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2 **CITY OF LYNNWOOD**

3  
4 **ORDINANCE NO. \_\_\_\_\_ draft 2013\_\_**

5  
6 AN ORDINANCE AMENDING THE RATES CHARGED  
7 FOR WATER SERVICE TO IMPLEMENT THE  
8 ADOPTED 2012 LYNNWOOD WATER SYSTEM PLAN  
9 AND TO PROVIDE NECESSARY REVENUES TO  
10 FUND CAPITAL PROJECTS AND ONGOING  
11 MAINTENANCE AND OPERATION OF THE WATER  
12 SYSTEM AND TO PRESERVE THE SOLVENCY OF  
13 THE UTILITY; AMENDING WATER SERVICE  
14 REGULATIONS; AMENDING SECTIONS 13.04.100,  
15 13.04.105, 13.20.010, 13.20.030, 13.20.040, 13.20.060,  
16 13.20.080, 13.34.010, 13.34.020; REPEALING  
17 SECTIONS 13.20.005, 13.20.050, 13.24.005, 13.24.010,  
18 13.24.020, 13.24.030, 13.24.040; AND ADDING NEW  
19 SECTIONS 13.20.085, 13.34.030, 13.34.040, 13.34.050,  
20 13.34.060, 13.34.070, 13.34.080, 13.34.090 OF THE  
21 LYNNWOOD MUNICIPAL CODE; PROVIDING FOR  
22 SEVERABILITY; ESTABLISHING AN EFFECTIVE  
23 DATE; AND PROVIDING FOR SUMMARY  
24 PUBLICATION.  
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28 WHEREAS, the City of Lynnwood Water System Plan dated October 2012  
29 defines the Operations and Maintenance and Capital needs of the water utility; and

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

32 WHEREAS, the City desires to move towards equity between the amount of  
33 water used and the amount paid by its customers; and

34 WHEREAS, the water rates structure was last adjusted in 2010 and before that in  
35 2007;

36 WHEREAS, the City has determined that it is necessary to revise the City's water  
37 service procedures and regulations;

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

40 Section 1. Section 13.04.100 of the Lynnwood Municipal Code is hereby amended as  
41 follows:

1 **13.04.100 Residential single-unit.**

2 "Residential single-unit" means all dwelling units occupied by one family or by not more than five  
3 unrelated persons, including, but not limited to, detached single-family residences, and zero lot line  
4 buildings wherein the building is on a separate fee simple lot, ~~and~~ used for residential purposes, and is  
5 served by a separate water meter.

6 Section 2. Section 13.04.105 of the Lynnwood Municipal Code is hereby amended as  
7 follows:

8 **13.04.105 Residential multiple-unit.**

9 "Residential multiple-unit" means a residential building designed for two or more families, or for more  
10 than five unrelated persons, including, but not limited to, duplexes, triplexes, fourplexes, apartment  
11 buildings, dormitories, boarding houses and rooming houses, ~~and~~ mobile homes in a mobile home  
12 park, and zero lot line buildings wherein the City permitted multiple units within a building to be served  
13 by a common water meter.

14 Section 3. Section 13.20.005 of the Lynnwood Municipal Code is hereby repealed in its  
15 entirety:

16 ~~**13.20.005 Deposit for service and return.**~~

17 ~~All renter, lessee, or tenant deposits with the water utility at the time of passage of the ordinance~~  
18 ~~codified in this chapter will revert to the depositor no later than December 31, 1977; provided, water~~  
19 ~~charges are paid in full. In those cases where charges are not paid in full, any charges owing the water~~  
20 ~~utility shall be deducted from the deposit and any balance will be refunded to the depositor.~~

21 Section 4. Section 13.20.010 of the Lynnwood Municipal Code is hereby amended as  
22 follows:

23 **13.20.010 Charges for domestic water.**

24 The charges for domestic water service shall be based upon the size of meter installed, number of  
25 connections or units being serviced therefrom, and the water delivered through the service meter; the  
26 bi-monthly rate for each meter size and the maximum water allowed as part of this minimum charge  
27 shall be in effect and assessed beginning January 1st of each year.

