

CITY OF BLAINE
REQUEST FOR COUNCIL ACTION
MEETING DATE: May 8, 2006

SUBJECT: Ordinance #06-2638 for annual review of water service costs

SUBMITTING DEPT: Public Works

PREPARED BY: Stephen R. Banham, Director

AGENDA LOCATION: Comments/Communications ; Consent ; Committee Reports
New Business ; Council Action ; Public Hearing ; Standing Committees

ATTACHMENTS: Ordinance No. 06-2638 (revised)

ANALYSIS/SUMMARY: Until now, the Blaine Municipal Code, adopted and amended by Council enactment of ordinances, has included specific charges for service, which are now proposed for adoption by resolution in a Unified Fee Schedule (Resolution #1432-06 on this agenda). The attached revised draft ordinance, amending code provisions for water service assessments, accomplishes the following:

- 1) Clarifies authority for charges for water service;
- 2) References the Unified Fee Schedule for specific fees and charges;
- 3) Recaptures provisions for connection fees, front footage fees and hydrant fees omitted in error by prior Ordinance No. 96-2245; and
- 4) Moves references to annual review of fees to the top of Section 13.07.020 to avoid repetition for each type of fee.

RECOMMENDATION: Waive 2nd Reading: Staff recommends that City Council review the attached draft ordinance for possible adoption at the next regular meeting.

FISCAL ANALYSIS: The ordinance revision has no impact *per se*.

REVIEWED BY:

City Manager _____ Finance Dir. _____ City Clerk _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to: _____

COUNCIL ACTION: _____

ORDINANCE NO. 06-2638

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON, AMENDING ORDINANCE NO. 05-2625, BLAINE MUNICIPAL CODE SECTION 13.07.020 TO RESTORE REFERENCES TO FRONT FOOTAGE FEES, CONNECTION FEES AND HYDRANT CHARGES, AND TO PROVIDE FOR ANNUAL UNIFIED FEE SCHEDULE ADOPTION

WHEREAS, Blaine Municipal Code 13.07.020 currently provides the basis for assessment of the various fees to be collected by the City from new water and wastewater customers desiring to connect to those respective utility systems; and

WHEREAS, Subsections B, C and D of this Section regarding assessment of front footage fees, connection fees and hydrant fees as previously adopted by Ordinance 95-2216 were inadvertently omitted from the text by error through adoption of Ordinance No. 96-2245; and

WHEREAS, the above front footage fees, connection fees, and hydrant charges should also be reviewed annually; and

WHEREAS, by separate resolution the City is proposing to itemize all fees charged by the City in a Unified Fee Schedule to be updated at least annually with adjustments as might be required specifically by code or other purpose established by Council,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON, AS FOLLOWS:

SECTION 1: Blaine Municipal Code Section 13.07.020 is hereby is amended to read as follows:

13.07.020 Assessments. Fees provided for in this section shall be updated and adopted annually by resolution in a Unified Fee Schedule. The General Facility Fee, Front Footage Fees and Connection fees as described in Subsection A, B and C shall be adjusted based on the preceding year-end Seattle Consumer Price Index unless otherwise adjusted on the basis of a special rate study conducted for that purpose. Fees for service outside the city limits shall be one hundred fifty percent (150%) of the charge for a similar connection within the city limits.

A. General Facility Fee – Water/Wastewater.

1. A General Facility Fee (GFF) shall be charged on all new or expanded service connections to the utility system pursuant to the utility fee schedule established for utility service. The general facility fee shall be proportionate to the cost of providing facilities and

services to previously unserved property and all changes in use that increase water demand or wastewater discharges to the municipal utility system. The fee shall reflect the appropriate amount of the share for that connection to the utility's system net allocable plant, and shall be computed based on equivalent residential units (ERUs). Existing connections within the system as of the effective date of this code shall be considered to have paid their proportionate share of the general facility fee for existing use.

2. Residential. Calculation of the general facility fee to determine the ERU equivalent assessment for residential service shall be computed based on the number of equivalent residential unit(s) (ERUs) served and shall be apportioned and assessed as follows:

- Single-family residence 1.00 ERU/unit
- Duplex, triplex, fourplex 0.85 ERU/unit
- Apartments/condominiums 0.80 ERU/unit
(five or more units)
- Transitory living units 0.50 ERU/unit
(motels/hotels)

3. Commercial/Industrial. Calculation of the general facility fee to determine the ERU equivalent assessment for commercial/industrial service shall be computed based on the water meter size, and shall be calculated according to the standard flow factor of a displacement type meter where a 5/8" x 3/4" meter shall have a flow factor equal to one ERU and shall be apportioned and assessed as follows:

Meter Size	Meter Flow Factor Equivalent ERUs	Maximum Continuous Flow Rate (gpm)
5/8" or 3/4"	1.0	10
1"	2.5	15
1.5"	5.0	25
2"	8.0	50
3"	16.0	80
4"	25.0	160
6"	50.0	250
8"	80.0	500
10"	115.0	800
Marina pump- out station	1.0	10

4. Irrigation Systems. Calculation of general facility fees to determine the ERU equivalent assessment for irrigation systems shall be computed based on the meter size of the area being irrigated, and shall be calculated according to the standard flow factor of a displacement type meter, where a 5/8" x 3/4" meter shall have a flow factor equal to one ERU and shall be as set forth herein:

Meter Size	Meter Flow Factor Equivalent ERUs	Maximum Continuous Flow Rate (gpm)
5/8" or 3/4"	1.0	10

1"	2.5	15
1.5"	5.0	25
2"	8.0	50
3"	16.0	80
4"	25.0	160
6"	50.0	250
8"	80.0	500
10"	115.0	800

5. A utility service agreement shall be executed prior to issuance of a building permit for all new or expanded water and sewer service connections. The agreement shall include, but shall not be limited to, specifications of general facilities fees and associated charges for new or expanded water and sewer utility services.

