Unless specified otherwise by resolution or ordinance approved by the town council following such review, utility rates specified in CMC [13.95.010](#) and [13.15.020](#) shall be adjusted annually, as of the December usage period, to be reflected on the first billing statement in January, commencing with the usage period described in CMC 13.95.030. Utility rates automatically adjusted shall be adjusted by the same percentage as the annual percentage change published by the Bureau of Labor Statistics for September of the prior year for the Consumer Price Index (CPI-U, all items, West Region, index period 1982-84=100), or if discontinued, the then-published CPI closest

thereto. (For example, an automatic adjustment to be implemented for 2024 would be based upon the annual West Region CPI-U, all items, for the 12 months ended September 2023.)

These periodic rate revisions may be adopted by Resolution of the Town Council.

SECTION 4. CMC 13.15.020 and Section 2 of Ordinance 550-12 and shall each be amended and read as follows:

Rates, connection charges, and systems development charges shall be kept on file by the town clerk-treasurer at Town Hall and made available to the public upon request.

- a. New construction charges are set forth in CMC 13.10.060.
- b. Minimum monthly fees are set forth in CMC 13.95.010 and 13.15.020.
- c. Late fees are set forth in CMC 13.15.030.
- d. Turn on/off services fees are set forth in CMC 13.10.060.

SECTION 5. Subsection 2 and 5 of CMC 13.15.030 and Section 3 of Ordinance 655-21 shall each be amended and read as follows:

(2) All utility bills are due and payable in full on the fifth day of the month approximately one month after the closing date reflected on the billing. (For example, whether the closing date is January 31st or February 3rd, charges are due March 5th.) If the fifth falls on a weekend or a legal holiday recognized by the town, charges are due and payable the following business day. If payment is not received in a timely manner, the unpaid bill shall become delinquent and a termination notice shall be given, informing the customer that termination of service shall occur no sooner than 10 days from the date of mailing of the notice of termination of service. Utility service may be terminated when any portion of the utility bill is unpaid and delinquent. A \$30.00 late charge shall be levied against any customer who becomes delinquent. A delinquent balance may bear interest as allowed by state law in an amount set by the town council.

(5) The monthly minimum charges for each utility will continue even if the service has been terminated and are subject to a \$30.00 late fee.

SECTION 6. Subsection 2 of CMC 13.15.070 and Section 1 of Ordinance 621-21 shall each be amended and read as follows:

(2) Utility customers are allowed an adjustment to their water utility bill due to undetected leaks. If the applicant states that there was a faulty pipe and/or fixture on the customer's premises which caused a large consumption of water, the existence of a faulty pipe and/or fixture shall be verified by inspection by public works employees, and/or by documentary and/or photographic proof supplied by the customer. If the repair was made without an inspection, the town may determine if a leak existed and was repaired by using the customer account consumption history.

If it is established by inspection or documentation that such faulty pipe and/or fixture has been repaired, a reduction of the bill for a single billing cycle to an amount that is the average of the same three months of the prior year's billings shall be made, the amount not to exceed \$300.00 in any case. The reduction provided for in this section shall not be allowed if such excess water consumption is due to a customer's neglect or continued failure to repair the faulty pipe and/or fixture.

Such a reduction in billing shall be permitted only two times in any calendar decade for any property (two reductions per decade per metered account, regardless of the customer responsible for the account). Each calendar decade shall begin January 1st of the year ending in zero and end December 31st of the year ending in nine (for example, January 1, 2020, through December 31, 2029; January 1, 2030, through December 31, 2039; and so on), with the date of each reduction based upon the date the application is received by the town.

SECTION 7. Subsection (b) of CMC 13.15.050 and Section 4 of Ordinance 655-21 shall each be amended and read as follows:

(b) The monthly minimum water and/or sewer user charge shall begin the day that the connection is made to the public water and/or sewer system. Once the user charge has commenced, no credit shall be given for vacancy.

SECTION 8. CMC 13.15.090 and Section 2 of Ordinance 550-12 shall each be amended and read as follows:

Termination of utility service.

