

**ORDINANCE NO. 1423**

**AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON AMENDING MULTIPLE CHAPTERS IN TITLE 12 WATER AND SEWERS OF THE KALAMA MUNICIPAL CODE TO UPDATE CERTAIN FEES AND CLARIFY BILLING POLICIES AND PROCEDURES.**

**WHEREAS**, City of Kalama staff has found current code sections in Kalama Municipal Code Title 12 Water and Sewers to be out of date based on fees adopted by resolution of the County after 2011;

**WHEREAS**, City of Kalama staff recommend that code sections addressing leak adjustments, payment policies, due dates, appeals and delinquencies to better reflect the intent of the code sections and operating procedures to increase the efficiency of operations;

**WHEREAS**, City of Kalama staff based on a recommendation from AWC RMSA, our insurance provider, recommends the City require a request/Indemnification form for any property owner desiring to have water/sewer services discontinued for a period of more than 30 days whether for an extended vacation or for a vacant rental or business property;

**NOW THEREFORE** the City Council of the City of Kalama do ordain:

**Section 1. Kalama Municipal Code Chapter 12.08.030 is amended to read as follows:**

**12.08.030 - Sewage connection charges.**

- A. In addition to the foregoing rates and charges, ~~beginning on September 1, 2006 the city shall charge the sum of seven thousand dollars, a connection fee (as of January 1, 2019 - \$8000.00) as adopted by resolution of the City Council,~~ plus the city's cost of labor and material from existing main line to property line, for each connection made within or outside the city limits to the city's sanitary sewage system ~~is assessed~~. The connection charge shall be paid concurrent with city building permit fees for new connections inside the city limits and pri or to connecting to the city system with proof of a county building permit for new connections outside the city limits.
- B. The cost of all labor and material actually expended by the city in making such connections becomes due and payable at the time the connection is completed and, in any event, shall be paid in full before any occupancy certificate is issued.

**12.08.035 - Sewage connection charge—Multiple dwellings.**

- A. In addition to the regular hook-up charges as specified in Section 12.08.030, the connection for a multi-dwelling facility such as an apartment or condominium, shall

require an additional one thousand two hundred dollars for the second and each additional permanent dwelling unit within the city limits, and one thousand eight hundred dollars for second and each additional permanent dwelling unit outside of the city limits.

- B. The connection charge to multiple-dwelling facilities such as hotels, motels and recreational vehicle parks shall include an additional ~~one~~ two hundred dollars (\$200) for the second and each transient dwelling unit or space within the city limits and ~~one hundred fifty~~ three hundred dollars (\$300) for the second and each additional transient dwelling unit or space outside the city limits. These fees may be adjusted by resolution of the City Council
- C. These connection charges shall apply to all users regardless of their residential, commercial or industrial status. The city shall be the final authority as to the permanent or transient status of the dwelling unit in all new connections to multiple-dwelling units.
- D. In addition to the regular hook-up charges as specified in Section 12.08.030, the connection charges for mobile home parks and manufactured home parks shall require an additional four hundred dollar hook-up fee for the second and each additional permanent dwelling unit within such park, provided the same is located within the city limits, and six hundred dollars for the second and each additional permanent dwelling unit within such park if the same be located outside of the city limits. These fees may be adjusted by resolution of the City Council.

**Section 2. Kalama Municipal Code Chapter 12.12.020 is amended to read as follows:**

**12.12.020 - Water connection charge.**

- A. In addition to the rates and charges in Section 12.12.010, the city shall charge, for each new connection made to the water system, ~~the following connection charges,~~ a connection fee as adopted by resolution of the City Council plus the cost of all labor and material actually expended by the city in making such connection is assessed. The table below are the fees as of January 1, 2019, please check for updated fees adopted by Council resolution:

Meter Size as determined by adopted Plumbing Code KMC Ch. 14.04	Meter Capacity Factor	Inside City Limits	Outside City Limits	Outside Port/ Industrial
5/8 x 3/4 inch	1.0	\$2,500.00	\$6,200.00	\$1,000.00
		\$3000.00	\$9000.00	\$4500.00

1 inch	1.4	3,500.00	8,680.00	1,400.00
		\$4000.00	\$11,000.00	\$6000.00
1½ inch	1.8	4,500.00	11,160.00	1,800.00
		\$5000.00	\$13,000.00	\$7500.00
2 inch	2.9	7,250.00	17,980.00	2,900.00
		\$8,000.00	\$20,000.00	\$12,000.00

Connection charges for meters larger than a two-inch meter shall be negotiated on a case by case basis using all applicable water usage information and requirements related to the type of use being proposed. If no information regarding the type of usage or water usage estimate for a new service is available, the connection fee shall be based upon the base connection fee above multiplied by the applicable meter capacity factor determined using the ratio of the proposed meter high normal flow rate to the high normal flow rate for a 5/8 " meter as identified in AWWA Manual M-22 Table 6-1.

