

Ordinance No. _____

AN ORDINANCE of the City of Olympia, Washington, eliminating separate utility accounts for accessory dwelling units and amending Olympia Municipal Code Subsections 4.24.010.A and 4.24.010.D, and Olympia Municipal Code Sections 13.08.010, 13.08.190, 13.08.210, and 13.16.010.

WHEREAS, the Olympia Municipal Code (OMC) currently allows for an accessory dwelling unit (ADU) to be served and accounted for by the water main and meter of the ADU's main residence; and

WHEREAS, some ADUs have drinking water accounts and/or wastewater and stormwater utility accounts separate from the ADU's main residence accounts; and

WHEREAS, an evaluation of utility services has shown that ADUs do not generate City utility costs above and beyond what can be recovered through the main residence account; and

WHEREAS, having considered the evaluation of utility services and the financial and equity implications of the current OMC, the Utility Advisory Committee and City staff have recommended that separate accounts and charges for ADUs be eliminated and that single-family residences with an ADU be charged utility rates similar to traditional single-family accounts; and

WHEREAS, the City Council has determined that the Olympia Municipal Code should be amended to eliminate separate utility accounts for accessory dwelling units; and

WHEREAS, this Ordinance is supported by the staff report and materials associated with this Ordinance, along with other documents on file with the City of Olympia; and

WHEREAS, this Ordinance is adopted pursuant to Article 11, §11, of the Washington State Constitution and any other applicable legal authority;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 4.24.010(A). Olympia Municipal Code Subsection 4.24.010(A) is hereby amended to read as follows:

4.24.010 Computation and assessment of charges

The rates set forth below do not reflect any possible surcharges or discounts provided to a parcel of property or customer under any provision of city ordinances or taxes assessed directly upon customers for which the city acts as collection agent.

A. DRINKING WATER

1. Occupant turning on water after shutoff	\$10.00	OMC 13.04.360
2. Delinquency notification penalty	\$10.00	OMC 13.04.430
3. Service disconnected/water reconnect for nonpayment penalty	\$25.00	OMC 13.04.430
4. Water for commercial construction purposes	\$50.00 per month plus consumption charge	OMC 13.04.410
5. Water for residential building construction purposes	Flat fee of \$50.00 paid along with building permit fee	OMC 13.04.410
6. Non-emergency after-hours water service turn on/shut off	\$110.00	OMC 13.04.340
7. Water General Facility Charges, assessed and payable as provided in OMC 13.04.375:		OMC 13.04.375

Meter Size	AWWA Capacity Factor	GFC
3/4"	1.00	\$ 3,089
1"	1.67	5,159
1-1/2"	3.33	10,287
2"	5.33	16,466
3"	10.67	32,962
4"	16.33	50,447
6"	33.33	102,964
8"	53.33	164,749
10"	76.67	236,852
12"	100.00	308,924

This charge shall be assessed in addition to any other charges or assessments levied under this chapter.

8. Water Meter Rates--Inside City Limits:

a. Schedule I: Monthly Charges.

The following is the monthly charge based upon meter size for all consumers. Monthly charges for meter sizes not listed in the schedule shall correspond to the next larger meter size listed.

Meter Size		Ready to Serve Charge	OMC 13.04.380
3/4-inch	\$ 8.05	+ consumption charge	
1-inch	10.71	+ consumption charge	
1-1/2-inch	17.37	+ consumption charge	
2-inch	25.36	+ consumption charge	
3-inch	46.67	+ consumption charge	
4-inch	70.64	+ consumption charge	
6-inch	137.22	+ consumption charge	
8-inch	217.12	+ consumption charge	
10-inch	310.34	+ consumption charge	
12-inch	403.55	+ consumption charge	

Consumption charge per 100 cubic feet:

	Block 1	Block 2	Block 3	Block 4
Residential (Single Family and Duplex Residential)	\$ 1.48	\$ 2.15	\$ 4.01	\$ 5.27
Nonresidential (Multi-family and Commercial)	\$ 1.67	\$ 3.14	--	--
Irrigation	\$ 1.67	\$ 5.49	--	--
Blocks Definition:	Block 1	Block 2	Block 3	Block 4
Single Family and Duplex (1) Residential	0-400cf/unit	401-900cf/unit	901-1,400 cf/unit	1,401 + cf/unit
Nonresidential (2)	Nov-June Usage	July-Oct Usage	--	
Irrigation	Nov-June Usage	July-Oct Usage		

(1) Single family accounts with or without accessory dwelling units shall be charged as ~~a duplex~~ one single family account.

