

Subject: Ordinance #1567 – Increasing City Sanitary Sewer Rates for the purposes of passing through Tacoma sewer rate increases (Amending RMC 21.02.010)

Dept. Origin: Mayor/Utilities Dept.

**Prepared by: Jennifer Robertson
City Attorney**

For Agenda of: March 7, 2023

Exhibits: Ordinance #1567

Proposed Council Action:

This is on for Second Reading, a Public Hearing and Action. Adopt Ordinance No. 1567.

Concurred by Mayor:

Initial & Date

Approved/form by City Atty:

JSR/2-27-23

Approved by _____ Director:

Approved by Department Head:

INFORMATION / BACKGROUND

Under State law,¹ the City is authorized to provide sanitary sewer services to properties within the City. As a sanitary sewer utility provider, the City may establish charges for sanitary sewer service.² The City of Tacoma accepts the flow from Ruston sanitary sewers for the purpose of sewage treatment. The City of Ruston pays Tacoma for this service.

The last time the City of Ruston changed its rates was in January of 2022 (via an ordinance adopted in March of 2021). Since that time, the City of Tacoma has instituted sewer rate increases. Ordinance No. 1567 does not change the fixed rate for Ruston customers, which has remained unchanged since 2017, but it does bring the flow charges equal to what Tacoma charges its customers for flow charges for both 2023 and 2024.

As is the City’s practice for utilities, rate increases are passed through to its rate-payers to ensure continued financial viability of the sanitary sewer utility. The rate increases are outlined below, including a look back at 2021 rates.

Rate Type	2022	Increase	2023	Increase	2024
Fixed Rate - RES	\$ 67.67	\$ -0-	\$67.67	\$-0-	\$67.67
Flow Charge - RES	\$ 5.23	\$0.42	\$5.65	\$0.40	\$6.05
Fixed Rate - COM - Categorized	\$ 55.60	\$ -0-	\$ 55.60	\$-0-	\$55.60
Flow Charge - COM by Category					

¹ See RCW 35A.11.020, 35A.21.150, and Chapter 35.67 RCW.

² RCW 35.67.020; 35.67.190.

1	\$ 7.46	\$0.38	\$7.84	\$0.63	\$8.47
2	\$ 7.76	\$0.70	\$8.46	\$0.68	\$9.14
3	\$ 9.77	\$0.88	\$10.65	\$0.86	\$11.51
4	\$ 11.47	\$1.04	\$12.51	\$1.01	\$13.52
5	\$ 11.65	\$1.05	\$12.70	\$1.02	\$13.72
6	\$ 13.35	\$1.21	\$14.56	\$1.17	\$15.73
7	\$ 15.09	\$1.36	\$16.45	\$1.32	\$17.77
8	\$ 15.61	\$1.41	\$17.02	\$1.37	\$18.39
Fixed Rate - COM - Not Categorized	\$ 67.67	\$-0-	\$67.67	\$-0-	\$67.67
Flow Charge - COM - Not Categorized	\$ 5.23	\$0.42	\$5.65	\$0.40	\$6.05

The City Council will hold a Public Hearing on this Ordinance during Second Reading on March 7, 2023.

FISCAL CONSIDERATION

By increasing the sanitary sewer flow rates to be the same as Tacoma charges its sanitary sewer customers for flow for 2023 and 2024, the City will ensure that its sanitary sewer utility is self-sustaining and that these increased costs are born by the ratepayers rather than the general public.

RECOMMENDATION / MOTION

This is on for Second Reading and a Public Hearing. Adopt Ordinance No. 1566.

MOTION 1: I move to open the public hearing.

[Take testimony.]

MOTION 2: I move to close the public hearing.

