

**ORDINANCE NO. 550**

**AN ORDINANCE OF THE TOWN OF SOUTH PRAIRIE, PIERCE COUNTY,  
WASHINGTON, AMENDING ORDINANCE NO. 542 RELATED TO UTILITY  
CONNECTIONS, REGULATIONS, RATES, AND CHARGES**

WHEREAS, the Town Council wishes to replace the current penalty for delinquent amounts on water, sewer, and garbage bills with a flat \$15 penalty;

NOW, THEREFORE, the Town Council of the Town of South Prairie does hereby ordain as follows:

**Section 1** Ordinance No. 542 is hereby amended to read as follows:

**Title 9 – Utility connections, rates, and charges**

**9.01 –Utility bills**

**9.01.010 – Due dates, late payments, liens and general provisions**

A. All bills for water, sewer, and garbage are due and payable on the 10<sup>th</sup> day of each month for the previous month. Billings will be sent out by the Town on or before the 15<sup>th</sup> of each month, and if not paid in full on or before the 10<sup>th</sup> day of the following month, a penalty of ~~\$15 5% of the delinquent amount~~ shall be added.

B. Money remitted for utility bills shall be paid to garbage first, sewer second, and water last. Thirty (30) days after due, the water service to the premises may be shut off if the bill, penalties, and any charges remain unpaid. The water shall not be turned on until all charges and a reactivation fee have been paid in full.

C. The Town Clerk/Treasurer shall have full authority to develop internal systems and rules for collecting utility billings, and to collect fees for NSF checks and to offset the costs of setting up and transferring accounts.

D. Tampering with system prohibited – penalty. It shall be unlawful for any person to intentionally break, deface, or damage any utility meter, gate, pipe, or other utility works, appliance, or fixture, or in any other manner interfere with the proper operation of any part of the utility system of the Town. Should the utility be turned on for the premises by anyone except authorized Town employees after it has been turned off for non-payment, the meter will be pulled and shall not be turned on again except on the payment of amount owed plus penalties established and amended from time to time by resolution of the Town Council. An unauthorized “Turn-on” penalty of \$100, or fee established in the current Fee Resolution, shall be imposed for any person that turns on the Town utility without the permission of the Town.

E. The Town shall have authority to record, enforce, collect upon, and foreclose liens against the property for unpaid utility bills as authorized by state law.

F. Separate Water and Sewer Funds

1. A Water Fund is established and accounts for the operation of a Water Utility supplying water to customers of the Town.
2. A Sewer Fund is established and accounts for the operation of a Sewer Utility supplying sewage collection, disposal and treatment to customers of the Town.

G. Costs of Relocating Existing Service

The Town shall charge the actual time and material costs for the relocation of existing service of any Town utility at the owner's request. The estimated cost is payable in advance and will be adjusted upon completion.

H. Turn On or Turn Off Order

To have the water service turned on or off at the owner's request, the owner or authorized agent must submit a written request to the Town.

I. Meter Testing

1. Where a customer questions the accuracy of the record of a utility meter, the customer may request that the Town remove the meter for testing at Town expense. If a test discloses that the meter is registering higher consumption than actual by a factor of more than 3%, the excess consumption of the three previous readings shall be credited to the customer's meter account.
2. If the customer has requested more than one meter test in a 12 month period, the customer shall pay a deposit to the Town to cover the expense of the test. If a test discloses that the meter is registering higher consumption than actual by a factor of more than 3%, the excess consumption of the three previous readings shall be credited to the customer's meter account and the Town will refund the deposit, if one was paid. If no error is found, the customer shall forfeit the deposit to the Town.

**9.02 – Water service**

**9.02.010 Rates and charges for water**

A. The rates and charges for water shall be based upon a system determined by the size of the pipe and the meter and a volume charge. The rates shall be split into a base rate and a consumption charge.

B. The base rate shall continue to accrue during periods of non-use, including periods of time a customer is shut off for non-payment or no one is living at the premises.

C. The following monthly water rates shall apply during the years indicated or as established in the most current Fee Resolution.

