

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5920

AN ORDINANCE establishing revised charges for water service, water consumption, and water standby capacity; repealing Ordinance No. 5847; providing for severability; and establishing an effective date.

WHEREAS, in *Lane v. City of Seattle*, 164 Wn.2d 875, 194 P.3d 911 (2008), the Washington State Supreme Court determined that fire flow capacity charges are a governmental function and that such costs must be paid from the City's General Government Fund; and

WHEREAS, prior to the Court's holding in *Lane v. City of Seattle*, water utility customers paid for costs associated with fire flow capacity charges; and

WHEREAS, it is in the public interest to provide the following schedule of revised charges for water service, water consumption, and water standby capacity for the Water Utility of the City of Bellevue, which do not include charges for fire flow capacity; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Charges Established. There charges set forth herein for water service, water consumption, and water standby capacity are hereby established and shall be collected from each user of water services provided by the Water Utility of the City of Bellevue.

Section 2. Meter Service Charges.

A. Meter Service Charges - General. The meter service charges per bi-monthly billing period for each user of water service shall be as follows:

<u>Domestic Meter Size</u>	<u>Bimonthly Service Charge Per Meter in Operation</u>
	<u>2010</u>
5/8" or 3/4"	\$26.57
1"	\$47.02
1 1/2"	\$79.54
2"	\$122.25
3"	\$267.1
4"	\$393.50
6"	\$736.55
8"	\$1,145.84
10"	\$1,609.36

B. Residential Combo Meters - Oversized domestic meters required in designated residential structures to provide fire sprinkler capability.

<u>Combo Meter Size</u>	<u>Bimonthly Service Charge Per Meter in Operation</u>
	<u>2010</u>
1"	\$28.50
1½"	\$31.36
2"	\$43.92

C. Irrigation meters - City-owned meters that are used for measuring water used strictly for outside irrigation.

<u>Irrigation Meter Size</u>	<u>Bimonthly Service Charge Per Meter in Operation</u>
	<u>2010</u>
5/8" or ¾"	\$23.15
1"	\$38.48
1½"	\$62.45
2"	\$94.91
3"	\$212.42
4"	\$308.00
6"	\$565.62
8"	\$872.31
10"	\$1,216.12

Section 3. Water Consumption Charges. The water consumption charges per bimonthly billing period for each user of water service shall be as follows:

A. Single Family Residential

<u>Cubic Feet Consumed</u>	<u>Charge Per Hundred Cubic Feet of Water</u>
	<u>2010</u>
0 to 2,000	\$2.65
2,001 to 3,000	\$3.66
3,001 to 10,000	\$4.70
Over 10,000	\$6.99

B. Multifamily Residential Structure or Facility

<u>Cubic Feet Consumed</u>	<u>Charge Per Hundred Cubic Feet of Water</u>
	<u>2010</u>
0 to 1,100	\$3.19
1,101 to 1,500	\$3.56
Over 1,500	\$4.20

For purposes of these charges, a "multifamily residential structure or facility" shall mean any residential structure or facility containing two or more dwelling units, including, but not limited to, duplexes, triplexes, apartment buildings, condominiums, and parcels containing two or more separate dwelling units served through a single meter, but shall not include hotels, motels or trailer parks. Mixed use structures that include both multi-family dwelling units and commercial non-residential units and that are served by one water meter shall be billed as multi-family.

C. Non-Residential

Where both irrigation and non-irrigation consumption is measured through the same meter, the water consumption charges shall be as follows:

<u>Charged Per Hundred Cubic Feet Consumed</u>	<u>Charge Per Hundred Cubic Feet of Water</u>
	<u>2010</u>
All non-summer consumption	\$2.70
All summer consumption	\$3.79
Where summer consumption is defined in Subsection 3 below.	

1. Where all irrigation consumption is measured through an irrigation meter, the water consumption charges for domestic water shall be as follows:

<u>Charged Per Hundred Cubic Feet Consumed</u>	<u>Charge Per Hundred Cubic Feet of Water</u>
	<u>2010</u>
All non-summer consumption	\$2.70
All summer consumption	\$3.41
(Summer consumption is defined in Subsection 3 below.)	

2. For purposes of these charges, summer consumption shall mean that volume recorded on two normal bimonthly meter readings during the months of July through October or readings during this period for other billing purposes, such as, but not limited to, customer changes.

A. Irrigation Water Consumption, for volumes measured by irrigation meters or other meter arrangements that can be used for measuring water used strictly for outside irrigation.

<u>Cubic Feet Consumed</u>	<u>Charge Per Hundred Cubic Feet of Water</u>
	<u>2010</u>
All irrigation consumption	\$5.46

Section 4. Service Charge for Water Standby Capacity for Private Fire Protection. The service charges for water standby capacity for private fire protection per bimonthly billing period shall be as follows:

<u>Line Size</u>	<u>Bimonthly Service Charge</u>
	<u>2010</u>
5/8" or 3/4"	\$14.54
1"	\$16.90
1 1/2"	\$19.31
2"	\$25.90
3"	\$74.40
4"	\$92.36
6"	\$134.30
8"	\$182.18
10"	\$224.12

Section 5. User Charges – Outside. The charges for each water service user outside the city or town limits of Bellevue, Clyde Hill, Hunts Point, Medina and Yarrow Point shall be the sum of the domestic meter service charge in Section 2 plus the appropriate water consumption charge or charges in Section 3 plus the water standby capacity charges in Section 4.

Section 6. User Charges – Inside. The charges for each user inside the city or town limits of Bellevue, Clyde Hill, Hunts Point, Medina and Yarrow Point shall be the sum of the meter service charge in Section 2 plus the appropriate water service charge or charges in Section 3 plus the water standby capacity charges in Section 4, all multiplied by the percentage indicated below for that city or town:

<u>City or Town</u>	<u>Percentage</u>
Bellevue	112.2708%
Clyde Hill	109.1985%
Hunts Point	107.3470%
Medina	100.0000%
Yarrow Point	105.5573%

The percentages set forth above, however, may be administratively adjusted by the Utility Department Director to reflect any increase or decrease in any franchise fee required to be paid to such city or town by the Utility.

Section 7. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 8. Repeal. Ordinance No. 5847 is repealed effective January 1, 2010 provided, however, that any charges made for water service under Ordinance No. 5847 are not invalidated by the repeal of that ordinance.

Section 9. Effective Date. This ordinance shall be published in the official newspaper of the City. Sections 1-8 of this ordinance shall take effect on January 1, 2010, shall apply to service provided on and after that date and shall supersede all existing schedules of charges as of that date. The specific water service charges for 2010 shall take effect on January 1, 2010 and shall remain in effect until amended by the City Council.

Passed by the City Council this 7<sup>th</sup> day of December, 2009 and signed in authentication of its passage this 7<sup>th</sup> day of December, 2009.

(SEAL)

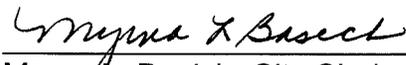
  
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Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

  
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Lacey L. Madche, Assistant City Attorney

Attest:

  
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Myrna L. Basich, City Clerk

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