**Table 1: Water Rates**

Water Customer Classification	<u>2011-2014</u> Bi-Monthly Rate	<u>2012-2015</u> Bi-Monthly Rate	<u>2013-2016</u> Bi-Monthly Rate	<u>2014-2017</u> Bi-Monthly Rate	<u>2015-2018</u> Bi-Monthly Rate	<u>2016-2019</u> Bi-Monthly Rate
<b>Residential Single-Unit</b>						
Bi-Monthly Base Rate (incl. <u>510</u> CCF)	<del>\$12.63</del> <u>35.72</u>	<del>\$4.29</del> <u>38.75</u>	<del>\$16.14</del> <u>41.66</u>	<del>\$17.48</del> <u>44.37</u>	<del>\$18.89</del> <u>47.25</u>	<del>\$20.45</del> <u>49.61</u>
Bi-Monthly Volume Charge > <u>105</u> CCF to <u>420</u> CCF	<del>\$1.45</del> <u>2.05</u>	<del>\$1.64</del> <u>2.22</u>	<del>\$1.85</del> <u>2.39</u>	<del>\$2.00</del> <u>2.54</u>	<del>\$2.16</del> <u>2.71</u>	<del>\$2.34</del> <u>2.84</u>
Bi-Monthly Volume Charge > <u>2040</u> CCF	<del>\$2.18</del> <u>3.09</u>	<del>\$2.47</del> <u>3.35</u>	<del>\$2.79</del> <u>3.60</u>	<del>\$3.02</del> <u>3.83</u>	<del>\$3.26</del> <u>4.08</u>	<del>\$3.53</del> <u>4.29</u>
Special Water Rate	See LMC <a href="#">13.20.080</a> , Special water rate					
<b>Residential Multiple/Mobile Combined</b>						
Bi-Monthly Base Rate Per Unit (includes <u>510</u> CCF/meter)*	<del>\$5.20</del> <u>13.71</u>	<del>\$5.80</del> <u>14.88</u>	<del>\$6.47</del> <u>15.99</u>	<del>\$6.87</del> <u>17.03</u>	<del>\$7.30</del> <u>18.14</u>	<del>\$7.74</del> <u>19.05</u>
Bi-Monthly Volume Charge > <u>510</u> CCF per meter	<del>\$1.14</del> <u>1.50</u>	<del>\$1.27</del> <u>1.63</u>	<del>\$1.42</del> <u>1.75</u>	<del>\$1.51</del> <u>1.87</u>	<del>\$1.60</del> <u>1.99</u>	<del>\$1.70</del> <u>2.09</u>
Special Water Rate	See LMC <a href="#">13.20.080</a> , Special water rate					