These connection charges shall be paid concurrent with the city building permit fees for new connections inside the city limits. Prior to accepting payment of the connection fee and the placement of any service proof of a county building permit is required for new connections outside the city limits. Service to vacant land for agricultural purposes shall be granted upon payment of the connection charge, provided that should the land be developed in the future for purposes other than agricultural, the difference between the future connection charge and the connection charge paid at the time of service installation shall be paid to the city.

- B. The cost of all labor and material actually expended by the city in making such connections becomes due and payable at the time the connection is completed and, in any event, shall be paid in full before water service through the connection is made.
- C. The connection charge for a multi-dwelling facility such as an apartment, multiplex or condominium, shall be calculated as follows:

Numbers of units multiplied by the 5/8 × ¾" inch meter charge in subsection A of this section multiplied by seventy percent.

The connection charges for manufactured home parks shall be seventy percent of the 5/8 × ¾" inch meter charge in subsection A of this section for each manufactured home placed within the park. These fees may be adjusted by resolution of the City Council.

**Section 3. Kalamá Municipal Code Chapter 12.14 Water Rates – Leak Adjustment Policy is amended to read as follows:**

**12.14.010 - Leak adjustment policy.**

The city council deems it appropriate that customers not absorb the entire cost of an increased water bill when there is a leak in the customer's private plumbing system after the water meter. Therefore, the city council adopts a leak adjustment policy as follows:

- A. If a customer brings a probable leak to the attention of the city public works department within ten days of discovering the leak, within ten days of notification by a city employee, or within twenty days of receiving a bill which they seek to challenge, and if within ten days of discovery the leak is fixed and such fix is confirmed by the director of public works or designate, the customer shall be entitled to an adjustment on the challenged water bill from the clerk-treasurer calculated as follows:

- 1. Adjustment to Water Charge.

- a. The amount charged for water on the customer's previous twelve-month representative water bills, comprising an approximate one-year period, shall be averaged to determine the average water charge. If there does not exist twelve previous billings to determine the average water charge, the average water charge shall be calculated based on the following usage:

Household with 1—2 persons	500 cf/month
Household with 3—5 persons	1,000 cf/month
For each additional persons add 150 cf/month	

- b. To calculate the average for the customers with seasonal usage (those accounts that have months of little or no usage or have significantly higher bills during a portion of the year) an average will be taken from the previous six years of bills covering the same billing periods as that in which the leak occurred. In the case of empty rental units, an active period of twelve representative consecutive readings will be used to compute the average.
- c. In the case of a verifiable empty residence/business/building that would have otherwise had no usage except for the leak, the amount of the leak will be divided between the city and the property owner.
- d. The difference between the water charge on the challenged bill and the average water charge shall be determined by subtracting the average water charge from the water charge on the challenged bill.

- e. The customer shall be responsible for the average water charge plus one-half of the difference between the water charge on the challenged bill and the average water charge.
2. Adjustment to Sewer Charge.
- a. The amount charged for sewer on the customer's previous twelve-month representative bills, comprising an approximate one-year period, shall be averaged to determine the average sewer charge. If there does not exist twelve monthly previous billings to determine the average sewer charge, the average sewer charge shall be calculated based on the following usage:

Household with 1—2 persons	500 cf/month
Household with 3 or more persons	1,000 cf/month
For each additional persons add 150 cf/billing	