(2) If nonresidential block usage cannot administratively be prorated between blocks, usage shall then be billed at the block rate in which the meter reading period ends.

b. Wholesale consumers: See OMC 13.04.380(B).

c. State buildings with sprinkler systems or fire service connections: See OMC 13.04.380(C).

d. Hydrants and fire protection: The rates for fire hydrants, including test water and water used to extinguish fires, shall be deemed service charges and for any one (1) year, or fractional part thereof, as follows:

Fire hydrants \$154.62 per year

Automatic sprinkler systems or special fire service connections with the city water distribution system will be charged the monthly ready-to-serve charge based on pipe size in Section 1.6.a.

9. Reclaimed Water Rates: 70% of the then-applicable irrigation rate under OMC 4.24.010(A)(7).

Section 2. Amendment of OMC 4.24.010(D). Olympia Municipal Code Subsection 4.24.010(D) is hereby amended to read as follows:

D. STORM AND SURFACE WATER

At the time of issuance of a building/engineering permit, per OMC 13.16.080, a storm and surface water GFC shall be assessed at the rate of: \$962.00/Impervious Unit (2,528 sq.ft.) plus 1.80 per average daily vehicle trip based on the Institute of Traffic Engineers' Trip Generation Manual

1. Storm drainage service charges:

a. Residential Parcel. All parcels in the city shall be subject to a monthly charge for storm drainage service in accordance with the following schedule:

Single-family parcels <u>with or without accessory dwelling units</u> (Regardless of date approved)	\$ 10.58/utility account
Plats approved after 1990 with signed maintenance agreement	9.46/utility account
Duplex parcels, and single-family parcels with accessory dwelling units (Regardless of date approved)	10.58/unit (\$21.16 when billed as a single account)

b. Nonresidential Parcel. A charge per utility account will be established at the time of issuance of a clearing, filling, excavating or grading permit and assessed monthly as follows:

Administrative fee	\$ 10.36 plus:
For parcels developed after January 1990 (Category I)	3.90 per billing unit or
For parcels developed between January 1980 and	8.14 per billing unit

January 1990 (Category II)	or
For parcels developed before January 1980 (Category II)	10.26 per billing unit

c. For developed parcels without structural impervious areas, the following construction phase charge shall be assessed at the time of issuance of a clearing, filling, excavating or grading permit:

Single-family and duplex zoned	\$ 4.45 per parcel x total number of parcels identified in preliminary plat x 24 months
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d. Undeveloped parcels. No charge.

2. State highway charge:

Monthly fee for state highway rights-of-way- 30% of the storm drainage service charges

3. Other roadway charges:

Monthly fee for roadway rights-of-way, other than state highways within the city boundary	30% of the storm drainage service charges
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Section 3. Amendment of OMC 13.08.010. Olympia Municipal Code Section 13.08.010 is hereby amended to read as follows:

13.08.010 Definitions

For the purpose of this Article:

A. "City Engineer" means the City Engineer of the City of Olympia, or his/her designee, who has the duty and authority to enforce the codes and standards adopted by the City Council, as they relate to the development and operation of the City's infrastructure by private development, including other governmental agencies, and City projects.

B. "Domestic user" shall mean any person who contributes, causes, or allows the contribution of wastewater into the POTW that is of a similar volume and/or chemical make-up as that of a residential dwelling unit. Discharges from a residential dwelling unit include up to 900 cu.ft. of flow, with up to 300 mg/l of Biological Oxygen Demand and 300 mg/l of Total Suspended Solids per month.