As an additional and concurrent method of enforcing the lien of the town for the charges referred to in CMC 13.15.080(1) and/or 13.15.080(2), the town may elect to enforce said lien by terminating the water service from the premises to which such services were furnished or remove that water meter thereon, after the utility charges become delinquent and unpaid as defined by this chapter. Water service shall remain terminated until all such charges, including penalties and interest thereon together with the charges provided for in the rate schedule for turning the water off and turning the water on or reinstalling such water meter have been paid in full. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating the penalties set forth in this chapter.

Utility services shall be terminated using the following procedure:

- 1) Whenever notice of termination is required under this chapter for utility termination, such notice shall inform the customer of his or her right to a hearing, the current phone number and address of Town Hall where a hearing may be requested, the normal business hours to phone in for a hearing, and the time periods involved if the hearing is requested as to utility termination.
- 2) If requested by the customer as provided in CMC 13.15.030, a hearing by the mayor or his designee shall be held not more than five business days after receipt of the request from the customer. The customer shall have the right to come to said hearing and present evidence why such utilities should not be terminated.
- 3) Any hearing under this chapter shall be conducted during normal business hours, on an informal basis. A record of the hearing, including the date of hearing, who was present, and the findings made as to whether or not the bill was justly owing, and the reasons therefor shall be made in writing. The written finding shall be filed on the town utility system record.
- 4) Termination of utility service for accounts delinquent 30 days or less will only take place on weekdays when Town Hall is open the following business day. Delinquent accounts greater than 30 days who failed to follow through on payment arrangements, whose payments have been returned due to insufficient funds, or who have tampered with their meter or lock after being terminated due to delinquent payment may have their service terminated again without further notice. A return payment and/or tampering fee may be assessed and result in further suspension of service.
- 5) A service charge shall be applied for both terminating and reactivating service, as specified in CMC 13.10.060.

SECTION 9. CMC 13.15.100 and Section 6 of Ordinance 655-21; and CMCs 13.80.010 through 13.80.310 and Ordinances 563-13, 568-13, 595-17, 602-17, Section 6 of Ordinance 649-21, and Chapter 13.80 Articles I, II, III, and IV of Ordinance 550-12; and CMCs 13.80.330 through 13.80.340 and Section 2 of Ordinance 550-12; and CMCs 13.80.380 through 13.80.400 and Chapter 13.80 Article VI of Ordinance 550-12 shall each be repealed in their entirety.

SECTION 10. CMC 13.95.010 and Resolution 399-20 shall each be amended and read as follows:

Water Rates.

Water Rates are established as follows:

Monthly Minimum Charge: (includes usage from 0 to 350 cubic feet/month)

Meter Size	Basic Charge (in-town-limits)	Basic Charge (out-of-town-limits)
5/8 inch	\$40.70	\$54.45
3/4 inch	\$48.14	\$67.95
1 inch	\$64.52	\$85.18
1-1/2 inch	\$85.76	\$112.53
2 inch	\$109.63	\$143.25
3 inch	\$145.50	\$188.10
4 inch	\$190.56	\$247.40
> 4 inch	Established by contract with the town	
(b) Water Usage Volume Charge (in excess of 350 cubic feet/month):	\$2.65 <i>per 100 cubic feet or part thereof per month.</i>	\$3.40 <i>per 100 cubic feet or part thereof per month.</i>

SECTION 11. CMC 13.95.020 and Resolution 399-20 shall each be amended and read as follows:

Sewer Rates.

Sewer Rates are established as follows:

Monthly Minimum Base Charge: \$ 85.00 per month, multiplied by each unit set forth in (a) below, plus the **Sewer Volume Charge:** \$ 0.20 per 1 cubic foot or part thereof (based on the winter-average water consumption set forth in (b) below). (e.g. the monthly sewer bill for a single-family dwelling with a winter-average of 600 cf or less shall be \$85.00; or \$105.00 for 700 cf winter-average.)

- a) **Monthly minimum base charge:** shall be applied as one unit per month for all sewer accounts; except for accounts classified as:
 - i. “Multiple-family (multifamily) dwelling”, then the minimum monthly charge shall apply for each residential unit being billed on the same water meter account. (e.g. an account with 3 residential units shall have 3 base charges per month.)
 - ii. “Multiple-residential/commercial unit”, then the minimum monthly charge shall apply for the first commercial unit and for each residential unit being billed on the same water meter account. (e.g. an account with 2 commercial units and 3 residential units shall have 4 base charges per month.)
- b) **Sewer Volume Charge:** There is hereby imposed upon all premises for which the Town provides sewer services and on which water is consumed, a sewer volume charge for sewer services which shall be added to the established monthly minimum charge and billed as a combined flat rate charge for sewer service each month of the following fiscal year.