- b. To calculate the average for the customers with seasonal usage (those accounts that have months of little or no usage or have significantly higher bills during a portion of the year) an average will be taken from the previous six years of bills covering the same billing period as that in which the leak occurred. In the case of empty rental units, an active period of twelve representative consecutive readings will be used to compute the average.
  - c. The difference between the sewer charge on the challenged bill and the average sewer charge shall be determined by subtracting the average sewer charge from the sewer charge on the challenged bill.
  - d. The customer shall be responsible for only the average sewer charge.
- B. ~~The customer may apply for a leak adjustment on only one bill in a twelve-month period for the same leak unless the customer provides satisfactory evidence of an attempt to fix the leak or the leak spanned two billing periods, e.g., the meter was read between the time the leak started and when it was fixed.~~ When more than one leak adjustment is requested within a 12-month period, a written report from a plumbing professional documenting and affirming the integrity of the owner's water system will be required prior to considering additional requests. This does not apply if the leak spanned two billing periods. Exceptions may be allowed if leaks are related to extreme weather events.
- C. In order to avoid a late penalty while a leak adjustment is pending, the customer must make a payment by the twentieth of the month following billing. The amount of the payment must equal the amount of the last previous unchallenged bill and 50% of the overage

D. The City reserves the right to request documentation of the service line repair as a condition of granting a leak adjustment.

E. The water and sewer charges will not be adjusted for:

1. Fixtures, faucets and hose bibs left running;
2. Toilets left running;
3. Leaks not repaired within ten calendar days of notification;
4. Pipes which are in poor condition evidenced by persistent breaks and leaks;
5. Sprinkler system and water feature (fountains, ponds, etc.) leaks—adjustment for sewer only.

F. ~~The public works department is authorized to shut off customer's water when the resident cannot be notified of a large leak which could damage his property or the city public works department facilities or jeopardize water service to other customers. No charge will be made for this unrequested service.~~ The City may discontinue service to any premises if the owner refuses to make necessary repairs to avoid waste of water. If after reasonable efforts to contact the owner it is observable that water is being lost through leakage, the city at its option may terminate water service and shall leave a written notice as to its action and reason therefore.

G. Nonprofit organizations may appeal to the city council for adjustments of more than fifty percent of excess water usage, provided:

1. All conditions of subsection (A) are met; and
2. Extenuating circumstances resulted in the loss.

H. Customers may request consideration for additional adjustment or for exempt leaks to the city administration under extreme extenuating circumstances (i.e., death, serious illness, hospitalization, vandalism).

I. If the customer fails to repair the leak within ten days of discovery, ten days of notification by a city employee or twenty days after receipt of the challenged water bill, any adjustment must be approved by the ~~city council~~. City Administrator or his designee. Any adjustment so approved must comply with the formula adopted by this chapter.

J. Industrial/Commercial Water Leaks – Industrial/Commercial customers with large water consumption must provide receipts of proof of water leak repairs along with the request for a leak adjustment. The City will check the reading upon receipt of the request, and again 10 days later to determine if water usages is dropping back to normal usage range. Once the it as been determined usage has dropped back to normal, which could take from 30 up to 60 days, the City will approve or disapprove the adjustment request.

**Section 4. Kalama Municipal Code Chapter 12.16 Water and Sewer System  
– Collection of Fees is amended to read as follows:**

**12.16.010 - Payment of water and sewer rates.**

- A. Except as hereinafter provided, all of the rates and charges for water and sanitary sewage disposal service set forth in this title and any and all charges which may be fixed hereafter for water and/or sewage disposal service shall continue to be billed on a bimonthly basis and shall be paid ~~on or~~ before the twentieth day of that month immediately following the months in which said water or sewage service was furnished, and if not so paid, shall become delinquent on said date and a penalty in an amount as established by resolution of the city council shall be added to the amount due for such delinquency; ~~provided, however, all industrial users, restaurants, laundromats, and all governmental or quasi-governmental agencies, bodies, or associations shall continue to be billed on a monthly basis, and such charges shall be payable by the twentieth day of the month following the month in which such service is furnished, and if not so paid, shall be delinquent and a penalty in an amount as established by resolution of the city council shall be added to the amount due for such delinquency.~~ *Payments must be received at the City office by the 20<sup>th</sup> of each month or in case of a holiday or weekend the next business day after to be considered timely and avoid penalty.*
- B. Commencing effective on the fifteenth day of February, 1978, all recreational vehicle parks shall be served through a master meter, and the owner and/or operator of such park shall be responsible for all charges. Such recreational vehicle parks shall be billed for water and sewer service on the same basis and rates as are or shall be fixed by ordinance or resolution for motels on or after the effective date of the resolution codified in this subsection.

