

**CITY OF STANWOOD
SUMMARY ORDINANCE 1275**

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON AMENDING TITLE 12 SMC, UTILITIES , CHAPTER 12.45, EXTENSION OF CITY SERVICES OUTSIDE CITY LIMITS, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, The City Council reviewed and adopted an update to the Comprehensive Water System Plan during 2009- 2010, and

WHEREAS, The City studied water system capacity and storage of the existing water utility system as well as further water service demand within the City and the Urban Growth Area, and

WHEREAS, The Planning Commission held a pre-application meeting on August 21, 2009 to consider amendments to the City policy and code implementing water service within the City and the Urban Growth Area, and

WHEREAS, on August 29, 2009 the Stanwood Community Development Department filed Application 2009-2010-01Amendments to the Land Use and Utility Element policies and concurrent municipal code amendments addressing annexation and out of city utilities, and

WHEREAS, the City of Stanwood SEPA Responsible Official issued a SEPA threshold determination of non-significance on April 26, 2010, and

WHEREAS, on May 10, 2010, June 14, a public hearing was held by the Planning Commission, and all persons wishing to provide public input concerning the were heard, and

WHEREAS, the City Council held a joint public workshop with the Planning Commission on the proposed amendments September 9, 2010, and

WHEREAS, on September 13, 2010 an additional public hearing was held by the Planning Commission, and

WHEREAS, public notice of the above-referenced public hearings were provided as required by law, and

WHEREAS, the Planning Commission made a recommendation to the City Council on September 13, 2010, and

WHEREAS, the City Council met on October 28, 2010 to consider the Planning Commission's recommendation on the proposed zoning text amendments, and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed change in regulations;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Sections 1 - 4

PASSED by the City Council of the City of Stanwood this 28th day of October, 2010.
Mayor Dianne White. Note: The full text of this document is available for review in the City Clerk's office and will be mailed upon request.

**CITY OF STANWOOD
SUMMARY ORDINANCE NO 1281**

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, ADOPTING THE 2009-2010
COMPREHENSIVE PLAN DOCKET INCLUDING AMENDMENTS TO THE LAND USE, HOUSING
AND UTILITY ELEMENTS, AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, as one of the cities in Snohomish County, the City of Stanwood is required to adopt and regularly update its Comprehensive Plan pursuant to the Washington State Growth Management Act (GMA), and

WHEREAS, under the GMA, the City is authorized to amend its Comprehensive Plan on an annual basis, and

WHEREAS, on August 21, 2009 the Stanwood Planning Commission held a pre-application meeting on amendments to be considered during the 2009-2010 amendment process, and

WHEREAS, on August 29, 2009, the Stanwood Community Development Department filed Application 2009-2010-01 Amendments to the Land Use and Utility Element policies and concurrent municipal code amendments addressing annexation and out of city utilities, and

WHEREAS, on August 27, 2009, Lindstrom Development Group LLC filed Application 2009-2010-02 amendments to Land Use and Housing Elements policies and concurrent zoning code amendments addressing standards in the Mixed Use Overlay, and

WHEREAS, the City of Stanwood SEPA Responsible Official reviewed the amendment applications and issued a Determination of Non-significance (DNS) and an Adoption of Existing Environmental Documents on April 26, 2010, and

WHEREAS, on May 10, 2010 a public hearing was held by the Planning Commission and continued to June 14, 2010 and all persons wishing to provide public input concerning the docketed requests were heard, and

WHEREAS, on September 13, 2010, an additional public hearing was held by the Planning Commission on Application 2009-2010-01 Amendments to the Land Use and Utility Element policies and concurrent municipal code amendments addressing annexation and out of city utilities, and

WHEREAS, public notice of the SEPA DNS and the above-referenced public hearings were provided as required by law, and

WHEREAS, the City Council held a joint -public workshop with the Planning Commission on the proposed amendments on September 9, 2010, and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Community, Trade, and Economic Development of the City's intent to adopt the proposed amendments to the Comprehensive Plan;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD,
WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:**

Sections 1 - 5

PASSED by the City Council of the City of Stanwood this 28TH day of October, 2010.

Mayor Dianne White. Note: The full text of this document is available for review in the City Clerk's office and will be mailed upon request.

CITY OF STANWOOD
Stanwood, Washington

ORDINANCE NO. 1286

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON,
ADJUSTING RATES TO BE CHARGED FOR SEWER AND
WATER UTILITY SERVICES AND AMENDING SECTIONS
12.04.020, 12.16.005 AND 12.16.010 OF THE STANWOOD
MUNICIPAL CODE.**

WHEREAS, the City Council has the authority to establish utility rates by ordinance, and

WHEREAS, the City needs to adequately provide for future replacement of sewer and water infrastructure on an ongoing basis, and

WHEREAS, the City's utilities are expected to be financially self sufficient, and

WHEREAS, the City, by and through a qualified consultant, FCS Group, conducted a study and analysis of the City's rates and charges and the anticipated needs of the sewer and water utilities.

WHEREAS, on November 29, 2010, the Stanwood City Council held a public hearing to accept public comment concerning the proposed sewer and water utility rates,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. SMC Section 12.04.020 Sewer rates is hereby amended to read as follows:

12.04.020 Sewer rates.

For the furnishing of service to the users and potential users of the city sanitary sewage system, the rates and charges per month are established for the classifications indicated below:

(1) Definitions.

(a) "Base monthly charge" means the minimum charge to a user per month. For those users whose sewer charge is calculated based on water use, the base monthly charge includes water use up to the base monthly allowance.

(b) "Units" means the number of dwelling units in a multifamily residence such as a duplex, apartment or condominium; or the number of separate rooms or living units in a nursing home, congregate care or assisted living facility; each having separate bathroom and/or kitchen facilities.

(c) "Incremental rate" means the dollar amount charged per 100 cubic feet of water use above the base monthly allowance and applies to those users whose sewer fee is calculated based on water use.

(d) "Sewer charge" means the dollar amount a user is charged for sewer service, calculated based on the sewer rates.

(e) "Sewer rate" means the dollar amount a user is charged for sewer service per unit of measure. For example, a sewer rate may be in terms of dollars per 100 cubic feet of water used, dollars per student, or other units.

(f) "Customer" means the legal property owner at time of meter reading.

(g) "Account" means customer.

(h) "Low-income household" means a household in which the total annual income is below the very low-income level for the Seattle/Everett area as established and amended by survey from time to time by the United States Department of Housing and Urban Development.

(i) "Senior citizen" means a person of 62 years of age or older.

(j) "Disabled person" means a person who qualifies for special parking privileges under RCW 46.16.381(1)(a) through (f), or a blind person as defined in RCW 74.18.020, or a person who qualifies for supplemental social security benefits due to a disability.

(2) Rates and Charges.

(a) Basis of Rates and Charges. Sewer charges shall be based on the monthly water use as recorded by the city water meters unless indicated otherwise in this section. The charge for residential uses for the summer months, defined herein as June, July, August and September for accounts in utility meter books 01, 02, 06, 07 and 09, and July, August, September and October for accounts in utility meter books 03, 04, 05 and 08, shall be based on the lesser of the water use for the billing period or the average monthly water use for the preceding October through May, or November through June, period, respectively. If data for the full October through May, or November through June, periods are not available, the data will be averaged over the period for which data are available. For new accounts that begin in the defined

summer months, the month's charge shall be based on the water use for that month. The charge for nonresidential uses for the months of June, July, August and September shall be based on the water use for that month unless indicated otherwise in this section. A user may elect, at his/her own expense, to install a separate water meter to measure water used for irrigation. An irrigation-only account will then be established and billed separately by the city.

(b) Rate Schedule Effective January 1, 2011

<u>Classification</u>	<u>Base Monthly Charge</u>	<u>Incremental Rate</u>
<u>Residential:</u>		
<u>Individually Metered</u>	<u>\$37.00</u>	<u>\$3.26/100 cubic feet</u>
<u>Master Metered</u>	<u>\$37.00 times the number of units</u>	<u>\$3.26/100 cubic feet</u>
<u>Commercial:</u>		
<u>Light commercial</u>	<u>\$42.48</u>	<u>\$3.26/100 cubic feet</u>
<u>Heavy commercial</u>	<u>\$80.41</u>	<u>\$3.48/100 cubic feet</u>
<u>General industrial</u>	<u>\$134.74</u>	<u>\$4.44/100 cubic feet</u>

(c) Sewer Service Outside the City Limits. Rates for services outside of the city limits of Stanwood shall be city rates as adopted, plus 45 percent.

(3) Base Monthly Allowances.

(a) The base monthly allowance shall be as follows:

Classification Base Monthly Allowance

Residential:

Individually Metered 600 cubic feet per month

Mastered Metered 600 cubic feet per month times the number of units

Commercial:

Light commercial	600 cubic feet per month
Heavy commercial	600 cubic feet per month
General industrial	600 cubic feet per month

(4) Classification Descriptions.

Residential: Individually Metered. This classification includes buildings for residential uses that are individually metered.

(a) Residential: Master Metered. This classification includes structures containing more than one residence that are metered through one master meter. .

(c) Light Commercial. This classification includes commercial uses not otherwise classified. It incorporates simple domestic waste generators such as offices, small retail trade establishments, school without kitchen/gyms, hotels without restaurants, and churches/meeting halls.

(d) Heavy Commercial. This classification includes commercial uses that have higher potential for problem wastes (high strength, problem constituents or large volume) than the light commercial classification. The heavy commercial classification includes laundries, dry cleaners, restaurants, cafes, grocery stores, medical clinics, funeral homes, photo development, veterinary clinics, dental clinics, schools with kitchens/ gyms, hotels with restaurants, etc.

(e) General Industrial. This classification includes uses that generate large volumes of wastewater or have high strength or problem wastewater. This classification includes manufacturing and processing facilities, etc.

(5) Users with State Waste Discharge Permits, NPDES Permits or Pretreatment Agreements with the City. This classification includes businesses with a state waste discharge permit, NPDES permit or pretreatment agreement with the city. The monthly charge shall be based on the maximum amount of wastewater allowed by the permit or agreement unless a city-approved meter indicates a smaller amount was actually sent to the city's wastewater facilities. For businesses that do not yet have a permit or

agreement, calculation of their charge shall be based on the most appropriate classification above.

(6) Users with High Strength Waste. The city shall have the right to charge an additional monthly sewer service charge for a high strength waste, which is defined herein as one with pollutant concentrations in excess of typical domestic wastewater. A surcharge is appropriate for waste strength conditions including, but not limited to, a total five-day biochemical oxygen demand and/or suspended solids concentration in excess of 300 milligrams per liter. The public works director will recommend to city council an appropriate monthly surcharge.

(7) Users with Multiple Classifications. In the event that any user of the city's sanitary sewage system, by the nature of its business, may fall within two or more of the above classifications, the rate for such user shall be the highest rate established for any such classification.

(8) Contract Rates. Rates for any user may be set by contract at the discretion of the city council. Users having their rates set by contract shall fall under this classification only during the duration of the contract term. Upon termination of said contract, the user will be charged under the other most applicable classification as determined by the finance director.

(9) Inactive Rates. An inactive rate is available to accounts where water consumption falls below 100 cubic feet per month for one continuous billing period or more. Inactive rates will only be available upon prior notice to the city. Inactive rates for all classifications shall be 50 percent of the minimum base monthly charge per classification.

(10) Low-Income Senior Citizen and Low-Income Disabled Rates.

(a) Low-income senior citizens or low-income disabled persons who are customers of the utility shall be eligible to apply for sewer service at 70 percent of the monthly minimum charge, and full charge for all overage consumption.

(b) Low-income households in which the principal financial resources are provided by a senior citizen or a disabled person, as defined in this chapter, may apply for these reduced rates. The city may require a customer who is receiving service at a reduced rate to provide information annually to confirm their continued eligibility for the reduced rate.

(c) The reduced rate provided by this subsection shall apply only to single-family residential services.

Section 2. SMC Section 12.16.005 Definitions is hereby amended to read as follows:

For the purposes of this chapter, the following definitions shall apply:

- (1) "Quantity allowed" means the number of hundreds of cubic feet of water that may be consumed for the monthly minimum charge.
- (2) "Overage" means the water that is consumed over the quantity allowed for each meter size in a month.
- (3) "Low-income household" means a household in which the total annual income is below the very low-income level for the Seattle/Everett area as established and amended by survey from time to time by the United States Department of Housing and Urban Development.
- (4) "Senior citizen" means a person 62 years of age or older.
- (5) "Disabled person" means a person who qualifies for special parking privileges under RCW 46.16.381(1)(a) through (f), or a blind person as defined in RCW 74.18.020, or a person who qualifies for supplemental social security benefits due to a disability.
- (6) "Inactive" means an account with less than 100 cubic feet of water consumption per month for one continuous billing period or more.
- (7) "Customer" means the legal property owner at the time of meter reading.
- (8) "Account" means customer.