Rate						
<b>Commercial/Industrial (Based on Meter Size)</b>						
5/8 – 3/4-Inch Meter	<del>\$13.25</del> <u>\$41.5</u> 0	<del>\$15.76</del> <u>\$45.</u> 02	<del>\$18.76</del> <u>\$48.40</u>	<del>\$21.08</del> <u>\$51.5</u> 5	<del>\$23.70</del> <u>\$54.9</u> 0	<del>\$26.64</del> <u>\$57.6</u> 4
1-Inch Meter	<del>\$28.68</del> <u>\$89.8</u> 5	<del>\$34.13</del> <u>\$97.</u> 49	<del>\$40.62</del> <u>\$104.8</u> 0	<del>\$45.65</del> <u>\$111.</u> 61	<del>\$51.34</del> <u>\$118.</u> 86	<del>\$57.62</del> <u>\$124.</u> 81
1-1/2-Inch Meter	<del>\$54.06</del> <u>\$169.</u> 35	<del>\$64.33</del> <u>\$18</u> 3.74	<del>\$76.56</del> <u>\$197.5</u> 2	<del>\$86.05</del> <u>\$210.</u> 36	<del>\$96.72</del> <u>\$224.</u> 03	<del>\$108.62</del> <u>\$23</u> 5.24
2-Inch Meter	<del>\$83.85</del> <u>\$262.</u> 62	<del>\$99.78</del> <u>\$28</u> 4.95	<del>\$118.73</del> <u>\$306.</u> 32	<del>\$133.46</del> <u>\$32</u> 6.23	<del>\$150.04</del> <u>\$34</u> 7.43	<del>\$168.46</del> <u>\$36</u> 4.81
3-Inch Meter	<del>\$156.67</del> <u>\$49</u> 0.72	<del>\$186.43</del> <u>\$5</u> 32.43	<del>\$221.85</del> <u>\$572.</u> 36	<del>\$249.36</del> <u>\$60</u> 9.57	<del>\$280.28</del> <u>\$64</u> 9.19	<del>\$314.76</del> <u>\$68</u> 1.65
4-Inch Meter	<del>\$257.05</del> <u>\$80</u> 5.17	<del>\$305.89</del> <u>\$8</u> 73.61	<del>\$364.01</del> <u>\$939.</u> 13	<del>\$409.15</del> <u>\$10</u> 00.17	<del>\$459.88</del> <u>\$10</u> 65.18	<del>\$516.45</del> <u>\$11</u> 18.44
6-Inch Meter	<del>\$510.80</del> <u>\$15</u> 99.99	<del>\$607.85</del> <u>\$1</u> 735.99	<del>\$723.34</del> <u>\$186</u> 6.19	<del>\$813.03</del> <u>\$19</u> 87.49	<del>\$913.85</del> <u>\$21</u> 16.67	<del>\$1,026.25</del> <u>\$2</u> 222.51
Monthly Volume Charge > <del>105</del> CCF per meter	<del>\$1.64</del> <u>\$2.52</u>	<del>\$1.92</del> <u>\$2.74</u>	<del>\$2.28</del> <u>\$2.94</u>	<del>\$2.56</del> <u>\$3.13</u>	<del>\$2.88</del> <u>\$3.34</u>	<del>\$3.23</del> <u>\$3.50</u>

\* Base charge per unit plus volume over ~~510~~ CCF per meter.

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2 Section 5. Section 13.20.030 of the Lynnwood Municipal Code is hereby amended as  
3 follows:

4 **13.20.030 Minimum charges.**

5 The minimum monthly water charge payable by each user (customer account) shall be as set forth in  
6 LMC 13.20.010, or as specifically stated in this chapter.

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Section 6. Section 13.20.040 of the Lynnwood Municipal Code is hereby amended as follows:

**13.20.040 Hydrant rates.**

A permit for water use approval is required to take water from the city-owned water system. There shall be levied a charge as shown in Chapter 3.104 LMC against each person, firm or corporation who shall take water from any water line, reservoir, fire hydrant, standpipe, blow-off pipe or any facility of the city of Lynnwood without the city’s consent and without first having obtained a permit to take such water. ~~Such sum shall be due and payable immediately upon~~ Fees and deposits must be paid prior to the taking of such water. The water use approval shall be submitted to the department of public works for processing as required by LMC 2.44.040.

Section 7. A new section 13.34.030 which replaces and amends section 13.20.050 of the Lynnwood Municipal Code is hereby added as follows:

**13.34.03020.050 Penalties and delinquent charges.**

In addition to all other charges provided in this title ~~or title 14~~, each account shall be charged 10 percent of the unpaid balance for all ~~water city utility~~ charges not paid within 35 days after the date of billing. This amount shall be paid whether or not the water is actually turned off, ~~and any sums paid by or for the water user shall be applied first to payment of these charges.~~ There shall be a \$25.00 penalty charge for each check which is returned marked “insufficient funds.”