**12.16.020 - Property owner responsible for payment—Lien on property for delinquent accounts.**

All applications for water and/or sewage service, and for connections with the water or sewerage systems, for turning water off and on or removing or reinstalling water meters as hereinafter provided, shall be made by the owner or purchaser of the property to be served thereby, or their duly authorized agent. ~~, and such owners or purchasers shall be responsible for the payment of all such charges, together with the penalties and interest thereon as provided in this title, and all accounts for such service shall be billed directly to such owner or purchaser, or their duly authorized agent.~~ All accounts for water and sewer services shall be kept in the name of the owner of the premises for which service is installed unless the property request to have statements for services mailed to the tenant, lessee, or agent, but such mailing shall not relieve the property owner from liability for payment for water and sewer service rate charges incurred. All such charges, penalties and interest shall be a lien upon the property to which such water is delivered, sewerage service rendered, or such connection or connections made, superior to all other liens or encumbrances except those for general taxes and

special assessments. Enforcement of such lien or liens shall be in the manner provided by law.

#### **12.16.030 - Nonpayment—Shutoff—Hearing—Disconnection fees.**

- A. Whenever any charge for furnishing water and/or sewer services to any premises is not paid in full by the twentieth day of the month following billing, a notice of delinquency and termination shall be sent to the person or persons billed for such services at the address shown in the city's billing records of the city's intent to discontinue service if payment is not made. A penalty fee as established by resolution of the city council shall be added to the delinquent account. Such notice shall contain the following information:
1. The amount of the charges owing, including the penalty;
  2. A statement that the person billed may request an administrative review before the clerk/treasurer or his/her designee to contest the amount or validity of the charges or to request consideration of payment arrangements;
  3. A statement that if the charges are not paid in full or an administrative review requested within fifteen days of the notice, the city will disconnect the services to such premises.
- B. If payment is not received, or an administrative review requested, disconnection of service will be made after the fifteenth day without further notice and a disconnection fee as established by resolution of the city council shall be assessed.
- C. Should the city be required to notify the residents of a property of pending disconnection by door hanger or other notice for non-payment of the bill by the tenant, property owner, landlord or management company a fee as established by resolution of the city council shall be assessed for such notification to the tenant, property owner, landlord or management company.
- D. If a meter or spacer must be removed, padlocked, or other means used to prevent illegal reconnection of a service after disconnection for non-payment, then there shall be an additional charge as established by resolution of the city council for removal of such meter or spacer. Reconnection of a service disconnected for non-payment is considered to be defrauding a public utility for which a civil action can be brought.
- E. All disconnection charges and outstanding obligations for water and/or sewer furnished to such premises must be paid in full or city approved payment arrangements made prior to reconnection.
- F. The city clerk-treasurer or his/her agent shall, in the case of extreme hardship or by prior arrangement with the customer, have the discretion not to discontinue service to a delinquent account upon acceptance of a valid plan for the payment of all past-due charges.
- G. If the customer disputes the amount due on the account, the customer shall have fifteen days from the date of the delinquency notice within which to file a written request to have the account reviewed by the clerk-treasurer or the clerk-treasurer's

designee. The request shall state the reasons why the customer believes the amount to be in error.

1. Any customer seeking timely review of a water bill in writing shall be heard before discontinuance of water or sewer services. The decision of the clerk-treasurer or the clerk-treasurer's designee shall be final.
2. After hearing, if the clerk-treasurer or the city clerk-treasurer's designee finds in favor of the customer, any or all of the appropriate charges may be returned to the customer or credited to the customer's account based upon the clerk-treasurer's or the clerk-treasurer's designee's findings. If the clerk-treasurer or the clerk-treasurer's designee finds that the customer owes the city any money, the customer shall pay the amount due within the time ordered by the clerk-treasurer or the clerk-treasurer's designee. If the amount is not paid, water and sewer service shall be discontinued.

#### **12.16.040 - Collection of rates and charges.**

The city clerk-treasurer shall collect all the rates and charges herein provided for and accruing from time to time, and all of such sums, when collected, shall be paid by the clerk-treasurer into the fund of the city known as "Kalama water and sewer revenue fund" created by Ordinance No. 433.