C. "Industrial user" shall mean any Person with a source of discharge which does not qualify that person as a Domestic User who discharges an effluent into the POTW by means of pipes, conduits, pumping stations, force mains, tank trucks, constructed drainage ditches, intercepting ditches, and any constructed devices and appliances appurtenant thereto.

D. "Person" means natural persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent, or employee. The singular number includes the plural, and the masculine pronoun includes the feminine.

E. "Premises" shall mean a continuous tract of land, building or group of adjacent buildings under a single control with respect to connection to City sewer and responsibility for payment of fees and rates thereof. Subdivisions of such use or responsibility shall constitute a division into separate premises as defined in this section.

EF. "Publicly Owned Treatment Works or POTW" shall mean a treatment works, as defined by Section 212 of the Federal Water Pollution Control Act, also known as the Clean Water Act (33 U.S.C. Section 1292). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, including sanitary sewer and storm sewer collection systems, which convey wastewater to a treatment plant.

FG. "Public combined sewer" shall mean that portion of the public sewer system (excluding side sewers) intended to collect both sanitary sewage and stormwater in a single sewer system and located within public rights-of-way or easements and operated and maintained by the City.

GH. "Public sewer" shall mean that portion of the sanitary sewer system (excluding side sewers) located within public rights-of-way or easements and operated and maintained by the City.

HJ. "Side sewer" means that portion of the sewer beginning 2 feet outside the outer foundation wall of the structure, to and including the connection to the public sewer main.

Section 4. Amendment of OMC 13.08.190. Olympia Municipal Code Section 13.08.190 is hereby amended to read as follows:

13.08.190 Sewer rates--Definitions

A. A charge for sanitary sewage disposal shall be levied against all accounts and premises connected to a sewer line or City-maintained community onsite system at the rate set forth in Title 4, Fees and Fines, of this code.

B. For purposes of subsection A, the term "equivalent residential unit" means:

1. One separate single-family residence, one single-family residence with accessory dwelling unit, one mobile home, or one mobile home space in a mobile home or trailer park; or
2. ~~With respect to residential duplexes and single-family residences with accessory dwelling units~~, one per single-family unit; or
3. With respect to each residential structure having more than two single-family residential units, the number of units times seven-tenths; or

4. With respect to uses other than residential, one ERU shall be designated for each nine hundred (900) cubic feet for LOTT joint facilities charges and seven hundred (700) cubic feet for public sewer charges per month of water consumed or sewage discharged as measured at the source; provided, that for volumes in excess of nine hundred (900) cubic feet per month and seven hundred (700) cubic feet per month, the service charge per one hundred cubic feet shall be computed at the rate of one-ninth of the LOTT joint facilities charge, plus one-seventh of the public sewer charge, plus one-ninth of the LOTT equipment replacement charge; and

5. With respect to an account consisting of both residential and nonresidential uses, or combination thereof, the residential uses shall be charged as in subdivisions 1, 2, or 3 of this subsection and the nonresidential uses shall be charged an additional one ERU, regardless of the number; provided, that if the total monthly volume of the account exceeds the number of ERUs computed pursuant to this subsection times nine hundred (900) cubic feet for LOTT joint facilities charges and seven hundred (700) cubic feet for local collection charges, the charge per one hundred cubic feet for the account shall be computed at the rate of one-ninth of the LOTT joint facilities charge, plus one-seventh of the public sewer charge, plus one-ninth of the LOTT equipment replacement charge.

Section 5. Amendment of OMC 13.08.210. Olympia Municipal Code Section 13.08.210 is hereby amended to read as follows:

13.08.210 LOTT capacity development charge--Payment

A. There shall also be charged an additional LOTT capacity development charge for ~~every structure the premises, as defined in OMC Section 13.08.010,~~ which is provided sewer service by Olympia. The LOTT capacity development charge shall also be assessed upon later change in the character of the use of any such ~~structure-premise~~ or upon a significant increase of sewage discharge therefrom, determined in accordance with the guidelines and procedures adopted by the advisory committee created pursuant to the intergovernmental contract for wastewater facilities management. The LOTT capacity development charge shall be in the amount set forth in Title 4, Fees and Fines, of this code. The capacity development charge is intended to pay a predetermined share of the estimated capital cost per ERU to provide future joint facilities and additions to existing joint facilities that are considered necessary to serve the connections paying the capacity development charge while maintaining adequate system reserve capacity as described in The Highly Managed Alternative of the LOTT Wastewater Resource Management Plan of 1999.

