

ORDINANCE No. 118176

COUNCIL BILL No. 111250

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INDEXED

Law Department

The City of

AN ORDINANCE relating to the Drainage and Wastewater Utility; amending all sections of Seattle Municipal Code Chapter 21.28 and adding sections 21.28.005, 21.28.090, 21.28.100 and 21.28.400 to simplify, clarify and update the chapter and make it easier to understand, and to clarify the responsibilities of wastewater customers who use submeters to measure water that does not enter the sewer system.

Honorable President:

Your Committee on _____

to which was referred the within _____ report that we have considered the _____

COMPTROLLER FILE No. _____

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Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

by President:

Committee on

was referred the within Council Bill No.

that we have considered the same and respectfully recommend that the same:

Full Council vote 9-0

Committee Chair

ORDINANCE 118176

AN ORDINANCE relating to the Drainage and Wastewater Utility; amending all sections of Seattle Municipal Code Chapter 21.28 and adding sections 21.28.005, 21.28.090, 21.28.100 and 21.28.400 to simplify, clarify and update the chapter and make it easier to understand, and to clarify the responsibilities of wastewater customers who use submeters to measure water that does not enter the sewer system.

WHEREAS, Ordinance 84390, adopted October, 1955, established the Director of Engineering's authority to charge for wastewater services has been amended and revised thirty-nine (39) times since it was first adopted and contains references to customers and services that no longer exist; and

WHEREAS, these amendments to Chapter 21.28 were done over a long time in a manner that made the chapter confusing and difficult to follow; and

WHEREAS, to lower their wastewater bills, more customers are installing submeters to measure water that does not enter the sewer system, and the City wishes to clarify the roles and responsibilities of those customers; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 21.28 of the Seattle Municipal Code is recaptioned to read as follows:

SMC Chapter 21.28 ((SEWER)) WASTEWATER RATES AND CHARGES

and all references to subchapters are hereby eliminated.

Section 2. Chapter 21.28 of the Seattle Municipal Code is amended to read as follows:

~~((Severability: If any part or portion of Subchapter I shall be held unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions thereof.))~~

~~((If any provision of Sections 21.28.090 through 21.28.190 and 21.28.210 through 21.28.240 or its application to any person, industry or circumstance is held invalid, the remainder of said sections or the application of the provision to other persons, industries or circumstances shall not be affected.))~~

1 **21.28.010 Sewerage system a public utility.**

2 It is necessary for the public health, safety and welfare that the existing sewerage system of
3 the City, in conjunction with the storm and surface water sewers, together with such
4 extensions, additions and ~~((betterments))~~ improvements thereto as may from time to time be
5 authorized, continue to be maintained, conducted and operated as a public utility of the City
6 called the Drainage and Wastewater Utility ((beginning October 1, 1955)). The Drainage
7 and Wastewater Utility shall have jurisdiction over those properties, interests, and physical
8 and intangible rights of every kind and nature owned or held by the City within its
9 boundaries which comprise or relate to storm and surface water sewers, including all
10 facilities constructed and to be constructed with moneys from the Drainage and Wastewater
11 Fund, formerly the Sewer Improvement Fund, but excepting such properties, interests and
12 rights under the jurisdiction of the Parks and Recreation Department, the Seattle Center
13 Department, the Water Department, the City Light Department and the Department of
14 Administrative Services. Nothing contained in this chapter is intended to be nor shall be
15 construed to create or form the basis for any liability on the part of the City, or its officers,
16 employees or agents, for any injury or damage resulting from or by reason of any act or
17 omission in connection with the implementation or enforcement of this chapter on the part of
18 the City by its officers, employees or agents.

19 **21.28.020 Administration of utility.**

20 The Director of Engineering, through the Department of Engineering, shall operate and
21 administer ~~((such public utility))~~ the Drainage and Wastewater Utility and enforce this
22 ~~((subchapter;))~~ chapter and there shall be kept a classified system of accounts of revenues
23 and disbursements as prescribed by the State Auditor, Division of Municipal Corporations,
24 in conjunction with the City Finance Director, as required by law.

25 **21.28.030 Rates and charges-Purpose.**

26 The public health, safety, and welfare require that the City fix and collect ~~((sewerage))~~
27 wastewater rates and charges measured by water consumption and impose the same upon
28 premises in the City for the carrying and discharge of all ~~((sewage))~~ wastewater and drainage
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1 into the municipal sewerage system of the City as presently maintained and operated,
2 together with additions and ~~((betterments))~~ improvements thereto and extensions thereof,
3 and for the payment of charges of ~~((Municipality of Metropolitan Seattle))~~ King County
4 Department of Natural Resources (herein called ~~((("Metro"))~~ "King County" and formerly
5 Municipality of Metropolitan Seattle ("Metro")) and of Southwest Suburban Sewer District
6 (herein called "Southwest Suburban") for ~~((sewage))~~ wastewater interception, treatment, and
7 disposal, which sewerage utility rates and charges are fixed in the Seattle Municipal Code;
8 provided that the local improvement district method of providing for the construction of
9 sewers and trunk sewers to serve abutting property shall be continued in the manner
10 provided by law.