#### **12.16.045 Delinquency/Lien**

A. All water and sewer rates shall be charged against the premises for which the service was installed. Any and all charges provided for, when the same become delinquent and unpaid, shall constitute a lien against the premises to which the same has been furnished. Enforcement of a lien and collection of a lien shall include, but not be limited to, the right to stop service and deny service thereafter to any and all owners and/or occupants of the premises until the charges for service and/or other charges have been paid in full.

B. In cases where the occupant of the premises moves to another location within the system and applies for water at the new location, services shall be denied at such location until and unless any statement for service against the first location is fully paid.

C. If any such charges are not paid, the city may record a lien at the office of the County Auditor against the property for which the service was installed. Such lien shall include delinquent charges and such customer shall be responsible for all costs incurred by the City, including reasonable attorney's fees for preparing the lien and all fees for recording.

D. Failure to receive mail will not be recognized as a valid excuse for failure to pay charges due. Notice of change of ownership of the property or change in

mailing address must be given in writing by the property owner or his agent to the City.

#### **12.16.050 - Violations—Penalties.**

It is unlawful and a misdemeanor for any person, firm, association or corporation without authority from the director of public works of the city to use water from any hydrant or standpipe for any purpose except protection against or extinguishing fires, to open any manhole or interfere or tamper with in any way any manhole, flush tank or public sewer, or to break or violate any rules or regulations adopted by ordinance or resolution of the city council prohibiting the disposal of certain damaging substances through the city sewerage system.

Any person violating any provisions or failing to comply with any of the mandatory requirements of this section is guilty of a misdemeanor. Any person convicted of a misdemeanor under this section shall be punished by a fine of not more than one thousand dollars.

Each such person is guilty of a separate offense for each and every day during any portion of which any violation of this section is committed, continued or permitted by any such person, and he shall be punished accordingly.

**Section 5. Kalama Municipal Code Chapter 12.20 is amended to read as follows:**

#### **12.20.010 - Purpose—Credit and billing generally.**

- A. The purpose of this chapter is to provide residential customers with information concerning the credit policies of the city and to advise them of their rights and duties as a city customer.
- B. The credit policies set forth in this chapter represent a good faith effort by the city in collecting bills for utility services and the interests of its customers in paying its bills. We believe that the credit policies of the city are as generous and liberal toward our customers as the policies of any other comparable business or utility.
- C. The city bills ~~residential~~ utility customers every month. ~~Residential~~ Customers are afforded a reasonable time to pay their bills and the opportunity to make arrangements for payment if they are temporarily unable to pay their bill in full. Customers have an opportunity to contest any billing through an informal conference with the clerk-treasurer and the right to appeal to the ~~mayer~~ City Administrator. At the same time, sound business practices and fairness to all require that the city make reasonable collection efforts, including disconnection of service for nonpayment. These policies and procedures are explained in more detail later in this chapter.

#### **12.20.015 - Connections—Meters required.**

- A. Unless a waiver is obtained from the Kalama city council, each premises served by the Kalama public water supply system shall be separately metered whether or not such premises are located on a separate legal lot. The director of the Kalama public works department shall approve all meters to be installed by any user. The director shall have the power both to require an existing owner, at the owner's expense, to employ a qualified repair person to repair a malfunctioning meter and to replace or repair meters which do not accurately measure all water usage of the customer in a manner satisfactory to the director of the public works department consistent with American Water Works Association standards.
- B. No plumber or other person will be allowed to make connections with the city mains or to make alterations in any conduit pipe or other fixture connecting therewith or to connect pipes where they have been disconnected, or to turn off or turn on water at the meter, on any premises without permission from the department of public works.
- C. Any person making unauthorized connections between the supply main and the meter will be guilty of a misdemeanor and upon conviction thereof shall be punished as for other misdemeanors as provided by law.

#### **12.20.017 - Customer responsibilities.**

- A. Customers who are supplied by meters shall keep their premises adjacent to the meter free from all rubbish, material of any kind, structures, fences, or domestic animals which would prevent employees of the department of public works from accessing the meter.
- B. The service pipe and all connected fixtures including but not limited to pressure regulators, valves or appurtenances between the meter and point of customer usage must be kept in repair by the owner or occupant of the premises who will be responsible for all damages resulting from breaks therein.
- C. No person supplied with water from the city mains will be entitled to use for any other purpose than those stated in his application, or to supply in any way any other persons or families.
- D. It is unlawful for any person to interfere and/or tamper with, break, deface, or damage any water meter, gate valve, pipe, or other waterworks appliance, appurtenance or fixture or in any other manner interfere with the proper operation of any part of the water system of the city and anyone found violating any of these provisions, unless otherwise provided for, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as for other misdemeanors as provided by law.