Section 8. Section 13.20.060 of the Lynnwood Municipal Code is hereby amended as follows:

**13.20.060 Fire hydrants – Public buildings – Parks.**

The city of Lynnwood shall pay to the water utility from the current expense fund for all water used in public buildings and parks, an amount figured at regular rates for each service installed. All unmetered water from fire hydrants for construction uses shall be at the regular flat rates established. ~~Further, the city shall pay to the water utility an annual maintenance charge for all publicly owned fire hydrants at a rate to be established each year based upon the previous year’s actual costs.~~

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Section 9. Section 13.20.080 of the Lynnwood Municipal Code is hereby amended as follows:

**13.20.080 Special ~~water~~ Utility rates.**

A. Qualifications for Special Rates Based on Snohomish County Real Property Tax Exemption. A residential single-unit, ~~and~~ multiple-unit, and mobile special fixed rate of the following percent of the ~~residential single-unit bi-~~monthly base rate and volume charges shall apply to all services to which water, sewer, and surface water services ~~is~~are available, and meeting all of the following qualifications and categories:

1. Depending on the income level status of the customer pursuant to the Snohomish County assessor's office real property taxes exemption process, as follows:

Income Level Status	Rate
A	40%
B	45%
C	50%

See subsection (F) of this section, Special Water Rate Chart, for specific rate.

2. The residential single-unit property or residential multiple-unit or mobile unit 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.

3. Claimants for said reduction shall occupy 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.

4. Those customers who meet eligibility criteria as stated herein may apply at any time during the year. Upon verification of eligibility, the customer will qualify for the reduced rate as of the date of the next applicable billing cycle following verification. Reapplication for subsequent years demonstrating that qualifications are still met must be made each year by December 31<sup>st</sup> for the subsequent year.

1            B5. Categories.

2            4a. Senior/Disabled. Persons of the age of 61 years or older, or who are disabled,  
3 meeting the qualifications specified in subsection (A) of this section and RCW  
4 84.36.381, shall be charged at a special water rate for Income Level Status A, Income  
5 Level Status B, or Income Level Status C. See Rate Tables in subsection (F) of this  
6 section, ~~Special Water Rate Chart~~ for Water, 14.40.040 for Sewer, and 13.35.070 for  
7 Surface Water .

8            2b. Residential Multiple-Unit and Mobile Special Rates. For residents that meet the  
9 qualifications in subsection (A) of this section, but that do not have a direct account with  
10 the city (i.e., tenants of a condominium or owners of a mobile home in a mobile home  
11 park), a yearly rebate shall be paid to the resident based on 40, 45 or 50 percent of a  
12 ~~calculation of the cost per unit for that account~~ the base rate for that type of account  
13 assuming water usage within the minimum 10 CCF allowance, and depending on the  
14 income level status of the customer pursuant to the Snohomish County assessor's  
15 office real property taxes exemption process. In order to qualify for the rebate, the  
16 resident must make application to the city by November 1st of each year and  
17 demonstrate, in addition to meeting the qualifications in this section, that they have  
18 resided at the site or unit for the entire year. Rebate does not apply to Utility Taxes.

19 B. Qualification for Special Rate Based on Washington State Assistance Programs. A residential  
20 single-unit special fixed rate for Income Level Status A (40%) of the residential single-unit bi-monthly  
21 base rate and volume charges shall apply to all services to which water, sewer, and surface water  
22 services are available, and meeting all of the following qualifications:

23 \_\_\_\_\_ 1. The resident of the residential single-unit property to which the utility services are  
24 extended shall have an award letter from the State of Washington for needy family assistance or food  
25 stamps that covers at least a portion of the year in which the reduced rate is applied.

26 \_\_\_\_\_ 2. Claimants for said reduction shall occupy site as principle residence as a renter,  
27 be within the corporate limits of the city of Lynnwood, and provide proof that they reside at the address  
28 as a renter and are responsible for their City of Lynnwood utility bills.