11 **21.28.040 ~~((Sewer customer service charge and Volume Rate Exceptions.)) Wastewater~~**
12 **volume charge.**

13 A. There is hereby imposed ~~((as of January 1, 1982))~~ upon all premises served by the
14 ~~((Sewerage))~~ Drainage and Wastewater Utility and on which water is consumed a ~~((City~~
15 ~~sewer customer service charge, which is a uniform charge per customer to cover billing and~~
16 ~~general administrative costs, and a Volume Rate, which is a uniform rate per one hundred~~
17 ~~(100) cubic feet or any portion thereof, of metered flow to cover treatment costs, and all~~
18 ~~other operating, maintenance, and capital costs, to enable the City to perform sewerage~~
19 ~~operations and its contractual obligations with Metro and Southwest Suburban; provided that~~
20 ~~the following premises shall be exempt from the Sewer Customer Service Charge and~~
21 ~~Volume Rate imposed by this subchapter:))~~ volume charge for wastewater services. The
22 volume charge shall be the amount obtained when the wastewater volume rate is multiplied
23 by the volume of water consumed on the premises, whatever the source of such water.
24 Wastewater shall be metered water consumption. However, every premise shall pay at the
25 minimum a wastewater volume volume charge equal to one (1) CCF (hundred cubic feet)
26 per month to cover billing and general administrative costs. The following premises shall be
27 exempt from the charge imposed by this section:

- 28 1. Premises which are not connected and not required under SMC 21.16.040
29 (Section 3 of Ordinance 97016) to be connected to the public sewer system;
30

1 2. Premises, the owner, agent, lessee, or occupant of which has not been notified in
2 accordance with SMC 21.16.040 (Section 4 of Ordinance 97016) to connect to the public
3 sewer system.

4 B. There is hereby imposed upon all premises served by the Drainage and Wastewater
5 Utility and on which water is consumed, a City wastewater volume rate per CCF of metered
6 flow per month. The minimum monthly wastewater volume charge shall be equal to the
7 wastewater volume rate for one CCF regardless of actual metered flow. Effective January 1,
8 1996, the 1995 wastewater volume rate shall be increased only in the amount necessary to
9 pass-through the cost to the Drainage and Wastewater Utility of the increase, if any, in the
10 King County wastewater treatment rate for 1996; provided that such King County increase
11 shall not increase the Drainage and Wastewater Utility's wastewater volume rate to more
12 than Four Dollars and Twenty-three Cents (\$4.23) per CCF, and the actual rate has been
13 determined by the Drainage and Wastewater Utility to be Four Dollars and Five Cents
14 (\$4.05) per CCF.

15 ~~((21.28.060 - Determination of Volume Rate.))~~

16 ~~((The Volume Rate shall be based on the water consumed on the premises, whatever the~~
17 ~~source of such water, and the same shall be metered either by a public utility meter or one~~
18 ~~installed and maintained by the owner of the premises at his own expense and approved by~~
19 ~~the Director of Engineering. Where two (2) or more single family residences, including~~
20 ~~houseboats, are served by the same water meter the water consumed by each residence shall~~
21 ~~be determined by dividing the total water consumed by the number of residences. Where~~
22 ~~single family residences are served through the same meter as premises other than a single-~~
23 ~~family residence, the charge for each such residence shall be based on the water consumed~~
24 ~~for each such residence served through the same meter. Motel units, including any business~~
25 ~~office, which are served by one (1) water meter shall constitute only one (1) premises. Water~~
26 ~~meter readings shall not be combined, and where two (2) or more main water meters serve~~
27 ~~the same premises, sewerage charges shall be computed and billed as though each such~~
28 ~~meter served separate premises; provided, that in the event a sewage meter is installed on~~
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1 any premises, the charge shall be based on the consumption registered by such sewage
2 meter.))

3 ~~((21.28.070 Exemptions and adjustments to charges.))~~

4 ~~((A. Where the use of water is such that a portion of all water used is lost by evaporation,
5 irrigation, sprinkling or other cause, or is used in manufactured goods and commodities, and
6 either (1) the person in control provides proof thereof and installs a meter or measuring
7 device approved by the Director of Engineering to enable measurement of the amount of
8 water so used or lost, or (2) an evaporation loss allowance is established by ordinance which
9 specifies the percentage of all water used that is lost by evaporation, no charge shall be made
10 for wastewater because of water so used or lost. Except for premises exempted from the
11 Wastewater Customer Service Charge and/or the Volume Rate imposed in Section 21.28.040
12 of the Seattle Municipal Code (Section 4 of Ordinance 84390, as last amended by Ordinance
13 109504), direct discharge of sewage or industrial waste to salt or fresh water or to points
14 other than the City sewer system shall not be cause for adjustment or reduction of the
15 sewage charge or rate. Evaporation loss allowances of eleven percent (11%) for industrial
16 laundries and three percent (3%) for laundromats are established.~~

17 ~~-B. Water metered exclusively for fire service, sprinkling, irrigation or delivery of water to
18 ships shall not be subject to any wastewater charge or rate.~~

19 ~~-C. Upon receipt of satisfactory evidence of hidden or underground water leakage, the
20 Director of Engineering shall adjust the Volume Rate to the premises for water so lost and
21 shall not use the period during which such leakage occurs in computing the winter or
22 minimum average water consumption when to do so would result in a higher wastewater
23 charge to such premises, provided that no such adjustment shall be made for leakage
24 occurring more than four (4) months prior to the date of application therefor.))~~

25 **21.28.080 ~~((Charges based on average consumption Exemptions.))~~ Calculation of**
26 **residential wastewater volume charge.**

27 A. It is the intent of this ~~((subsection))~~ section ~~((not to charge single family and duplex~~
28 ~~residences for that))~~ to calculate residential wastewater charges based on water that should
29 enter the sewerage system, and not on water used exclusively for irrigation or sprinkling.
30

1 Wastewater ~~((bills))~~ charges for single-family and duplex residences shall be calculated in
2 the following manner: For the six (6) months from November 1st through April 30th, the
3 wastewater ~~((bill))~~ charge shall be based on metered water consumption. For the six (6)
4 months from May 1st through October 31st, the wastewater ~~((bill))~~ charge shall be based on
5 average winter water consumption or metered water consumption, whichever is less.

