ORDINANCE #902

An Ordinance Repealing Ordinance No. 105, 121, 599, 604, 705, 724, 725, 756, 802, and 894 and amending Chapters 13.04 (Utilities Generally), 13.08 (Electricity) and 13.20 (Interference with Utility Systems or Public Services) of the Chewelah Municipal Code EFFECTIVE January 1, 2017.

WHEREAS, the city staff and the Code Committee have reviewed and recommended revision to the City Code.

NOW, THEREFORE, the City Council of the City of Chewelah ordains as follows:

SECTION 1: Chapter 13.04 of the Chewelah Municipal Code is hereby amended. (Deletions are denoted by strikeout; Additions are denoted by underline; remaining text is unchanged.) Amended Chapter 13.04 reads as follows:

Chapter 13.04 - UTILITIES GENERALLY

13.04.030 - Utility deposits and billing—Generally.

The following procedures, requirements and related charges shall apply to all utility customers of the city.

A. Any residential nonowner/tenant desiring electric, water or sewer services from the city shall first be required to tender a deposit to the city. The deposits shall not earn interest and shall not be refunded until the final bill is paid. The deposit shall be in an amount equal to the utility charge for two months of the previous twelve months average for the occupied premises, with the following minimums:
   1. Residential nonowners, a minimum of one hundred dollars;
   2. Commercial:
      a. Tenant occupied office or building, a minimum of two hundred dollars;
      b. Restaurants and grocery stores, a minimum of one thousand dollars.

   If residential or commercial owners have their service terminated under the provisions of 13.04.030(C) they shall submit a deposit prior to being reconnected. This deposit shall be refunded at the request of the owner after a period of two consecutive years without a delinquent payment.

B. The deposit may be made in installments as follows provided that payments of both the installments and billing for services are made on time:
   1. Fifty percent of the amount of the deposit at the time the request for hook-up is made.
   2. Twenty-five percent of the amount of the deposit at the end of the first service month.
   3. Remainder of the deposit at the end of the second service month.

C. Utility bills are due on the fifteenth day of each month and ~~overdue~~ delinquent on the sixteenth. A late charge of ~~five~~ twenty five dollars shall be added to any bill not paid in full by the ~~twentieth~~ end of working hours on the 15th. Failure of customer to receive a billing mailed by the city does not prevent assessment of a late penalty. Utility services are subject to termination on the twenty-fifth day of the month if all charges are not paid in full.

D. A customer may use a budget payment plan for city utility service. The budget plan shall be administered on an annual basis, shall allow equal monthly payments, with the annual budget period beginning each April. The monthly payment in effect for the twelve-month period beginning each April shall equal the average monthly payment for the preceding twelve-month period, plus a sum sufficient to pay any rate increases that went into effect after January 1st of the current calendar year. An account which becomes delinquent with regard to a budget plan payment or misses a monthly payment will no longer qualify for the budget payment plan. An account is considered delinquent if not paid in full at the end of an annual budget period.

E. There shall be a charge of ten dollars for any service calls ~~for ons, reads and~~ or any other changes in service made during normal utility department business hours ~~7:30 a.m. through 5:00 p.m~~. There shall be a charge of one hundred fifty dollars for services requested to be performed after normal utility department working hours, on weekends, and holidays.
   1) If service is disconnected due to nonpayment, a reconnect fee of ~~fifteen~~ twenty five dollars will be assessed to reconnect services provided this service is requested to be performed during normal utility department working hours. If power is reconnected at any location other than the meter, ~~the~~ an additional fee ~~will be~~ of seventy-five dollars will be imposed. The full amount of utility charges in arrears and all assessments shall be paid before service is restored to the premises.
   2) If service is disconnected due to nonpayment, a reconnect fee of one hundred fifty dollars will be assessed to reconnect services when this service is requested to be performed after normal utility department working hours, on weekends, and holidays. If power is reconnected at any location other than the meter,

~~the~~ an additional fee ~~will be one hundred thirty~~ of seventy five dollars will be imposed. The full amount of utility charges in arrears and all assessments shall be paid before service is restored to the premises.

3) Any electric service which has been disconnected may be subject to a City of Chewelah inspection and/or and L&I electric inspection.