**Water Base Rates**

Meter size	2013	2014	2015	2016	2017
Residential 5/8"	37.50	<del>41.25</del> 39.38	<del>45.37</del> 41.35	<del>49.91</del> 43.42	<del>54.90</del> 45.59
Commercial 5/8"	41.35	<del>45.48</del> 43.42	<del>50.03</del> 45.59	<del>55.03</del> 47.87	<del>60.53</del> 50.26
3/4"	58.46	<del>64.31</del> 61.38	<del>70.74</del> 64.45	<del>77.81</del> 67.67	<del>85.59</del> 71.05
1"	92.68	<del>101.95</del> 97.31	<del>112.14</del> 102.18	<del>123.35</del> 107.29	<del>135.69</del> 112.65
1.5"	178.27	<del>196.10</del> 187.18	<del>215.71</del> 196.54	<del>237.28</del> 206.37	<del>261.00</del> 216.69
2"	280.96	<del>309.06</del> 295.01	<del>339.96</del> 309.76	<del>373.96</del> 325.25	<del>411.35</del> 341.51
3"	554.79	<del>610.27</del> 582.53	<del>671.30</del> 611.66	<del>738.43</del> 642.24	<del>812.27</del> 674.35
4"	862.87	<del>949.15</del> 906.01	<del>1,044.07</del> 951.31	<del>1,148.48</del> 998.88	<del>1,263.32</del> 1,048.82
6"	1,718.60	<del>1,890.46</del> 1,804.53	<del>2,079.51</del> 1,894.76	<del>2,287.46</del> 1,989.50	<del>2,516.21</del> 2,088.98
8"	2,745.51	<del>3,020.06</del> 2,882.79	<del>3,322.07</del> 3,026.93	<del>3,654.27</del> 3,178.28	<del>4,019.70</del> 3,337.19

**Water Consumption Charges**

	2013	2014	2015	2016	2017
Tier 1	3.15	<del>3.46</del> 3.31	<del>3.81</del> 3.48	<del>4.19</del> 3.65	<del>4.61</del> 3.83
Tier 2	3.54	<del>3.90</del> 3.72	<del>4.29</del> 3.91	<del>4.72</del> 4.11	<del>5.19</del> 4.32
Tier 3	3.95	<del>4.35</del> 4.15	<del>4.78</del> 4.36	<del>5.26</del> 4.58	<del>5.79</del> 4.81

**Water Consumption Tier Ranges**

	<u>5/8-inch</u>	<u>3/4-inch</u>	<u>1-inch</u>	<u>1.5-inch</u>	<u>2-inch</u>	<u>3-inch</u>	<u>4-inch</u>	<u>6-inch</u>	<u>8-inch</u>
<b>Tier 1</b>	< 10 ccf	< 15 ccf	< 25 ccf	< 50 ccf	< 80 ccf	< 160 ccf	< 250 ccf	< 500 ccf	< 800 ccf
<b>Tier 2</b>	10-20 ccf	15-30 ccf	25-50 ccf	50-100 ccf	80-160 ccf	160-320 ccf	250-500 ccf	500-1000 ccf	800-1600 ccf
<b>Tier 3</b>	> 20 ccf	> 30 ccf	> 50 ccf	> 100 ccf	> 160 ccf	> 320 ccf	> 500 ccf	> 1000 ccf	> 1600 ccf

D. For purposes of rate determination, “residential” shall be defined as one structure on one tax lot, such as a single family residence, mobile or manufactured home, recreation vehicle and/or apartment unit. Commercial shall be anything other than the above. Customers living outside the Town limits shall be charged a 20% surcharge, which is added to the base rate and consumption charge.

E. Tier ranges shall be determined according to water consumption during billing period.

**9.02.020 – Water connections and general facilities charges**

A. It is unlawful for any person to make any opening or connect to the water system without complying with all the provisions of this Chapter and obtaining a permit from the Town to make such connection or opening. Failure to obtain a permit shall subject the violator to a stop work order, violation of which shall constitute a misdemeanor. The Town may also abate any unauthorized connections as nuisances. State law provisions on defrauding a public utility, currently contained in Chapter 9A.61 RCW, are hereby incorporated by reference.

B. All connections to the water system shall be made by a licensed contractor in accordance with the Town’s standards, including all adopted standards for cross-connection control and backflow prevention set forth in State law, Town ordinances, and Department of Health regulations.

C. The General Facilities Charge shall be imposed on all parties seeking to connect to the water system as follows:

1. The charge per equivalent residential unit shall be \$3,505 or as established in the most current Fee Resolution.
2. The General Facilities Charge shall be adjusted as needed during the budget process to capture capital costs from the 6-year Capital Improvement Plan (CIP).

3. A \$300.00 additional charge, or as established in the most current Fee Resolution, shall be assessed for installing water meter in the meter setter and inspections. This does not include any dirt work.
4. The charges imposed shall be in addition to any charges due under an approved latecomer or cost recovery contract.

D. If any street, alley or right-of-way is disturbed in making a connection to the Town water system, the street, alley, roadway or right-of-way shall be restored to its original condition prior to the commencement of service. The Town Utility Department or designee shall be the sole authority to determine if there has been compliance with this section.

**9.03 – Sewer service**

**9.03.010 Rates and charges for sewer**

A. The following monthly sewer rates shall be charged in the years indicated; or as established in the most current Fee Resolution.