6 Average winter water consumption shall be calculated using the first four (4) month billing
7 period that falls between November 1st and April 30th. ~~((Single-family residences and
8 duplex units which have insufficient water consumption history to calculate average winter
9 water consumption shall be charged an assumed volume of six hundred (600) cubic feet per
10 month or metered water consumption, whichever is less. Single family residences and
11 duplex units not served by a publicly owned water supply system which have no previous
12 record of water consumption shall be charged an assumed volume of six hundred (600) cubic
13 feet per month of water consumption. If the Director of Engineering believes that previous
14 records are more representative of expected usage in the first year, he or she may use
15 previous records of water consumption in lieu of the assumed volume of six hundred (600)
16 cubic feet if the new owners or occupants have established water consumption records at a
17 prior single family or duplex residence in the City wastewater service area.)) The following
18 is an example of residential billing:~~

<u>Billing</u>	<u>Water Use (ccf)</u>	<u>Wastewater Use</u>
<u>Period</u>		<u>(ccf)</u>
<u>Nov-Dec</u>	<u>13</u>	<u>13</u>
<u>Jan-Feb</u>	<u>14</u>	<u>14</u>
<u>Mar-April</u>	<u>15</u>	<u>15</u>
<u>May-Jun</u>	<u>18</u>	<u>14</u>
<u>July-Aug</u>	<u>22</u>	<u>14</u>
<u>Sept-Oct</u>	<u>16</u>	<u>14</u>

1 ((~~B. It is the intent of this subsection that that portion of water used exclusively for
2 irrigation or sprinkling by premises other than single family or duplex residences not be
3 charged correspondingly for wastewater. Where it is impractical to install a meter or
4 measuring device as described in subsection A of Section 21.28.070 customers may apply to
5 the Director of Engineering by May 1st of each year for an adjustment to the volume rate,
6 provided that the ratepayer provides proof of the amount of water so used or lost.~~

7 ~~C. It is the intent of this subsection that public and private schools which have lower
8 enrollment and staff during major portions of the months of June, July and August, but
9 increased water usage due to irrigation and sprinkling, not be charged correspondingly for
10 wastewater. Where it is impractical to install a meter or measuring device as described in
11 subsection A of Section 21.28.070 such schools may apply to the Director of Engineering by
12 May 1st of each year for an adjustment to the volume rate, provided that the ratepayer
13 provides proof of the amount of water so used or lost.~~

14 ~~D. Where wastewater service is provided to premises outside the City limits, the
15 wastewater charge shall be computed on the same basis as premises located inside the City,
16 except that a sum equal to thirty percent (30%) of the wastewater charge shall be added, with
17 the exception of sewer districts, or portions thereof, outside the City limits which are now or
18 may hereafter be covered by special agreements.))~~

19 B. The Director of Engineering may use an assumed volume of six CCF per household, or
20 prior water consumption records if those records are more representative of expected usage,
21 to calculate residential wastewater charges under the following circumstances:

- 22 1. When the water meter has been determined to be malfunctioning;
- 23 2. When customers have insufficient water consumption history to calculate average winter
24 water consumption;
- 25 3. When water use in the period used to calculate average winter water consumption is not
26 representative of expected water use, such as rental property that is vacant between
27 tenants or in the case of seasonal customers; and
- 28 4. When customers are not served by a publicly owned water supply system.
- 29
- 30

1 **21.28.200 Wastes which would damage or overburden system.**

2 A. In cases where the character of ~~((sewage))~~ wastewater or industrial wastes from any
3 manufacturing or industrial plant, building or premises is such that it will damage the
4 sewerage system, or cannot be treated satisfactorily, the Director of Engineering shall
5 require such users to dispose of such waste and prevent it from entering the system.

6 B. In cases where the character of the ~~((sewage))~~ industrial waste from any manufacturing or
7 industrial plant, building or premises is such that it imposes an unreasonable burden upon
8 ~~((said))~~ the sewerage system greater than that imposed by the average ~~((sewage))~~ wastewater
9 entering the system, the Director of Engineering may by rule, require such manufacturing or
10 industrial plant, building or premises, to pretreat such ~~((sewage))~~ wastewater by means
11 satisfactory to the Director of Engineering before discharging such ~~((sewage))~~ wastewater
12 into the sewerage system of the City.

13 C. If such pretreatment is not accomplished, the Director of Engineering shall recommend
14 to the Council the levying of a surcharge which shall be in addition to the regular charge.
15 The Council thereupon, by ordinance, may fix the amount of the surcharge.

16 **21.28.220 ~~((Director of Engineering's authority to bill HSIW charges.))~~ High Strength**
17 **Industrial Wastewater (HSIW) charges.**

18 ~~((Effective January 1, 1977, t))~~ A. The Director of Engineering is assigned the
19 responsibility for billing and collecting for and on behalf of ~~((Metro))~~ King County,
20 ~~((Metro's))~~ King County's High Strength Industrial Waste (HSIW) charges upon industrial
21 users within the City's jurisdiction who deposit high-strength industrial wastes in the
22 ~~((Metropolitan))~~ King County sewerage system, said charges to be determined by ~~((Metro))~~
23 King County pursuant to Metro Resolution 2557 ~~((utilizing information supplied by the~~
24 Director of Engineering according to Section 21.28.230 of the Seattle Municipal Code
25 ~~(Section 5.3 of Ordinance 84390, as added by Ordinance 101162);))~~ provided, however, that
26 the Director of Engineering shall not bill such charges to users until the amounts thereof
27 have been certified to him or her by ~~((Metro))~~ King County.