B. The charge imposed under Subsection A shall become due and payable no earlier than at the time of issuance of a building permit and no later than at the time each connection is completed, and at the rate in effect at the time of payment. For projects located outside the City, the date of building permit issuance by Thurston County shall constitute the earliest time of payment. If not paid on or before said date, the same shall become delinquent and shall bear interest at the rate of six percent per year from the date of delinquency until paid.

Section 6. Amendment of OMC 13.16.010. Olympia Municipal Code Section 13.16.010 is hereby amended to read as follows:

13.16.010 Definitions

The following words, when used herein, shall have the following meanings unless the context clearly indicates otherwise:

- A. "Billing unit" means two thousand five hundred twenty-eight feet of impervious surface development on a parcel.
 - B. "Combined sewer" means a system that collects sanitary sewage and stormwater in a single sewer system.
 - C. "Conveyance" means any catch basin, curb, gutter, ditch, man-made channel, storm drain, or road with a Storm Drainage System.
 - D. "Developed parcel" means any parcel which has been altered from a natural state with or without a permit from the city. This includes clearing, grading or filling, whether or not that work accompanies excavation and construction.
 - E. "Drainage Design and Erosion Control Manual," or "the Manual" means the 2009 Edition of the Drainage Design and Erosion Control Manual for Olympia, as the same may be amended from time to time.
 - F. "Duplex parcel" means a parcel which has been developed and constructed for the purpose of providing habitat for two-family dwelling units on a single property parcel and has and continues to be used solely for that purpose.
 - G. "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include but are not limited to sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.
 - H. "Illicit discharge" means any direct or indirect non-stormwater discharge to the city's storm drain system, except as expressly allowed by this chapter.
 - I. "Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances:
 - a. Owned or operated by the City;
 - b. Designed or used for collecting or conveying stormwater.
- A municipal separate storm sewer system does not include combined sewers or a publicly owned treatment works.
- J. "Nonresidential parcel" means a parcel which has been developed for any purpose other than a single-family dwelling unit or duplex and includes, among others, all multifamily apartments and condominiums with three or more units and all property owned by governmental and nonprofit entities.

K. "Non-stormwater discharge" means any discharge, to a storm drain system, that is not composed entirely of stormwater.

L. "Parcel" means any area of land within the city of Olympia which is deemed a distinct property as identified by the county assessor, whether or not the parcel is considered taxable.

M. "Publicly Owned Treatment Works" or "POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned.

N. "Single-family residential parcel" means a parcel which has been developed and constructed for the purpose of providing a habitat for a single-family dwelling unit with or without an accessory dwelling unit, and has and continues to be used solely for that purpose.

O. "Storm drainage system" means all manmade and natural systems used for the collection, conveyance and disposal of rainfall, from the land. The storm drainage system may include lands outside of the city, but such lands will only be subject to this code when they are annexed to the city or by interlocal agreement with the governmental entity in which the property is located. The storm drainage system includes all streets, ditches, pipes, and appurtenances, wetlands, streams, whether intermittent or perennial, ponds, lakes, creeks, rivers, tidelands, or outfalls subject to runoff flows from the land area of the city.

P. "Undeveloped parcel" means any parcel which has not been altered from a natural state by logging, clearing or grading within twenty-five years or by any act as defined under "developed parcel" above.

Q. "Utility" means the city of Olympia's storm and surface water utility, which operates and maintains storm or surface water drains, channels and facilities or outfalls for such waters and the rights and interests in other properties relating to the system.

Section 7. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances, shall be unaffected.

Section 8. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.


Section 9. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY (ACA)

PASSED:

APPROVED:

PUBLISHED: