

01/11/21
01/25/21

ORDINANCE NO. M- 4327

AN ORDINANCE related to the sewer and surface water utility user charges, amending Vancouver Municipal Code Sections 14.04.190, 14.04.230 and 14.09.060; providing for a savings clause, and providing for an effective date.

WHEREAS, it is in the public interest to amend certain sections of Title 14 of the Vancouver Municipal Code (“VMC”) to reflect current billing policies and practices; update the customer emergency assistance maximum credit; correct outdated information about discharging septage; and clarify who qualifies for surface water rate reductions; and

WHEREAS, with proper notice to the public, the City Council conducted a first reading of the proposed ordinance on January 11, 2021, and a public hearing concerning the ordinance and proposed code changes on January 25, 2021.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

SECTION 1. Vancouver Municipal Code Section 14.04.190, as last amended by Ordinance M-4022, Section 12, is hereby amended to read as follows:

Section 14.04.190 Billing procedure and conditions.

A. *Billing Period.* Bills for metered water service shall be rendered according to the registration of the meter at regular intervals and shall be due and payable upon mailing. Bills shall clearly state when they will be considered delinquent; provided that no bill shall be considered delinquent until at least fifteen days after mailing.

B. *Reading Meters.* Residential meters shall be read as nearly as possible at regular

intervals, unless otherwise arranged by the department. There shall be no special vacation rate or reduction made on any water bill because of part-time or restricted use. If a meter is pulled and the account is closed at the customer's request or if the account has been inactive for more than five (5) years, upon installation of a new meter, all new meter installation fees shall apply.

C. *Billing When Meter Unread.* On metered service where the meter has not been read, the bill rendered shall be an average bill for the preceding year or applicable portion of year.

D. *Billing for Special Periods.* Opening and closing bills and bills for water service for periods less than the regular intervals shall be calculated on a pro rata basis.

E. *Bills for Special Services.* All bills for service charges, material and labor furnished, contributions to extensions and other authorized charges, shall be due and payable immediately upon presentation. If such bills are not paid, the department may refuse to furnish water service, and may shut off and discontinue service already being supplied until all bills are paid, and this without prejudice to its right to collect all amounts theretofore due.

F. *Separate Billing for Separate Meters.* When one customer is served by more than one meter on separate service lines, the meter minimum for each meter and the surcharge for water supplied may be calculated and billed separately.

G. *Responsibility for Joint Use.* When more than one consumer, whether a family, business, or other person, receives water through one meter on a single service line, in one building, and it is found impractical by the department to separate the water piping for each consumer, the customer shall be solely responsible and shall pay the total bill for such joint water service.

H. *Joint Consumer Responsibility.* All service to joint consumers shall be on the basis that if it becomes necessary to enforce these rules and regulations against any or all joint

consumers that the department shall have the right to shut off the entire supply to all the joint consumers. Separate meters shall be installed and separate bills rendered to each consumer if the customer separates the piping and installs individual supply pipes from the property line.

I. *Separate Billings Required.* When two or more houses, buildings or other premises occupied by separate consumers are supplied from a single service connection, the customer shall immediately, upon notice from the department, separate each customer's lines and connect up individually to meters at the property line, and if separate services are not established within a reasonable time thereafter, the department may shut off the water and refuse further service to all such consumers.

J. *Billing Before Lines are Separated.* Until the joint consumer lines are separated, computation of the total bill shall be made by multiplying the quantity in each bracket of the rate schedule by the number of consumers on one meter. The minimum charge shall be the regular minimum charge multiplied by the number of consumers served.

K. *Customer Emergency Assistance.*

1. *Eligibility.* Upon satisfactory proof, emergency assistance may be issued to each household for which:

a. A member of the household is billed by the city for water services;

b. The household has been verified by the city or the city's agent:

1. To have an annual income that, when combined with the annual income of all household members, meets the eligibility standards for the Low Income Energy Assistance Program (LIHEAP) authorized by the Low Income Home Energy Assistance Act of 1981, the Omnibus Budget Reconciliation Act of 1981, the Energy Policy Act of 2005, Public Law 109-58; and

2. To not receive subsidized housing assistance.

c. The household has received notice from the city that payment or payment arrangements must be made to prevent disconnection;

d. The household is served with city water service at a residential, single-family account.

2. *Emergency credit – Maximum.* Upon verification of eligibility, the household may receive an emergency credit of a maximum of ~~two~~ four hundred (~~\$200~~) dollars (\$400) of the delinquent bill for the service address; provided that the household may only receive such credit once in a twenty-four (24) calendar month period. The household emergency credit maximum may be adjusted not more than once per calendar year by the Director to address the impacts of future rate increases.