28 B. The Director of Engineering shall provide King County each quarter with a listing of the
29 water consumption by or metered flow to each HSIW industry served by the City.
30

1 C. In addition to the high-strength industrial waste charges as computed and certified to
2 him or her by King County, the Director of Engineering shall add thereto in each instance a
3 sum equal to the City and state taxes against such charges, if any, and a sum equal to the
4 user's proportional share of the administration, billing and collection costs as determined by
5 the Director of Engineering, and in connection with such billing the Director of Engineering
6 may include on the same statement but as a separate item the High Strength Industrial Waste
7 charges to be collected by the City for/ and on behalf of King County.

8 ~~((21.28.230 List of water consumption of HSIW industries.))~~

9 ~~((The Director of Engineering shall provide Metro each quarter with a listing of the water~~
10 ~~consumption by or metered flow to each HSIW industry served by the City, as requested by~~
11 ~~Section 10 of Metro Resolution 2577.))~~

12 ~~((SMC 21.28.240 Additional charges.))~~

13 ~~((In addition to the high-strength industrial waste charges as computed and certified to him~~
14 ~~by Metro, the Director of Engineering shall add thereto in each instance a sum equal to the~~
15 ~~City and state taxes against such charges, if any, and a sum equal to the user's proportional~~
16 ~~share of the administration, billing and collection costs as determined by the Director of~~
17 ~~Engineering, and in connection with such billing the Director of Engineering may include on~~
18 ~~the same statement but as a separate item the High Strength Industrial Waste charges to be~~
19 ~~collected by the City for and on behalf of Metro.))~~

20 **21.28.250 ~~((Sewerage and water)) Wastewater charges-When payable.~~**

21 The ~~((sewerage))~~ wastewater charge provided in this ~~((subchapter))~~ chapter shall be payable
22 at the office of the City Finance Director at the same time as the water bill for the premises
23 is payable; and payment for water shall not be accepted unless payment of the ~~((sewerage))~~
24 wastewater charge is made at the same time.

25 **21.28.260 Billing and Collection of water and ((sewerage)) wastewater charges.**

26 The rates and charges set out in this subchapter shall be effective and shall be computed
27 and billed ~~((from time to time))~~ monthly or bimonthly by the Director of Engineering
28 through an interdepartmental arrangement with the Superintendent of Water, as a separate
29

1 charge on the water bill, or through a direct invoice, and shall become due and payable to the
2 City Finance Director as stated in such billing; and any ~~((sewer))~~ wastewater rate or charge
3 which becomes delinquent shall immediately become a lien upon the premises and such lien
4 may be foreclosed by the City as provided by state law. Wastewater charges or any part
5 thereof which become delinquent shall bear interest as authorized by RCW 35.67.200, at the
6 rate of eight percent (8%) per year, or such rate as may hereafter be authorized by state law,
7 computed on a monthly basis from the date of delinquency until paid. As authorized, RCW
8 35.67.200 shall have the effect and the City shall have a lien for all delinquent and unpaid
9 wastewater charges, including interest thereon, against any parcel for which the wastewater
10 charges are delinquent. The lien shall have superiority as established by RCW 35.67.200
11 and shall be foreclosed or otherwise enforced in the manner provided in RCW 35.67.210
12 through RCW 35.67.290. In the case of actions to collect delinquencies, the City shall seek
13 also to collect reimbursement of reasonable costs of collection including but not limited to
14 attorney's fees, staff time, and filing fees. As an additional and concurrent method of the
15 collection of any such ~~((sewerage))~~ wastewater rate or charge, the Superintendent of Water
16 shall upon written request from the Director of Engineering cut off the water service or
17 supply from the premises to which such rate or charge for ~~((sewerage))~~ wastewater has
18 attached until such rates and charges are paid.

19 **21.28.270 Contracting with other sewer districts.**

20
21 Whenever and to the extent that the municipal sewerage system of the City is adequate
22 therefor, the City may contract with any sewer district, or with any other municipal
23 corporation, for the discharge into the sewerage system of the City of the ~~((sewerage))~~
24 wastewater or drainage of any such sewer district or other municipal corporation upon such
25 terms and conditions and for such periods of time as may be provided by ordinance.

26 **21.28.280 ~~((Sewer Fund created))~~ Drainage and Wastewater Fund.**

27 There ~~((is created in the City Treasury))~~ exists a special fund ~~((to be))~~ of the City known as
28 the ~~(("Sewer Fund."))~~ "Drainage and Wastewater Fund." Any and all revenues received for
29 the use of sewers and for ~~((sewerage))~~ wastewater service as set forth in this ~~((subchapter))~~
30

1 chapter, or in connection therewith, shall be credited to the ~~((fund))~~ Drainage and
2 Wastewater Fund, and all expenses for the operation and maintenance of the existing
3 sewerage system of the City, ~~((;and))~~ for the servicing of bonds of the Drainage and
4 Wastewater Utility and the Sewerage Utility, as the utility was named prior to adoption of
5 Ordinance 116455, and for the cost of operation and maintenance of the sewerage plant and
6 system of the City, as newly constructed or added to, and ~~((to maintain such sewerage~~
7 ~~utility))~~ for maintenance of the utility in sound financial condition, shall be charged to the
8 fund in the manner and to the extent provided by ordinance. Such expenses shall include the
9 cost of billing and collection by the Water Department and all other interdepartmental
10 charges for services related to wastewater functions of the Utility rendered by other
11 departments ~~((to the sewerage))~~ for the wastewater utility, and payments to ~~((Metro))~~ King
12 County and Southwest Suburban for ~~((sewage))~~ wastewater interception, treatment and
13 disposal.