**Residential Sewer Rate**

	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Residential Sewer Rate</b>	64.13	<del>70.54</del> 67.34	<del>77.59</del> 70.71	<del>85.35</del> 74.25	<del>93.89</del> 77.96

**Commercial Sewer Rate – Non-Food Service or Non-Water Intensive Business**

<b>Water consumption in previous month</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Less than 12 ccf	96.19	<del>105.81</del> 101	<del>116.39</del> 106.05	<del>128.03</del> 111.35	<del>140.83</del> 116.92
12-16 ccf	160.32	<del>176.35</del> 168.34	<del>193.99</del> 176.76	<del>213.38</del> 185.60	<del>234.72</del> 194.88
16-20 ccf	224.48	<del>246.92</del> 235.70	<del>271.62</del> 247.49	<del>298.78</del> 259.86	<del>328.66</del> 272.85
20-24 ccf	288.60	<del>317.46</del> 303.03	<del>349.21</del> 318.18	<del>384.13</del> 334.09	<del>422.54</del> 350.79

**Commercial Sewer Rate – Food Service or Water Intensive Business**

<b>Water consumption in previous month</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Less than 12 ccf	160.32	<del>176.35</del> 168.34	<del>193.99</del> 176.76	<del>213.38</del> 185.60	<del>234.72</del> 194.88
12-16 ccf	224.48	<del>246.92</del> 235.70	<del>271.62</del> 247.49	<del>298.78</del> 259.86	<del>328.66</del> 272.85
16-20 ccf	288.60	<del>317.46</del> 303.03	<del>349.21</del> 318.18	<del>384.13</del> 334.09	<del>422.54</del> 350.79
20-24 ccf	352.73	<del>388.00</del> 370.37	<del>426.80</del> 388.89	<del>469.48</del> 408.33	<del>516.43</del> 428.75
24-28 ccf	416.86	<del>458.54</del> 437.70	<del>504.40</del> 459.59	<del>554.84</del> 482.57	<del>610.32</del> 506.70
28-32 ccf	481.00	<del>529.10</del> 505.05	<del>582.01</del> 530.30	<del>640.21</del> 556.82	<del>704.23</del> 584.66
32-36 ccf	545.13	<del>599.64</del> 572.39	<del>659.61</del> 601.01	<del>725.57</del> 631.06	<del>798.12</del> 662.61

**RV Park Rate**

RV Park (*)	3078.3 9	<del>3386.23</del> 3,232.31	<del>3724.85</del> 3,393.93	<del>4097.33</del> 3,563.63	<del>4507.07</del> 3,741.81
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(\*) This is based on the current wastewater flow calculated at 48 ERU’s. It may be subject to change if the flow rates change.

**9.03.020 – Sewer general facilities charges**

1. The charge per equivalent residential unit shall be \$2,055; or as established in the most current Fee Resolution.
2. The General Facilities Charge shall be adjusted as needed during the budget process to capture capital costs from the 6-year Capital Improvement Plan (CIP).
3. A \$300.00 additional charge, or as established in the most current Fee Resolution, shall be assessed for side sewer installation inspection.
4. The charges imposed by this subsection shall be in addition to any charges due under an approved latecomer or cost recovery contract.
5. The Town Engineer shall determine and periodically review the number of ERUs attributable to each type of use within the Town on new and existing businesses.

### **9.03.030 – Sewer connections – when required**

1. Until such time as the Town has capacity in its sewer system, all property owners must maintain an onsite system approved by the Tacoma Pierce County Health Department (TPCHD); and the tank must meet the septic tank effluent pumping (STEP) system requirements and the Utility Operator must inspect and approve the installation of the tank. Properties within the Town that are utilizing a septic system or holding tank must connect to the Town's sewer system at such time as capacity in the Town sewer system becomes available. Upon connection to the Town's sewer system, all private septic tanks and sewer disposal systems shall be pumped and filled.
2. The construction materials utilized in the sewer system including that part under the ownership of the property owner shall be equal to or better quality than the material used in the construction of the sewer system and as updated by the State Building Codes.
3. Upon completion of the hookup to the Town sewer system, all materials from the septic tank, including the septic tank, shall be the property of the Town sewer system. The Town sewer system shall be responsible for STEP tank pumping.

### **9.03.040 – Permit required**

It is unlawful for any person to make any opening in the sewer, or connect any private sewer or drain thereto without complying with all the provisions of this Chapter and obtaining a permit from the Town to make such connection or opening. Failure to obtain a permit shall subject the violator to a stop work order, violation of which shall constitute a misdemeanor. The Town may also abate any unauthorized connections as nuisances. State law provisions on defrauding a public utility, currently contained in Chapter 9A.61 RCW, are hereby incorporated by reference. State law provisions on defrauding a public utility, currently contained in Chapter 9A.61 RCW, are hereby incorporated by reference.

### **9.03.050 – Connection inspections**

All connections must be made by a licensed contractor and conform to the Town's standards. No trench shall be refilled until the sewer connection has been inspected and approved by the Town. The Town inspector or authorized representative shall have the right to enter upon any land, buildings, or premises to inspect connections to the Town sewer system.

### **9.03.060 – Discharge restrictions**

No person, firm, or business shall discharge or cause to be discharged any storm water, surface water, or ground water, including roof run off and foundation drainage, to any sanitary sewer. No person, firm, or business shall discharge or cause to be discharged any pollutants, including but not limited to pollutants that could cause a fire or explosion hazard, corrosive structural damage to the sewer facilities, obstruction in the flow of the sewer, or the presence of toxic vapors, gases, or fumes; petroleum, non-biodegradable cutting oil; heat in amounts that could inhibit biological activity in the sewers; or any trucked or hauled pollutants, except at discharge points designated by

a permit holder. Violation of this provision shall constitute a gross misdemeanor, punishable by up to one year in jail and a \$5,000 fine.

### **9.03.070 – Compliance inspections**

The Town Utility Operator or authorized representative shall have the right to enter upon any land, buildings, or premises to disconnect sources of storm water, groundwater, or surface water from the sanitary sewer, at all reasonable times to ascertain whether the provisions of this Chapter are being complied with and to inspect the STEP system as needed. If requested by the Town, Utility Operator or authorized representative, a property owner shall install a suitable control manhole or inspection access at a location requested by the Town for the purposes of observing, sampling, or measuring waste. The Town Utility Operator or authorized representative shall notify the property owner or occupant of any violations of this Chapter, and advise the owner or occupant of the duty to comply within fifteen (15) days of receiving notice.

### **9.03.080 – Invasive vegetation prohibited**

It shall be unlawful to plant any vegetation in any location where the roots of such vegetation are likely to obstruct the sewer system at any time during the life of the vegetation. Such vegetation includes, but is not limited to: poplar, cottonwood, soft maple, and willow. The Town shall be authorized to remove any vegetation which may obstruct the Town's sewer system after first giving the property owner reasonable notice and an opportunity to remove the vegetation him or herself. The Town shall also be authorized to abate vegetation as a nuisance.

### **9.03.090 – Access to septic tanks required to be maintained**

A. It is the intent of this Ordinance to (1) require property owners to keep accesses to their STEP, STEF, and STEG tanks clear so that authorized representatives of the Town may access the tanks at any time; and (2) to authorized Town representatives to move objects out of the way of access, and bill property owners for the cost of moving such objects. To achieve this goal:

1. No person shall make a control/alarm box for a septic tank inaccessible by locking it behind a door, fence, or gate, so that Town representatives cannot readily access the control/alarm box.
2. No person shall park a vehicle or trailer over the top of a septic tank access lid, or build a structure over the top of same.
3. Property owners shall trim and maintain vegetation so that it does not obstruct access to the septic tank or control box.
4. If any person's electrical service shall be disconnected, resulting in the discontinuance of electricity to the septic tank pump, that person shall immediately contact the Town Hall to advise the Town that electricity has been disconnected. The Town shall then disconnect water service if necessary to prevent sewage from spilling on the ground.

5. Property owners shall be financially responsible for any damage to STEP, STEF, or STEG tanks, lids, and appurtenances. In addition, the Town may bill property owners for the cost of removing objects that obstruct access to septic tanks.

## **9.04 – Latecomer agreements**

### **9.04.010 – Authorized**

Pursuant to Chapter 35.91 RCW, the Town is authorized to enter into Agreements with the owner of real property, for a period not to exceed twenty (20) years, to reimburse the owner of real property by requiring benefited adjacent property owners to reimburse a pro rata share of the original costs of facilities when they subsequently connect to or use the facilities. Facilities subject to such agreements are storm, sanitary, or combination sewers; pumping stations and disposal plants; water mains; hydrants; reservoirs and appurtenances; design, grading, paving, installation of curbs, gutters, storm drainage, sidewalks, street lighting, traffic controls or other similar improvements. Agreements must be requested at the time the utility extension agreement is executed, and executed within thirty (30) days of completion of construction of the improvement. The Agreement shall be binding upon the parties' heirs, successors, and assigns. The Town Clerk shall record the Agreement with the Pierce County Auditor within thirty (30) days of execution of the Agreement.

### **9.04.020 – Administrative fees**

The Town shall deduct from each latecomer reimbursement 15%, or as established in the current Fee Resolution, of all funds received for administrative costs. The amount received for General Facilities charges shall not be part of the Latecomers' Agreement and shall be paid directly to the Town.

### **9.04.030 – Assessments**

The procedure for assessment against property owners shall be as set forth in Chapter 35.72 RCW for street improvements and Chapter 35.91 RCW for water and sewer improvements.

**Section 2** 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 3** This Ordinance shall take effect and be in force upon passage, approval, and publication as required by law.

**PASSED IN REGULAR AND OPEN SESSION this 12th day of May 2015**