Section 3. SMC Section 12.16.010 Water service rates is hereby amended to read as follows:

- (1) For the furnishing of service to users and potential uses of the city water system, the rates and charges per month are established for the classifications indicated below.
- (2) Water Service Rates – Metered Water. The following rates will be applied for monthly water service:

(a) Monthly Minimum Charges by Meter Size – Effective January 1, 2011

<u>Meter Size (inches)</u>	<u>Quantity Allowed (hundreds of cubic feet)</u>	<u>Monthly Minimum Base Charge</u>
<u>3/4</u>	<u>6</u>	<u>\$19.09</u>
<u>1</u>	<u>10</u>	<u>\$31.87</u>
<u>1-1/2</u>	<u>20</u>	<u>\$63.56</u>
<u>2</u>	<u>40</u>	<u>\$101.73</u>
<u>3</u>	<u>80</u>	<u>\$190.86</u>
<u>4</u>	<u>150</u>	<u>\$318.16</u>

(b) Charges for Consumption in Excess of the Quantity Allowed (by Hundreds of Cubic Feet) – Effective January 1, 2011.

- (i) All amounts in excess of quantity allowed, unless included in the monthly minimum base charge, shall be charged at \$2.50 per each 100 cubic feet over the base quantity allowed.

(c) Effective January 1, 2012 a 5% increase will be applied to the 2011 Monthly Minimum Charges by Meter Size and to the 2011 Charges for Consumption in Excess of the Quantity Allowed.

(d) Effective January 1, 2013 a 5% increase will be applied to the 2012 Monthly Minimum Charges by Meter Size and to the 2012 Charges for Consumption in Excess of the Quantity Allowed.

(e) Water Service Outside the City Limits. Rates for services outside of the city of Stanwood shall be city rates as adopted, plus 45 percent.

(3) Conditions.

(a) In computation of bi-monthly bills for service, the monthly minimum base charge and the quantity allowed for each rate block shall be multiplied by two.

(b) When multiple dwelling units, each having bathroom and/or kitchen facilities within a building, are served by a single meter connection, the minimum charge per month shall be the minimum monthly charge for a three-quarter-inch meter times the number of dwellings served by the single meter.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or

constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 5. Effective Date. This ordinance will become effective January 1, 2011.

PASSED by the City Council and APPROVED by the Mayor this 9th day of December, 2010.

CITY OF STANWOOD

By _____
DIANNE WHITE, Mayor

ATTEST:

By _____
MELISSA COLLINS, City Clerk

Approved as to form:

By _____
GRANT K. WEED, City Attorney

Date of Publication: _____

CITY OF STANWOOD
Stanwood, Washington

ORDINANCE NO. 1287

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON,
AMENDING CHAPTER 5.10.040 OF THE STANWOOD
MUNICIPAL CODE LEVYING 10.7% UTILITY TAXES ON
WATER.**

WHEREAS, the City of Stanwood currently levies utility taxes against persons on account of business activities to include water,

WHEREAS, the water utility rate is currently levied by the City of Stanwood at six percent,

WHEREAS, based on Washington Supreme Court decisional law in the case of Lane v. Seattle, municipal water utilities can no longer include the cost of fire protection in their water rates,

WHEREAS, the City of Stanwood is interested in recovering the cost of fire protection through an increase to the water utility tax,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD,
WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. SMC Chapter 5.01.040 Business and utilities subject to utility tax – amount
is hereby amended to read as follows:

5.01.040 Businesses and utilities subject to utility
tax – Amount.

There are levied and shall be collected utility taxes against persons on account of business activities in amounts to be determined by the nature of the business activities and by the application of rates against gross income as follows:

(1) Utilities.

(a) Electric. Upon every person engaged in or carrying on the business of selling or furnishing electric light and power within the city of Stanwood, a tax equal to six percent of the total gross revenue from such business during the tax-reporting period;

(b) Gas. Upon every person engaged in or carrying on a business of selling or furnishing gas within the city of Stanwood, a tax equal to six percent of the total gross revenue from such business in the city during the tax-reporting period;

(c) Telephone. Upon every person engaged in or carrying on a telephone business within the city of Stanwood, a tax equal to six percent of the total gross revenue from such business during the tax-reporting period;

(d) Water. Upon every person engaged in or carrying on the business of selling or furnishing water within the city of Stanwood, a tax equal to ~~six~~ six ten and seventh-tenths percent of the total gross revenue from such business during the tax-reporting period;

(e) Sanitary Sewer. Upon every person engaged in or carrying on the business of furnishing sanitary sewer services within the city of Stanwood, a tax equal to six percent of the gross revenue from such business during the tax-reporting period;

(f) Drainage. Upon every person engaged in or carrying on the business of providing drainage services within the city of Stanwood, a tax equal to six percent of the gross revenue from such business during the tax-reporting period;

(g) Garbage. Upon every person engaged in or carrying on the business of collection of garbage or solid waste within the city of Stanwood, a tax of six percent of the gross revenue from such business during the tax reporting period;

(h) Cable Television. Upon every person engaged in or carrying on a cable television business within the city of Stanwood, a tax equal to three percent of the gross revenue from such business in the city during the tax-reporting period.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 3. Effective Date. This ordinance will become effective January 1, 2011.

PASSED by the City Council and APPROVED by the Mayor this 9th day of December, 2010.

CITY OF STANWOOD

By _____
DIANNE WHITE, Mayor

ATTEST:

By _____
MELISSA COLLINS, City Clerk

Approved as to form:

By _____
GRANT K. WEED, City Attorney

Date of Publication: _____

CITY OF STANWOOD

Stanwood, Washington

ORDINANCE NO. 1288

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING SECTION 12.40.040 OF THE STANWOOD MUNICIPAL CODE CONCERNING WATER AND SEWER PLANT INVESTMENTS CHARGES.

WHEREAS, RCW 35.92.025 establishes the authority for the City to charge property owners seeking to connect to the City’s utilities an equitable share of the cost, and

WHEREAS, the City has determined its net plant in service, allocable interest, and net outstanding debt for water and sewer, and

WHEREAS, the City has adopted a six year capital facilities plan as part of its comprehensive plan, and

WHEREAS, the City, by and through a qualified consultant, FCS Group, conducted a study and analysis of the City’s rates and charges and the anticipated needs of the sewer and water utilities,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. SMC Section 12.40.040 Plant investment charge is hereby amended to read as follows:

12.40.040 Plant investment charge.

(1) Water Plant Investment Charge.

(a) The city council hereby finds and determines that the capital cost of the city’s current and future water system, including pumps, wells, distribution lines, reservoirs and rights-of-way is ~~\$43,820,345~~ \$37,797,283. The capital cost of such system has been borne by the city and its water system users. Such water system will be utilized by newly connecting properties, and the capital cost, as applied to buildings presently served, is ~~\$6,122~~ \$5,280 per each three-quarter-inch water meter.

(b) Beginning ~~January 1, 2010~~ January 1, 2011, and thereafter, in addition to other fees imposed by ordinance or pursuant to agreements, there is hereby imposed upon the owners of property seeking to provide water service to their property by connecting to the city’s water system, a plant investment charge, determined by multiplying the total number of equivalent water connections proposed by ~~\$6,122~~ \$5,280. Equivalent connections and plant investment charges for all buildings shall be as follows:

Service Connection Size	Equivalent Connection	Charge
Up to 3/4"	1.00	\$—6,122 <u>\$5,280</u>
1"	1.67	\$—10,224 <u>\$8,818</u>

1-1/2"	3.33	\$ 20,386 <u>\$17,584</u>
2"	5.33	\$ 32,630 <u>\$28,144</u>
3"	10.00	\$ 61,220 <u>\$56,342</u>
4"	16.67	\$102,054 <u>\$88,024</u>
6"	33.33	\$204,046 <u>\$175,995</u>
8"	53.33	\$326,486 <u>\$281,603</u>

(2) Sewer Plant Investment Charge.

(a) The city council hereby finds and determines that the current and future capital cost of the city's sewer system, including pumps, collection pipelines, sewer treatment plant, and rights-of-way is ~~\$26,745,889~~ \$26,293,050. The capital cost of such system has been borne by the city and its sewer system users. Such sewer system will be utilized by newly connecting properties and the capital cost, as applied to buildings presently served is ~~\$6,588~~ \$6,476 per each three-quarter-inch water meter.

(b) Beginning ~~January 1, 2010~~ January 1, 2011, and thereafter, in addition to other fees imposed by ordinance or pursuant to agreements, there is hereby imposed upon the owners of property seeking to provide sewer service to their property by connecting to the city's sewer system, a plant investment charge, determined by multiplying the total number of equivalent connections by ~~\$6,588~~ \$6,476. Equivalent connections and plant investment charges for all buildings shall be as follows:

Service Connection Size	Equivalent Connection	Charge
Up to 3/4"	1.00	\$6,588 <u>\$6,476</u>
1"	1.67	\$11,002 <u>\$10,815</u>
1-1/2"	3.33	\$21,938 <u>\$21,565</u>
2"	5.33	\$35,114 <u>\$34,517</u>
3"	10.00	\$65,880 <u>\$64,760</u>
4"	16.67	\$109,822 <u>\$107,955</u>
6"	33.33	\$219,578 <u>\$215,845</u>
8"	53.33	\$351,338 <u>\$345,365</u>

(3) Drainage Plant Investment Charge.

(a) The city council hereby finds and determines that the capital cost of the city's drainage system, including pumps, collection pipelines and rights-of-way is \$3,270,401. The capital cost of such system has been borne by the city and its drainage system users. Such drainage system will be utilized by newly developed properties, and the capital cost, as applied to buildings presently served, is \$665.00 per each equivalent unit.

(b) Beginning January 1, 2010, and thereafter, in addition to other fees imposed by ordinance or pursuant to agreements, there is hereby imposed upon the owners of property seeking to develop within the city limits a drainage plant investment charge determined by multiplying the total number of equivalent residential units (ERU) by \$665.00.

(i) Residential. An equivalent residential unit (ERU) is determined to be 3,000 square feet of impervious area. This is based on a lot size of up to 10,000 square feet. For plant investment charges for residential lots larger than 10,000 square feet, the ERUs will be calculated on the same basis as nonresidential development.

(ii) Nonresidential Development (Includes Multifamily Dwellings). Drainage plant investment charges for nonresidential development shall be calculated based on the

number of equivalent residential units of impervious area of the proposed development, including fractions thereof. For example:

$$(A) 5,500 \text{ square feet of impervious area} / 3,000 = 1.83 \times \$665.00 =$$

\$1,217;

$$(B) 6,400 \text{ square feet of impervious area} / 3,000 = 2.13 \times \$665.00 = \$1,416.$$

Section 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 3. Effective Date. This ordinance will become effective January 1, 2011.

PASSED by the City Council and APPROVED by the Mayor this 29th day of November, 2010.

CITY OF STANWOOD

By _____
DIANNE WHITE, Mayor

ATTEST:

By _____
MELISSA COLLINS, City Clerk

Approved as to form:

By _____
GRANT K. WEED, City Attorney

Date of Publication: _____

CITY OF STANWOOD
Stanwood, Washington

ORDINANCE NO. 1290

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON,
ADJUSTING RATES TO BE CHARGED FOR SEWER AND
WATER UTILITY SERVICES; AMENDING SECTIONS
12.04.020, 12.16.005 AND 12.16.010 OF THE STANWOOD
MUNICIPAL CODE AND REPEALING ORDINANCE NO.1286.**

WHEREAS, the City Council has the authority to establish utility rates by ordinance, and

WHEREAS, the City needs to adequately provide for future replacement of sewer and water infrastructure on an ongoing basis, and

WHEREAS, the City's utilities are expected to be financially self sufficient, and

WHEREAS, the City, by and through a qualified consultant, FCS Group, conducted a study and analysis of the City's rates and charges and the anticipated needs of the sewer and water utilities, and

WHEREAS, on November 29, 2010, the Stanwood City Council held a public hearing to accept public comment concerning the proposed sewer and water utility rates, and

WHEREAS, on December 9, 2010 the City Council took action on Ordinance 1286. However, Ordinance 1286 was not adopted by a majority vote of the Council, and as such did not become effective;

WHEREAS, the Council intends by this action to repeal Ordinance No. 1286 and replace it with this ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD,
WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. SMC Section 12.04.020 Sewer rates is hereby amended to read as follows:

12.04.020 Sewer rates.

For the furnishing of service to the users and potential users of the city sanitary sewage system, the rates and charges per month are established for the classifications indicated below:

(1) Definitions.