14 **21.28.290 Review of rates and charges.**

15 The rates and charges for ~~((sewage))~~ wastewater fixed by this ~~((subchapter))~~ chapter shall
16 be reviewed periodically with a view to possible adjustments consistent with the operation
17 and maintenance of the ~~((sewage))~~ wastewater utility system in ~~((a))~~ sound financial
18 condition~~((;)),~~ including the utility's ability to pay wastewater treatment expenses charged
19 by King County.

20 ~~((21.28.300 Transfer to utility of certain City properties and rights.))~~

21 ~~((A. The City adopts a plan to extend the existing Sewerage Utility by the transfer, hereby~~
22 ~~made and authorized, to the Sewerage Utility, beginning January 1, 1987, of those~~
23 ~~properties, interests, and physical and intangible rights of every kind and nature owned or~~
24 ~~held by the City within its boundaries which comprise or relate to storm and surface water~~
25 ~~sewers, including all facilities constructed and to be constructed with moneys from the~~
26 ~~Sewer Improvement Fund, but excepting such properties, interests and rights under the~~
27 ~~jurisdiction of the Parks and Recreation Department, the Seattle Center Department, the~~
28 ~~Water Department, the City Light Department and the Department of Administrative~~
29

1 Services. There is no capital cost related to such transfer, but the annual cost of maintenance
2 and operation of such transferred properties, interests and rights is estimated at the present
3 time to be Two Million Dollars (\$2,000,000.00).

4 ~~B. All responsibilities, rights and obligations currently performed by or attributable to~~
5 ~~various City departments and officers relating to storm and surface water sewers designated~~
6 ~~in subsection A of this section are hereby transferred to the Director of Engineering to be~~
7 ~~operated by the Sewerage Utility of the Department of Engineering beginning January 1,~~
8 ~~1987.~~

9 ~~C. Nothing in this section shall modify or amend any of the provisions, terms or conditions~~
10 ~~of Ordinance 96327.<1>~~

11 ~~D. Nothing contained in this title is intended to be nor shall be construed to create or form~~
12 ~~the basis for any liability on the part of the City, or its officers, employees or agents, for any~~
13 ~~injury or damage resulting from or by reason of any act or omission in connection with the~~
14 ~~implementation or enforcement of this title on the part of the City by its officers, employees~~
15 ~~or agents.)~~

16 ((1. Editor's Note: Ordinance 96327 is on file in the office of the City Clerk.))

17 ((Subchapter II Miscellaneous Provisions))

18 **21.28.350 Refunds of ((sewerage)) wastewater charges.**

19 The Director of Engineering ((in operating and administering the municipal sewerage
20 system as a public utility under Ordinance 84390<1>)) is authorized to make refunds where
21 any ((charges)) amount paid for wastewater services ((under said ordinance are)) is found to
22 be erroneous, or where adjustments have been made by him or her as authorized by ((said
23 ordinance;)) this chapter. The Superintendent of Water also is authorized to make refunds
24 and the City Finance Director is authorized to draw and to pay the necessary warrants on the
25 ((Sewer)) Drainage and Wastewater Fund upon certification by the Director of Engineering
26 that the refund is authorized.

27 ((1. Editor's Note: Ord. 84390 is codified in Subchapter I of this chapter.))
28
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1 ~~((21.28.360 Rates for certain consumers in Newhalem community.))~~

2 ~~((The schedule of rates to all sewerage consumers other than
3 Lighting Department facilities and employees within the Newhalem community shall be as
4 follows:~~

5 ~~Water Meter Monthly~~

Size	Minimum Charge*
1/2 & 3/4 inch	\$12.00
1 inch	13.00
1 1/2 inch	16.00
2 inch	19.00
3 inch	28.00
4 inch	42.00
6 inch	64.00

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15 ~~* For up to 900 cu. ft. of water consumption. For all consumption in excess of 900 cu. ft.
16 per month; at \$0.90 per 100 cu. ft. of~~

17 ~~The rate for single family and duplex residences is based upon the average water use
18 during minimum consecutive six (6) month period of immediate past year's consumption.
19 Water consumption will be reviewed annually to establish charges for the following year.))~~

20 ~~((SMC 21.28.370 Wastewater service charge.))~~

21 ~~((There is hereby imposed upon all premises served by the Drainage and Wastewater
22 Utility and on which water is consumed, a City wastewater volume rate per one hundred
23 (100) cubic feet of metered flow per month. The minimum monthly volume charge shall be
24 equal to the wastewater volume charge for one hundred (100) cubic feet regardless of actual
25 metered flow. Effective January 1, 1995, the wastewater volume rate shall be Three Dollars
26 and Eight three Cents (\$3.83). Effective January 1, 1996, the wastewater volume rate shall
27 be increased only in the amount necessary to pass through the cost to the Drainage and
28 Wastewater Utility of the increase, if any, in the King County wastewater treatment rate for
29 1996; provided that such King County increase shall not increase the Drainage and
30~~

1 ~~Wastewater Utility's wastewater volume rate to more than Four Dollars and Twenty three~~
2 ~~Cents (\$4.23) per hundred cubic feet (CCF).)~~

3 Section 3. Chapter 21.28 is amended by adding thereto four new sections numbered
4 21.28.005, 21.28.090, 21.28.100 and 21.28.400, respectively, to read as follows:

5
6 **21.28.005 Definitions.**

7 For purpose of this chapter, the words or phrases below shall have the following meanings:

8 A. "Average winter water consumption" means the average of measured water used during
9 a consecutive four month period, after October 31st and before May 1st, with the
10 consumption measured entirely within that period.