MOTION 3: I move adoption of Ordinance No. 1567 relating to charges for sanitary sewer services within the City of Ruston, amending Section 21.02.010 of the Ruston Municipal Code to increase sanitary sewer flow charges per 100 CCFs for 2023 and 2024 setting the updated rates as follows: for single family residential \$5.65 for 2023 and \$6.05 for 2024, for Category 1 \$7.84 for 2023 and \$8.47 for 2024, for Category 2 \$8.46 for 2023 and \$9.14 for 2024, for Category 3 \$10.65 for 2023 and \$11.51 for 2024, for Category 4 \$12.51 for 2023 and \$13.52 for 2024, for Category 5 \$12.70 for 2023 and \$13.72 for 2024, for Category 6 \$14.56 for 2023 and \$15.73 for 2024, for Category 7 \$16.45 for 2023 and \$17.77 for 2024, and for Category 8 \$17.02 for 2023 and \$18.39 for 2024, such increases are imposed for the purposes of passing through increases for sewer services charged by the City of Tacoma, providing for severability and corrections, and establishing an effective date.

ORDINANCE NO. 1567

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, RELATING TO CHARGES FOR SANITARY SEWER SERVICES WITHIN THE CITY OF RUSTON, AMENDING SECTION 21.02.010 OF THE RUSTON MUNICIPAL CODE TO INCREASE SANITARY SEWER FLOW CHARGES PER 100 CCFS FOR 2023 AND 2024 SETTING THE UPDATED RATES AS FOLLOWS: FOR SINGLE FAMILY RESIDENTIAL \$5.65 FOR 2023 AND \$6.05 FOR 2024, FOR CATEGORY 1 \$7.84 FOR 2023 AND \$8.47 FOR 2024, FOR CATEGORY 2 \$8.46 FOR 2023 AND \$9.14 FOR 2024, FOR CATEGORY 3 \$10.65 FOR 2023 AND \$11.51 FOR 2024, FOR CATEGORY 4 \$12.51 FOR 2023 AND \$13.52 FOR 2024, FOR CATEGORY 5 \$12.70 FOR 2023 AND \$13.72 FOR 2024, FOR CATEGORY 6 \$14.56 FOR 2023 AND \$15.73 FOR 2024, FOR CATEGORY 7 \$16.45 FOR 2023 AND \$17.77 FOR 2024, AND FOR CATEGORY 8 \$17.02 FOR 2023 AND \$18.39 FOR 2024, SUCH INCREASES ARE IMPOSED FOR THE PURPOSES OF PASSING THROUGH INCREASES FOR SEWER SERVICES CHARGED BY THE CITY OF TACOMA, PROVIDING FOR SEVERABILITY AND CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with RCW 35A.11.020, 35A.21.150, and Chapter 35.67 RCW, the City is authorized to provide sanitary sewer services to properties within the City; and

WHEREAS, in accordance with RCW 35.67.020, the City has the authority to establish charges for the sanitary sewer facilities; and

WHEREAS, in accordance with RCW 35.67.190, the City has the authority to fix the rates for sanitary sewer services; and

WHEREAS, the City is charged for sanitary sewer services from the City of Tacoma; and

WHEREAS, the City of Tacoma raised its sanitary sewer rates since Ruston last updated its sewer rates; and

WHEREAS, the City generally matches the flow charges with Tacoma's current rates; and

WHEREAS, the proposed new flow charges are the same as are charged by Tacoma for 2023 with a second step increase effective in 2024; and

WHEREAS, on February 21, 2023, the City Council held the first reading of this Ordinance; and

WHEREAS, the City Council held a public hearing on this Ordinance on March 7, 2023; and

WHEREAS, on March 7, 2023, the City Council adopted this Ordinance at Second Reading during its regular meeting following a public hearing; **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 21.02.010 of the Ruston Municipal Code is hereby amended to read as follows:

21.02.010 - Rate schedule.