The charges and fees specified in the utility service agreement shall be paid prior to issuance of a building permit for all new or expanded water and sewer service connections. These charges shall be in addition to rates and other fees, assessments, and charges established for utility service.

6. For additional services on previously serviced property and changes in use that increase water demand, utility connection charges shall be due within 30 days of the city's notification mailing. If payment is not received within this period, all subsequent water utility payments of existing accounts for charges on this property shall be applied in the following hierarchy:

- a. First priority: utility connection charges, delinquent amount in arrears;
- b. Second priority: utility service charges, delinquent amount in arrears;
- c. Third priority: utility service charges, current billing period amount.

7. The utility's general facility fee shall be in addition to any special agreements or provisions for mitigation of impacts or requirements for expansion/upgrading to the utility system by any development or project; provided:

a. Utility general facility fee credits shall be given for the value of mitigation or improvements related to additional capacity. The credits shall be proportional to the additional capacity provided by the planned capital improvement portion of the utility general facility fee;

b. The total credit, if any, as provided in this subsection shall not exceed the amount of the utility general facility fee that applies to the additional capacity provided by the planned capital improvement portion of the utility general facility fee.

~~8. The general facility fee for all urban consumers shall be adjusted on January first of each year based on the preceding year end Seattle Consumer Price Index, or a rate fee study.~~

B. Front Footage Fee – Water/Wastewater

1. Front Footage Fees (FFF) shall be collected on all utility system mains installed or funded by the utility, pursuant to the utility fee schedule established for utility service. The Front Footage Fee shall be based on one-half the average historical cost, adjusted for inflation for a standard size eight-inch (8") main, installed under contract by the City within the previous 48 months.

2. Calculation by the Front Footage Fees of rectangularly-shaped parcels of property under individual ownership shall be based on the total front footage served by the main at the time of connection.

a. Front footage charges for properties situated on corner lots abutting utility mains on two sides shall be computed by averaging the two sides.

b. Properties served which are not abutting a utility main and wherein it is undesirable to extend or install a utility main shall be assessed a front footage fee equivalent to fifty (50) feet of footage.

c. Irregularly shaped parcels of property with frontage of less than fifty (50) feet abutting a utility main shall be assessed a minimum front footage fee equivalent to fifty (50) feet of footage.

d. The Front Footage Fee shall be assessed and paid at the time of execution of the Utility Service Agreement and shall be in addition to rates and other fees, assessments, and charges established for service.

e. ~~The Front Footage Fee shall be adjusted on January 1 of each year based on the preceding year end Seattle Consumer Price Index, or a rate fee study.~~

C. Connection/Inspection Fee – Water/Wastewater

1. A Connection/Inspection Fee shall be charged for all service connections to the utility system pursuant to the utility fee schedule established for utility service.

2. Additional fees may be charged if a re-inspection is required as a result of the property owner/developer's failure to comply with the correction notice from a prior inspection, inaccessibility of facilities for scheduled inspections, or an unsafe site.

3. In the event it becomes necessary to remove and restore surface improvements including but not limited to asphalt, concrete and concrete streets and sidewalks in order to install a service connection, an additional fee shall be levied pursuant to the fee schedule established for removal and replacement.

4. The Connection/Inspection Fee or deposit shall be assessed and paid at the time of execution of the Utility Service Agreement.

5. Exception to the 150% charge for service outside the city limits would be made for those making connection to an existing Water Association water main under the provision of a specific agreement.

6. ~~The Connection Fee shall be adjusted for all urban consumers on January 1 of each year based on the preceding year-end Seattle Consumer Price Index.~~

D. Fire Hydrants

1. All fire hydrants within the City of Blaine water service area shall be owned and maintained by the City. No connections shall be made to any fire hydrant except by an employee of the City for municipal purposes or by authorized fire districts for emergency purposes. The City Manager or Water/Wastewater Operations Manager or designee for that purpose may authorize deviations from this rule, when necessary for the health, safety and welfare of the City, or to meet emergencies.

2. It shall be the policy of the City to assess a fire hydrant charge to existing mains for all new connections. This charge will be used solely for installations of fire hydrant assemblies in accordance with city regulations. Any new connection, development and/or subdivision required to or having provided an approved, on-site hydrant system shall be exempt. ~~The charge shall be one cent per square foot of property connected, but shall not exceed Five Hundred Dollars (\$500.00).~~

3. Fire hydrant assessment charges for all new services outside city limits shall be one hundred fifty percent (150%) of the city hydrant assessment charges. ~~But shall not exceed Seven Hundred Fifty Dollars (\$750.00)~~

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: This Ordinance shall take effect and be in force from and after its passage by the City Council and approval by the Mayor, if approved, otherwise, as provided by law and five days after the date of posting for publication.

PASSED BY THE CITY COUNCIL OF BLAINE, WASHINGTON on the _____ day of May, 2006, and approved by the Mayor on the same day.

CITY OF BLAINE, WASHINGTON

By: _____
Mike Myers, Mayor

ATTEST:

APPROVED AS TO FORM:

Sheri Sanchez, City Clerk

Jon Sitkin, City Attorney