11 B. "CCF" means one hundred (100) cubic feet, equivalent to seven-hundred and forty-
12 eight (748) gallons.

13 C. "Commercial" means customers with two (2) or more residential dwelling units, or
14 municipal, institutional, commercial, or industrial properties.

15 D. "Customer" means an owner or operator of a property receiving wastewater charges from
16 the Drainage and Wastewater Utility on a Combined Utility Billing Statement (CUBS) or by
17 direct invoice.

18 E. "Drainage and Wastewater Fund" means the special fund to be used for the operation of
19 the Drainage and Wastewater Utility, which fund was renamed in Ordinance 116455 from
20 the "Sewer Fund," which had been established under Ordinance 84390.

21 F. "Duplex" means a two (2) unit residential dwelling with one (1) water meter.

22 G. "High strength industrial waste or HSIW" means a surcharge determined by King
23 County on high strength wastes generated by industries, primarily food, beverage and
24 laundry industries, and is computed on the basis of biochemical oxygen demand.

25 H. "Irrigation" means water used exclusively for watering lawns and gardens.

26 I. "Metered water consumption" means water measured through public utility meters or
27 meters owned and installed by the customer and approved by the Director of Engineering.
28
29
30

1 J. "Seasonal customers" means residential customers who leave their Seattle homes vacant
2 during a significant portion of the four (4) month period used to calculate the average winter
3 water consumption.

4 K. "Sewage" means refuse liquids or waste matter carried off by sewers.

5 L. "Sewer" means an artificial conduit to carry off sewage and sometimes surface water
6 (as from rainfall).

7 M. "Sewerage" means the removal and disposal of sewage and surface water by sewers, or
8 a system of sewers.

9 N. "Single-family residence" means an individual dwelling unit with no commercial use
10 and one (1) water meter.

11 O "Submeter" means a meter installed down the line from a main water meter, measuring
12 a portion of the total amount of water delivered through the main meter.

13 P. "Wastewater" means refuse liquids or waste matter carried off by sewers; a synonym for
14 sewage.

15 Q. "Wastewater volume charge" means the wastewater volume rate multiplied by the
16 volume of measured water consumed on the premises in accordance with this chapter.

17 R. "Wastewater volume rate" means the dollar charge per CCF of wastewater measured in
18 accordance with this chapter.

19 **21.28.090 Calculation of commercial wastewater volume charge.**

20
21 A. It is the intent of this section to charge commercial customers for water that should enter
22 the sewer system. Wastewater charges shall be based on the metered water delivered to the
23 premises except as noted below:

- 24 1. Water metered exclusively for fire service, sprinkling, irrigation or delivery of water
25 to ships shall not be subject to any wastewater charge or rate.
- 26 2. Where the use of water is such that a portion of all water used is lost by evaporation,
27 irrigation, sprinkling or other cause, or is used in manufactured goods and
28 commodities, customers may install, at their own expense, submeters approved by
29 the Director of Engineering to enable measurement of the amount of water so used or
30

1 lost. These submeters must measure in CCF, must be calibrated on a regular basis,
2 and must be easily accessible for meter reading. If the submeter is unable to be read
3 or if the reading is unreliable, an estimate can be used, but the Drainage and
4 Wastewater Utility must get at least one (1) accurate meter reading per year. It will
5 be the responsibility of the Drainage and Wastewater Utility or its designee to inspect
6 and approve the installation of a new submeter.

7 Where it is impractical to install a meter as described above, customers may apply to the
8 Director of Engineering for an evaporation allowance or an irrigation allowance, provided
9 that customer provide proof of the amount of water so used or lost. Evaporation loss
10 allowances of eleven percent (11%) for industrial laundries and three percent (3%) for
11 laundromats are established. Irrigation allowances shall apply from June 1st through
12 September 30th and will be calculated based on the residential methodology in Section
13 21.30.80.

14 B. Direct discharge of wastewater or industrial waste to salt or fresh water or to points other
15 than the City sewer system shall not be cause for adjustment or reduction of the wastewater
16 charge or rate.

17 **21.28.100 Adjustments to wastewater volume charge.**

18 A. Upon receipt of satisfactory evidence of hidden or underground water leakage, the
19 Director of Engineering shall adjust the wastewater volume charge to the premises for water
20 so lost and shall not use the period during which such leakage occurs in computing the
21 average winter water consumption when to do so would result in a higher wastewater charge
22 to such premises, provided that no such adjustment shall be made for leakage occurring
23 more than four (4) months prior to the date of application therefor.

24 B. Where wastewater service is provided to premises outside the City limits, the wastewater
25 charge shall be computed on the same basis as premises located inside the City, except that a
26 sum equal to thirty percent (30%) of the wastewater charge shall be added, with the
27 exception of sewer districts, or portions thereof, outside the City limits which are now or
28 may hereafter be covered by special agreements.
29
30

1 C. Where wastewater service is provided to qualified low-income customers as defined in
2 Section 21.76 of the Seattle Municipal Code, wastewater charges shall be partially offset in
3 accordance with that chapter.

4 **21.28.400 Severability.**

5 The provisions of this chapter are declared to be separate and severable. The invalidity of
6 any clause, sentence, paragraph, section or portion of this chapter shall not affect the validity
7 of the remaining portions thereof. If its application to any person, industry or circumstance is
8 held invalid, the remainder of said sections or the application of the provision to other
9 persons, industries or circumstances shall not be affected.

10 Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its
11 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
12 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

13 PASSED by the City Council of the City of Seattle this 17th day of
14 June, 1996, and signed by me in open session in authentication of its passage
15 this 17th day of June, 1996.