#### **12.20.020 - Security deposits.**

Generally speaking, the city does not require security deposits of new residential customers; instead, the city presumes all customers will pay their bills promptly. The city

may, however, require a security deposit if the customer's credit rating, as maintained by the city, so dictates. Security deposits may be required under the following circumstances: bankruptcy, account assigned for collection, unpaid balance at previous address, and present credit history.

#### **12.20.030 - Billing.**

Residential, ~~customers are billed every month.~~ commercial and industrial customers are billed monthly. Bills are mailed first-class to the mailing address provided by the customer, or at the customer's request sent electronically via email and a customer's failure to receive a bill does not release the customer from paying the bill when due. Bills are due upon receipt becoming past due ~~twenty days after the period for which water or sewer service was furnished~~ if not paid by the twentieth (20<sup>th</sup>) day of the month. If a customer disputes the amount of a bill or wishes to make arrangements for payment, the customer has the right to an informal conference with the clerk-treasurer, who is the person responsible for billing and collections for water and sewer service.

#### **12.20.040 - Informal conference on payment.**

All customers have the right to an informal conference with the clerk-treasurer. The clerk-treasurer shall have authority to make arrangements for deferred payments by the customer and to consult with the council to adjust any questions concerning billing. The conference may be in person at the city's office in Kalama or by telephone. The informal conference must be held during regular business hours: nine a.m. to five p.m., Monday through Friday. The customer may be represented by counsel and shall have a full opportunity to present his or her position. The clerk-treasurer shall advise the customer promptly of the reasons for the city's action on the customer's inquiry.

#### **12.20.050 - Arrangements for deferred payment.**

The clerk-treasurer will endeavor to permit arrangements for deferred payments by customers who are unable to pay the full amount of their current bill due to bona fide temporary financial difficulty. A number of factors will be considered in determining the deferred payment program available to the customer, including the size of the delinquent account, the time the bill has been unpaid, the customer's past credit history with the city and the customer's present financial situation. Arrangements for the deferred payment may not be available to customers who have not fully and satisfactorily complied with a previous arrangement or to customers who have been repetitive credit problems to the city.

#### **12.20.060 - Appeal to ~~mayer~~ City Administrator**

A. Appeals of Bills. A customer who is not satisfied with the outcome of the informal conference has the right to appeal to the ~~mayer~~ City Administrator. The customer must appeal within five working days of the informal conference. The notice of appeal must be submitted to the city clerk by mail, in person, e-mail or by fax on or

before 5:00 p.m. on the last day of the appeal period. The written notice of appeal must set forth the reasons for the customer's appeal

- B. Hearing. The hearing shall take place during regular business hours. The date and time of the hearing will be scheduled by the city clerk
- C. Recording. A tape recording will be made of the hearing.
- D. Conduct of Hearing. The customer or customer's attorney shall make the initial presentation to the ~~mayer~~ City Administrator of the evidence supporting the appeal. If the customer needs copies of the city's records in order to support the appeal, such records must be requested under the Public Disclosure Act prior to the hearing. The city has no obligation to provide records on the date of the hearing, or to provide records that are not subject to disclosure under the Public Disclosure Act. Both the customer and the ~~mayer~~ City Administrator may question any witness.
- E. Written Decision. Within fifteen days after the hearing, the ~~mayer~~ City Administrator shall issue a written decision, which shall be sent to the customer by certified mail at the customer's address on the day the decision issues. The written decision shall include the reasons for the ~~mayer's~~ Administrator's decision, any payment schedule, as well as the final disposition of the appeal.
- F. Enforcement of Decision. If the customer is required by the ~~mayer's~~ Administrator's decision to make payments to the city, the customer shall make such payments on the deadlines established in the decision. If the payments are not timely made, the city may disconnect service in accordance with the procedures set forth in Chapter 12.16 KMC, in addition to any other legal means available to the city to obtain reimbursement for utility service. The ~~mayer's~~ Administrator's decision is the final decision of the city on billing disputes, and there are no further administrative appeals of this decision.