(a) "Base monthly charge" means the minimum charge to a user per month. For those users whose sewer charge is calculated based on water use, the base monthly charge includes water use up to the base monthly allowance.

(b) "Units" means the number of dwelling units in a multifamily residence such as a duplex, apartment or condominium; or the number of separate rooms or living units in a nursing home, congregate care or assisted living facility; each having separate bathroom and/or kitchen facilities.

(c) "Incremental rate" means the dollar amount charged per 100 cubic feet of water use above the base monthly allowance and applies to those users whose sewer fee is calculated based on water use.

(d) "Sewer charge" means the dollar amount a user is charged for sewer service, calculated based on the sewer rates.

(e) "Sewer rate" means the dollar amount a user is charged for sewer service per unit of measure. For example, a sewer rate may be in terms of dollars per 100 cubic feet of water used, dollars per student, or other units.

(f) "Customer" means the legal property owner at time of meter reading.

(g) "Account" means customer.

(h) "Low-income household" means a household in which the total annual income is below the very low-income level for the Seattle/Everett area as established and amended by survey from time to time by the United States Department of Housing and Urban Development.

(i) "Senior citizen" means a person of 62 years of age or older.

(j) "Disabled person" means a person who qualifies for special parking privileges under RCW 46.16.381(1)(a) through (f), or a blind person as defined in RCW 74.18.020, or a person who qualifies for supplemental social security benefits due to a disability with a physical or mental impairment that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, learning, performing manual tasks, caring for oneself, etc.

(2) Rates and Charges.

(a) Basis of Rates and Charges. Sewer charges shall be based on the monthly water use as recorded by the city water meters unless indicated otherwise in this section.

The charge for residential uses for the summer months, defined herein as June, July, August and September for accounts in utility meter books 01, 02, 06, 07 and 09, and July, August, September and October for accounts in utility meter books 03, 04, 05 and 08, shall be based on the lesser of the water use for the billing period or the average monthly water use for the preceding October through May, or November through June, period, respectively. If data for the full October through May, or November through June, periods are not available, the data will be averaged over the period for which data are available. For new accounts that begin in the defined summer months, the month's charge shall be based on the water use for that month. The charge for nonresidential uses for the months of June, July, August and September shall be based on the water use for that month unless indicated otherwise in this section. A user may elect, at his/her own expense, to install a separate water meter to measure water used for irrigation. An irrigation-only account will then be established and billed separately by the city.

(b) Rate Schedule Effective January 1, ~~2010~~ 2011

<u>Classification</u>	<u>Base Monthly Charge</u>	<u>Incremental Rate</u>
<u>Residential:</u>		
<u>Individually Metered</u>	<u>\$35.89</u>	<u>\$5.01/100 cubic feet</u>
<u>Master Metered</u>	<u>\$35.89 times the number of units</u>	<u>\$5.01/100 cubic feet</u>
<u>Single-family residences</u>	<u>\$37.00</u>	<u>\$3.26/100 cubic feet</u>
<u>Multifamily residences</u>	<u>\$37.00 times the number of units</u>	<u>\$3.26/100 cubic feet</u>
<u>Commercial:</u>		
<u>Light commercial</u>	<u>\$42.48 \$35.89</u>	<u>\$3.26 \$5.01/100 cubic feet</u>
<u>Heavy commercial</u>	<u>\$80.41 \$40.80</u>	<u>\$3.48 \$5.83/100 cubic feet</u>
<u>General industrial</u>	<u>\$134.74 \$45.71</u>	<u>\$4.44 \$6.65/100 cubic feet</u>
<u>Schools:</u>		
	=	=
<u>Without kitchen and/or gym facilities</u>	<u>\$42.48 plus \$1.47 per student and staff</u>	<u>Not applicable</u>
<u>With kitchen and/or gym facilities</u>	<u>\$87.87 plus \$1.47 per student and staff</u>	<u>Not applicable</u>
<u>Other:</u>		
	=	=
<u>Hotels and guest houses</u>	<u>\$37.00 times the number of units</u>	<u>\$3.26/100 cubic feet</u>
<u>Churches, meeting halls, etc.</u>	<u>\$42.48</u>	<u>\$3.26/100 cubic feet</u>

~~All Other Uses (e.g.,
government, utilities, etc.)~~

~~\$3.26/100 cubic feet~~

~~(c) Additional Information. The school population to be applied for calculation of the sewer charge shall be the number of full-time staff and student equivalents as reported by the school district for the month of October of each year. This population shall be used for the school year beginning November 1st and for the school year until new October data are available. Schools shall be charged only the base monthly charge for the months of June, July and August as long as the facility remains unoccupied and the water consumption reflects an inactive status.~~

~~(d)-(c) Sewer Service Outside the City Limits. Rates for services outside of the city limits of Stanwood shall be city rates as adopted, plus 45 percent.~~

(3) Base Monthly Allowances.

(a) The base monthly allowance shall be as follows:

Classification	Base Monthly Allowance
Residential:	
Individually Metered	600 cubic feet per month
Mastered Metered	600 cubic feet per month times the number of units
Single family residences	600 cubic feet per month
Multifamily residences:	-
Units individually metered	600 cubic feet per month
One water meter for all units	600 cubic feet per month times the number of units
Commercial:	
Light commercial	600 cubic feet per month
Heavy commercial	600 cubic feet per month
General industrial	600 cubic feet per month
Schools:	Not applicable
Other:	-
Hotels and guest houses	600 cubic feet per month times the number of units
Churches, meeting halls, etc.	600 cubic feet per month

All Other Uses (e.g., government, utilities, 600 cubic feet per month etc.)

(b) The following conditions apply to the base monthly allowances:

(i) ~~Multifamily Residences. No modifications given for unoccupied units when multiple units are on a single meter.~~

(4) Classification Descriptions.

~~(a) Residential: Individually Metered. Single Family Residences. This classification includes buildings for residential uses that are individually metered, and includes detached homes intended for use by single families.~~

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~~(b)(a) Residential: Master Metered. Multifamily Residences. This classification includes structures containing more than one residence that are metered through one master meter, and includes uses such as duplexes, triplexes, multiplexes, nursing homes, congregat care, convalescent care, assisted living facilities, condominiums and apartments.~~

(c) Light Commercial. This classification includes commercial uses not otherwise classified. It incorporates simple domestic waste generators such as offices, and small retail trade establishments, school without kitchen/gyms, hotels without restaurants, and churches/meeting halls.

(d) Heavy Commercial. This classification includes commercial uses that have higher potential for problem wastes (high strength, problem constituents or large volume) than the light commercial classification. The heavy commercial classification includes laundries, dry cleaners, restaurants, cafes, grocery stores, medical clinics, funeral homes, photo development, veterinary clinics, dental clinics, schools with kitchens/gyms, hotels with restaurants, etc.

(e) General Industrial. This classification includes uses that generate large volumes of wastewater or have high strength or problem wastewater. This classification includes manufacturing and processing facilities, etc.

~~(f) Hotels and Guest Houses. This classification includes buildings used for sleeping purposes by guests (transient lodging) such as motels, inns, hotels, and bed and breakfast inns. No modifications will be given for unoccupied units.~~

~~(g) Public/Institution. This classification includes government buildings, churches, meeting halls, school district administration offices unless they are situated within a school building, etc.~~

~~(h) Schools. This classification includes education facilities. If school district administration offices are located within the same building as where education classes are conducted, such administration staff shall be counted as school staff for the sewage charge calculation.~~

~~(i) Special. This classification is reserved for special cases that do not fit the other classes. The public works director shall determine whether a special classification and charge will apply and will recommend to city council such charges.~~

(5) Users with State Waste Discharge Permits, NPDES Permits or Pretreatment Agreements with the City. This classification includes businesses with a state waste discharge permit, NPDES permit or pretreatment agreement with the city. The monthly charge shall be based on the maximum amount of wastewater allowed by the permit or agreement unless a city-approved meter indicates a smaller amount was actually sent to the city's wastewater facilities. For businesses that do not yet have a permit or agreement, calculation of their charge shall be based on the most appropriate classification above.

(6) Users with High Strength Waste. The city shall have the right to charge an additional monthly sewer service charge for a high strength waste, which is defined herein as one with pollutant concentrations in excess of typical domestic wastewater. A surcharge is appropriate for waste strength conditions including, but not limited to, a total five-day biochemical oxygen demand and/or suspended solids concentration in excess of 300 milligrams per liter. The public works director will recommend to city council an appropriate monthly surcharge.

(7) Users with Multiple Classifications. In the event that any user of the city's sanitary sewage system, by the nature of its business, may fall within two or more of the above classifications, the rate for such user shall be the highest rate established for any such classification.

(8) Contract Rates. Rates for any user may be set by contract at the discretion of the city council. Users having their rates set by contract shall fall under this classification only during the duration of the contract term. Upon termination of said contract, the user will be charged under the other most applicable classification as determined by the finance director.

(9) Inactive Rates. An inactive rate is available to accounts where water consumption falls below 100 cubic feet per month for one continuous billing period or more. Inactive rates will only be available upon prior notice to the city. Inactive rates for all classifications shall be 50 percent of the minimum base monthly charge per classification.

(10) Low-Income Senior Citizen and Low-Income Disabled Rates.

(a) Low-income senior citizens or low-income disabled persons who are customers of the utility shall be eligible to apply for sewer service at 70 percent of the monthly minimum charge, and full charge for all overage consumption.

(b) Low-income households in which the principal financial resources are provided by a senior citizen or a disabled person, as defined in this chapter, may apply for these reduced rates. The city may require a customer who is receiving service at a reduced rate to provide information annually to confirm their continued eligibility for the reduced rate.

(c) The reduced rate provided by this subsection shall apply only to single-family residential services.

Section 2. SMC Section 12.16.005 Definitions is hereby amended to read as follows:

For the purposes of this chapter, the following definitions shall apply:

- (1) “Quantity allowed” means the number of hundreds of cubic feet of water that may be consumed for the monthly minimum charge.
- (2) “Overage” means the water that is consumed over the quantity allowed for each meter size in a month.
- (3) “Low-income household” means a household in which the total annual income is below the very low-income level for the Seattle/Everett area as established and amended by survey from time to time by the United States Department of Housing and Urban Development.
- (4) “Senior citizen” means a person 62 years of age or older.
- (5) “Disabled person” means a person who qualifies for special parking privileges under RCW 46.16.381(1)(a) through (f), or a blind person as defined in RCW 74.18.020, or a person who qualifies for supplemental social security benefits due to a disability with a physical or mental impairment that substantially limits one or more major life activities, such as walking, seeing, hearing, speaking, learning, performing manual tasks, caring for oneself, etc.
- (6) “Inactive” means an account with less than 100 cubic feet of water consumption per month for one continuous billing period or more.
- (7) “Customer” means the legal property owner at the time of meter reading.
- (8) “Account” means customer.

Section 3. SMC Section 12.16.010 Water service rates is hereby amended to read as

follows:

(1) For the furnishing of service to users and potential uses of the city water system, the rates and charges per month are established for the classifications indicated below.

(2) Water Service Rates – Metered Water. The following rates will be applied for monthly water service:

~~(a) Monthly Minimum Charges by Meter Size – Effective January 1, 2010.~~

<u>Meter Size (inches)</u>	<u>Quantity Allowed (hundreds of cubic feet)</u>	<u>Monthly Minimum Base Charge</u>
<u>3/4</u>	<u>6</u>	<u>\$18.98</u>
<u>1</u>	<u>10</u>	<u>\$31.69</u>
<u>1-1/2</u>	<u>20</u>	<u>\$63.19</u>
<u>2</u>	<u>40</u>	<u>\$101.14</u>
<u>3</u>	<u>80</u>	<u>\$189.76</u>
<u>4</u>	<u>150</u>	<u>\$316.32</u>

(a) Monthly Minimum Charges by Meter Size – Effective January 1, 2011

<u>Meter Size (inches)</u>	<u>Quantity Allowed (hundreds of cubic feet)</u>	<u>Monthly Minimum Base Charge</u>
<u>3/4</u>	<u>6</u>	<u>\$19.09</u>
<u>1</u>	<u>10</u>	<u>\$31.87</u>
<u>1-1/2</u>	<u>20</u>	<u>\$63.56</u>
<u>2</u>	<u>40</u>	<u>\$101.73</u>
<u>3</u>	<u>80</u>	<u>\$190.86</u>
<u>4</u>	<u>150</u>	<u>\$318.16</u>

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(b) Charges for Consumption in Excess of the Quantity Allowed (by Hundreds of Cubic Feet) — ~~Effective January 1, 2010~~ Effective January 1, 2011.