16 Margaret C. Rogers
17 President pro-tem of the City Council

18 Approved by me this 26 day of June, 1996.

19 Mouman B. Lee
20 Mayor

21 Filed by me this 27 day of June, 1996.

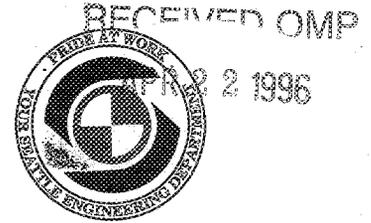
22 Janice E. Pappi
23 City Clerk

24 (Seal)

Seattle
Engineering Department

John D. Okamoto, Director
Norman B. Rice, Mayor

MEMORANDUM



DATE: April 18, 1996

TO: Tom Tierney, Director
Office of Management and Planning

FROM: John Okamoto, Director *by [signature] Acting Director*
Seattle Engineering Department

SUBJECT: Wastewater Rates and Charges Ordinance

We are pleased to submit to you the Wastewater Rates and Charges Ordinance, which amends all sections of Seattle Municipal Code Chapter 21.28. The original ordinance, number 84390, was adopted in 1955 and established the Director of Engineering's authority to charge for wastewater services. The ordinance has been amended and revised thirty-nine (39) times since it was first adopted and contains references to customers and services that no longer exist. This revised ordinance is therefore intended to clarify and update the chapter and make it easier to understand.

The ordinance contains only one substantive addition to the previous ordinance. The new language clarifies the responsibilities of wastewater customers who use submeters to measure water that does not enter the system. The increased use of submeters by customers has resulted in the need for language which places the responsibility for submeter expense, accuracy, and ease of access on the customer.

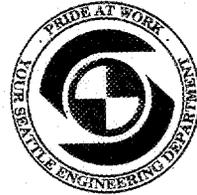
Please contact Jan Oscherwitz at 4-8510 if you have any questions or comments.

JDO/TE:te

Attachment

cc: Chuck Kleeberg, Director, Drainage and Wastewater Utility
Jan Oscherwitz, Drainage and Wastewater Utility
Kris Castleman, Office of Management and Planning

Seattle Engineering Department



John D. Okamoto, Director
Norman B. Rice, Mayor

MEMORANDUM

DATE: April 12⁸, 1996

TO: Tom Tierney, Director
Office of Management and Planning

FROM: John Okamoto, Director
Seattle Engineering Department

SUBJECT: Wastewater Rates and Charges Ordinance

CONCURRENCE		
DATE	INITIALS	REMARKS

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Please contact Jan Oscherwitz at 4-8510 if you have any questions or comments.

JDO/TE:te

Attachment

cc: Chuck Kleeberg, Director, Drainage and Wastewater Utility
Jan Oscherwitz, Drainage and Wastewater Utility
Kris Castleman, Office of Management and Planning

"Printed on Recycled Paper"

*OK
As/Exec Director*

96-118

City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director
Norman B. Rice, Mayor

April 22, 1996

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Drainage and Wastewater

SUBJECT: AN ORDINANCE relating to the Drainage and Wastewater Utility;
amending all sections of Seattle Municipal Code Chapter 21.28 and
adding sections 21.28.005, 21.28.090, 21.28.100 and 21.28.400 to
simplify, clarify and update the chapter and make it easier to
understand, and to clarify the responsibilities of wastewater customers
who use submeters to measure water that does not enter the sewer
system.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Kris Castleman 684-8367.

Sincerely,

Norman B. Rice
Mayor

by

Kris Castleman for

TOM TIERNEY
Director

h:\admin\legis\law\trs\castle

Enclosure



COPY RECEIVED
96 APR 24 PM 12:03
CITY ATTORNEY

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Margaret Popelar

_____	_____
_____	_____
_____	_____
_____	_____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

69984
City of Seattle, City Clerk

—ss.

No. IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 118176

was published on
07/09/36

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

[Handwritten signature]
Subscribed and sworn to before me on
07/09/36
[Handwritten signature]

Notary Public for the State of Washington,
residing in Seattle

to be subdivided, if the owner of the property to be subdivided owns such adjacent parcel or parcels.

4. Filing in the Department.

1. Effect of the Hearing Examiner Decision. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on appeal or appealed to the Shorelines Hearings Board. Any judicial review of decisions not appealable to the Shorelines Hearings Board must be commenced within twenty-one (21) days of issuance of the decision, as provided by RCW 36.70C.040. Pursuant to RCW 58.17.130, the Hearing Examiner's decision on an application for a subdivision shall have the effect of a final decision of the City Council.

Section 6. Subsection A of Section 23.76.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

23.76.032 Expiration and renewal of Type I and II Master Use Permits.

A. Expiration.

1. A Type I or II Master Use Permit shall expire eighteen (18) months from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. Expiration of a Master Use Permit with a (the) shoreline component (of a Master Use Permit) shall be governed by WAC 173-44-060.

b. Expiration of a variance component of a Master Use Permit shall be governed by the following:

(1) Variances for access, yards, setback, open space, or lot area minimums granted as part of short plat or lot boundary adjustment shall run with the land in perpetuity as recorded with the Director of the King County Department of Records and Elections.

(2) Variances granted as separate Master Use Permits pursuant to Section 23.76.010D shall expire eighteen (18) months from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is granted within this period, the variance's expiration date shall be extended until the expiration date established for the use approval.

c. The time during which pendency of litigation related to the Master Use Permit made it reasonable not to submit an application for a building permit, or to establish a use where a building permit is not required, shall not be included in the eighteen (18) month term of the Master Use Permit.

d. Master Use Permits entered in the competition for office space downtown established under Section 23.42.011 shall expire as follows:

(1) Eighteen (18) months from the date that the project is chosen to receive an office space allocation; or

(2) If the project is not chosen to receive an office space allocation in the first year that it is entered in the competition, it shall expire either:

(a) On the date that the opportunity to enter the next competition has passed, and the project has not been entered; or

(b) If it is chosen in the next competition to receive an office space allocation, eighteen (18) months from the date that the project is chosen; or

(c) On the date that it is not chosen to receive an office allocation in the next competition; or

(d) Eighteen (18) months from the date that the permit is approved for issuance as described in Section 23.76.028, whichever is greater.