#### **12.20.070 - City council decision. Appeal**

- A. When decision may be appealed to the city council. If a decision in Title 12 KMC specifically allows an administrative appeal to the city council, the following procedure may be used.
- B. Appeal. An aggrieved person or entity desiring to file an appeal must file an appeal statement, which shall include the following, at a minimum: (1) the appellant's name, address and phone number; (2) identification of the decision that is the subject of the appeal; (3) a statement of grounds for the appeal (why the appellant believes the decision was wrong) and the facts upon which the appeal is based; and (4) the specific relief sought. The city council may be an "aggrieved entity" under this section.
- C. Time to File. An appeal must be filed within five (5) working days after the subject decision. Appeals shall be delivered to the city clerk by mail, personal delivery, or fax on the last day of the appeal period.
- D. Hearing. The city's administrative record of the decision, together with the appeal statement shall be forwarded to the city council. Appellants may present additional

written materials to the city council during the appeal or testimony. The city staff shall make a presentation including an identification of the decision, general background and issues in dispute. The council may accept materials or testimony from any member of the public.

- E. Deliberations. After the public hearing is closed, the council shall deliberate on the appeal and vote. The council may affirm, modify or reverse the administrative decision subject to the appeal.
- F. Final Decision. The city council shall ask that the city staff prepare the necessary written decision, which shall be presented to the city council at the council's next regularly scheduled council meeting.

**12.20.080 - Final decision of city.**

A decision made by the city council pursuant to KMC Section 12.20.070 is the final decision of the city, and there is no further administrative appeal.

**12.20.130 - Disconnection—Restoration of service.**

Service that has been disconnected for nonpayment of amounts due the city or violation of city service policies will not be restored until the situation resulting in the disconnection has been resolved to the satisfaction of the city. There will also be a reconnection charge of fifteen dollars. as established by resolution of the City Council.

**Section 6. Kalama Municipal Code Chapter 12.24 is amended to read as follows:**

**12.24.010 - Vacant dwelling units or office or business spaces.**

The city shall not charge the monthly minimum rate to dwelling units or office space or business spaces if the same are vacant for other than a temporary period, provided there has been no consumption registered on the meter and the water meter has been shut off at the request of the owner or occupant. Minimum charge will not be less than a one-month base fee.

**12.24.020 - Meters installed for future use.**

The city shall not charge the monthly minimum water rate in those instances in which water meters have been installed for future use until such meters are actually put into use and water is being delivered. Once consumption is registered on the meter, the applicable water and sewer rates will be billed. However, if the city is notified and has documentation of a legal construction period, no sewer charges will be billed for the water used for landscaping purposes prior to an occupancy permit being issued.

**12.24.030 - Vacationing owners or occupants.**

The city shall bill the minimum monthly water charges to vacationing owners or occupants who have requested the city to temporarily cease service. If no consumption has registered on the meter, there shall be no additional charge added to the water bill for sewer. In order to suspend the base monthly fee, a customer may shut the water off at the meter and notify the city they have done so. Any consumption will result in a minimum charge of one month's base fee plus the usage. A customer requesting to temporarily cease water service for more than thirty (30) days shall sign a Voluntary Water Shut-off/Restoration Form provided by the City. The City shall not be liable for any damage to person or property that may result from the turn-off or turn-on of the water service or from the service being left on when the premises may be unoccupied.

**12.24.040 - Vacant rental dwellings or business property.**

The city, when requested to do so by the owner of vacant rental dwellings or business property, shall only bill the minimum water rate for said units, without any additional charges for sewer or garbage, provided there has been no consumption registered on the meter. In order to suspend the base monthly fee, an owner shall sign a Voluntary Water Shut-off/Restoration Form provided by the City prior to the discontinuation of service for more than 30 days . The owner may have the City turn off the service or may shut the water off at the meter. ~~and notify the city they have done so.~~ The City shall not be liable for any damage to person or property that may result from the turn-off or turn-on of the water service or from the service being left on when the premises may be unoccupied.

**Section 7. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

**Section 8.** This ordinance shall become effective five days after passage, approval, and publication as provided by law.

Passed by the City Council of the City of Kalama at a regular meeting held on the 6th day of June, 2019

\_\_\_\_\_  
Mayor Mike Reuter

Attest:

Published:

\_\_\_\_\_  
Coni McMaster, Clerk/Treasurer

Effective:

Approved as to form:

\_\_\_\_\_  
City Attorney