

ORDINANCE NO. 10-955

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
KING COUNTY, WASHINGTON, AMENDING SECTION
13.24.010 OF THE BLACK DIAMOND MUNICIPAL CODE
RELATING TO SEWER RATES**

WHEREAS, the City of Black Diamond is a municipal corporation operating under the laws of the state of Washington as a code city pursuant to Chapter 35A of the Revised Code of Washington; and

WHEREAS, as a code city, the legislative body of the City of Black Diamond is vested with all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law; and

WHEREAS, the City of Black Diamond is authorized, pursuant to RCW 35A.21.150, to create, and has created, a sanitary sewerage system pursuant to RCW Ch. 35.67; and

WHEREAS, RCW Ch. 35.67 authorizes and grants to code cities, among other things, full jurisdiction and authority to manage, regulate, and control sanitary sewer systems, to compel connection to such sewerage systems, to set rates and charges for services, to collect delinquent charges, and to impose and foreclose upon liens for non-payment; and

WHEREAS, the City of Black Diamond has, pursuant to the above described authority, adopted procedures and requirements applicable to billing and collection of charges and fees for sewerage service, which procedures and requirements are codified in Title 13 of the Black Diamond Municipal Code; and

WHEREAS, the City of Black Diamond has contracted with King County Metro for wastewater conveyance and treatment services; and

WHEREAS, King County Metro bills the City of Black Diamond sanitary sewer utility for such services based upon its monthly rate and the number of customers the City's sanitary sewer utility serves, which cost become an expense to the City sanitary sewer utility; and

WHEREAS, King County Metro has notified the City of Black Diamond that their base rate will increase by \$4.20 per month per residential customer and the rate for all other users will increase by \$1.09 per each 100 cubic feet of water consumed per month in excess of 750 cubic feet; and

WHEREAS the City needs to increase its revenue by the imposition of new sewer rates of the same amount per month to cover the King County Metro increase; and

WHEREAS, the wastewater operating fund has required a financial subsidy from the capital reserve fund of \$50,000 for each of the last two years and will require a additional subsidy of approximately \$75,000 in year 2011 unless utility revenues increase; and

WHEREAS, the sanitary sewer utility rates include the costs of contracting with the Soos Creek Water and Sewer District for the conveyance of wastewater to the King County Sewer System (the “Soos Creek Wheeling Charge”); and

WHEREAS, the City sanitary sewer utility will no longer be obligated to pay the Soos Creek Wheeling Charge which will result in a reduction of utility operating costs; and

WHEREAS, a reallocation of the utility rates applied to the Soos Creek Wheeling Charge to payment of utility operating costs will allow the sanitary sewer utility to reduce the year 2011 subsidy from the capital reserve; and

WHEREAS the City Council finds, based upon the foregoing, that it would be in the best interest of the public health, safety and welfare to reallocate that portion of the rate revenues used to pay the Soos Creek Wheeling Charge to payment of sanitary sewer utility operating costs which reallocation will not result in an actual rate increase; and

WHEREAS, the City Council further finds, based upon the foregoing, that it would be in the best interest of the public health, safety and welfare to increase the monthly rates as set forth herein to pass through the additional costs for King County Metro conveyance and treatment services;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 13.24.010 of the Black Diamond Municipal Code is hereby amended to read as follows:

13.24.010 Monthly Rates Designated. Effective January 1, 2011 sewer service charges shall be as follows:

A. For residential customers served by a single meter to the residence, ~~\$51.06~~55.26;

B. For residential customers served by a single meter who have been approved under the Lifeline Utility Program, will receive a discount on the city share of the sewer rate as shown in the City fee schedule.

C. For all other users, including but not limited to commercial users, multi-family residences and mobile home parks, served by a single water meter, ~~\$51.06~~55.26 per month for the first unit, plus \$10.00 for each additional unit served by that water meter, plus ~~\$4.27~~5.36 for each 100 cubic feet of water

consumed per month in excess of 750 cubic feet. For purposes of this section, the word "unit" shall be defined as any dwelling unit, home, condominium, mobile home, manufactured home or location at which business is conducted.

D. Any user subject to an overage charge may apply to the City for installation of a separate meter to monitor water usage solely for irrigation and landscaping purposes. The individual or entity requesting such a meter shall pay the City for the cost of the meter and cost of installation. Water consumed for these purposes shall not be subject to the overage charge.

E. For purposes of this chapter home occupations shall not be considered a second use.


F. Federal, State and local taxes, where applicable, shall be added to the sums as set forth above.

Section 2 Effective Date. This Ordinance shall be in full force and effect on January 1, 2011 after its passage, approval, posting and publication as provided by law. A summary of this Ordinance may be published in lieu of publishing the Ordinance in its entirety.

Section 3. If any provision of this Ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this Ordinance shall remain in force and effect.

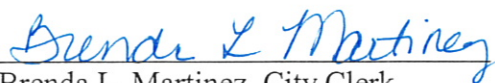
Introduced the 16th day of December, 2010.

Passed by a majority of the City Council at a meeting held on the 16th day of December, 2010.



Mayor Rebecca Olness

Attest:



Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

Chris Bacha, City Attorney

Published: 12/21/2010
Posted: 12/17/2010
Effective Date: 12/26/2010