Pursuant to the provisions of RCW 35.67.190, charges shall be made for the discharge of and the availability of the discharge of all sanitary sewage into the Ruston Municipal Sanitary Sewer System. Unless otherwise determined by the City, no allowances will be made for vacancies or remodeling. Sewer charges shall be based upon highest class of sanitary sewer use when there is more than one type of user per premises. The charges shall be as follows:

- (a) Each single-family residence (including those instances where more than one family residence is served through one water meter) shall be charged a monthly charge computed as follows:
 - (1) Effective Date: ~~Effective March 21, 2021, a fixed charge of \$67.67 plus a flow charge calculated at \$5.15 per hundred cubic feet (ccf) of water consumption and effective January 21, 2022~~ Effective March 21, 2023, a fixed charge of \$67.67 plus a flow charge calculated at \$5.23 per hundred cubic feet (ccf) of water consumption and effective January 21, 2024 a fixed charge of \$67.67 plus a flow charge calculated at \$6.05 per hundred cubic feet (ccf) of water consumption.

The water consumption for the flow charge shall be the average monthly use as measured during the most recent months of December, January, February, and March. If the average consumption results in a fractional part of a ccf, the number used for calculating the flow charge shall be the next highest whole number.

- (b) Multiple-family residences (two or more units) served through one water meter shall pay a monthly charge per living unit as above, except that the water consumed during the winter months shall be divided by the total number of living units served by the account to determine the per living unit flow volume. If the average consumption per unit results in a fraction, the number used for calculating the flow charge shall be the next highest whole number.

It shall be the duty of every person in possession, charge, or control of the entire premises consisting of two or more units, served by the sanitary sewer system, or to which such service is available, to be accountable for payment of each unit.

Where units in multiple-unit residences are separately metered, each unit shall be charged the appropriate single-family residence rate as set forth in subsection (a) of this section. Rate for user generating most sanitary sewage will be used for billing purposes.

- (c) In all cases other than residential charges hereinabove set forth, the sewer charge shall be computed and paid as follows:

(1) Metered Water Supply. When charges and fees are based upon the water usage, such charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the Director of the City of Tacoma Public Works, significant portions of water received are not discharged to a sanitary sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed, and maintained at the expense of the user and approved by the Director of the City of Tacoma Public Works. Where more than one commercial/industrial facility is served by one water meter, the user group shall be determined by the activities of the largest water consumption used.

- (d) The charge for commercial/industrial sanitary sewer user groups shall be as follows:

(1) Effective Date: Effective March 21, 2021, a fixed charge of \$55.60.

Each commercial/industrial user shall be placed in a user group and shall pay the appropriate flow rate per 100 cubic feet (ccf) as listed below. ~~In addition, all restaurants and taverns shall be placed in the Category II group unless the customer provides documentation that they have an approved grease retention device conforming to current uniform plumbing code and City of Tacoma Public Works guidelines, and that the customer has an adequate ongoing maintenance program in place for that device. The customer will remain in the Category I group as long as those conditions are continually met. In the event those conditions are not continually met, the customer will be placed back into the Category II group.~~

Category I: ~~\$7.24/ccf (effective March 21, 2021) and \$7.46~~\$7.84 ccf (effective January 21, 2022 March 21, 2023) and \$8.47/ccf (effective January 21, 2024).

(BOD 0-250 mg/l) (SS 0-150)

User Group Names:

- Nursing Homes

- Photo Finish Laboratories
- Taverns - No Food Preparation
- Commercial Printers
- Business Form Printers
- Laundromats
- Photo Studios
- Car Washes
- Lime Manufacturers

Category II: ~~\$7.53/ccf (effective March 21, 2021) and \$7.76~~ \$8.46/ccf (effective January 21, 2022
March 21, 2023) and \$9.14/ccf (effective January 21, 2024).

