

CITY OF ILWACO
ORDINANCE #756

AN ORDINANCE UPDATING THE ILWACO MUNICIPAL CODE REGARDING PUBLIC SERVICES IN EQUALIZING THE RESIDENTIAL RATE STRUCTURE FOR WATER AND SEWER

WHEREAS, it is essential that all full-time residences be treated equally in City water and sewer billing in accordance with Article I, Section 12 of the Washington State Constitution dealing with granting of unequal privileges or immunities; and

WHEREAS, single-family and multi-family (apartments) residences ARE currently charged an established equal rates per unit for water and sewer; and

WHEREAS, hotel and motel residential units ARE currently recognized by the Ilwaco Municipal Code and treated the same as the aforementioned residences ONLY IN SOME CASES; and

WHEREAS, hotel and motel residential units ARE currently called out in the Ilwaco Municipal Code but are otherwise undefined; and

WHEREAS, hotels and motels have recognized residential units and manufactured home park spaces when occupied which ARE each supposed to be charged equally to other residences for sewer service; and

WHEREAS, hotel and motel residential units as above aren't well defined nor reporting and account requirements established; and

WHEREAS, mobile and manufactured home parks ARE currently supposed to be charged the same as other residences for water and sewer (when occupied); and

WHEREAS, residences in commercial buildings, hotels, motels and RV parks ARE NOT specifically covered in the Ilwaco Municipal Code regarding water rates; and

WHEREAS, residences in RV parks ARE NOT specifically covered in the Ilwaco Municipal Code regarding sewer rates; and

WHEREAS, hotel units, motel units and RV park spaces ARE currently used as full-time residential units; and

WHEREAS, the demand on water and sewer services for hotel, motel and RV spaces used as residences is no less than that for modest single-family home or apartment paying the standard rates; and

WHEREAS, the City Council did meet at said time and place and did then consider the matter of said proposed policies; and

WHEREAS, the said proposed legislation is within the authority of the City Council to establish,

NOW, THEREFORE, the City Council of the City of Ilwaco do ordain to adopt the attached modification to the Ilwaco Municipal Code Chapter 13 Public Service and to adopt the following provisions:

Definitions

"Occupied residential space" A space used or intended to be used as the principal residence of the occupant.

"Residence in a commercial building" A space in a commercial building used or intended to be used as a residence.

"Residential Unit in a Hotel, Motel or RV Park" A room in a hotel or motel or space in an RV park (it need not be the same room or space) continuously rented or occupied by the same occupant for 2 months or more. Not intended to apply to the rental of a hotel or motel room or an RV space, even if occupied with an RV, to transient visitors who maintain a home elsewhere. Any hotel or motel room or RV in an RV park that is offered for rent as a residence or "apartment" is defined as an occupied residential space whether rented or vacant.

Rates Added or Modified

Water

Commercial Building Residences: In commercial buildings that contain residences, the established residential monthly base rate applies for each residence. The City will establish a separate residential water account for each residence using the 3/4" meter size rate unless the residence is served by a separate meter in which case the meter size will determine.

Hotel, Motel and RV Park Residential Units: In hotel, motel and RV park residential units, the residential monthly base rate shall apply for each residence. The City will establish a separate residential water account for each residence using the 3/4" meter size rate unless the residence is served by a separate meter in which case the meter size will determine.

Sewer

Commercial Building Residence Units: In commercial buildings that contain residences, the established residential monthly base rate above applies for each residence. The City shall establish a separate residential sewer account for each such residence and shall apply the established residential rate.

Hotel, Motel and RV Park Residential Units: In hotel, motel and RV park residential units, the residential monthly base rate shall apply for each residence. The City shall establish a separate residential sewer account for each such residence and shall apply the established residential rate.

Accounts

Establishment of Residential Accounts: It is the responsibility of each commercial building, hotel, motel and RV park owner or manager to report existence of residential spaces to the City on or before the end of the first 2 months of occupancy or having established a residential unit for rental. Billing for occupied residential spaces will end on the billing cycle for which there is reported to the City no such occupancy or use.

Termination of Residential Accounts: It is the responsibility of each hotel/motel and RV park owner to report the change of status of a residential space into a transient space in a timely manner. Failure to report will cause the residential rate to continue without recourse.

City of Ilwaco
Ordinance #756
Equalization of Utility Rates

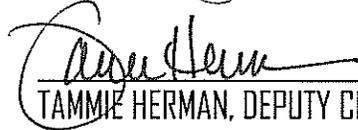
Penalties: Any person violating any of the provisions of this section shall, upon conviction will be guilty of an infraction. Each violation will be punished by a fine not to exceed two hundred fifty dollars (\$250) per violation or to exceed a fine of two hundred fifty dollars (\$250) per day that violations occur. All proceedings for the civil violation will be in accordance with Section 1.20.020.

Passed by the Council and approved by the Mayor this 14th day of December 2009.

Signed:


DOUG HUBBARD, MAYOR

Attest:


TAMMIE HERMAN, DEPUTY CITY CLERK

ROLL CALL VOTE				
VOTED	AYES	NAYS	ABSTAIN	ABSENT
#1 Jensen	✓			
#2 Chin	✓			
#3 Marshall	✓			
#4 Greene	✓			
#5 Cassinelli	✓			
Mayor as needed				
TOTAL	5			