- (i) All amounts in excess of quantity allowed, unless included in the monthly minimum base charge, shall be charged at ~~\$2.49~~ \$2.50 per each 100 cubic feet over the base quantity allowed.

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(c) Effective January 1, 2012 a 5% increase will be applied to the 2011 Monthly Minimum Charges by Meter Size and to the 2011 Charges for Consumption in Excess of the Quantity Allowed.

(d) Effective January 1, 2013 a 5% increase will be applied to the 2012 Monthly Minimum Charges by Meter Size and to the 2012 Charges for Consumption in Excess of the Quantity Allowed.

(ee) Water Service Outside the City Limits. Rates for services outside of the city of Stanwood shall be city rates as adopted, plus 45 percent.

(3) Conditions.

(a) In computation of bi-monthly bills for service, the monthly minimum base charge and the quantity allowed for each rate block shall be multiplied by two.

~~(a)(b)~~ (b) When multiple dwelling units, each having bathroom and/or kitchen facilities within a building, are served by a single meter connection, the minimum charge per month shall be the minimum monthly charge for a three-quarter-inch meter times the number of dwellings served by the single meter.

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Section 4. Repealer. Ordinance No. 1286 is hereby repealed for the reason that it is replaced by this ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 6. Effective Date. This ordinance will become effective January 1, 2011.

PASSED by the City Council and APPROVED by the Mayor this 13th day of January, 2011.

CITY OF STANWOOD

By _____
DIANNE WHITE, Mayor

ATTEST:

By _____
MELISSA COLLINS, City Clerk

Approved as to form:

By _____
GRANT K. WEED, City Attorney

Date of Publication: _____

CITY OF STANWOOD

Stanwood, Washington

ORDINANCE NO. 1295

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING SECTION 3.30.150 AND CHAPTER 12.20 OF THE STANWOOD MUNICIPAL CODE ADJUSTING RATES TO BE CHARGED FOR NON-SUFFICIENT FUNDS AND SERVICE RESTORATION, REVISING THE UTILITY BILLING POLICY; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City Council has the authority to establish utility rates and billing policy by ordinance, and

WHEREAS, the City’s utilities are expected to be financially self sufficient, and

WHEREAS, the City, by and through a qualified consultant, FCS Group, conducted a study and analysis of the City’s cost of miscellaneous fees as part of the Water/Sewer Rates and Charges Study. A copy of said study dated January 19, 2011 is attached hereto and is incorporated by this reference as if fully contained herein, and

WHEREAS, on June 9, 2011, the Stanwood City Council held a public hearing to accept public comment concerning the proposed miscellaneous fees.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. SMC Section 3.30.150 entitled “Finance and utility fees” is hereby amended to read as follows:

3.30.150 Finance and utility fees.

Non-sufficient funds (NSF) fee \$40.00 ~~20.00~~

Water disconnection charges:

Voluntary	\$ 5.00
Involuntary	\$15.00
Special trip	\$20.00
After hours	\$75.00

Water reconnection charges:	
<u>Voluntary</u>	<u>\$ 5.00</u>
<u>Involuntary</u>	<u>\$15.00</u>
<u>Special trip</u>	<u>\$20.00</u>
<u>After hours</u>	<u>\$75.00</u>
<u>Meter read outside read cycle</u>	<u>\$15.00</u>
Utility billing web search fee	\$25.00

Section 2. SMC Chapter 12.20 entitled “Utility Billing Regulations” is hereby amended to read as follows:

**Chapter 12.20
UTILITY BILLING REGULATIONS**

Sections:

- [12.20.010](#) Billing and payment policy.
- [12.20.020](#) Assessing fees and penalties for nonpayment and delinquency.
- [12.20.030](#) Termination of service.
- [12.20.040](#) Payment required before service restoration.
- [12.20.050](#) Lien rights.
- [12.20.060](#) Adjustment to bills.

12.20.010 Billing and payment policy.

- (1) ~~Bi-monthly~~ Billing statements ~~billings~~ shall be mailed to the address of the owner of the property being served by the utilities, as the address appears in the records of the city utility department. Upon written request of the owner, billing statements may be sent directly to the occupant of the property being served; however, in such cases the owner shall remain liable for payment of the bill, and the property shall remain subject to a lien for delinquent account.
- (2) All payments on utility bills shall be applied first to the sewer balance, second to the drainage balance, and third to the water balance. Penalties and other charges are allocated proportionately to each utility.
- (3) All utility customers who are billed on a bi-monthly basis shall have not less than 30 days to make payment for all fees or charges assessed for such services. Such fees and charges shall be deemed delinquent if not paid in full within 40 days of issuance of the billing by the City.

For monthly billings:

All utility customers who are billed on a monthly basis shall have not less than 20 days to make payment for all fees or charges assessed for such services. Such fees and charges shall be deemed delinquent if not paid in full within 30 days of issuance of the billing by the City.

Such delinquent accounts shall automatically constitute a lien against the property to which the services were rendered. Such a lien, for up to four months of charges, shall encumber the property, and shall be the obligation of the owner of the property, its heirs, successors and assigns, until the same is paid in full. The city may enforce the lien by shutting off water and sewer service until all delinquent and unpaid charges are paid in full; provided that discontinuance of service shall be subject to the provisions SMC 12.20.030.

12.20.020 Assessing fees ~~charges~~ and penalties for nonpayment, ~~disconnection and reconnection and delinquency.~~

(1) Delinquency.

A utility account is considered delinquent when the customer or occupant receiving the service fails to pay the utility charges within the date set forth on the billing for such services, 40 calendar days after the billing date.

Termination of service does not relieve customer of the obligation to pay delinquent accounts and charges.

(2) Disconnection and reconnection charges. ~~Service restoration charge.~~

(a) There shall be a shutoff charge assessed for each voluntary or involuntary discontinuance of service; provided, that the shutoff charges shall be more if the utility department is required to make a special trip for a single account. The disconnection charges are set forth in SMC 3.30.150.

(b) There shall be a reconnection charge assessed for each reconnection; provided, that the reconnection charge shall be more if the utility department is required to make a special trip for one account. The reconnection charges are set forth in SMC 3.30.150. If a customer insists upon a reconnection after 4:30 p.m. on weekdays, weekends or holidays, the fee for such after-hours reconnection is set forth in SMC 3.30.150.

(c) If service is shut off by reason of an account being delinquent at a single premises more than once within a 12 month period, the shutoff and reconnection charges after the first time during the 12 month period shall be doubled.

(d) If service has been terminated for delinquent and unpaid charges, temporary restoration will be allowed for inspection related to a potential sale. The fee for such service is set forth in SMC 3.30.150.

~~—A turn on charge of \$25.00 shall be assessed to the property owner account at the time of request for restoration of water service.~~

(3) Late Penalty.

For each notice sent to a utility customer advising the customer that an account is delinquent or the utility service will be discontinued by reason of the delinquency, there shall be a late penalty charge added to the account of five percent of the unpaid balances.

The finance director, or his/her designee, is authorized to waive the late penalty charge, disconnection and reconnection charges under the following circumstances:

(a) Where a utility customer has made arrangements with the city, prior to the date the billing is due, for deferral of the payment of the bill, or

(b) Where a utility customer has not been delinquent in the previous 12 months. In such circumstances where, in the judgment of the finance director or his/her designee, the customer can demonstrate a bona fide economic hardship.

(c) If an emergency arises where the water service needs to be disconnected.

(4) Other fees and charges.

(a) If a utility account is dishonored by the drawer's bank by reason of insufficient funds, a surcharge, as specified in SMC 3.30.150, of \$20.00 shall be added to the utility account, and shall be paid in full.

(b) If a utility account is liened by reasons of nonpayment for up to four months, the customer shall be responsible for payment of all lien recording fees. These lien charges shall be assessed on utility account balances.

(c) If a utility customer requests a meter read outside the regular read cycle, a charge, as specified in SMC 3.30.150, shall be added to the utility account

12.20.030 Termination of Service.

(1) Water service may be discontinued by the city for any of the following reasons:

(a) For delinquent and unpaid charges as specified in SMC 12.20.020;

(b) For the use of water and sewer utilities for purposes or properties other than that specified in the application;

- (c) (a) For tampering with property of the city utility system;
- (d) In case of vacation of the premises by the customer;
- (e) For the use of the utility lines in a manner which adversely affects the city's service to its customers;
- (f) For fraudulent or improper obtaining or use of utility service.

(2) Except in the case of danger to life or property, fraudulent use, impairment of service, or violation of law, the city shall use its best efforts to comply with the following procedures prior to an involuntary discontinuance of service:

- (a) The city shall send the owner and occupant of the premises, using addresses shown in the city utility records, written notice that water service to the property will be shut off on a date not less than 10 days thereafter unless the delinquencies are paid in full. The notice shall state that the owner and occupant of the premises have a right to a hearing before the mayor for the purposes of resolving disputed accounts. A request for such a hearing must be made not less than five days prior to the shutoff date. At the hearing the mayor is authorized to compromise and settle disputes in the interest of justice; provided, the mayor shall not be authorized to waive or reduce bills which are legitimately due, or to lend the city's credit by allowing a deferred payment schedule.
- (b) If service is not discontinued within three days after the stated shutoff date, unless other mutually acceptable arrangements have been made, the shutoff notice shall become void and a new notice shall be required before the service can be disconnected thereafter.
- (c) In the event of a disputed account, at any time before the city shuts off service, the owner or occupant of the premises may tender the amount he claims to be due; provided, that the amount must be reasonably supported by document evidence. The right of the city to thereafter shut off service shall not accrue until the dispute has been administratively or judicially resolved.
- (d) Except in the case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays or any day on which the city cannot reestablish service on the same or following day.

- (e) Where service is provided to a master meter, or where the city has reasonable grounds to believe that service is to other than the customer of record, the city shall undertake all reasonable efforts to inform the occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, an additional five days shall be allowed prior to shutoff to permit the service users to arrange for continued service.
- (f) Charges for disconnection and reconnection of water service, as specified in SMC 12.20.020, shall be added to the account, and shall be paid in full prior to reconnection.

12.20.040 Payment required before service restoration.

Water service may not be restored to the premises until all utility billing charges, as specified in SMC 12.20.020 due and owing have been satisfied.

12.20.050 Lien rights.

(1) Liens against the property for up to four months of unpaid charges, shall encumber the property, and shall be the obligation of the owner of the property, its heirs, successors, and assigns, until the same is paid in full. The city may enforce the lien by shutting off water services until all delinquent and unpaid charges are paid in full.

(2) Nothing in this chapter shall be construed as abridging the lien rights of the city of Stanwood, or other legally established sanctions.

12.20.060 Adjustments to bills.

(1) In the event a meter fails to register the correct amount of water used, the customer will be charged at the average rate of monthly consumption for the previous twelve months as shown by the meter when in working order.

(2) In the event a leak or failure of a private water system or private service between the meter and the structure located on private property results in excess consumption, the city may, through a determination of the city finance director, provide for a rate adjustment up to 50 percent of the volume consumed in any one billing period in excess of the bi-monthly average of water consumed over the previous twelve months at that service address.

(a) Customers shall be required to provide proof of repair to leak or failure prior to receiving any rate adjustment.

(b) Application for the credit or adjustment must be made in written form and approved by the city finance director or his/her designee.

(c) No more than one application for credit may be considered per service

address in any twenty-four month period. Adjustments are final and requests for reversal will not be granted.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Effective Date. This ordinance will become effective October 1, 2011.

PASSED by the City Council and APPROVED by the Mayor this 8th day of September, 2011.

CITY OF STANWOOD

By _____
DIANNE WHITE, Mayor

ATTEST:

By _____
MELISSA COLLINS, City Clerk

Approved as to form:

By _____
GRANT K. WEED, City Attorney

Date of Publication: _____

CITY OF STANWOOD, WASHINGTON
SUMMARY ORDINANCE NO. 1300

AN ORDINANCE of the City of Stanwood, Washington, relating to contracting indebtedness; providing for the issuance, sale and delivery of \$2,880,000 par value of Water and Sewer Revenue Bonds, 2011, to finance the costs of certain improvements included in the City's Capital Improvement Plan, provide for the Reserve Requirement, and pay the costs of issuing and selling the Bonds; fixing the terms and covenants of the bonds; and providing for related matters.

THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Sections 1 – 25

PASSED by the City Council of the City of Stanwood this 13th day of October, 2011. Mayor Dianne White. Note: The full text of this document is available for review in the City Clerk's office and will be mailed upon request.

Chapter 12.16 WATER UTILITY RATES AND CHARGES

Sections:

- [12.16.005](#) Definitions.
- [12.16.010](#) Water service rates.
- [12.16.014](#) Low-income senior citizen and low-income disabled rates.
- [12.16.016](#) Inactive rates.
- [12.16.020](#) Large seasonal users.
- [12.16.030](#) Fire hydrant service.
- [12.16.040](#) Service connection charge.
- [12.16.050](#) Fire suppression systems.