29 \_\_\_\_\_ 3. Those customers who meet eligibility criteria as stated herein may apply at any  
30 time during the year. Upon verification of eligibility, the customer will qualify for the reduced rate as of

1 the date of the next applicable billing cycle following verification. Reapplication for subsequent years  
2 demonstrating that qualifications are still met must be made each year by December 31<sup>st</sup> for the  
3 subsequent year.

4 4. Rates:

5 a. Water: Income Level Status A (40%) pursuant to Section F, Table 2,  
6 Special Water Rates, below.

7 b. Sewer: Income Level Status A (40%) pursuant to 14.40.040 Table 2.

8 c. Surface Water: Income Level Status A (40%) pursuant to 13.35.070 Table

9 2.

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11 C. Medical Necessity. Persons who require large quantities of water due to medical necessity (i.e.,  
12 kidney dialysis) and who occupy the site as principal residence and are located within the corporate  
13 limits of the city of Lynnwood shall be charged the special ~~water water and sewer~~ rates for Income  
14 Level Status C (50 percent) with doctor certification (see subsection F of this section, Table 2 for  
15 water, and 14.40.040 Table 2 for sewer. (see subsection (F) of this section, Special Water Rate Chart).

16 D. Other Special Rate and Qualifications – Preservation Mobile Home Park. For mobile home parks  
17 that are preserved pursuant to a development agreement in accordance with Chapter [1.37](#) LMC, the  
18 following residential-mobile per unit base rate and volume charges shall apply:

19 1. Preservation for five to seven years: 50 percent of the base rate and volume charge  
20 in LMC [13.20.010](#) ~~for water and 14.40.035 for sewer.~~

21 2. Preservation for seven years or more: 25 percent of the base rate and volume  
22 charge in LMC [13.20.010](#).

23 E. The mayor is authorized to administer the special utility rates and develop procedures as necessary  
24 for such implementation.

25 F. Special Water Rate Chart. Following rate chart based on income levels (see subsection (A) of this  
26 section).

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2 Residential Single-Unit Rates:

**Table 2: Special Water Rates**

Water Customer Classification	<u>2011-2014</u>	<u>2012-2015</u>	<u>2013-2016</u>	<u>2014-2017</u>	<u>2015-2018</u>	<u>2016-2019</u>
	Bi-Monthly Rate					
<b>Special Water Rates, Income Level Status A (40%)</b>						
Bi-Monthly Base Rate (incl. <u>510</u> CCF)	<u>\$5.05</u> <u>\$14.29</u>	<u>\$5.72</u> <u>\$15.50</u>	<u>\$6.46</u> <u>\$16.66</u>	<u>\$6.99</u> <u>\$17.75</u>	<u>\$7.56</u> <u>\$18.90</u>	<u>\$8.18</u> <u>\$19.85</u>
Bi-Monthly Volume Charge > <u>105</u> CCF to <u>2040</u> CCF	<u>\$0.58</u> <u>\$0.82</u>	<u>\$0.66</u> <u>\$0.89</u>	<u>\$0.74</u> <u>\$0.95</u>	<u>\$0.80</u> <u>\$1.02</u>	<u>\$0.86</u> <u>\$1.08</u>	<u>\$0.94</u> <u>\$1.14</u>
Bi-Monthly Volume Charge > <u>420</u> CCF	<u>\$0.87</u> <u>\$1.23</u>	<u>\$0.99</u> <u>\$1.34</u>	<u>\$1.12</u> <u>\$1.44</u>	<u>\$1.21</u> <u>\$1.53</u>	<u>\$1.30</u> <u>\$1.63</u>	<u>\$1.41</u> <u>\$1.72</u>
<b>Special Water Rates, Income Level Status B (45%)</b>						
Bi-Monthly Base Rate (incl. <u>510</u> CCF)	<u>\$5.68</u> <u>\$16.07</u>	<u>\$6.43</u> <u>\$17.44</u>	<u>\$7.27</u> <u>\$18.75</u>	<u>\$7.87</u> <u>\$19.96</u>	<u>\$8.50</u> <u>\$21.26</u>	<u>\$9.20</u> <u>\$22.33</u>
Bi-Monthly Volume Charge > <u>105</u> CCF to <u>2040</u> CCF	<u>\$0.65</u> <u>\$0.92</u>	<u>\$0.74</u> <u>\$1.00</u>	<u>\$0.83</u> <u>\$1.07</u>	<u>\$0.90</u> <u>\$1.14</u>	<u>\$0.97</u> <u>\$1.22</u>	<u>\$1.05</u> <u>\$1.28</u>
Bi-Monthly Volume Charge > <u>420</u> CCF	<u>\$0.98</u> <u>\$1.39</u>	<u>\$1.11</u> <u>\$1.51</u>	<u>\$1.26</u> <u>\$1.62</u>	<u>\$1.36</u> <u>\$1.73</u>	<u>\$1.47</u> <u>\$1.84</u>	<u>\$1.59</u> <u>\$1.93</u>

<b>Special Water Rates, Income Level Status C (50%)</b>						
Bi-Monthly Base Rate (incl. <u>510</u> CCF)	<del>\$6.32</del> <u>\$17.86</u>	<del>\$7.15</del> <u>\$19.38</u>	<del>\$8.07</del> <u>\$20.83</u>	<del>\$8.74</del> <u>\$22.18</u>	<del>\$9.45</del> <u>\$23.63</u>	<del>\$10.23</del> <u>\$24.81</u>
Bi-Monthly Volume Charge > <u>105</u> CCF to <u>2040</u> CCF	<del>\$0.73</del> <u>\$1.02</u>	<del>\$0.82</del> <u>\$1.11</u>	<del>\$0.93</del> <u>\$1.19</u>	<del>\$1.00</del> <u>\$1.27</u>	<del>\$1.08</del> <u>\$1.35</u>	<del>\$1.17</del> <u>\$1.42</u>
Monthly Volume Charge > <u>2040</u> CCF	<del>\$1.09</del> <u>\$1.54</u>	<del>\$1.24</del> <u>\$1.67</u>	<del>\$1.40</del> <u>\$1.80</u>	<del>\$1.51</del> <u>\$1.92</u>	<del>\$1.63</del> <u>\$2.04</u>	<del>\$1.77</del> <u>\$2.14</u>

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2 Section 10. A new section 13.20.085 of the Lynnwood Municipal Code is hereby added  
3 as follows:

4 **13.20.085 Good Neighbor Fund Authorized.**

5 Recognizing that its citizens, from time to time, may need help in paying their City of Lynnwood utility  
6 bills, a Good Neighbor Fund is authorized in order that neighbors may voluntarily add dollars to their  
7 City utility bills in order to assist those less fortunate.

8 The Mayor is authorized to create and oversee a Good Neighbor Fund to be administered by a third-  
9 party local not-for-profit organization that has the knowledge, skills, and ability to effectively administer  
10 the fund and meeting all criteria set by the City of Lynnwood. The fund shall operate at an overhead  
11 acceptable to the City and must only apply funds from the Good Neighbor Fund to City of Lynnwood  
12 Utility customers towards their outstanding City of Lynnwood utility bills.

13 The City shall maintain and make available at all times information related to the Good Neighbor Fund  
14 including contact information for the administering organization, fund related information, and  
15 application forms.

16 Section 11. A new section 13.34.040 which replaces and amends section 13.24.005 of the  
17 Lynnwood Municipal Code is hereby added as follows:

18 **13.34.04024.005 Responsibility of property owner.**

19 All accounts for ~~water-city utilities~~ shall be kept in the name of the owner of the property and not in the  
20 name of the tenant ~~unless stated otherwise~~; and the owner only or his legally authorized agent shall be  
21 held responsible for water charges. All ~~accounts that are in the name of the renter, lessee, or tenant of~~  
22 the property and not in the name of the owner at the time of passage of the ordinance codified in this  
23 chapter, shall have until December 31, 1977, to comply with the provisions of this chapter.