(BOD 200-300 mg/l) (SS 150-400)

User Group Names:

- Hotels and Motels - No Restaurant
- Hospitals
- Auto Dealers
- Top and Body Repair Shops
- Repair and Paint Shops
- Auto Repair Shops
- Asphalt Felts and Coating
- Domestic Strength
- Chemical Processors
- Coating and Engraving
- Concrete Ready Mix Suppliers
- Funeral Services - No Embalming
- Manufacturers
- Meat Distributors
- Meat and Fish Markets
- Paint Manufacturers

- Platers
- Soft Drink Beverage
- Vehicle Parts Manufacturers

Category III: ~~\$9.48 /ccf (effective March 21, 2021) and \$9.77~~ \$10.65/ccf (effective January 21, 2022 March 21, 2023) and \$11.51/ccf (effective January 21, 2024)

(BOD 301-500 mg/l) (SS 0-400)

User Group Names:

- Canned and Cured Fish
- Fresh or Frozen Fish
- Grocery Stores - Others
- Bowling Alleys - No Restaurant

Category IV: ~~\$11.13 /ccf (effective March 21, 2021) and \$11.47~~ \$12.51 (effective January 21, 2022 March 21, 2023) and \$13.52/ccf (effective January 21, 2024)

(BOD 301-500 mg/l) (SS 450 mg/l)

User Group Names:

- Hotels and Motels - With Restaurant

Category V: ~~\$11.31/ccf (effective March 21, 2021) and \$11.65~~ \$12.70 (effective January 21, 2022 March 21, 2023) and \$13.72/ccf (effective January 21, 2024)

(BOD 501-700 mg/l)

User Group Names:

- Commercial Laundries
- Bakeries (Manufacturers)

Category VI: ~~\$12.96/ccf (effective March 21, 2021) and \$13.35~~ \$14.56/ccf (effective January 21, 2022 March 21, 2023) and \$15.73/ccf (effective January 21, 2024)

(BOD 701-900 mg/l) (SS 400 mg/l)

User Group Names:

- Bakery Stores - On-Site Baking
- Restaurants (Category I)
- Taverns - With Food Preparation (Category I)

- Bowling Alleys - With Restaurant (Category I)

Category VII: ~~\$14.65/ccf (effective March 21, 2021) and \$15.09~~ \$16.45/ccf (effective January 21, 2022 March 21, 2023) and \$17.77/ccf (effective January 21, 2024)

(BOD 701-900 mg/l) (SS 700 mg/l)

User Group Names:

- Grocery Stores - Full Service
- Funeral Services - With Embalming

Category VIII: ~~\$15.15 /ccf (effective March 21, 2021) and \$15.61~~ \$17.02/ccf (effective January 21, 2022 March 21, 2023) and \$18.39/ccf (effective January 21, 2024)

(BOD 901+ mg/l)

User Group Names:

- Restaurants (Category II)
- Taverns - With Food Preparation (Category II)
- Bowling Alleys - With Food Preparation (Category II)

Commercial/industrial users not identified above will be billed at domestic strength.

- (e) Every premises to which sanitary sewerage is furnished by sanitary sewers, and every premises to which there is availability for such service shall be charged for such service in accordance with the rates and charges herein placed in effect; provided, however, that in no event shall any such charge be less than as provided below:

- (1) Effective Date: ~~March 21, 2021 a fixed charge of \$66.96 plus a flow charge calculated at \$5.15 per hundred cubic feet (ccf) of water consumption and effective January 21, 2022~~ March 21, 2023 a fixed charge of \$67.67 plus a flow charge calculated at \$5.23 \$5.65 per hundred cubic feet (ccf) of water consumption and effective January 21, 2024, a fixed charge of \$67.67 plus a flow charge calculated at \$6.05 per hundred cubic feet (ccf) of water consumption.

- (f) The City will not charge for sanitary sewer for property in the City that is vacant or unimproved when such land is not connected to the sanitary sewer system.

Section 2. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 5. Effective Date. This Ordinance shall be effective five days after publication as provided by law. The rates adopted herein shall be effective as stated in Section 1 of this Ordinance.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this __ day of March, 2023.

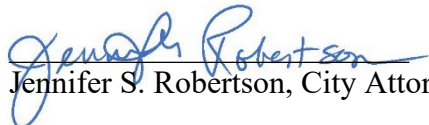
APPROVED by the Mayor this ___ day of March, 2023.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams, City Clerk

APPROVED AS TO FORM:


Jennifer S. Robertson, City Attorney

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NO: 1567