Ordinance No. 3143
(Amending or Repealing Ordinances)

CFN=110 – Water/Sewer/Garbage Rates & Policies
Passed –11/16/1993
Repealing Sections 7.02.300(D) & 7.02.310(D)

Amended by Ords. 3627;3779;3819;3864;3901;3915
ORDINANCE NO. 3143

AN ORDINANCE of the City of Kent, Washington, repealing sections 7.02.300(D) and 7.02.310(D) of the Kent City Code and enacting new sections 7.02.300(D) and 7.02.310(D) to the Kent City Code.

(Water Leak Adjustment Policy)

WHEREAS, substantial and costly leaks to private water pipes and water appurtenances located on private property occur without notice to customers of the utility system; and

WHEREAS, in certain instances, unexplainable or abnormal water meter readings occur that are greatly in excess of a customer's normal monthly water usage, even though the customer's meter, after inspection, proves to be working properly; and

WHEREAS, customers often have no knowledge that such a substantial leak exists or that such an abnormal and excessive water meter reading has occurred until they receive the City's monthly utility billing indicating such excess water use; and

WHEREAS, it is in the City's interest to encourage prompt repair of broken and leaking water supply systems and appurtenances on private property in order to conserve the city's supply of potable water; and

WHEREAS, in those instances where unexplained, abnormal meter readings occur even though the subject water meter proves to
be functioning properly, the City is unable to specifically determine the customer's responsibility for those added costs; and

WHEREAS, because it is in the City's interest to maintain its water meters in good working order, the City benefits from customer notice of potential meter malfunctions; and

WHEREAS, in those situations where the City can verify either (i) that the private water system leak has been identified and repaired or (ii) that a thorough inspection of the water meter and private water system has failed to locate the cause of the excessive usage, a policy of authorizing an adjustment to the customer's account will foster prompt payment of customer utility accounts, encourage the immediate repair of damaged or broken water systems and settle factual disputes as to the cause for certain abnormal meter readings; and

WHEREAS, in order to discourage customer abuse, this adjustment policy should be made available to the customer on a one-time basis only, as a credit to the customer's account, in the amount of fifty percent (50%) of the total amount exceeding a customer's established average billing for the previous twelve months; and

WHEREAS, such a policy will also enhance conservation of scarce water resources available to the City of Kent for development, provide for a greater system efficiency, and reduce the administrative costs to the City in pursuing enforcement and collection actions against these system customers; NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:
Section 1. Recitals Incorporated. The foregoing recitals are by this reference incorporated herein and made a part hereof.

Section 2. Rate Adjustment Subsection Repealed. Section 7.02.300 (D) of the Kent City Code (enacted as subsection 7.06.860 (D) under Section 3 of Ordinance 2732) is hereby repealed in its entirety and replaced with the following:

Sec. 7.02.300. Water rates within the city.

....

D. (1) Subject to the right of access and inspection by a representative of the City, water service customers of the City may apply for a one-time rate adjustment for any single billing period under the following circumstances:

(a) an accidental water leak has been discovered on the subject property; or

(b) a water line failure has occurred on the subject property; or

(c) an unexplained, abnormal water meter reading has occurred on the subject property even though subsequent City inspection of the water meter indicates that the meter is functioning properly.

This rate adjustment shall not exceed fifty percent (50%) of the difference between the total amount of the billing period sought for adjustment minus the customer's Average Water Usage. For the purposes of this subsection, the "Average Water Usage" shall be computed by determining the total volume of water consumed, under normal use conditions, during the preceding twelve (12) months and
dividing that total volume by the number of times the City would typically read the customer's water meter in a twelve (12) month period.

(2) This rate adjustment is permitted on a one-time basis only and can only be applied to one (1) billing period. To be eligible for this rate adjustment, the affected water system must be owned by or subject to the exclusive control of the customer and be located between the City's water meter and owner's residence or structure. The bill sought for adjustment must exceed two (2) times the customer's highest usage in any single billing period during the twelve months prior to the billing period sought for adjustment.

(3) Following a request for rate adjustment provided under this subsection, the City's Finance Director, or his/her designee, shall review the request and determine whether or not to adjust the customer's monthly billing. In order to make a proper determination, City staff shall be entitled to access, inspect and approve the customer's water system repair prior to granting a rate adjustment.

(4) If approved, the City shall make this rate adjustment by issuing a credit to the customer's account after verification of leakage or water system failure, inspection of water meter and water system, where applicable, and verification of corrective repairs. All repairs shall occur within thirty (30) days of application to the City.

(5) The owner may request reconsideration of the decision of the Finance Director, or his/her designee, by the city council through the city council's operation committee.
Section 3. Rate Adjustment Subsection Repealed. Section 7.02.310 (D) of the Kent City Code (enacted as subsection 7.06.880 (D) under Section 3 of Ordinance 2732) is hereby repealed in its entirety and replaced with the following:

Sec. 7.02.310. Water rates outside city.

... .

D. (1) Subject to the right of access and inspection by a representative of the City, water service customers of the City may apply for a one-time rate adjustment for any single billing period under the following circumstances:

(a) an accidental water leak has been discovered on the subject property; or

(b) a water line failure has occurred on the subject property; or

(c) an unexplained, abnormal water meter reading has occurred on the subject property even though subsequent City inspection of the water meter indicates that the meter is functioning properly.

This rate adjustment shall not exceed fifty percent (50%) of the difference between the total amount of the billing period sought for adjustment minus the customer's Average Water Usage. For the purposes of this subsection, the "Average Water Usage" shall be computed by determining the total volume of water consumed, under normal use conditions, during the preceding twelve (12) months and dividing that total volume by the number of times the City would typically read the customer's water meter in a twelve (12) month period.
(2) This rate adjustment is permitted on a one-time basis only and can only be applied to one (1) billing period. To be eligible for this rate adjustment, the affected water system must be owned by or subject to the exclusive control of the customer and be located between the City's water meter and owner's residence or structure. The bill sought for adjustment must exceed two (2) times the customer's highest usage in any single billing period during the twelve months prior to the billing period sought for adjustment.

(3) Following a request for rate adjustment provided under this subsection, the City's Finance Director, or his/her designee, shall review the request and determine whether or not to adjust the customer's monthly billing. In order to make a proper determination, City staff shall be entitled to access, inspect and approve the customer's water system repair prior to granting a rate adjustment.

(4) If approved, the City shall make this rate adjustment by issuing a credit to the customer's account after verification of leakage or water system failure, inspection of water meter and water system, where applicable, and verification of corrective repairs. All repairs shall occur within thirty (30) days of application to the City.

(5) The owner may request reconsideration of the decision of the Finance Director, or his/her designee, by the city council through the city council's operation committee.

Section 3. Savings. Kent City Code sections 7.02.300(D) and 7.02.310(D), which are amended by this ordinance, shall remain in full force and effect until the effective date of this
ordinance.

Section 4. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 16 day of November, 1973.
APPROVED the 17 day of November, 1973.
PUBLISHED the 19 day of November, 1973.
I hereby certify that this is a true and correct copy of Ordinance No. 3143, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent hereon indicated.

Brenda Jacober, City Clerk