12.16.005 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- (1) "Quantity allowed" means the number of hundreds of cubic feet of water that may be consumed for the monthly minimum charge.
- (2) "Overage" means the water that is consumed over the quantity allowed for each meter size in a month.
- (3) "Low-income household" means a household in which the total annual income is below the very low-income level for the Seattle/Everett area as established and amended by survey from time to time by the United States Department of Housing and Urban Development.
- (4) "Senior citizen" means a person 62 years of age or older.
- (5) "Disabled person" means a person who qualifies for special parking privileges under RCW [46.16.381](#)(1)(a) through (f), or a blind person as defined in RCW [74.18.020](#), or a person who qualifies for supplemental Social Security benefits due to a disability.
- (6) "Inactive" means an account with less than 100 cubic feet of water consumption per month for one continuous billing period or more.
- (7) "Customer" means the legal property owner at time of meter reading.
- (8) "Account" means customer. (Ord. 1290 § 2, 2011; Ord. 1189 § 3, 2006; Ord. 994 § 1, 1996).

12.16.010 Water service rates.

- (1) For the furnishing of service to users and potential users of the city water system, the rates and charges per month are established for the classifications indicated below.
- (2) Water Service Rates – Metered Water. The following rates will be applied for monthly water service:
 - (a) Monthly Minimum Charges by Meter Size – Effective January 1, 2014.

Meter	Quantity Allowed	Monthly
-------	------------------	---------

Size (inches)	(hundreds of cubic feet)	Minimum Base Charge
3/4	6	\$22.10
1	10	\$36.89
1-1/2	20	\$73.58
2	40	\$117.77
3	80	\$220.94
4	150	\$368.31

(b) Charges for Consumption in Excess of the Quantity Allowed (by Hundreds of Cubic Feet) – Effective January 1, 2014. All amounts in excess of quantity allowed, unless included in the monthly minimum base charge, shall be charged at \$2.89 per each 100 cubic feet over the base quantity allowed.

(c) Effective January 1, 2015, a five percent increase will be applied to the 2014 monthly minimum charges by meter size and to the 2014 charges for consumption in excess of the quantity allowed.

(d) Effective January 1, 2016, a five percent increase will be applied to the 2015 monthly minimum charges by meter size and to the 2015 charges for consumption in excess of the quantity allowed.

(e) Effective January 1, 2017, a five percent increase will be applied to the 2016 monthly minimum charges by meter size and to the 2016 charges for consumption in excess of the quantity allowed.

(f) Effective January 1, 2018, a five percent increase will be applied to the 2017 monthly minimum charges by meter size and to the 2017 charges for consumption in excess of the quantity allowed.

(g) Effective January 1, 2019, a five percent increase will be applied to the 2018 monthly minimum charges by meter size and to the 2018 charges for consumption in excess of the quantity allowed.

(h) Water Service Outside the City Limits. Rates for services outside of the city of Stanwood shall be city rates as adopted, plus 45 percent.

(3) Conditions.

(a) In computation of bi-monthly bills for service, the monthly minimum base charge and the quantity allowed for each rate block shall be multiplied by two.

(b) When multiple dwelling units, each having bathroom and/or kitchen facilities, within a building are served by a single meter connection, the minimum charge per month shall be the minimum monthly charge for a three-quarter-inch meter times the number of dwellings served by the single meter. (Ord. 1354 § 1, 2013; Ord. 1290 § 3, 2011; Ord. 1259 § 2, 2009; Ord. 1189 § 3, 2006; Ord. 1128 § 1, 2002; Ord. 1101 § 1, 2000; Ord. 1085 § 1, 1999; Ord. 994 §§ 2 – 5, 1996; Ord. 831 § 1, 1991; Ord. 808 § 1, 1990; Ord. 788 § 1, 1989; Ord. 749 § 1, 1988; Ord. 723 §§ 1, 2, 1987; Ord. 715 § 1, 1986; Ord. 709 § 1, 1986).

12.16.014 Low-income senior citizen and low-income disabled rates.

(1) Low-income senior citizens or low-income disabled persons who are customers of the utility shall be

eligible to apply for water service at 70 percent of the monthly minimum charge, and full charge for all overage consumption.

(2) Low-income households in which the principal financial resources are provided by a senior citizen or a disabled person, as defined in this chapter, may apply for these reduced rates. The city may require a customer who is receiving service at a reduced rate to provide information annually to confirm their continued eligibility for the reduced rate.

(3) The reduced rate provided by this section shall apply only to three-quarter-inch single-family residential services. (Ord. 1189 § 3, 2006; Ord. 1101 § 1, 2000; Ord. 1085 § 1, 1999; Ord. 994 § 6, 1996).

12.16.016 Inactive rates.

An inactive rate is available to accounts where consumption falls below 100 cubic feet for one continuous billing period or more. Inactive rates will only be available upon prior notice to the city. Inactive rates for all meter sizes shall be at 50 percent of the minimum monthly base water charge by meter size. (Ord. 1189 § 3, 2006; Ord. 1101 § 1, 2000; Ord. 1085 § 1, 1999; Ord. 994 § 7, 1996).

12.16.020 Large seasonal users.

(1) Applicable to all users who:

- (a) Consume more than 1,000,000 cubic feet per year; and
- (b) Consume water at a rate of more than 100 gallons per minute (GPM); and
- (c) Consume more than 20 percent of their annual water use in 30 consecutive calendar days.

(2) Demand Charge. Large seasonal users shall pay a demand charge. The demand charge shall be in accordance with the following formula:

- (a) Effective January 1, 2005, Demand Charge – \$1.59 times (peak day water use for 2004 in GPM).
- (b) Effective September 1, 2006, Demand Charge – \$1.67 times (peak day water use for 2005 GPM).
- (c) Effective January 1, 2007, Demand Charge – \$1.79 times (peak day water use for 2006 GPM).
- (d) Effective January 1, 2008, Demand Charge – \$1.92 times (peak day water use for 2007 GPM).
- (e) Effective January 1, 2009, Demand Charge – \$2.06 times (peak day water use for 2008 GPM).

(3) Consumption Charge. In addition to the demand charge, large seasonal users shall pay a consumption charge equal to:

- (a) Effective January 1, 2005, the annual average water consumption over the five previous calendar years divided by 12 times \$1.21 per 100 cubic feet.
- (b) Effective September 1, 2006, the annual average water consumption over the five previous calendar years divided by 12 times \$1.27 per 100 cubic feet.

(c) Effective January 1, 2007, the annual average water consumption over the five previous calendar years divided by 12 times \$1.36 per 100 cubic feet.

(d) Effective January 1, 2008, the annual average water consumption over the five previous calendar years divided by 12 times \$1.46 per 100 cubic feet.

(e) Effective January 1, 2009, the annual average water consumption over the five previous calendar years divided by 12 times \$1.57 per 100 cubic feet.

Any city utility tax is in addition to the above rates. (Ord. 1189 § 3, 2006; Ord. 1128 § 1, 2002; Ord. 1101 § 1, 2000; Ord. 1085 § 1, 1999; Ord. 994 § 8, 1996; Ord. 715 § 1, 1986; Ord. 709 §1, 1986).

12.16.030 Fire hydrant service.

(1) Hydrant Use Fee. Persons drawing water from or utilizing city water from a hydrant shall pay a use fee of \$50.00 per day.

(2) Rate per Month. Fire hydrants owned and maintained by the customer:

Each hydrant \$2.50 per month

(Ord. 1189 § 3, 2006; Ord. 1101 § 1, 2000; Ord. 1085 § 1, 1999; Ord. 715 § 1, 1986; Ord. 709 § 1, 1986).

12.16.040 Service connection charge.

(1) A permit fee to cover the cost of administration in the amount of \$50.00 shall be charged for each application for city water service. Such fee shall be paid into the city general fund.

(2) Service Connection Charge. Each separate service connection shall pay a fee per meter size as follows:

3/4" or smaller \$600.00

1" \$700.00

1-1/2" \$2,000.00

2" \$2,500.00

Service connection charges for meters larger than two inches shall be determined by the public works director. (Ord. 1189 § 3, 2006; Ord. 1101 § 1, 2000; Ord. 1085 § 1, 1999; Ord. 715 § 1, 1986; Ord. 709 § 1, 1986).

12.16.050 Fire suppression systems.

(1) Rate per Month. Effective January 1, 2007, buildings with installed fire suppression systems owned and maintained by the customer shall be billed at \$2.50 per month. (Ord. 1189 § 3, 2006).

The Stanwood Municipal Code is current through Ordinance 1386, passed December 11, 2014.

Disclaimer: The City Clerk's Office has the official version of the Stanwood Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Chapter 12.18 WATER UTILITY REGULATIONS

Sections:

- [12.18.010](#) Purpose.
- [12.18.020](#) Definitions.
- [12.18.030](#) Cross-connections – Prohibited.
- [12.18.040](#) Cross-connections – Standards.
- [12.18.050](#) Cross-connections – Responsibility.
- [12.18.060](#) Cross-connections – Service prerequisites.
- [12.18.070](#) Cross-connections – Approval required.
- [12.18.080](#) Cross-connections – Right of entry.

12.18.010 Purpose.

The purpose of this chapter is to protect the water supply of the city of Stanwood water system from contamination or pollution from potential cross-connections; promote the elimination or control of existing or potential cross-connections. (Ord. 721 § 1, 1987).

12.18.020 Definitions.

- (1) "Airbreak" is a physical separation which may be a low inlet into the indirect waste receptor from the fixture, appliance or device indirectly connected.
- (2) "Airgap" is the unobstructed vertical distance through the free atmosphere between a supply line outlet and overflow rim of a receiving vessel. This separation must be at least twice the inside diameter of the supply line, but never less than one inch.
- (3) "Backflow" is the flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source (see "Back-siphonage").
- (4) "Backflow connection" or condition is any arrangement whereby backflow can occur.
- (5) "Backflow preventer" is a device or means to prevent backflow into the potable water system.
- (6) "Back-siphonage" is the flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel into a water supply pipe due to a negative pressure in such pipe (see "Backflow").
- (7) "Cross-connection" is any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it may be possible for non-potable, used, unclean, polluted and contaminated water, or other substances to enter into any part of such potable water system under any condition. (Ord. 721 § 2, 1987).

12.18.030 Cross-connections – Prohibited.

The installation or maintenance of any cross-connection which would endanger the water supply of the city of Stanwood water system is prohibited. Any such cross-connection now existing or hereafter installed is hereby declared unlawful and shall be abated immediately. (Ord. 721 § 3, 1987).

12.18.040 Cross-connections – Standards.

The control or elimination of cross-connections shall be in accordance with WAC [248-54-285](#). The policies, procedures, and criteria for determining appropriate levels of protection shall be in accordance with the Accepted Procedure and Practice in Cross Connection Control Manual – Pacific Northwest Section – American Water Works Association, Third Edition, or any superseding edition. (Ord. 721 § 4, 1987).

12.18.050 Cross-connections – Responsibility.

It shall be the responsibility of the city of Stanwood department of public works to protect the potable water system from contamination or pollution due to cross-connection. (Ord. 721 § 5, 1987).

12.18.060 Cross-connections – Service prerequisites.

Water service to any premises shall be contingent upon the customer providing cross-connection control in a manner approved by the Stanwood department of public works. (Ord. 721 § 6, 1987).

12.18.070 Cross-connections – Approval required.

Backflow devices required to be installed shall be a model approved by the state Department of Social and Health Services and shall be tested annually. (Ord. 721 § 7, 1987).

12.18.080 Cross-connections – Right of entry.

Authorized employees of the city of Stanwood public works department with proper identification shall have free access at reasonable hours of the day, to all parts of a premises or within buildings to which water is supplied. Water service may be refused or terminated to any premises for failure to allow necessary inspections. (Ord. 721 § 8, 1987).

The Stanwood Municipal Code is current through Ordinance 1386, passed December 11, 2014.

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Chapter 12.20 UTILITY BILLING REGULATIONS

Sections:

- [12.20.010](#) Billing and payment policy.
- [12.20.020](#) Assessing charges and penalties for nonpayment, disconnection and reconnection.
- [12.20.030](#) Termination of service.
- [12.20.040](#) Payment required before service restoration.
- [12.20.050](#) Lien rights.
- [12.20.060](#) Adjustment to bills.

12.20.010 Billing and payment policy.

(1) Billing statements shall be mailed to the address of the owner of the property being served by the utilities, as the address appears in the records of the city utility department. Upon written request of the owner, billing statements may be sent directly to the occupant of the property being served; however, in such cases the owner shall remain liable for payment of the bill, and the property shall remain subject to a lien for delinquent account.

