

City of Blaine
Request for Council Action
Meeting Date: October 14, 2019

Subject: Ordinance 19-2935, Update to Title 13

Department: Finance and Public Works

Prepared By: Jeff Lazenby & Ravyn Whitewolf

Agenda Location: Consent Agenda Council Action Unfinished Business

Attachments:

1. Ordinance 19-2935
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Background/Summary:

13.04.160

Current code requires property owners or developers requesting a three-fourths-inch or one-inch residential service an option to petition the city public works director to allow for installation of a temporary service in lieu of the extension of a water main provided their property is situated more than 500 feet from a publicly owned existing distribution main. This places an undue burden on an individual and is inconsistent with the sewer code which requires an extension when within 200 feet of a sanitary sewer main. The change in this section changes the distance from 500 feet to 200 feet within the city limits.

13.04.200

The code amendment completed last year created a new definition of a duplex that aligns with the Uniform Building Code. This amendment further clarifies that this class of structure have a separate meter for each unit.

13.18.010

As it is ultimately the responsibility of the landlord to ensure all of their service property's account balances are paid in full, the amendment to this section adds the clarification that sending utility bills to a tenant is a courtesy provided by the City and that courtesy may be denied or revoked at any time.

13.18.050

This section currently reads that public works crews can accept payments in the field for after-hours utility reinstatements. This poses safety and internal control risks to the crew. Neither Puget Sound Energy nor the City of Sumas crews accept payments in the field. The City of Sumas only accepts credit card payments.

Budget Implications: Current Budget New Budget Request Non-Budgetary

There are no budgetary impacts associated with this Title 13 update.

ORDINANCE NO. 19-2935

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON, AMENDING SPECIFIC SECTIONS OF TITLE 13 TO UPDATE THOSE SECTIONS, PROVIDE CLARITY AND CONSISTENCY, CLARIFY EXISTING PRACTICES AND ELIMINATE DISCREPENCIES

WHEREAS, the City of Blaine owns and operates a City public utilities and is the sole provider sewer, water and electrical utility services to the properties within the City limits of the City of Blaine, and is a provider of electrical and water services to some of the properties located in the City's Urban Growth Area; and

WHEREAS, the existing requirement for individuals with property more than 500 feet from an existing water main to extend the main to their property prior to development puts an undue burden on one owner and changing the distance to 200 feet instead is more consistent with sanitary sewer requirements; and

WHEREAS, clarifying which building structures require a separate meter is needed to conform to residential unit definitions; and

WHEREAS, sending utility bills to a tenant is a courtesy and can be denied or revoked by the City at any time; and

WHEREAS, public works crews should not accept cash in the field as doing so creates internal control and safety issues;

NOW, THEREFORE, The City Council of the City of Blaine, Washington do ordain as follows:

SECTION 1: The Following amendments are hereby adopted:

The Recitals above are adopted by the City Council as supporting the amendments to Title 13, Sections 13-04 and 13.18.

SECTION 2: The Blaine Municipal Code Title 13, Sections 13-04 and 13.18, are amended to read as set forth in Attachment A.

SECTION 3: Severability. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: Effective Date. This Ordinance shall take effect and be in force from and after its passage by the City Council and approval by the Mayor, if approved, otherwise, as provided by law and five days after the date of posting for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON on the 14th day of October, 2019, and approved by the Mayor.

CITY OF BLAINE, WASHINGTON

Bonnie Onyon, Mayor

ATTESTED:

Samuel Crawford, City Clerk

ATTACHMENT A

13.04.160 New connections – Main extensions.

It shall be the policy of the city to require any owner or developer desiring water service to extend the water distribution main to the further edge or line of the property to be served, whether such lines are to be utilized or not. In reference to connecting water lines to the water system, such connections shall be made at the developer or property owner's sole expense at such places and under such conditions as directed by the city. The city reserves the right to require a connection or connections to be made to lines which may not necessarily be the closest lines to the developer's or property owner's property at the developer's or property owner's sole expense.

Property owners or developers requesting a three-fourths-inch or one-inch residential service may petition the city public works director to allow for installation of a temporary service and enter into an agreement on terms and conditions as prescribed by the city for payment of the future front footage fees in lieu of the extension of a water main provided their property is situated more than ~~500~~ 200 feet (within city limits) and 500 feet (outside city limits) from a publicly owned existing distribution main, as measured from the existing distribution main, parallel along the centerline of the public right-of-way to the property owner's nearest property line. Such agreement and obligation of the property owner shall run with the land and be binding upon the heirs, successors and assigns of all parties and said agreement shall be recorded with the Whatcom County auditor. The decision to grant or deny the petition for temporary service and payment of applicable fees and/or charges shall be made by the public works director and/or his or her designee. (Ord. 2909 § 5 (Att. D), 2018; Ord. 2186 § 1, 1995; Ord. 1483 § 1, 1977; Ord. 1387 § 3, 1974; prior code § 3-114)

13.04.200 Separate meters required – Exemptions.

A. Except in the case of an accessory dwelling unit, as defined in BMC [17.142.027](#), every separate single-residence building, duplex, condominium, and every separate single-occupancy, commercial or other property shall have its own separate meter. ~~Multiple-occupancy, commercial or other property under single ownership may be metered by one meter; provided, each unit utilizing water service shall be subject to a minimum charge on that meter as provided in the unified fee schedule. Otherwise, the total minimum is the responsibility of the owner.~~

B. Separate businesses within a multiple-occupancy unit not utilizing water service are exempt from rate charges as provided in the uniform fee schedule. Exempt businesses shall notify the city to establish exemption. Failure to do so will result in the assessment of the minimum charge, as provided in the uniform fee schedule.