F. All utility bills shall be sent by the city to the legal owner of the subject premises. The city shall send utility bills to the tenant or occupant of premises only if the legal owner consents to the same in writing ~~on a form approved by the city clerk/treasurer~~ and pays a fee of ten dollars to the city.

G. In the event a legal owner elects to have utility billings sent directly to a tenant or occupant, the city shall mail written notice of any utility bill delinquency to the legal owner of the premises.

H. When utility services are terminated at the request of an owner or tenant, the deposit will be applied against the final bill. Any amount due to the tenant or any amount owed the city shall be paid not later than ten days following the final billing.

13.04.040 - Utility procedures and requirements—New and Existing Services ~~customers~~.

The following procedures, requirements and related charges shall apply to all new utility customers of the city. The word "utility" includes storm drain, electric, water, sewer and associated street development.

A. All charges for utility service(s) shall be paid in full by the person making such application prior to any installation by the city. These charges are in addition to any fees required by law.

B. Upon receiving a request for utility service, the appropriate city department head shall perform an on-site inspection to determine the placement of city utilities. The customer shall provide a site plan for utility department review; meter location shall be approved prior to a building permit being issued. Inspection and determinations shall be made for the following and these shall be both completed by the customer before connection to city services:

1. Storm Drainage.
   a. If a culvert is needed at the property's connection to the street, the size, length and depth of bury, and slope will be determined by the city.
   b. If a storm pot is needed, the size and type of storm pot, including connecting drainage pipe will be approved prior to installation.
   c. The customer shall be responsible for design, materials, and installation of all drainage-related items according to city specifications.
2. Water.
   a. The hook-up fees for water service to single family residences shall be three hundred dollars, plus labor, equipment and materials reasonably necessary to bring the water line from the main to the applicant's property line. In all other cases, the hook-up fee shall be three hundred dollars, together with an additional one hundred dollar charge per unit in the case multi-family dwellings provided, however, assisted living facilities shall pay a hook up fee of three hundred dollars for each equivalent residential unit therein. An equivalent residential unit (ERU) in an assisted living facility is the total number of private residential units divided by 2.3.
   b. For water line extensions the applicant shall be responsible for all related expenses. If the extension involves distribution lines, or is within city right-of-way, a licensed, bonded and certified contractor shall perform such work at the applicant's expense. All work is subject to periodic inspections and final approval by the city. After city approval, all extensions outside the applicant's property shall become the property of the city and shall be maintained by the city.
3. Sewer.
   a. The hook-up fee for single-family residences will be one thousand six hundred dollars, plus the cost of labor, equipment and materials reasonably necessary to bring the sewer line from the main to the applicant's property line. For non-single-family residences, the hook-up fee shall be three thousand two hundred dollars for duplexes, and another one thousand six hundred dollars for each additional hook-up, in the case of multi-family dwellings. Provided, however, the hook-up fee for an assisted living facility shall be one thousand six hundred dollars for each equivalent residential unit situated therein. An equivalent residential unit (ERU) in an assisted living facility is the total number of private residential units divided by 2.3.
   b. All labor, equipment and materials for sewer extensions shall be subject to the same conditions and restrictions as in the case of water line extensions.
4. Electric. The following basic costs are established for electric service to new premises or changes to existing services and shall be paid in full before the city provides such electric service:
   a. For primary line extensions, the applicant shall be responsible for the following costs:
      i. Overhead: Labor, equipment and materials; all work, equipment and materials shall be provided by the city.
      ii. Underground: Labor, equipment and materials; all work, equipment and materials shall be provided by the city unless approved by the city electric department. All trenching and backfill shall be the applicant's responsibility. All work shall be to city specifications. A

licensed, bonded and certified contractor shall perform all trenching and backfill on city right-of-way.

b. ~~Service line extensions~~ Secondary services shall be charged at the following rates:
   i. Overhead: ~~Two dollars and fifty cents per linear foot~~ All costs for labor, equipment and materials.
   ii. Underground: ~~Three dollars and seventy-five cents per linear foot~~ All costs for labor, equipment and materials. The party requesting underground service shall be responsible for all trenching from the ~~property line~~ power source to the meter location. A licensed, bonded and certified contractor shall perform all trenching and backfill on city right-of-way. The builder shall verify meter location with the city prior to construction.
   iii. Installation and removal of a temporary electric service: All costs for labor, equipment and materials. A minimum of one hour will be charged for labor and equipment. If the labor, equipment and materials used for the temporary service are to be used for a permanent service, those labor, equipment and material costs will be part of the overall service charge. Temporary meter bases shall be provided by the customer. Temporary service shall be installed for a period not to exceed one year, unless approved by the City.