(2) All payments on utility bills shall be applied first to the sewer balance, second to the drainage balance, and third to the water balance. Penalties and other charges are allocated proportionately to each utility.

(3) All utility customers who are billed on a bi-monthly basis shall have not less than 30 days to make payment for all fees or charges assessed for such services. Such fees and charges shall be deemed delinquent if not paid in full within 40 days of issuance of the billing by the city.

For monthly billings:

All utility customers who are billed on a monthly basis shall have not less than 20 days to make payment for all fees or charges assessed for such services. Such fees and charges shall be deemed delinquent if not paid in full within 30 days of issuance of the billing by the city.

Such delinquent accounts shall automatically constitute a lien against the property to which the services were rendered. Such a lien, for up to four months of charges, shall encumber the property, and shall be the obligation of the owner of the property, its heirs, successors and assigns, until the same is paid in full. The city may enforce the lien by shutting off water and sewer service until all delinquent and unpaid charges are paid in full; provided, that discontinuance of service shall be subject to the provisions of SMC [12.20.030](#). (Ord. 1295 § 2, 2011; Ord. 1189 § 4, 2006; Ord. 1101 § 2, 2000; Ord. 1085 § 2, 1999; Ord. 748 § 1, 1988).

12.20.020 Assessing charges and penalties for nonpayment, disconnection and reconnection.

(1) Delinquency. A utility account is considered delinquent when the customer or occupant receiving the service fails to pay the utility charges within the date set forth on the billing for such services.

Termination of service does not relieve the customer of the obligation to pay delinquent accounts and charges.

(2) Disconnection and Reconnection Charges.

(a) There shall be a shutoff charge assessed for each voluntary or involuntary discontinuance of service; provided, that the shutoff charges shall be more if the utility department is required to make a special trip for a single account. The disconnection charges are set forth in SMC [3.30.150](#).

(b) There shall be a reconnection charge assessed for each reconnection; provided, that the reconnection charge shall be more if the utility department is required to make a special trip for one account. The reconnection charges are set forth in SMC [3.30.150](#). If a customer insists upon a reconnection after 4:30 p.m. on weekdays, weekends or holidays, the fee for such after-hours reconnection is set forth in SMC [3.30.150](#).

(c) If service is shut off by reason of an account being delinquent at a single premises more than once within a 12-month period, the shutoff and reconnection charges after the first time during the 12-month period shall be increased as set forth in SMC [3.30.150](#).

(d) If service has been terminated for delinquent and unpaid charges, temporary restoration will be allowed for inspection related to a potential sale. The fee for such service is set forth in SMC [3.30.150](#).

(3) Late Penalty. For each notice sent to a utility customer advising the customer that an account is delinquent or the utility service will be discontinued by reason of the delinquency, there shall be a late penalty charge added to the account of five percent of the unpaid balances.

The finance director, or his/her designee, is authorized to waive the late penalty charge and disconnection and reconnection charges under the following circumstances:

(a) Where a utility customer has made arrangements with the city, prior to the date the billing is due, for deferral of the payment of the bill;

(b) Where a utility customer has not been delinquent in the previous 12 months; or

(c) If an emergency arises where the water service needs to be disconnected.

(4) Other Fees and Charges.

(a) If a utility account is dishonored by the drawer's bank by reason of insufficient funds, a surcharge, as specified in SMC [3.30.150](#), shall be added to the utility account, and shall be paid in full.

(b) If a utility account is liened by reasons of nonpayment for up to four months, the customer shall be responsible for payment of all lien recording fees. These lien charges shall be assessed on utility account balances.

(c) If a utility customer requests a meter read outside the regular read cycle, a charge, as specified in SMC [3.30.150](#), shall be added to the utility account. (Ord. 1351 § 2, 2013; Ord. 1295 § 2, 2011; Ord. 1189 § 4, 2006; Ord. 1101 § 2, 2000; Ord. 1085 § 2, 1999; Ord. 748 § 2, 1988).

12.20.030 Termination of service.

(1) Water service may be discontinued by the city for any of the following reasons:

- (a) For delinquent and unpaid charges as specified in SMC [12.20.020](#);
 - (b) For the use of water and sewer utilities for purposes or properties other than that specified in the application;
 - (c) For tampering with property of the city utility system;
 - (d) In case of vacation of the premises by the customer;
 - (e) For the use of the utility lines in a manner which adversely affects the city's service to its customers;
 - (f) For fraudulent or improper obtaining or use of utility service.
- (2) Except in the case of danger to life or property, fraudulent use, impairment of service, or violation of law, the city shall use its best efforts to comply with the following procedures prior to an involuntary discontinuance of service:
- (a) The city shall send the owner and occupant of the premises, using addresses shown in the city utility records, written notice that water service to the property will be shut off on a date not less than 10 days thereafter unless the delinquencies are paid in full. The notice shall state that the owner and occupant of the premises have a right to a hearing before the mayor for the purposes of resolving disputed accounts. A request for such a hearing must be made not less than five days prior to the shutoff date. At the hearing the mayor is authorized to compromise and settle disputes in the interest of justice; provided, the mayor shall not be authorized to waive or reduce bills which are legitimately due, or to lend the city's credit by allowing a deferred payment schedule.
 - (b) If service is not discontinued within three days after the stated shutoff date, unless other mutually acceptable arrangements have been made, the shutoff notice shall become void and a new notice shall be required before the service can be disconnected thereafter.
 - (c) In the event of a disputed account, at any time before the city shuts off service, the owner or occupant of the premises may tender the amount he claims to be due; provided, that the amount must be reasonably supported by documented evidence. The right of the city to thereafter shut off service shall not accrue until the dispute has been administratively or judicially resolved.
 - (d) Except in the case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays or any day on which the city cannot reestablish service on the same or following day.
 - (e) Where service is provided to a master meter, or where the city has reasonable grounds to believe that service is to other than the customer of record, the city shall undertake all reasonable efforts to inform the occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, an additional five days shall be allowed prior to shutoff to permit the service users to arrange for continued service.
 - (f) Charges for disconnection and reconnection of water service, as specified in SMC [12.20.020](#), shall be added to the account, and shall be paid in full prior to reconnection. (Ord. 1295 § 2, 2011; Ord. 1189 § 4, 2006; Ord. 1101 § 2, 2000; Ord. 1085 § 2, 1999; Ord. 748 § 3, 1988).

12.20.040 Payment required before service restoration.

Water service may not be restored to the premises until all utility billing charges as specified in SMC [12.20.020](#) due and owing have been satisfied. (Ord. 1295 § 2, 2011; Ord. 1189 § 4, 2006; Ord. 1101 § 2, 2000; Ord. 1085 § 2, 1999; Ord. 748 § 4, 1988).

12.20.050 Lien rights.

(1) Liens against the property for up to four months of unpaid charges shall encumber the property, and shall be the obligation of the owner of the property, its heirs, successors, and assigns, until the same are paid in full. The city may enforce the lien by shutting off water services until all delinquent and unpaid charges are paid in full.

(2) Nothing in this chapter shall be construed as abridging the lien rights of the city of Stanwood, or other legally established sanctions. (Ord. 1295 § 2, 2011; Ord. 1189 § 4, 2006).

12.20.060 Adjustments to bills.

(1) In the event a meter fails to register the correct amount of water used, the customer will be charged at the average rate of monthly consumption for the previous 12 months as shown by the meter when in working order.

(2) In the event a leak or failure of a private water system or private service between the meter and the structure located on private property results in excess consumption, the city may, through a determination of the city finance director, provide for a rate adjustment up to 50 percent of the volume consumed in any one billing period in excess of the bi-monthly average of water consumed over the previous 12 months at that service address.

(a) Customers shall be required to provide proof of repair to leak or failure prior to receiving any rate adjustment.

(b) Application for the credit or adjustment must be made in written form and approved by the city finance director or his/her designee.

(c) No more than one application for credit may be considered per service address in any 24-month period without city council approval. In order to grant a second adjustment the council must find one or more of the following circumstances exist:

(i) The leak could not have been readily detectable with reasonable diligence;

(ii) The customer does not occupy or use the subject property on a continuous basis;

(iii) Any prior leak for which an adjustment was made by the city was repaired within 30 days of discovery;

(iv) The customer account has been kept current and there have been no delinquencies within the previous 24 months.

Adjustments are final and requests for reversal will not be granted and are not subject to appeal. (Ord. 1359 § 1, 2013; Ord. 1295 § 2, 2011; Ord. 1189 § 4, 2006).

The Stanwood Municipal Code is current through Ordinance 1386, passed December 11, 2014.

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Chapter 12.40 PLANT INVESTMENT CHARGE

Sections:

- [12.40.010](#) Purpose.
- [12.40.020](#) Permits.
- [12.40.030](#) Property owner's responsibilities.
- [12.40.040](#) Plant investment charge.
- [12.40.045](#) Additional water plant investment charge for Cedarhome benefit area.
- [12.40.050](#) Review of rates.
- [12.40.060](#) Collection.
- [12.40.070](#) Segregation and use of revenue.
- [12.40.080](#) Credits.

12.40.010 Purpose.

The city council of the city of Stanwood, Washington, has determined that it is reasonable and in the public interest to enact and impose a "plant investment charge" for the purpose of recovering an equitable share of the costs of water, sewer and drainage facilities from those properties within the utility service areas which, as a part of their development and use, create needs for those facilities. The city council finds that the public would benefit from a logical long range approach to the financing of necessary facilities. Experience has demonstrated that the lack of such provision casts an unfair and unexpected burden on taxpayers and residences in the form of taxes, bond interest costs and assessments when core or central facilities become inadequate, causing a crisis. Operating from crisis to crisis is wasteful, unsafe and no longer an acceptable method of local government, and debt financing should be minimized wherever possible. The "plant investment charge" herein described is designed and calculated to be of such amount as will eventually create reasonable reserves to pay the public's fair share of basic and essential service facilities as the need arises. (Ord. 1107, 2001; Ord. 787 § 2, 1989).

12.40.020 Permits.

Owners of premises within the city utility service areas adjacent to and abutting upon the sanitary sewer system, water system, or drainage system, and which premises has not been previously assessed under a local improvement district, or some other method, may connect those premises to and utilize service from such systems upon receipt of a permit issued by the director of public works. Such permit shall be issued only upon written application to the director by the owner of the premises to be served and subject to the following terms and conditions:

(1) Payment of the appropriate fees for the systems:

- (a) Water: Plant investment charge for water;
- (b) Sewer: Plant investment charge for sewer;
- (c) Drainage: Plant investment charge for drainage.

(2) The plant investment charges are separate and additional to the permit for water service connection, sewer connection, and drainage connection. (Ord. 1107, 2001; Ord. 787 § 3, 1989).

12.40.030 Property owner's responsibilities.

- (1) The property owner warrants that he/she is the owner of the property with full authority to bind the property with the covenants and conditions contained in the Stanwood Municipal Code.
- (2) The property owner shall subject his property to the resolutions and ordinances of the city, and shall use the public sewers, water mains and drainage mains of the city in accordance with the rules, regulations and ordinances of the city, as they may be amended from time to time, and the property shall be subject to the regular schedule of sewer, water service and drainage charges of the city, as may from time to time be fixed by the city for its use classification, including, if the city so provides, a reasonable split rate for properties served in particular areas.
- (3) The property described in the permit shall be the only property served with sewer, water and drainage service.
- (4) The property shall be subject to liens, penalties and interest for nonpayment of sewer, water service and drainage charges, to the same extent as any other property served by the city.
- (5) Credit shall be given on any future assessment in a local improvement district or utility local improvement district for any charge in lieu of assessment paid for that property, or any reasonable costs incurred by the property owner and allowed by the public works director or other authorized representative in installing sewer, water and drainage lines, which have been deeded to the city.
- (6) Building sewers and water mains and other appurtenant facilities constructed and installed by the property owner shall be subject to the permit, design review, construction, inspection, connection, conveyance and other requirements of this chapter, including the required fees and charges.
- (7) There shall be paid for the property plant investment charges as required by SMC [12.40.040](#).
- (8) To protect the interests of the city, the public works director, city engineer, or other authorized representative of the city may require other conditions and provisions as the individual case may warrant, including, but not limited to, reasonable design requirements, design review and inspection requirements, and protective and safety requirements. (Ord. 1107, 2001; Ord. 787 § 4, 1989).

12.40.040 Plant investment charge.

(1) Water Plant Investment Charge.

(a) The city council hereby finds and determines that the capital cost of the city's current and future water system, including pumps, wells, distribution lines, reservoirs and rights-of-way, is \$37,797,283. The capital cost of such system has been borne by the city and its water system users. Such water system will be utilized by newly connecting properties, and the capital cost, as applied to buildings presently served, is \$5,280 per each three-quarter-inch water meter.