The sewer volume charge shall be calculated by multiplying the sewer volume charge by the winter-average calculated based on the measured volume of water from all sources consumed on the premises. It is the intent of this section to calculate sewer volume charges based on water that should enter the sewerage system, and not on water used exclusively for irrigation or sprinkling.

SECTION 12. CMC 13.95.030 and Resolution 399-20 shall each be amended and read as follows:

Sewer winter-averages.

Sewer winter-averages for the following user classes and/or specific accounts shall be calculated in the following manner:

- 1) **Standard winter-average:** based on the average of metered water consumption, excluding the first 600 cf, during a consecutive three-month period, after December 1st and before March 1st.
- 2) **Special winter-average:** The following accounts and/or user classifications shall have a winter-usage established as follows:
 - (a) ***“Multiple-family (multifamily) dwelling”:*** based on the average of metered water consumption, excluding the first 600 cf per each residential unit, during a consecutive three-month period after December 1st and before March 1st. (e.g. an account with 3 residential units shall have the first 1,800 cf excluded.)
 - (b) ***“Multiple-residential/commercial unit”:*** based on the average of metered water consumption, excluding the first 600 cf per each residential unit, during a consecutive three-month period after December 1st and before March 1st. (e.g. an account with 2 commercial units and 3 residential units shall have the first 1,800 cf excluded.)
 - (c) ***Wahkiakum Elementary School, account number 414:*** based on the average of metered water consumption, excluding the first 600 cf, during a consecutive twelve-month period after December 1st and before January 1st.
 - (d) ***Wahkiakum High School, account number 434:*** based on the average of metered water consumption, excluding the first 600 cf, during a consecutive twelve-month period after December 1st and before January 1st.
 - (e) ***Wahkiakum Middle School, account number 436:*** based on the average of metered water consumption, excluding the first 600 cf, during a consecutive twelve-month period after December 1st and before January 1st.
 - (f) ***Port District No. 1, account number 494:*** based on the average of metered water consumption, excluding the first 600 cf, during a consecutive twelve-month period after December 1st and before January 1st; provided, however, that for the 2022 and 2023 billing periods, it shall be based on the average of metered water consumption, up to and including only the first 3,000 cf. during such period.
- 3) **Adjusted winter-average:** based on the average of metered water consumption, excluding the first 600 cf, during a period established as follows: Upon receipt of satisfactory evidence of water leakage that does not enter the wastewater system or determination by the Clerk-Treasurer upon annual review and based on specific account usage history, the Clerk-Treasurer may adjust the sewer volume charge to the premises to not include the period during which the water leakage occurred in computing the winter-average water consumption when to do so would result in a higher sewer charge to such premises, provided that no such adjustment shall be made for leakage occurring over a period of three or more months and no credit shall be given to any account’s water charges without following the procedures outlined in CMC 13.15.070.
 - a. The Clerk-Treasurer is authorized to establish reasonable policies and procedures to determine eligibility and methodology for adjusting winter-averages due to water leaks under this subsection. Accounts without water consumption during the standard winter-average usage period shall only be billed the monthly minimum base charge until a reasonable amount of water consumption data is available to calculate an adjusted winter-average consistent with this section. Customers have the right to appeal any adjustment decision to the town council.


SECTION 13. CMC 13.95.040 through 13.95.050, Resolution 399-20 and Section 1 of Ordinance 591-17 shall each be repealed in their entirety.

SECTION 14. This ordinance shall become effective January 1, 2023, after passage, approval, and publication as provided by law.

Passed first reading: September 19, 2022; Passed second, third, and final reading: October 17, 2022

Passed by the Town Council of the Town of Cathlamet, at a regular meeting thereof this 17th day of October, 2022.

TOWN OF CATHLAMET:


David Olson, Mayor

APPROVED AS TO FORM:


Fred Johnson, Town Attorney

ATTEST:


Sarah Clark, Clerk-Treasurer