

ORDINANCE 2010-08

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, AMENDING
CHAPTER 13.20 OF THE SUNNYSIDE MUNICIPAL CODE
TO ESTABLISH A RATE FOR SEWER ONLY UTILITY BILLING**

WHEREAS, Chapter 13.20 of the Sunnyside Municipal Code establishes the rates for water and sewer utility service; and

WHEREAS, the City Council previously amended the Sunnyside Municipal Code to provide for a 10% utility rate increase for 2010; and

WHEREAS, an error was made in the calculation for the sewer-only rate, whereby the sewer-only rate was adjusted to reflect a 15% increase for 2010; and

WHEREAS, the amendment of Chapter 13.20 of the Sunnyside Municipal Code to comply with the City Council's previous direction on utility rates and to apply retroactively is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

Section 1. Sunnyside Municipal Code section 13.20.090 is hereby amended to read as follows:

13.20.090 Public sewer service – Schedule A – Monthly.

The charge for public sewer service to locations within the City limits shall be upon the applicable following schedule; provided, that in the event billings are made in alternate months, the following charges are to be doubled:

- A. Charges for sewer services shall be based upon monthly water readings, except as otherwise provided in this section. The monthly sewer billings shall be in accordance with the following table:

Water Consumption/ Cubic Feet	Monthly Charges
EFFECTIVE JANUARY 1, 2008	
Minimum Charge (first 300 cubic feet)	\$30.79
301 cubic feet to 10,000 cubic feet	\$2.73 per 100 cubic feet
Over 10,000 cubic feet	\$1.89 per 100 cubic feet
EFFECTIVE JANUARY 1, 2009:	
Minimum Charge (first 300 cubic feet)	\$36.95
301 cubic feet to 10,000 cubic feet	\$3.28 per 100 cubic feet
Over 10,000 cubic feet	\$2.27 per 100 cubic feet
EFFECTIVE JANUARY 1, 2010:	
Minimum Charge (first 300 cubic feet)	\$40.65
301 cubic feet to 10,000 cubic feet	\$3.61 per 100 cubic feet
Over 10,000 cubic feet	\$2.50 per 100 cubic feet

B. All customers whose water consumption would be affected by the use of water for irrigation purposes shall be charged an average monthly sewer rate, for the months of March through November, based upon the monthly average for water consumption readings for the preceding months of December through February, according to the rates set forth in subsection (A) of this section.

C. Those customers who do not receive City domestic water service but who receive City sewer service, so that a discharge rate cannot be determined from water consumption, shall pay a flat rate of \$38.77 per month. Effective January 1, 2009, such flat rate shall be \$46.52; and effective January 1, 2010, such flat rate shall be \$51.17. Larger dischargers will be required to install a flow meter to determine sewer charges.

D. Commercial/Industrial Users. All commercial customers and processing plant water users, whether minor or significant, whose waste discharge contains a BOD (biochemical oxygen demand) strength not to exceed 300 milligrams per liter shall pay the following monthly sewer charges:

1. Minimum charge (first 300 cubic feet of water consumption per month):

Effective January 1, 2008:	\$30.79
Effective January 1, 2009:	\$36.95
Effective January 1, 2010:	\$40.65

2. Charge for 301 cubic feet to 10,000 cubic feet water consumption per month:

Effective January 1, 2008:	\$2.73 per 100 cubic feet
Effective January 1, 2009:	\$3.28 per 100 cubic feet
Effective January 1, 2010:	\$3.61 per 100 cubic feet

3. Charge for over 10,000 cubic feet water consumption per month:

Effective January 1, 2008:	\$1.89 per 100 cubic feet
Effective January 1, 2009:	\$2.27 per 100 cubic feet
Effective January 1, 2010:	\$2.50 per 100 cubic feet

BOD tests may be conducted by the City at any time, and the customer shall cooperate with the City in scheduling and providing for such tests. Waste discharge that exceeds 300 mg/l of BOD and/or TSS shall incur fees that are mathematically adjusted to coincide with the above-listed rates.

E. Customers who have their water turned off for intermittent periods, with no water consumption being reflected in their monthly readings, shall pay a minimum sewer charge of \$15.00 per month. It is provided, however, that in order for a customer to receive this reduced minimum sewer rate where water service is temporarily terminated, the water must be turned off during the entire billing period. Otherwise, the customer shall pay the rate as would otherwise apply. For the purposes of this subsection, "billing period" means the time from the last water meter reading to the current water meter reading.

F. Industrial users may be billed for sewer service on the basis of the measured discharge flows rather than water usage. Where water consumption cannot be reasonably used to determine sanitary sewer discharge in manufacturing plants and food processing plants, an estimate of the average number of employees shall be provided to the City and a charge be made calculated as follows, based on the minimum monthly fee plus a monthly fee per employee:

Minimum Monthly Charge:

Effective January 1, 2008: \$36.72

Effective January 1, 2009: \$44.06

Effective January 1, 2010: \$48.47

Additional Monthly Fee per Employee:

Effective January 1, 2008: \$2.68 per employee

Effective January 1, 2009: \$3.22 per employee

Effective January 1, 2010: \$3.54 per employee

After the initial determination, a new determination of employee numbers and corresponding monthly sewer charge shall be made annually, based upon the previous average annual employment level.

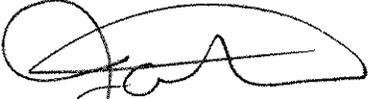
G. Where the code requires either a grease trap or a sedimentation trap, there shall be added to the monthly sewer bill a surcharge of \$24.52. [Ord. 2009-24 § 1 (Exh. A); Ord. 2205 § 1, 2008; Ord. 2181 § 1, 2007; Ord. 2131 § 1, 2006; Ord. 2071 § 3, 2004; Ord. 2063 § 1, 2003; Ord. 1989 § 3, 1999; Ord. 1839 § 4, 1993; Ord. 1714 §§ 10, 11, 12, 1990; Ord. 1594 § 1, 1987; Ord. 1514 § 1, 1985; Ord. 1479 § 1, 1984; Ord. 1468 § 1, 1984; Ord. 1399 § 4, 1983; Ord. 1357 § 4, 1982; Ord. 1261 §§ 1 – 4, 1980; Ord. 1252 § 3, 1980; 1956 Code § 3-501, § 702. Formerly 13.20.100.]

Section 2. Except as amended herein, Chapter 13.20 of the Sunnyside Municipal Code shall remain unchanged.

Section 3. If a section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 12th day of April, 2010.



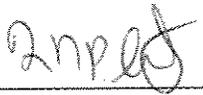
JAMES A. RESTUCCI, MAYOR

ATTEST:



DELILAH CYR, DEPUTY CITY CLERK

APPROVED AS TO FORM:



Menke Jackson Beyer Ehlis & Harper, LLP
Attorneys at Law