(b) Beginning January 1, 2011, and thereafter, in addition to other fees imposed by ordinance or pursuant to agreements, there is hereby imposed upon the owners of property seeking to provide water service to their property by connecting to the city's water system a plant investment charge, determined by multiplying the total number of equivalent water connections proposed by \$5,280. Equivalent connections and plant investment charges for all buildings shall be as follows:

Service Connection Size	Equivalent Connection	Charge
Up to 3/4"	1.00	\$5,280
1"	1.67	\$8,818
1-1/2"	3.33	\$17,584
2"	5.33	\$28,144
3"	10.00	\$56,342
4"	16.67	\$88,024
6"	33.33	\$175,995
8"	53.33	\$281,603

(2) Sewer Plant Investment Charge.

(a) The city council hereby finds and determines that the capital cost of the city's current and future sewer system, including pumps, collection pipelines, sewer treatment plant, and rights-of-way, is \$26,293,050. The capital cost of such system has been borne by the city and its sewer system users. Such sewer system will be utilized by newly connecting properties and the capital cost, as applied to buildings presently served, is \$6,476 per each three-quarter-inch water meter.

(b) Beginning January 1, 2011, and thereafter, in addition to other fees imposed by ordinance or pursuant to agreements, there is hereby imposed upon the owners of property seeking to provide sewer service to their property by connecting to the city's sewer system a plant investment charge, determined by multiplying the total number of equivalent connections by \$6,476. Equivalent connections and plant investment charges for all buildings shall be as follows:

Service Connection Size	Equivalent Connection	Charge
Up to 3/4"	1.00	\$6,476
1"	1.67	\$10,815
1-1/2"	3.33	\$21,565
2"	5.33	\$34,517
3"	10.00	\$64,760
4"	16.67	\$107,955
6"	33.33	\$215,845
8"	53.33	\$345,365

(3) Drainage Plant Investment Charge.

(a) The city council hereby finds and determines that the capital cost of the city's drainage system, including pumps, collection pipelines and rights-of-way, is \$3,270,401. The capital cost of such system has been borne by the city and its drainage system users. Such drainage system will be utilized by newly developed properties, and the capital cost, as applied to buildings presently served, is \$665.00 per each equivalent unit.

(b) Beginning January 1, 2010, and thereafter, in addition to other fees imposed by ordinance or pursuant to agreements, there is hereby imposed upon the owners of property seeking to develop within the city limits a drainage plant investment charge determined by multiplying the total number of equivalent residential units (ERU) by \$665.00.

(i) Residential. An equivalent residential unit (ERU) is determined to be 3,000 square feet of impervious area. This is based on a lot size of up to 10,000 square feet. For plant investment charges for residential lots larger than 10,000 square feet, the ERUs will be calculated on the same basis as nonresidential development.

(ii) Nonresidential Development (Includes Multifamily Dwellings). Drainage plant investment charges for nonresidential development shall be calculated based on the number of equivalent residential units of impervious area of the proposed development, including fractions thereof. For example:

(A) $5,500 \text{ square feet of impervious area} / 3,000 = 1.83 \times \$665.00 = \$1,217;$

(B) $6,400 \text{ square feet of impervious area} / 3,000 = 2.13 \times \$665.00 = \$1,416.$ (Ord. 1288 § 1, 2010; Ord. 1260 § 1, 2009; Ord. 1190 § 1, 2006; Ord. 1107, 2001; Ord. 1078, 1999; Ord. 940 § 1, 1995; Ord. 849 §§ 1, 2, 1992; Ord. 813 § 1, 1991; Ord. 787 § 5, 1989).

12.40.045 Additional water plant investment charge for Cedarhome benefit area.

(1) The city council hereby finds and determines that the capital costs of water system improvements in the Cedarhome area are \$2,732,000. Said water system improvements will be utilized by newly connecting properties in the Cedarhome benefit area and the capital cost for each three-quarter-inch water meter shall be \$2,570.

(2) The Cedarhome benefit area is hereby defined as that area shown in Exhibit A-1, titled Cedarhome Benefit Area and Exhibit A-2, titled Cedarhome Benefit Area Tax Account Numbers, attached to the ordinance codified in this section and incorporated by this reference.

(3) In addition to other fees imposed by ordinance or pursuant to agreements, there is hereby imposed upon the properties in the Cedarhome benefit area seeking to obtain water service by connecting to the city's water system, a plant investment charge, determined by multiplying the total number of equivalent connections proposed by \$2,570.

(a) Equivalent connections and plant investment charges for all buildings shall be as follows:

Service Connection Size	Equivalent Connection	Charge
Up to 3/4"	1.00	\$2,570
1"	1.67	\$4,292
1-1/2"	3.33	\$8,558
2"	5.33	\$13,698
3"	10.00	\$25,700
4"	16.67	\$42,842

6"	33.33	\$85,658
8"	53.33	\$137,058

(4) All funds derived under this section shall be segregated from all other funds of the city. The entire portion of the water plant investment charge for the Cedarhome benefit area shall be used for no other purpose than the design, installation, and construction of the 400 zone 500,000-gallon elevated reservoir and transmission main; and Cedarhome booster pump station or debt service thereon. (Ord. 1190 § 1, 2006; Ord. 1126 § 1, 2002).

12.40.050 Review of rates.

The plant investment charges, as set forth in this chapter, will be adjusted annually based upon the Engineering News-Record (ENR) Construction Cost Index (the 20-city average), for a period not to exceed five years. This cost index tracks changes in construction costs for municipal construction projects. After five years, or whenever the city's utility comprehensive plans or utility capital facility plans are updated and adopted by city council, whichever occurs first, the plant investment charges should be re-evaluated based on asset value, projected capital projects, projected growth, interest, and inflation. (Ord. 1190 § 1, 2006; Ord. 1107, 2001; Ord. 787 § 6, 1989).

12.40.060 Collection.

The plant investment charges are immediately due and payable upon, and concurrently with, the issuance of a valid building permit or a valid permit for connection to the sewer, water or drainage system of the city, whichever occurs first. (Ord. 1107, 2001; Ord. 787 § 7, 1989).

12.40.070 Segregation and use of revenue.

All funds derived from the plant investment charge are to be segregated by appropriate approved accounting practices from all other funds of the city. That portion of the plant investment charge calculated and collected on account of sewers shall be used for no other purpose than installing, constructing, and extending sewer facilities or debt service thereon; that portion of the plant investment charge calculated and collected on account of water shall be used for no other purpose than installing, constructing, and extending water facilities or debt service thereon; and, that portion of the plant investment charge calculated and collected on account of drainage shall be used for no other purpose than installing, constructing, and extending drainage facilities or debt service thereon. (Ord. 1107, 2001; Ord. 787 § 8, 1989).

12.40.080 Credits.

Credit may be granted under the provisions of this chapter toward the plant investment charge. Such credit may be granted when complying with the following guidelines:

- (1) Water, sewer and drainage facilities and pipelines to be used for credit shall be installed in accordance with approved plans and specifications and accepted by the city for maintenance.
- (2) Credit will not be granted in excess of the total charge for plant investment. (Ord. 1107, 2001; Ord. 787 § 9, 1989).

The Stanwood Municipal Code is current through Ordinance 1386, passed December 11, 2014.

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Chapter 12.45 EXTENSION OF CITY SERVICES OUTSIDE CITY LIMITS

Sections:

- [12.45.010](#) City's authority to provide service outside city limits.
- [12.45.015](#) Service outside city limits.
- [12.45.020](#) Water or sewer service application.
- [12.45.030](#) Charges for water or sewer service.
- [12.45.040](#) Utility extension agreement.
- [12.45.050](#) *Repealed.*

12.45.010 City's authority to provide service outside city limits.

(1) The city is authorized, pursuant to RCW [35.67.310](#) and [35.92.200](#), to provide sewer and water service to property outside the city limits. The city's provision of such service is not mandatory.

(2) The city's intent is to provide reasonable steps to phase implementation of the Growth Management Act by:

(a) Encouraging growth to first locate in areas that have adequate existing public facility and service capabilities to serve such development.

(b) Managing growth to transform governance and phase development within the urban growth area.

(c) To provide for orderly growth of the city consistent with the comprehensive plan.

(3) In all circumstances in which the city agrees to provide water or sewer service to property beyond its limits, the applicants for such service must comply with all of the terms and conditions of this chapter.

(4) After designation of the city's urban growth area boundary by the county as contemplated by RCW [36.70A.110](#), the city is prohibited from annexing territory beyond such boundary (RCW [35A.14.005](#)). Therefore, except to municipal corporations or quasi-municipal corporations, such as water, sewer or fire districts, and then only under the circumstances described in subsection (3) of this section, the city's extension of water and sewer service outside the city limits to property not contained within the city's urban growth area is not appropriate.

(5) The Growth Management Act, Chapter [36.70A](#) RCW, has been amended to allow cities to provide water and sewer services in rural areas in those limited circumstances shown to be necessary to protect basic public health, safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development (RCW [36.70A.110](#)[4]). Applications for water and sewer service in rural areas or areas outside the city's urban growth area may be granted by the city council under the circumstances in this section, and under the procedures set forth in SMC [12.45.015](#)(2). (Ord. 1275 § 1, 2010; Ord. 1122 § 1, 2002).

12.45.015 Service outside city limits.

(1) Within the Urban Growth Area.

(a) New single-family residential buildings on existing lots or lots configured through boundary line

adjustments, and new subdivisions or short plats, new or existing duplexes, multifamily residential, commercial, industrial and other nonresidential development may be allowed to connect to the city's water and sewer service only upon annexation to the city of Stanwood, except: where any properties are subject to pre-existing contractual commitments by the city such as LIDs, ULIDs or latecomer's agreements to serve water and/or sewer, the requirement to annex as a condition of connecting to such utilities shall be waived; provided, however, such properties shall be required to execute a covenant not to protest annexation in the future as a condition of such utility connection.

(b) Existing single-family residential buildings on a pre-existing legal lot may connect to the city's water and sewer service without annexation if the property owner can demonstrate by a preponderance of the evidence that the service is necessary to protect basic public health, safety, welfare and the environment and the application meets all the requirements of subsection (2) of this section.

(2) Outside the Urban Growth Area.

(a) Applications for water and sewer service to property outside the city's urban growth area boundary may only be approved if, in addition to all other requirements of this chapter, the applicant can demonstrate by a preponderance of the evidence that the service is necessary to protect basic public health, safety, welfare and the environment. This showing may include, among other documentation, an emergency order issued by the Department of Ecology relative to any sewer extension request and/or documentation from the Department of Public Health relative to water or sewer extension.

(b) To determine whether an extension of service is necessary to protect basic public health, safety, welfare and the environment, the city council shall review the application and may, in its sole discretion, allow the extension if the council makes all of the following findings:

(i) The impact on public health potentially impacts the general public rather than solely the property owner making application;

(ii) The hardship is not the result of the applicant's own action;

(iii) The hardship is not merely financial or pecuniary;

(iv) The requested service is financially supportable at rural densities and does not permit urban development;

(v) The city's NPDES permit will not be affected by the extension (if applicable);

(vi) The extension is consistent with the goals of the city's water and sewer comprehensive plans and all other applicable law, including, but not limited to, the Public Water System Coordination Act (Chapter [70.116](#) RCW), the Growth Management Act, and the State Environmental Policy Act; and

(vii) The city has adequate capacity and adequate infrastructure available to provide the required service, or the applicant voluntarily agrees to provide the necessary infrastructure upgrades to allow service consistent with Chapter [14.14](#) SMC, Street and Utility Standards.

(c) The council's approval of any utility service or extension under the criteria in this subsection (2)

may be conditioned upon the following:

- (i) Restrictions may be placed on the hours that the city will accept sewage flow from the applicants;
- (ii) Restrictions may be placed on the amount of sewage flow or water provided to the applicant;
- (iii) The applicant shall have responsibility to maintain and operate its own facilities;
- (iv) The applicant shall be required to execute a covenant not to protest annexation in the future as a condition of such utility connection; and/or
- (v) Any other conditions the council considers appropriate which fulfill the purpose and intent of this chapter. (Ord. 1356 § 6, 2013; Ord. 1275 § 1, 2010).

12.45.020 Water or sewer service application.

(1) Any person owning property outside the city limits and desiring to demonstrate that the required public health, safety and environment exception applies to their property shall make application for consideration of an out-of-city sewer request on the appropriate form. Every such application shall be made by the owner of the property to be connected and supplied the service or by his/her authorized agent. The applicant must state fully the purposes for which the water and/or sewer service exception is required.

