

ORDINANCE NO. 1346

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON AMENDING SECTIONS OF KALAMA MUNICIPAL CODE CHAPTER 12 TO ALLOW FOR THE CONVERSION TO MONTHLY BILLING FOR ALL RESIDENTIAL CUSTOMERS AND ADDRESS THE COST OF ISSUING NOTIFICATIONS TO CUSTOMERS

WHEREAS, the City of Kalama recognizes the need for citizens to be able to budget and manage their finances efficiently in today's economy;

WHEREAS, the City of Kalama citizens have requested monthly billing in order to manage their bills better versus the current bimonthly billing policy;

WHEREAS, the City of Kalama has installed a sufficient number of radio read meters to allow for a large portion of customers to be converted to a monthly reading and billing plan effective with the readings in October 2014;

WHEREAS, the City of Kalama will continue to install the radio read meters until all customers are converted to monthly reading and billing over the next 15 months;

WHEREAS, the City of Kalama finds that the usage average for households needs to be adjusted to reflect the monthly billing

WHEREAS, the City of Kalama is required by state laws to notify the owners and tenants of property in the case of non-payment by the landlord 7 days prior to disconnection of service which takes considerable staff time for compliance which should be borne by the delinquent property owner;

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

Section 1: Kalama Municipal Code Chapter 12.03.012 is amended to read as follows:

12.08.012 Summer sewer rate—Established.

- A. A summer sewer rate is established for all domestic sewer users for all usage occurring on the readings taken in June, July, August, and September for all customers upon conversion to monthly billing. All customers should be converted to monthly billing by January 2016. Until the conversion, the summer sewer rate will apply for the months between the May meter reading and the September meter reader for any bimonthly customers inside the city limits and between the June meter reading and the October meter reading for customers outside the city limits on bimonthly billing as follows:
- B. There shall be no charge for any usage in excess of the average of the previous eight months' metered usage plus 10% if the previous eight (8) months' average is representative of normal usage. If the eight (8) months' metered average is not representative of normal usage for the customer, the city clerk is authorized to calculate a representative usage using the customer's past billing history or the records of other representative customers.

Section 2: Kalama Municipal Code Chapter 12.14.010 is amended to read as follows:

12.14.010 Leak adjustment policy.

The city council of the city of Kalama, Washington, 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 Kalama 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 (12) 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 (12) 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 (12) 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 (12) month representative bills, comprising an approximate one-year period, shall be averaged to determine the average sewer charge. If there does not exist twelve (12) 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	1000cf/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 (12) 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.
- 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.
- D. 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.
- E. 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 of Kalama public works department facilities or jeopardize water service to other customers. No charge will be made for this unrequested service.
- F. 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 of this section are met; and
 - 2. Extenuating circumstances resulted in the loss.
- G. 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).

- H. 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. Any adjustment so approved must comply with the formula adopted by this chapter.

Section 3: Kalama Municipal Code Chapter 12.16.010 is amended to read as follows and deleting 12.16.010(C) in its entirety:

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 be billed monthly or continue to be billed on a bimonthly basis until accounts are converted to monthly billing upon installation of the new metering system 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.
- 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.
- ~~C. Commencing effective with the billings to be issued after October 1, 2012 the city shall offer all residential customers an option for billing their accounts on a monthly basis. The timing of the first monthly bill will be based on the account's current billing cycle and the account being paid in full.
 - ~~1. To qualify for the monthly option billing, the payer must have been a customer for at least three billing cycles, or have landlord authorization per subsection (C)(3), and the account must be paid in full by the due date of last bill issued prior to the first month of the account's two-month billing cycle.~~
 - ~~2. The monthly option billing will still be based on bimonthly meter readings and will be billed as follows:
 - ~~a. The first month's bill will charge the monthly base rates for water and sewer with the consumption charge being calculated on the average of the last three meter readings. The second month's bill will include the monthly base rates plus the consumption charged based upon the actual reading for the two-month period minus the average amount billed in the first month. Garbage charges will also be charged monthly.~~~~~~

~~b. Monthly option billings will be due by the twentieth of each month. Late fees will be applicable to each monthly bill. Accounts will not be subject to disconnection until after the second month's bill has been delinquent for fifteen days.~~

~~3. A landlord may authorize a new tenant to be placed on the monthly option billing cycle with the understanding that the average for the first three billings will be calculated based upon the following:~~

Household with 1 2 persons	1,200 cf/billing
Household with 3 5 persons	2,000 cf/billing
For each additional persons add 250 cf/billing	

~~Once three bimonthly meter readings are available the average will be based on the actual readings for the property and current tenant.~~

~~4. This policy is adopted in an effort to help the citizens to make timely payments and therefore should any customer signed up for the monthly option billing program become delinquent on three accumulated monthly bills and be subject to disconnection of service they will be returned to the regular billing cycle.~~

Section 4: Kalama Municipal Code Chapter 12.16.030 is amended to read as follows:

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.

Section 5: Kalama Municipal Code Chapter 12.20.010 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 of Kalama 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 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 mayor. 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.

Section 6: Kalama Municipal Code Chapter 12.20.017 is amended to read as follows:

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.

Section 7: Kalama Municipal Code Chapter 12.20.030 is amended to read as follows:

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 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.

Section 8: Kalama Municipal Code Chapter 12.20.040 is amended to read as follows:

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

Section 9. 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 10. 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 1st day of October, 2014

Mayor Pete Poulsen

Attest:

Coni McMaster, Clerk/Treasurer

Published: _____

Approved as to form:

Effective: _____

City Attorney