c. Transformer connection charge:
   i. Five hundred dollars for homes built with other than electric heat;
   ii. One thousand dollars for homes built with electric heat as the primary heat source;
   iii. Five hundred dollars per unit for multifamily structures with electric heat, and two hundred dollars per unit for multifamily structures with other than electric heat;
   iv. For other than residential use, the builder shall provide a total calculated load to the city and shall be charged according to labor, equipment and materials.

d. If any exceptional services are incurred, other than those described, they will be charged to the requesting party at actual cost of labor, equipment and those materials as are reasonably necessary to complete the service. These exceptional services include, but are not limited to the following:
   i. Trenching costs;
   ii. Boring or jacking;
   iii. Pavement removal or replacement;
   iv. Tree or brush removal;
   v. Facilities to provide three-phase service;
   vi. Pole replacement or relocation;
   vii. Transformer installation or change out;
   ~~viii. Temporary service~~;
   viii. Junction boxes, primary and secondary;
   ix. Job planning and design in excess of two hours' staff time.
   x. Whenever it becomes necessary for wires, poles or other Electric Department equipment to be removed, cut or taken down, when the same is not done in the normal operation of the Electric Department.

e. Charges to existing service: Any changes, alterations or increase in capacity of an existing service, overhead or underground, made at the request of the customer or agent will be charged labor, equipment and material costs. If a larger transformer is needed, the cost difference of the larger transformer will be charged.

f. The customer is responsible for keeping trees and bushes away from overhead service conductor from the pole to the building. The Electric Department will disconnect the service to make it safe for the customer to remove the trees. There will be no charge to the customer to disconnect the service.

5. Street Development. For dedicated streets in areas platted at the time of passage of this ordinance, the city shall be responsible to develop the street when it becomes necessary for access to a business or a residence. For a new street dedication in an unplatted area, the developer shall bear all costs, including but not limited to engineering, construction and drainage, all of which shall be to city specifications.
6. Cooperative Development. In areas involving infrastructure where a measurable economic benefit (e.g. jobs created) will result, the city may participate in the infrastructure cost if grant funds and/or no-interest loans are available. This is subject to negotiation with the developer prior to construction if written request is made to the city by the developer.
7. Miscellaneous Provisions. No digging or trenching shall be performed by the city after December 1st and before April 1st of each year unless approved by the mayor or his or her designee.

13.04.050 - Residential.

1) Each residential unit must pay for water, sewer, electric and garbage (including recycling) services. Electric service may be turned on without other services only if the residential unit has a dedicated water meter service. If water service is turned on, the account holder must pay for sewer and garbage (including recycling).
2) In buildings where multiple residential units exist, individual units may be turned off only if at least one of those services is metered separately from the other units within that building. If the units are not metered separately, the owner of the building must pay for the water, sewer, electric and garbage (including recycling) services for each residential unit. If there is a disagreement over the number of units within the building, the city will verify how many units exist.
3) Refer to Section 18.12.130 regarding Utilities to recreational vehicles on personal property.

13.04.060 - Commercial or retail business.

1) Each commercial or retail/business unit must pay for water, sewer, electric and garbage (including recycling) services. Electric service may be turned on without other services only if the commercial or retail/business unit has a dedicated water meter service. If water service is turned on, the account holder must pay for sewer and garbage (including recycling).
2) In buildings where multiple commercial or retail/business units exist, individual units may be turned off only if at least one of those services is metered separately from the other units within that building. If the units are not metered separately, the owner of the building must pay for the water, sewer, electric and garbage (including recycling) services for each commercial or retail/business unit. If there is disagreement over the number of units within the building, the city will verify how many units exist.
3) In buildings where multiple commercial or retail/business units exist, the first unit must pay the regular commercial base rates. Additional units will pay the reduced secondary commercial base rates.