3. *Administrative rules and procedures.* Pursuant to VMC [14.04.020](#) and this section, the Director of Public Works jointly with the Director of Financial and Management Services shall promulgate administrative rules and procedures not inconsistent with this section to implement the customer emergency assistance program.

SECTION 2. Vancouver Municipal Code Section 14.04.230 as last amended by Ordinance M-4315, Section 2 is hereby amended to read as follows:

Section 14.04.230 Sanitary sewer service--User charges.

A. Monthly User Charges.

1. *Residential Customers.* Each residential customer shall pay a monthly user charge as follows:

Effective January 1, 2020

Customer Class	Inside City Limits	Outside City Limits
a. Single-Family Residential	\$58.04 per mo. or \$5.80 CCF	\$87.06 per mo. or \$8.71 per CCF
b. Multi-Family Residential	\$46.43 per mo. or \$5.80 per CCF	\$69.65 per mo. or \$8.71 per CCF
c. Non-Profit Shelter	\$1.57 per CCF	\$2.35 per CCF

Effective January 1, 2021

Customer Class	Inside City Limits	Outside City Limits
a. Single-Family Residential	\$59.78 \$47.84 per mo. or \$5.98 per CCF	\$89.67 \$71.76 per mo. or \$8.97 per CCF
b. Multi-Family Residential	\$47.83 \$47.84 per mo. or \$5.98 per CCF	\$71.74 \$71.76 per mo. or \$8.97 per CCF
c. Non-Profit Shelter	\$1.62 per CCF	\$2.42 per CCF

Effective January 1, 2022

Customer Class	Inside City Limits	Outside City Limits
a. Single-Family Residential	\$61.58 \$49.28 per mo. or \$6.16 per CCF	\$92.36 \$73.92 per mo. or \$9.24 per CCF
b. Multi-Family Residential	\$49.26 \$49.28 per mo. or \$6.16 per CCF	\$73.89 \$73.92 per mo. or \$9.24 per CCF
c. Non-Profit Shelter	\$1.66 per CCF	\$2.50 per CCF

2. Sewer charges for each single-family or multifamily residential customer shall be based upon that customer's average water usage, recorded when meters are normally read for billing purposes, within the previous January-March window, ~~either in the previous November/January billing period or in the previous December/February billing period~~

~~provided e~~Each customer, other than qualifying low-income seniors as defined in subsection (A)(2)(E) ~~2(e)~~ of this section, is subject to a minimum volume charge of 3 CCF per month.

A. Single-family or multi-family residential customers ~~who have "a complete two-month water consumption history" in either of the two billing periods specified above,~~ shall be charged an average 60 day consumption of the billing periods specified above at the applicable inside city or outside city rate per CCF for sewer as set forth in ~~section 1 above~~ subsection (A)(1) of this section. For new accounts in which the two month water consumption history has not been established, the Director may establish an interim rate ~~may be established by the Director of Public Works~~ in accordance with department policies. The Director ~~of Public Works~~ shall approve a written policy for the setting of this interim rate that will include, but not be limited to, how the interim rate is calculated.

B. The applicable inside city or outside city flat rate set forth in ~~section 1 above~~ subsection (A)(1) of this section shall be used as the monthly sewer billing rate for any customer for whom for any reason the provisions of this subsection cannot be used.

C. The Utilities Division shall develop written rules consistent with this subsection and this ordinance for the fair and efficient administration of such sewer rate.

D. For the purpose of applying the rates as set forth in subsection (A)(1)(c) above, the term "non-profit shelter" shall be defined to mean a facility operated by a non-profit organization that provides clients with on-site food, beds or shelter for free or at significantly below market rates.

E. For the purpose of applying the low income senior minimum sewer flow waiver as set forth in subsection (A)(2) above, applicants shall meet the following:

1. Applications shall be obtained from and filed with the ~~Public Works director,~~ ~~or his or her~~ Director or their designee. The application shall be on a form prescribed by the ~~Public Works director~~ Director, and shall contain the information necessary to evaluate the applicant's qualification for the low income senior minimum sewer flow waiver.

a. Submission of an application for a utility discount shall constitute a verification by the applicant that all information provided in such application is true and correct to the best of the applicant's knowledge.

b. Once approved by the department, the application shall become effective the next billing cycle after approval of the application.

c. Each application is effective for 12 months commencing the first month the reduced rate becomes effective for the applicant. It shall be the sole responsibility of the applicant to reapply for successive 12-month periods of eligibility.

d. The rate reduction shall only apply to utility charges for service to a residence. The residence for which the rate reduction is requested must be the applicant's principal place of residence.

e. The applicant must be the head of the household for the residence for which the rate reduction is requested.

f. The utility account must be in the applicant's name or the name of the applicant's spouse.