(3) Master Use Permits entered in the competition for office space downtown may be renewed pursuant to subsection B.

e. Expiration of use approval to legalize previously unauthorized accessory dwelling units when final inspection approval for modifications required for Building or Housing Code compliance is not obtained within two (2) years from the date of application for the Master Use Permit is governed by Section 23.44.025B.

f. Master Use Permits with a Major Phased Development component established under Section 23.47.007 or 23.50.015 shall expire as follows:

(1) For the first phase, twenty-four (24) months from the date the permit is approved for issuance, except as provided in subsection B;

(2) For subsequent phases, expiration shall be determined at the time of permit issuance.

g. Master Use Permits with a Design Review Component are subject to Section 23.76.028C.2. If the Land Use Code or other land use control ordinances change prior to publication of the Director's decision on a Master Use Permit that contains a design review component and qualifies for vesting pursuant to Section 23.76.026C.2, such Master Use Permit shall expire one hundred and twenty (120) days from the date the Master Use Permit is approved for issuance, unless a complete application for a building permit meeting the requirements of Section 106 of the Seattle Building Code is submitted within 120 days of the date the Master Use Permit is approved for issuance.

2. At the end of the eighteen (18) month term, Master Use Permits shall expire unless:

a. A building permit is issued before the end of the eighteen (18) month term, or an (re)submitted application for a building permit (meeting the requirements of Section 106 of the Seattle Building Code which is subsequently issued) is: 1) submitted at least sixty (60) days before the end of the eighteen (18) month term; 2) made sufficiently complete to meet the requirements of Section 106 of the Seattle Building Code before the end of the eighteen (18) month term; and 3) submitted to the Department of Construction and Land Use before the end of the eighteen (18) month term.

shall not set a date for hearing of the appeal, until:

(1) For projects requiring a Master Use Permit, the close of the appeal period following notice of the decision on the Master Use Permit, or the receipt of an appeal of the Master Use Permit decision, whichever is earlier;

(2) For projects requiring a Type IV Council Land Use Decision, a recommendation is received from the Director at which time the Hearing Examiner shall schedule the hearing on the appeal, to be consolidated with the predecision hearing.

d. In all other respects, the appeals shall be handled in the same manner as appeals related to Master Use Permits, Section 23.76.

Section 18. Section 25.12.120 of the Seattle Municipal Code, as last amended by Ordinance 109125, is further amended as follows:

25.12.120 Economic Incentives.

"Economic incentives" are such compensation, rights, or privileges or combination thereof, which the Council or other public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the owner of: consideration for the imposition of controls on a designated (landmark site or) landmark.

Examples of economic incentives include tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, named gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

Section 11. Section 25.12.210 of the Seattle Municipal Code, as last amended by Ordinance 118012, is further amended as follows:

25.12.210 Party of record.

"Party of record" includes the Board, the owner, the person in charge, and the nominator of any proposed landmark ((not the Hearing Examiner, when appropriate)).

Section 12. Section 23.12.430 of the Seattle Municipal Code, as adopted by Ordinance 106248, is amended as follows:

25.12.430 Board action on approval of designation.

Whenever the Board approves designation of all or any portion of the site, improvement or object under consideration as a landmark ((or landmark site)), it shall within fourteen (14) days issue a written report on a designation which shall set forth:

A. The legal description of the site, the specific features and/or characteristics to be preserved, and such other description of the site, improvement or object as it deems appropriate;

B. Its reasons, analysis and conclusions supporting subsection A with specific reference to the criteria set forth in Section 25.12.350.

Section 13. Subsection E of Section 25.12.680 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

25.12.680 Application for certificate of approval-Filing.

E. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design, if the applicant waives in writing the deadline for a Board decision on the final design, and any deadlines for decisions on related permit applications under review by the Department of Construction and Land Use. The staff may reject the request if it appears that approval of a preliminary design would not be an efficient use of staff or Board time and resources, or would not further the goals and objectives of this Chapter. To be complete, an application for a certificate of approval for a preliminary design must include the information listed above in subsection B, subparagraphs 1 through 8, 9a through 9c, (and) 13 and 14. A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent submittal (and Board approval) of the final design and ((-including)) all of the information listed above in subsection B, and upon Board approval, prior to issuance of permits for work affecting the landmark.

Section 14. Section 25.12.690 of the Seattle Municipal Code, as last amended by Ordinance 118012, is further amended as follows:

25.12.690 Application for certificate of approval in conjunction with permit application.

If an application is made to the Department of Construction and Land Use for a permit for an action which requires a certificate of approval, the Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of ((the)) a complete application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete. The Director of Construction and Land Use shall continue to process the permit application, but shall not issue any such permit until the time has expired for acting upon the certificate of approval or a certificate of approval has been issued pursuant to this Chapter.

Section 15. Section 25.16.080 of the Seattle Municipal Code, as last amended by Ordinance 118012, is further amended as follows:

25.16.080 Certificate of approval Application.

A. Application.

1. All applications for a certificate of approval ((-and all applications for any permit requiring such a certificate of approval)) hereinafter both included in the words "such application" shall be submitted to the Department of Construction and Land Use.