C. Multiple-occupancy residential buildings such as hotels, motels, trailer courts, ~~duplexes,~~ or apartment buildings ~~(but not condominiums)~~ may be metered by one meter if under single ownership, ~~or a new service and meter may be installed for each separately owned unit upon written approval from the city public works director, and as set forth in this chapter.~~

13.18.010 Owner responsibility – Liens, deposits, duplicate bills, senior and/or disabled discount.

In accordance with the provisions of Chapter [35.21](#) RCW, cities and towns owning their own waterworks or electric light or power plants shall have a lien against the premises to which water, electric light, or power services were furnished, and Chapter [35.67](#) RCW, cities and towns owning their own sewer systems shall have a lien for delinquent and unpaid rates and charges for sewer service.

A. Owner Responsibility. Regardless of the occupancy, if a premises and/or structure is served by the water, sewer, storm water, and/or electric systems, the owner shall be responsible for payment of all utility service charges and collection costs arising out of provision of such service to the owner/occupant's premises/structure. Unpaid charges shall constitute a continuing lien upon the property until such charges have been paid in full.

B. Deposits. Under this chapter, deposits for water, sewer, storm water and/or electric systems will not be required by the city with the following exception: Security deposits shall be required in accordance with United States Code Chapter 11, Section 366, as adopted and amended, where a business has filed under Chapter 11 and wishes to continue utility service. The deposit shall be based on the two highest usage months within a 24-month period.

C. Billing.

1. For premises/structures served by water, sewer, storm water, and/or electric systems, the property owner shall receive and be responsible for the bill.

2. The property owner may request that the bill be sent to the property owner in care of the tenant. The property owner shall be responsible for paying all costs associated with this request. **Sending bills to a tenant is a courtesy and can be denied or revoked by the city at any time.**

13.18.050 Suspension of service – Reinstatement – Reconnection.

A. The owner/occupant may request, within five calendar days of receiving a suspension notice, a conference before a utility billing division representative. The purpose of the conference shall be to provide the owner/occupant with an opportunity to explain why the service should not be suspended or terminated. If a conference is not requested and payment of delinquent charges has not been made or if the utility billing division representative finds that other reasonable cause still exists for suspension prior to 3:00 p.m. on the date specified in the notice, utility service shall be suspended and shall not be reinstated until the cause for suspension has been cured. Prior to reinstatement of service to the premises, all charges due, including reinstatement charges, shall be paid in full.

B. Minimum Balance Subject to Suspension. Any past due account with a balance of \$25.00 or more, prior to the current month's penalties, shall be subject to suspension.

C. Reinstatement. A reinstatement charge shall be assessed for reinstatement of service to the city's utility system by reason of a change in ownership or delinquent account. The reinstatement charge shall be assessed whether or not physical disconnection has been accomplished. This reinstatement charge shall be based on the following criteria:

1. During regular working hours, Monday through Friday (excluding holidays), if the city can access the meter to disconnect, the service charge shall be as specified in the uniform fee schedule.
2. All other hours causing a city of Blaine employee to be called to work at overtime pay or where additional equipment and staff are required shall be as specified in the uniform fee schedule.
3. Full payments on past due accounts, including utilities and reinstatement charges, received by 3:30 p.m. on a regular business day will be reinstated by 4:00 p.m. on that same day. For accounts with payments including reinstatement charges for subsection

(C)(1) or (2) of this section, which are made after 3:30 p.m., reinstatement will occur on the next business day.

4. ~~Blaine city employees shall accept after hours payments in the field for past due utilities and reinstatement as follows:~~

~~a. Checks shall be accepted from customers who are not making payment to cover a previous payment for nonsufficient funds. The Blaine city employee shall place the check in an envelope, seal it, and deposit it in the outside drop box at Blaine City Hall.~~

~~b. Cash, cashier's check, or money order shall be accepted from any customer. Where the payment is in the form of cash, the Blaine city employee shall count out the money in front of the customer, place it in an envelope and seal it. The dollar amount shall be written on the outside of the envelope and both the customer and employee shall initial the envelope. The Blaine city employee shall deposit it in the outside drop box at Blaine City Hall.~~

A City employee from the Finance Department may accept and process a customer's credit card payment for the purpose of reinstating utilities after regular business hours. Once the payment is approved, utilities will be reinstated. Payments will not be accepted in the field.