1 Section 12. A new section 13.34.050 which replaces and amends section 13.24.010 of the  
2 Lynnwood Municipal Code is hereby added as follows:

3 **13.24.01034.050 Billing.\***

4 All charges for ~~domestic water~~city utility service shall be due and payable at ~~the City of Lynnwood~~  
5 ~~offices of the water utility~~ on or before the fourteenth day after the bill has been issued therefor, and  
6 shall become delinquent after the fourteenth day. ~~Domestic water~~City utility bills shall cover periods of  
7 two months and shall be issued upon a single statement. All payments and collections shall be paid  
8 into the ~~water revenue~~Combined Utility fund. Delinquent accounts shall be charged as provided in  
9 LMC ~~13.20.050~~13.34.030.

10 The order of application of payments received towards outstanding utility bills shall be applied in the  
11 following order: Penalties, interest, surface water charges, sewer charges, water charges.

12 \*Ordinance reads "13.12.010 Fees." Codified as "13.24.010 Billing."  
13

14 Section 13. A new section 13.34.060 which replaces and amends section 13.24.020 of the  
15 Lynnwood Municipal Code is hereby added as follows:

16 **13.24.02034.060 Lien.**

17 All charges for ~~water connections and~~city utility services, and all service charges, provided in this title  
18 and title 14, or as ~~it~~they may be hereafter amended, together with penalties and interest thereon, shall  
19 be a lien upon the property ~~with to which domestic water~~city utility services ~~is are rendered~~provided,  
20 superior to all other liens and encumbrances whatsoever, except for general taxes and local special  
21 assessments. Enforcement of such lien or liens shall be in the manner provided by law.

22 Section 14. A new section 13.34.070 which replaces and amends section 13.24.030 of the  
23 Lynnwood Municipal Code is hereby added as follows:

24 **13.34.07024.030 Discontinuance of service by utility.**

25 A. The ~~water~~city utility may refuse to supply, or may discontinue service to, any customer for violation  
26 of this title or title 14. As an additional concurrent method of enforcing the lien of the city for domestic  
27 water or sewer, or surface water charges, at the end of 20 days after ~~the date of billing of any such~~  
28 ~~charges~~any amount of outstanding account balance remains delinquent following two full billing cycles  
29 (approx. 4 months) ~~in the case of domestic water charges~~, the director of public works is authorized  
30 and directed to notify by first class mail sent to the customer at the service address that the account is

1 delinquent and that the water will be shut off 13 days after date of such delinquency notice, and is  
2 directed to shut off water at that time and until such time as all charges have been paid, which consist  
3 of service charges, penalties as set forth in LMC ~~13.20.050~~13.34.030, and city staff time charges for  
4 site visits (turn-on and turn-off) as noted in Table A in subsection (~~D~~E) of this section.

5 Billing shall continue for all City utility services during the period that water service is discontinued,  
6 except as stated in 13.34.080.

7 The utility may refuse or discontinue service to any customer who requires or uses such volume of  
8 water that water service to any other customer may be thereby impaired.

9 The utility shall discontinue service to any customer who makes an unauthorized connection to a city  
10 water or sewer line, bypasses a city water meter, or in any other way steals city water or sewer  
11 services.

12 B. The City may allow flexibility in payment of outstanding owed amounts as follows: If the customer,  
13 prior to the City shutting off water as specified above, agrees in writing and makes payment of fifty  
14 percent (50%) of outstanding owed account balances due to water, sewer, and storm accounts, and  
15 agrees to pay the entire remaining amount within fourteen (14) days of the initial payment, then the  
16 City will suspend shutting off the customer's water. If payment is not received by the fourteenth (14<sup>th</sup>)  
17 day, then the customer's water shall be shut off without further notice.

18 BC. Discontinuance of service for any cause stated in this section shall not release the customer from  
19 his obligation to the city for payment of bills or charges.