(2) In instances where a water or sewer hook-up to a pre-existing water or sewer line is requested, the city shall only provide service if a public health, safety and environmental exception is granted by the city council pursuant to SMC [12.45.015\(2\)](#).

(3) Applicants must agree to conform to the city's rules and regulations concerning water and sewer service set forth in this title, as the same now exists or may be amended in the future. If the city receives such a water service application and subsequently issues a water availability certificate, such certificate shall expire within one year of the date of issuance if the applicant does not pay the required fees and request an actual hook-up and connect to the subject property within that time period. (Ord. 1275 § 1, 2010; Ord. 1122 § 1, 2002).

12.45.030 Charges for water or sewer service.

Applicants for water and/or sewer service to property outside the city limits shall be charged the rates and connection charges for such service as set forth in Chapter [12.04](#) SMC (sewer service), Chapter [12.16](#) SMC (water service), and Chapter [12.40](#) SMC (plant investment charges), as those code chapters now exist or may hereafter be amended. All other additional charges applicable to water and/or sewer service to property within the city limits in this title shall also be imposed, where appropriate. (Ord. 1275 § 1, 2010; Ord. 1122 § 1, 2002).

12.45.040 Utility extension agreement.

Every applicant for water and/or sewer service requiring extension of utilities or hook-up to existing facilities outside the urban growth area, except for municipal corporations or quasi-municipal corporations, such as water, sewer or fire districts, must agree to sign a voluntary agreement with the city which conditions the provision of the service on the following terms:

(1) Agreement to Run with the Property. The agreement shall be recorded against the property in the Snohomish County auditor's office, and shall constitute a covenant running with the land. All covenants and provisions of the agreement shall be binding on the owner and all other persons subsequently acquiring any right, title or interest in or to said property.

(2) Warranty of Title. The agreement shall be executed by the owner of the property, who shall also warrant that he/she is authorized to enter into such agreement.

(3) Annexation. Property owners requesting extension of city sewer and water outside the unincorporated UGA shall agree to sign a no protest agreement in which the property owner agrees to sign any petition that is circulated in the future to annex their property if at a future point the urban growth area is revised to include the subject property.

(4) Costs of Design, Engineering and Construction of Extension. The owner shall agree to pay all costs of design, engineering and construction of the extension, which shall be accomplished consistent with Chapter [14.14](#) SMC, Street and Utility Standards, and conform to plans approved by the city public works director. Costs of plan review and construction inspection shall also be paid by the owner consistent with Chapter [3.30](#) SMC, Fee Schedule.

(5) Plant Investment Charges. The owner shall be responsible for the payment of plant investment charges as defined by Chapter [12.40](#) SMC, as the equitable share of the costs of serving the property.

(6) Easements and Permits. The owner shall secure and obtain at the owner's sole cost and expense all permits, easements and licenses necessary to construct the extension.

(7) Dedication of Capital Facilities. The owner shall agree to dedicate all capital facilities constructed as part of the water and sewer extension (such as water or sewer main lines, pump stations, wells, etc.), at no cost to the city, upon the completion of construction, approval and acceptance by the city.

(8) Connection Charges. The owner shall be responsible for the payment of the connection charges set by the city in Chapters [12.04](#) and [12.16](#) SMC (as these chapters now exist or may hereafter be amended) as a condition of connecting to the city water and/or sewer system. Such connection charges shall be calculated at the rate schedules applicable at the time of actual connection.

(9) Special Assessment District. If, at the time of execution of the agreement, the city has formed a special assessment district to pay for capital project(s) related to service of the property, the owner shall agree to participate in the district and to waive his/her right to protest the assessment.

(10) Waiver of Right to Protest LID. If, at the time of execution of the agreement, the city has plans to construct certain improvements that would specially benefit the owner's property, the agreement shall specifically describe the improvement. The owner shall agree to sign a petition for the formation of an LID or ULID for the specified improvements at the time one is circulated, and to waive his/her right to protest formation of any such LID or ULID.

(11) Conformance to Standards.

(a) Development of property shall conform to the city of Stanwood water system plan, the city's wastewater facilities plan, street and utility standards (Chapter [14.14](#) SMC) and this title, as they now read or are hereafter amended.

(b) The establishment, maintenance and/or conducting of the uses for which the utility agreement is sought will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to the environment.

(12) Interlocal Agreements. If, at the time of execution of the agreement, the city and the county have approved any interlocal agreements governing the development of the Stanwood urban growth area, the development shall also be subject to the terms of the agreement(s) in place.

(13) Termination for Noncompliance. In addition to all other remedies available to the city for the owner's noncompliance with the terms of the agreement, the city shall have the ability to disconnect the utility, and for that purpose may at any time enter upon the property. (Ord. 1356 §§ 7, 8, 2013; Ord. 1275 § 1, 2010; Ord. 1169 § 1, 2005; Ord. 1140 § 1, 2003; Ord. 1122 § 1, 2002).

12.45.050 Extensions for public health, safety or environmental reasons.

Repealed by Ord. 1275. (Ord. 1140 § 1, 2003; Ord. 1122 § 1, 2002).

The Stanwood Municipal Code is current through Ordinance 1386, passed December 11, 2014.

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Chapter 12.50 LATECOMER AGREEMENTS FOR WATER AND SEWER

Sections:

- [12.50.010](#) Purpose.
- [12.50.020](#) Definitions.
- [12.50.030](#) Limitations on latecomer agreement.
- [12.50.040](#) Effect of latecomer agreement.
- [12.50.050](#) Fees – Application.
- [12.50.060](#) Deadline for submittal of application.
- [12.50.070](#) Administrative fees and recording costs.
- [12.50.080](#) Assessment method.
- [12.50.090](#) Cost of construction to be examined by city engineer.
- [12.50.100](#) Approval and acceptance of water and/or sewer facilities by city.
- [12.50.110](#) City council approval and notice.
- [12.50.120](#) No requirement for execution of latecomer agreement.

12.50.010 Purpose.

The purpose of this chapter is to implement Chapter [35.91](#) RCW, and to describe the process for a property owner or developer to request the execution of a latecomer agreement with the city council for water and/or sewer facilities. (Ord. 1182 § 1, 2006).

12.50.020 Definitions.

The definitions set forth in this section shall apply throughout this chapter:

- (1) “Cost of construction” means the cost incurred for design, acquisition for right-of-way and/or easements, permit and plan review fees, construction (including materials and installation), as required in order to create and install the water and/or sewer facilities in accordance with all applicable laws, ordinances and standards, including the city’s street and utility standards (Chapter [14.14](#) SMC). The cost of construction shall be documented in writing on final invoices or other documents showing the amounts paid by the owner. The city will not accept written estimates in determining the cost of construction. In the event of a disagreement between the city and the owner concerning the cost of the water and/or sewer facilities, the city engineer’s determination shall be final.
- (2) “Engineer” means the city engineer or his/her designated representative.
- (3) “Latecomer agreement” means a written contract between the city and one or more property owners providing for the partial reimbursement of the cost of constructing the water and/or sewer facilities. The latecomer agreement shall be a standard agreement approved as to form by the city attorney.
- (4) “Water and/or sewer facilities” means storm, sanitary or combination sewers, pumping stations and disposal plants, water mains, hydrants, reservoirs, or appurtenances. (Ord. 1356 § 9, 2013; Ord. 1182 § 1, 2006).

12.50.030 Limitations on latecomer agreement.

The city council may execute a latecomer agreement for water and/or sewer facilities with a property

owner who constructs water and/or sewer facilities:

- (1) Within the city or within 10 miles from the city corporate limits, connecting with the city public water or city sewerage system to serve the area in which the real estate is located;
- (2) To provide for a period of not to exceed 15 years for the reimbursement of such real estate owners and their assigns by any owner of real estate who did not contribute to the actual cost of such water and/or sewer facilities and who subsequently tap into or use the same (the "latecomer");
- (3) To require that the latecomer pay his or her fair pro rata share of the cost of the construction of the water and/or sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto;
- (4) To be effective as to any owner of real estate not a party to the latecomer agreement unless such latecomer agreement has been recorded in the office of the Snohomish County auditor prior to the time that the latecomer taps into or connects to said water and/or sewer facilities. (Ord. 1182 § 1, 2006).

12.50.040 Effect of latecomer agreement.

No person, firm or corporation shall be granted a permit or be authorized to hook up or use any such water and/or sewer facilities or extensions thereof during the period of time set forth in a recorded latecomer agreement without first paying to the city, in addition to any and all other costs and charges assessed for such hook-up or use or for the water lines or sewers constructed in connection therewith, the amount required by the latecomer agreement. Whenever any hook-up or connection is made into a water and/or sewer facility subject to a latecomer agreement, without such payment having first been made, the city may remove, or cause to be removed, such unauthorized hook-up or connection and all connecting tile or pipe located in the facility right-of-way and dispose of unauthorized material so removed without any liability whatsoever. (Ord. 1182 § 1, 2006).

12.50.050 Fees – Application.

A proposed latecomer agreement, including a description of the methodology and the pro rata share for each property, shall be submitted to the city, accompanied by:

- (1) A nonrefundable application fee equal to five percent of the amount proposed for collection under the latecomer agreement;
- (2) Paper and digital copies of as-built plans stamped by a Washington state licensed engineer or land surveyor;
- (3) Bill(s) of sale;
- (4) Itemized and quantified list of costs of construction, prepared, stamped and signed by a Washington state licensed civil engineer;
- (5) An 18-inch by 24-inch scaled drawing stamped by either a Washington state licensed civil engineer or land surveyor showing the water and/or sewer facility size, location and the proposed areas potentially encumbered for this latecomer agreement, including dimensions, tax parcel numbers, sizes of parcels, useful elevations as needed by the city for determining benefit, all existing utility services and appurtenances. The map must also include the method proposed to be used by the owner to determine

the assessment, i.e., frontage square footage and zone end termini;

(6) An eight and one-half inch by 11-inch vicinity map showing tax lot numbers and dollar amounts assessed on each lot. (Ord. 1182 § 1, 2006).

12.50.060 Deadline for submittal of application.

Applications for latecomer agreements shall be submitted to the city for approval after the city notifies the owner that the water and/or sewer facilities constructed are acceptable to the city for city operation and maintenance. For residential subdivisions, the application shall be submitted prior to final plat approval. For other types of developments not requiring a final plat approval, the application shall be submitted within 30 days after the city notifies the owner that the utilities are acceptable. Failure by the owner to submit a complete application prior to this deadline constitutes a waiver of the ability to request execution of a latecomer agreement with the city. (Ord. 1182 § 1, 2006).

12.50.070 Administrative fees and recording costs.

In addition to the fair pro rata charge imposed by the latecomer agreement, the city shall charge a fee of 10 percent of the amount collected from an owner under the latecomer agreement to cover the city's administrative costs of collecting and dispersing reimbursed amounts. Collected latecomer agreement fees disbursed to the contracting party shall be less the 10 percent charge. The owner of the real estate with whom the latecomer agreement is executed shall pay all costs of recording the latecomer agreement with the Snohomish County auditor's office, as required by law. (Ord. 1182 § 1, 2006).

12.50.080 Assessment method.

The city may use any method of assessment permitted by law including, but not limited to, the front-foot method, the zone end termini method, and square footage method. At the discretion of the public works director, the city may allow a proportionate payment if only a portion of a property is developed, with the balance to be paid when the rest of the property is developed. (Ord. 1182 § 1, 2006).

12.50.090 Cost of construction to be examined by city engineer.

The cost of construction of the water and/or sewer facilities shall be examined by the city engineer, prior to the city council meeting on the latecomer agreement. The city engineer shall provide a recommendation to the council to verify the examination of the cost of construction. (Ord. 1182 § 1, 2006).

12.50.100 Approval and acceptance of water and/or sewer facilities by city.

All water and/or sewer facilities proposed to be accepted for city ownership and maintenance (and later subject to a latecomer agreement) must be located on city-owned property or the necessary easements must be dedicated to the city prior to dedication such that the city may operate, maintain, demolish, reconstruct, improve or expand the water and/or sewer facilities in the future. (Ord. 1182 § 1, 2006).

12.50.110 City council approval and notice.

The city council shall have approval authority over latecomer agreements. Approval shall only be given after a public hearing held by the council or the hearing examiner on the agreement. Proper notice shall be met if the hearing is published in an official city newspaper with due notice sent to the affected property owners 10 days prior to the hearing. (Ord. 1182 § 1, 2006).

12.50.120 No requirement for execution of latecomer agreement.

Nothing in this chapter shall be construed as requiring the city to enter into such latecomer agreement. Nothing in this chapter requires the city to enter into a latecomer agreement on or after the timelines specified in SMC [12.50.060](#). (Ord. 1182 § 1, 2006).

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