2. For purposes of this section, the term "low-income senior" shall be defined as follows:

a. Be 62 years of age or older at all times during any period for which a minimum sewer flow waiver is requested; and

b. Have been a sewer customer of the city at all times during any period for which a minimum sewer flow waiver is requested; and

c. Have an income during the calendar year or portion thereof for which a minimum sewer flow waiver is requested, from all sources whatsoever, either (1) not exceeding 200 percent of the Federal Poverty Guidelines for a household of any size as published by the Secretary of Housing and Urban Development or (2) not exceeding the income qualification for low-income seniors set forth in RCW 84.36.381(5)(a), whichever is greater.

3. *Commercial, Industrial, Electronics and Government Customers.* Each such customer shall pay a monthly user charge per hundred cubic feet (CCF) as follows; provided, each such customer is subject to a minimum user charge equal to the applicable inside or outside city flat monthly rate for one single-family service set forth in subsection (A)(1) of this section:

Effective January 1, 2020:

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$6.80 per CCF	\$10.20 per CCF
b. Government	\$4.16 per CCF	\$6.24 per CCF
c. Industrial	\$7.04 per CCF	\$10.56 per CCF
d. Electronics	\$5.18 per CCF ¹⁵	\$7.77 per CCF ¹⁶

Notes for Electronic Customer Class - Effective January 1, 2020 - December 31, 2020:

¹⁵ For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.14 per CCF.

¹⁶ For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.21 per CCF.

Effective January 1, 2021:

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$7.01 per CCF	\$10.51 per CCF
b. Government	\$4.28 per CCF	\$6.42 per CCF
c. Industrial	\$7.25 per CCF	\$10.87 per CCF
d. Electronics	\$5.33 per CCF ¹⁷	\$8.00 per CCF ¹⁸

Notes for Electronic Customer Class - Effective January 1, 2021 - December 31, 2021:

¹⁷ For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.27 per CCF.

¹⁸ For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.40 per CCF.

Effective January 1, 2022:

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$7.22 per CCF	\$10.82 per CCF
b. Government	\$4.41 per CCF	\$6.62 per CCF
c. Industrial	\$7.47 per CCF	\$11.20 per CCF
d. Electronics	\$5.49 per CCF ¹⁹	\$8.24 per CCF ²⁰

Notes for Electronic Customer Class - Effective January 1, 2022 - December 31, 2022:

¹⁹ For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.39 per CCF.

²⁰ For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.59 per CCF.

4. The rate for discharging septage at the City's Publicly Owned Treatment Works (POTW) as provided for in ~~VMC~~Chapter 5.72 VMC effective January 1, ~~2013~~2021, shall be \$155.00 for each one thousand (1,000) gallons, or fraction thereof discharged in to the POTW. ~~If required, there shall also be added to such charge a tipping fee as determined by the Clark County Public Health District to support the Department's Septic System Preventive Maintenance Program.~~ The rate for discharging septage at the city's POTW may be adjusted not more than once per calendar year by the Director to address the unique operational and capital needs associated with providing this service.

5. ~~INDUSTRIAL CUSTOMER~~Industrial customer is defined as an industrial user of the

public sewer system who:

a. Has a discharge flow of ten thousand gallons or processed wastewater or more per average work day; or

b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) in excess of two hundred milligrams per liter per average work day; or

c. Is found by the city, State Department of Ecology or U.S. Environmental Protection Agency to have potential for a significant impact on the wastewater treatment system.

6. ~~ELECTRONICS USER~~ “Electronics user” is defined as an industrial user of the public sewer system who:

a. Has a discharge flow of five hundred thousand gallons or more per average work day; and

b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) less than two hundred milligrams per liter per average work day.

B. *Liquids Not Originating From City Water System.* Any person discharging into the city sanitary sewerage system sewage which has in it liquids which did not originate from the city

water system shall meter or measure by some method approved by the Director of ~~Public Works~~ all water used in the premises, whether the water is obtained from the municipal water supply system or from wells, private water systems or other sources.

C. *Used Water Not Flowing Into Sewer System.* Where the user of water is such that a portion of all of the water used does not flow into a city sewer but is lost by evaporation or is used in manufacture or processes such as ice, beverages, foods or the like and the person in control provides proof of this fact and installs a meter or other measuring device approved by the Director of ~~Public Works~~ to measure the amount of water so used or lost, no charge shall be made for sewerage because of water so used or lost.

