

# CITY OF LYNNWOOD

## ORDINANCE NO. 2846

AN ORDINANCE AMENDING THE RATES CHARGED FOR STORM SEWER SERVICE TO PROVIDE NECESSARY REVENUES TO FUND CAPITAL PROJECTS AND ONGOING MAINTENANCE AND OPERATION OF THE SURFACE WATER SYSTEM AND TO PRESERVE THE SOLVENCY OF THE UTILITY; AMENDING SECTION 13.35.070 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

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WHEREAS, the City desires to base surface water rates on the actual cost of providing all maintenance and operations services and capital construction costs; and

WHEREAS, the new surface water rates are necessary in order to meet the revenue requirements of the utility; and

WHEREAS, the surface water rate structure was last adjusted in 2007 and before that in 2006;

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

Section 1. Section 13.35.070 of the Lynnwood Municipal Code is hereby amended as follows:

### **13.35.070 Utility charges.**

The following surface water utility rates and charges are hereby established for all sites in the city as set forth in Table 1 below. These rates and charges shall be in effect and assessed beginning January 1, of each year.

- A. Residential Single / Duplex unit: one ERU per month for each single-family residential unit on a site. This uniform rate is based on each single-family residential site being equal to one equivalent residential unity (ERU). Each duplex on a site shall be charged one ERU.
- B. Undeveloped sites: undeveloped sites shall not be charged under this system and structure of rates.
- C. Other sites: the charge for all other developed sites shall be based upon the total amount of measured impervious surface divided by one ERU, and rounded down to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the measured ERUs for a site by the monthly rate per ERU. All sites will be charged for at least one ERU.

Sites will be billed as a single-surface water account when a site contains multiple water meters and/or businesses on a site. Owners/managers will be responsible for any allocation of the surface water charge among tenants.

#### D. Special Surface Water Rate

##### 1. Residential Single-Unit - Senior / Disabled Special Rate.

Persons of the age of 61 years or older or who are disabled, meeting the qualifications specified in this section and RCW 84.36.381, shall be charged at the following residential single-unit or duplex unit rates, depending on the income level status of the customer pursuant to the Snohomish County Assessor's Office Real Property Taxes Exemption Process:

<u>Income Level Status</u>	<u>Rate</u>
A	0.40 ERUs
B	0.45 ERUs
C	0.50 ERUs

Qualifications for said rate shall be:

- a. The single-family or duplex residential property to which the utility service is extended shall have a valid property tax exemption from Snohomish County, pursuant to RCW 84.36.381 through 84.36.385.
- b. Claimants for said reduction shall occupy the site or unit as principle residence and be within the corporate limits of the city of Lynnwood and have a household income level no greater than and as prescribed in RCW 84.36.381.

##### 2. Residential Multiple-Unit and Mobile - Senior / Disabled Special Rates.

For residents and multi-family residential units or mobile units that meet such qualifications in Subsection D.1, but that do not have a direct account with the City (i.e. tenants of a condominium) a yearly rebate shall be paid to the resident based on forty (40), forty-five (45) or fifty (50) percent of a calculation of the cost per unit for that account, depending on the income level status of the customer pursuant to the Snohomish County Assessor's Office Real Property Taxes Exemption Process. In order to qualify for the rebate, the resident must make application to the City by November 1 of each year and demonstrate, in addition to meeting the qualifications in this section, that they have resided at the site or unit for the entire year.

3. The Mayor is authorized to administer the special utility rates and develop procedures as necessary for such implementation.

**Table 1 Customer Class Calculation**

<b>Customer Class</b>	<b>Rate Calculation</b>
Residential- Single/Duplex Unit	1 ERU
Residential- Multiple / Commercial Industrial Sites	Measured s.f. of impervious areas = number of billed ERUs
Special surface water rates	1 ERU x Special Rate

**Table 2 Surface Water Rates**

<b>Customer Class</b>	<b>2011 Monthly Rate</b>	<b>2012 Monthly Rate</b>	<b>2013 Monthly Rate</b>	<b>2014 Monthly Rate</b>	<b>2015 Monthly Rate</b>	<b>2016 Monthly Rate</b>
Residential – Single/Duplex Unit	\$7.20	\$7.52	\$7.86	\$8.14	\$8.42	\$8.71
Residential –Multifamily / commercial industrial sites	\$7.20	\$7.52	\$7.86	\$8.14	\$8.53	\$8.71
Special surface water rate, income level status A*	\$2.88	\$3.01	\$3.14	\$3.26	\$3.37	\$3.48
Special surface water rate, income level status B*	\$3.24	\$3.38	\$3.54	\$3.66	\$3.79	\$3.92
Special surface water rate, income level status C*	\$3.60	\$3.76	\$3.93	\$4.07	\$4.21	\$4.36

\* or as calculated for units in a complex

4. Preservation Mobile Home Park Rate.

For mobile home parks that are preserved pursuant to a development agreement in accordance with Chapter 1.37 LMC, as follows:

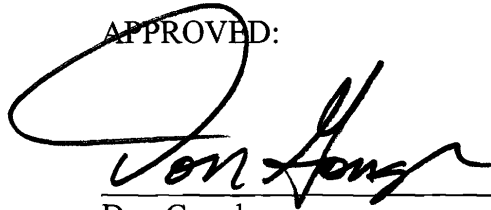
- a. Preservation for five to seven years: 0.5 ERUs.
- b. Preservation for seven years or more: 0.25 ERUs.

**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 thereof 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 shall take effect August 30, 2010 which is more than five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED BY THE CITY COUNCIL, the 9<sup>th</sup> day of August, 2010 and approved by the Mayor this 11<sup>th</sup> day of August, 2010.

APPROVED:



Don Gough  
Mayor

ATTEST/AUTHENTICATED:



Pat Dugan  
Interim Finance Director

APPROVED AS TO FORM:



Rosemary Larson  
City Attorney

PASSED BY THE CITY COUNCIL: 8/9/10

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

ORDINANCE NUMBER: 2846