20 CD. Whenever service has been discontinued as provided above, and before service is restored, in  
21 addition to charges as provided in subsection (A) of this section, the utility may require the customer to  
22 make a deposit of \$50.00. The deposit may be held for up to two years depending on account history  
23 and used at any time to offset outstanding balances due, should they reoccur. Upon transfer of the  
24 account to a new owner, any unused deposit will be returned to the depositor. Restoration of service at  
25 the customer's request and after payment of all bills due shall be done at the convenience of the utility.

26

27

28

1 DE.

TABLE A

Time When Trip to Account Location Occurs	Charge for Each Occurrence
8:00 a.m. – 5:00 p.m. Monday – Friday except holidays	\$35.00
All other times including holidays	\$85.00

2

3 Section 15. A new section 13.34.080 which replaces and amends section 13.24.040 of the  
4 Lynnwood Municipal Code is hereby added as follows:

5 **13.34.08024.040 Inactivation of service request by customer.**

6 A customer who wishes to inactivate water service shall give at least ~~three~~five business days' prior  
7 written notice to the utility. No charge will be made for shutting off or turning back on the water supply;  
8 however, minimum base billing will continue for ~~both sewer, and water, and surface water~~  
9 period of inactivity, however, if complete billing cycles have no metered water consumption, then the  
10 City will back out the water charges for those cycles. The charge for restoration of water service shall  
11 be according to Table A, LMC ~~13.24.030~~13.34.070.

12 Section 16. Section 13.34.010 of the Lynnwood Municipal Code is hereby amended as  
13 follows:

14 **13.34.010 Combination of water system and sewerage system.**

15 Pursuant to RCW 35.67.331, the water system of the city, ~~and the sewerage system of the city, and~~  
16 the surface water system of the city are combined into a waterworks utility of the city, and such  
17 combined systems shall be maintained and operated jointly.

18 Section 17. Section 13.34.020 of the Lynnwood Municipal Code is hereby amended as  
19 follows:

20 **13.34.020 Operation.**

21 To the extent authorized by law, the operation by the city of such combined waterworks utility shall be  
22 governed by the statutes relating to the establishment and maintenance of a city water system.

23

1 Section 18. A New Section 13.34.090 of the Lynnwood Municipal Code is hereby added  
2 as follows:

3 **13.34.090 Billing Adjustments.**  
4

5 The Public Works Director together with the Finance Director shall establish regulations and  
6 procedures for making adjustments to the quantity of water and sewer from which billings are  
7 calculated in situations where a customer reports a leak in their private system. These regulations and  
8 procedures shall establish the criteria to be used in consideration of an adjustment, the method to  
9 calculate the adjustment, and the frequency that adjustments will be considered.

10 Section 19. Sections 13.20.050, 13.24.005, 13.24.010, 13.24.020, 13.24.030, and  
11 13.24.040 are hereby repealed.

12 Section 20. Severability. If any section, subsection, sentence, clause, phrase or word of  
13 this ordinance should be held to be invalid or unconstitutional by a court of competent  
14 jurisdiction, such invalidity or unconstitutionality therefore, shall not affect the validity or  
15 constitutionality of any other section, subsection, sentence, clause, phrase or word of this  
16 ordinance.

17 Section 21. Effective Date. This ordinance or a summary thereof consisting of the title  
18 shall be published in the official newspaper of the City, and shall take effect and be in full  
19 force five (5) days after publication.

20 PASSED BY THE CITY COUNCIL, the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

21  
22 APPROVED:  
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25 \_\_\_\_\_  
26  
27 Don Gough, Mayor  
28

29 ATTEST/AUTHENTICATED:  
30  
31  
32  
33 \_\_\_\_\_  
34 Lorenzo Hines  
35 Finance Director  
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40 APPROVED AS TO FORM:  
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\_\_\_\_\_  
Rosemary Larson  
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: \_\_\_\_\_

PASSED BY THE CITY COUNCIL: \_\_\_\_\_

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

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

ORDINANCE NUMBER: \_\_\_\_\_

DRAFT