SECTION 2: Chapter 13.08 of the Chewelah Municipal Code is hereby amended. (Deletions are denoted by strikeout; Additions are denoted by underline; remaining text is unchanged.) Amended Chapter 13.08 reads as follows:

Chapter 13.08 - ELECTRICITY

13.08.010 - ~~Light division~~ Electric Department established.

The ~~light division~~ Electric Department of the city is established. The officers and other employees of the ~~light division~~ Electric Department shall consist of a superintendent, and such officials, assistants, clerks, laborers and other employees as may be necessary for an efficient administration of such ~~light division~~ Electric Department, and as may be provided for from time to time by resolution of the city council.

13.08.020 - Administration.

The ~~water and light committee of the council~~ City Administrator shall have full supervision, charge, and control of the ~~light division~~ Electric Department and make and enforce such rules and regulations as ~~it~~ he/she may deem necessary for the efficient administration and regulation of such ~~division~~ department. The ~~light~~ electric superintendent shall, subject to the direction and authority of the ~~water and light committee~~ City Administrator, have direct charge of the electric supply system of the city.

13.08.030 - Electric rates.

Rates charged for electrical services shall be set forth in fee schedules adopted by resolution of the city council.

13.08.040 - Right to reserve lien.

The city reserves a lien against the property served for any charges for electrical service, to the extent provided by laws of the state.

SECTION 3 Chapter 13.20 of the Chewelah Municipal Code is hereby amended. (Deletions are denoted by strikeout; Additions are denoted by underline; remaining text is unchanged.) Amended Chapter 13.20 reads as follows:

Chapter 13.20 - INTERFERENCE WITH UTILITY SYSTEMS OR PUBLIC SERVICES

~~13.20.010 - Interference with electrical system.~~

~~It is unlawful, within the limits of the city and within its jurisdiction in the operation of its electric lighting system, for any person, firm or corporation, to cut, alter, change, remove, disconnect, or connect with, or in any manner interfere, meddle, or tamper with, any electric or electrical meter, other measuring device for measuring consumption of electrical energy, cable, conduit, wires, or other electrical equipment, without authority from and permission and consent of the city.~~

~~13.20.030 - Interference with telephone system.~~

~~It is unlawful, within the limits of the city, for any person, firm or corporation, to cut, alter, change, remove, disconnect, or connect with, or in any manner interfere, meddle or tamper with any telephone line, telephone wires, cables, conduits, and other equipment of a public service corporation engaging in public service in the city, without authority from and permission and consent of the city, or the owner.~~

~~13.20.040 - Violation—Penalty.~~

~~A. Every person or persons, who shall in any manner violate any of the provisions of this chapter, shall be deemed guilty of a misdemeanor.~~

~~B. Every person or persons who shall violate any of the provisions of this chapter shall be punished by a fine in any sum not exceeding one hundred dollars, or by imprisonment in the city jail not exceeding thirty days, or by both such fine and imprisonment, and by immediate discontinuance of service.~~

13.20.010 - Definitions

"Customer" means the person in whose name a utility service is provided.

"Divert" means to change the intended course or path of electricity or water without the authorization of the City of Chewelah.

"Person" means an individual, partnership, firm, association, or corporation or government agency.

"Reconnection" means the commencement of utility service to a customer or other person after service had been lawfully disconnected by the City of Chewelah.

"Tamper" means to rearrange, injure, alter, interfere with, or otherwise prevent from performing the normal or customary function.

"Utility Service" means the provision of electricity, water, or any other service or commodity furnished by the City of Chewelah for compensation.

13.20.020 - Defraud

It is unlawful to defraud city utilities as provided for in Chapter 9A.61 RCW, or as hereafter amended.

SECTION 4: REPEAL. Ordinance No. 105, 121, 599, 604, 705, 724, 725, 756, 802, and 894 as codified in Chapters 13.04 (Utilities Generally), 13.08 (Electricity) and 13.20 (Interference with Utility Systems or Public Services) of the Chewelah Municipal Code are hereby repealed.

SECTION 5: SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

SECTION 6: EFFECTIVE DATE. This ordinance shall become **effective January 1, 2017**.

Dorothy L Knauss

Mayor Dorothy L. Knauss

Pamela McCart

Attest: Clerk/Treasurer Pamela McCart

Approved as to Form: City Attorney Charles Schuerman

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