D. *Computation of Utility Rates.* For the purpose of computing water and sewer bills, all residences, regardless of number of units, shall be deemed residential, and each unit therein shall be deemed a residence. All other uses shall be deemed commercial, industrial or government.

SECTION 3. Vancouver Municipal Code Section 14.09.060, as last amended by Ordinance M-4315, Section 3, is hereby amended to read as follows:

Section 14.09.060 Rates for storm and surface water management.

A. Because all real property in the city contributes stormwater runoff to and/or benefits from the city's stormwater system, the owners thereof shall pay monthly charges as set forth in this section. Monthly charges will have two components as follows:

1. *Operation and Maintenance.* To provide for administrative and field operations,

billing, accounting, and for the maintenance, repair and upgrade of existing stormwater facilities.

2. *Capital Expenditures.* To provide for basin-wide and system master planning and subsequent capital improvement projects as identified in the stormwater capital plan.

B. The water and sewer utility is authorized to establish charges for the use and discharge to the city's stormwater system. Such charges shall be based on the cost of providing stormwater service to all properties within the city and may be different for properties receiving different classes of service. Monthly charges shall be established as follows:

Effective January 1, 2020

Single Family	Multi-Family	Commercial	Industrial
\$11.80 per month	\$11.80 per 2,500 sq. ft. hard surface per month (\$11.80 minimum)	\$11.80 per 2,500 sq. ft. hard surface per month (\$11.80 minimum)	\$11.80 per 2,500 sq. ft. hard surface per month (\$11.80 minimum)

Effective January 1, 2021

Single Family	Multi-Family	Commercial	Industrial
\$12.39 per month	\$12.39 per 2,500 sq. ft. hard surface per month (\$12.39 minimum)	\$12.39 per 2,500 sq. ft. hard surface per month (\$12.39 minimum)	\$12.39 per 2,500 sq. ft. hard surface per month (\$12.39 minimum)

Effective January 1, 2022

Single Family	Multi-Family	Commercial	Industrial
\$13.01 month	\$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum)	\$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum)	\$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum)

C. "Multi-family customer" class shall apply to customers with living units that share a common wall.

1. Multi-family customers with two or more living units per meter will be charged the effective rate per 2,500 square feet of impervious surface.

2. Multi-family customers with one water meter per living unit will be charged the prevailing "Single-family customer rate" per unit. "Single-family customer rate" shall apply to mobile homes either on individual lots or in a mobile home park.

D. *State Highway Charge.* Pursuant to RCW 90.03.525, the monthly charge for all state highway properties within the city shall be 30 percent of the charge provided in paragraph B above, unless the city and state agree to a different rate or unless the court of competent jurisdiction holds otherwise.

E. *Application to Publicly Owned Properties.* Other publicly owned properties shall be charged at the industrial rate as set forth herein.

F. *Application to Active Gravel Mining Operations and Publicly Owned Streets, Alleys*

and Rights-of-Way. Active gravel mining operations, publicly owned streets, alleys and rights of way shall be charged at the State Highway Charge rate provided in paragraph D as set forth herein.

G. *Application to Certain Qualifying Properties.* For qualifying properties meeting all of the following criteria, the monthly charge shall be 30 percent of the charge provided in paragraph B above:

1. The qualifying property is subject to a stormwater management program regulated by and in compliance with the requirements for a Phase 1, Phase 2, or Secondary Permittee as defined by Special Condition S6 of the NPDES Western Washington Phase II Municipal Stormwater Permit, and as hereafter amended; and

2. The qualifying property does not discharge stormwater into the City of Vancouver surface water drainage system; and

3. If infiltrating on-site, water quality treatment shall meet current City of Vancouver and Department of Ecology standards and requirements for the land use.

Section 4. Savings. Those sections of any ordinances amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 5. Effective date. This ordinance shall become effective January 1, 2021.

Read First Time: January 11, 2021

Ayes: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnery-Ogle

Nays: None

Absent: None

Read Second Time: January 25, 2021


PASSED BY THE FOLLOWING VOTE: 7-0


Ayes: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnery-Ogle

Nays: None

Absent: None

SIGNED this 25th day of January, 2021

DocuSigned by:

58CB15C8632F403...
Anne McEnery-Ogle, Mayor

Attest:
DocuSigned by:

BGF6734E40E94AE...
Natasha Ramras, City Clerk

Approved as to form:

DocuSigned by:

9A7DC2E31E694AZ...
Jonathon Young, City Attorney

SUMMARY
ORDINANCE NO. M-4327

AN ORDINANCE relating to sewer and surface water use and Title 14 of the Vancouver Municipal Code; amending Vancouver Municipal Code sections 14.04.190, 14.04.230 and 14.09.060; providing for savings; and establishing an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).