Ordinance No. 3779
(Amending or Repealing Ordinances)

CFN=110 Water, Sewer & Drainage (Water Rates)
Passed – 12/13/05
Lifeline Utility Rate – New Section 7.01.080
(amending and creating sec. 7.01.080; amending sec. 7.02.300; 7.02.310;
7.03.030; 7.04.280; 7.05.130(4); repeal Res. 980)

Amends Ords. 2495; 2732; 3043; 3143; 3627 (Secs. 7.02.300 & 7.02.310)
Amends Ords. 2814; 2841; 2870; 3541 (Sec. 7.03.030)
Amends Ords. 2374; 2446; 2510; 2596; 2679; 2827; 2873; 2897;
2951; 2962; 3077; 3140; 3198; 3250; 3449; 3487; 3534; 3538; 3578;
3724 (Sec. 7.04.280)
Amends Ords. 2547; 3656 (Sec. 7.05.130)

Amended by Ord. 3819 (Secs. 7.02.300 & 7.02.310)
Amended by Ord. 3832 (Sec. 7.03.030)
Amended by Ord. 3864 (Secs. 7.01.080; 7.02.300 & 7.02.310)
Amended by Ord. 3901; 3915 (Secs. 7.02.300 & 7.02.310)
Amended by Ord. 3980; 4063 (Sec. 7.04.280)

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012.
ORDINANCE NO. 3779

AN ORDINANCE of the city council of the city of Kent, Washington, amending Chapter 7.01 of the Kent City Code, entitled "Utility Service Billing," to include a new section concerning eligibility requirements for the lifeline utility rate previously adopted by Resolution No. 980.

RECITALS

A. On November 1, 1982, the city council enacted Resolution No. 980, which established eligibility requirements for the city's lifeline utility rate as allowed by RCW 74.38.070. This utility rate reduces the standard water, sewer, solid waste, and storm utility rates for individuals at least 62 years of age, or permanently and totally disabled, and meeting certain income requirements.

B. Resolution No. 980 provides that those eligible for the lifeline utility rate shall have incomes that do not exceed the amounts specified in RCW 84.36.381(5)(b), which provides property tax exemptions to eligible senior citizens and disabled persons. It is the city's desire to amend the income requirements of the lifeline utility rate to align it with those set by the federal Department of Housing and Urban Development ("HUD") for a more standardized process within the city. The city's housing and human services division follows the HUD income requirements in administering its various programs funded entirely or in part by federal grants.

Lifeline Utility Rate
New Section 7.01.080 KCC
C. In addition to amending the income requirements of the lifeline utility rate, it is staff's desire to amend the Kent City Code in order to codify the eligibility requirements and align them with the HUD requirements for ease of access to the public.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. – Amendment – Lifeline Utility Rate. Chapter 7.01 of the Kent City Code, entitled "Utility Service Billing," is amended by adding a new section 7.01.080 as follows:

Sec. 7.01.080. Lifeline Utility Rate. The lifeline utility rate is available only to utility customers qualifying under the following criteria:

1. The utility account shall be in the name of the individual owner or renter certifying eligibility for the lifeline utility rate.

2. That individual shall be or exceed 62 years of age at the time of filing or be permanently and totally disabled.

3. For a household of one or more individuals, the adjusted gross personal income for all individuals living in the household, as determined by Internal Revenue Service individual tax forms filed for the previous year, shall not exceed the income limits set annually by the federal Department of Housing and Urban Development ("HUD") concerning eligibility for HUD assisted housing programs.

4. Only one service charge reduction per utility will be given for each applicant and for each property served.

5. The service under which the lifeline utility rate is assessed shall be for single family residential purposes only.

6. Individuals must apply for the lifeline utility rate through the customer services division of the city's finance department located at the Centennial Center, 400
West Gowe St., Kent, Washington. The application must be notarized and may be required to be submitted annually.

7. Determination of eligibility shall be made by the city’s finance director, or his or her designee, based upon the information given in the eligible customer’s application.

8. Upon approval of the application, the household will receive the reduced utility rate for water, sewer, solid waste, and storm utilities beginning the first day of the month following the date of the application.

SECTION 2. – Amendment – Water Utility Rates Within the City. Section 7.02.300(B) of the Kent City Code concerning water utility rates within the city and entitled “Lifeline customers,” is amended as follows:

Sec. 7.02.300. Water rates within the City.

... 

B. Lifeline customers. The city council has established eligibility criteria for lifeline customers, which is codified in KCC 7.01.080. For lifeline-qualified water service customers, the following rates apply for water use per one hundred (100) cubic feet:

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>January 1 – December 31</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/31/1999</td>
<td>$0.45</td>
</tr>
<tr>
<td>01/01/2003</td>
<td>$0.47</td>
</tr>
<tr>
<td>01/01/2004</td>
<td>$0.49</td>
</tr>
<tr>
<td>01/01/2005</td>
<td>$0.51</td>
</tr>
</tbody>
</table>

All lifeline rates are also subject to the monthly demand charge for service and meter as set forth in subsection (A) of this section.
SECTION 3. Amendment - Water Utility Rates Outside the City. Section 7.02.310(B) of the Kent City Code concerning water utility rates outside the city and entitled "Lifeline customers," is amended as follows:

Sec. 7.02.310. Water rates outside city.

...  
B. Lifeline customers. The city council has established eligibility criteria for lifeline customers, which is codified in KCC 7.01.080. For lifeline-qualified water service customers, the following rates apply for water use per one hundred (100) cubic feet:

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>January 1 – December 31</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/31/1999</td>
<td>$0.48</td>
</tr>
<tr>
<td>01/01/2003</td>
<td>$0.50</td>
</tr>
<tr>
<td>01/01/2004</td>
<td>$0.53</td>
</tr>
<tr>
<td>01/01/2005</td>
<td>$0.56</td>
</tr>
</tbody>
</table>

All lifeline rates are also subject to the monthly demand charge for service and meter as set forth in subsection (A) of this section.

SECTION 4. Amendment - Solid Waste Utility Rates. Section 7.03.030 of the Kent City Code concerning solid waste utility and entitled "Regulations regarding collection companies - Business license required," is amended by adding a new subsection as follows:

Sec. 7.03.030. Regulations regarding collection companies - Business license required.
A. To provide for the public health, safety and general welfare, collection companies operating within the city shall, at no additional cost to the city or its residents:
1. Comply with all provisions of the city code and amendments thereof, and applicable federal, state and county laws and regulations pertaining to the collection, handling, transportation and disposal of solid waste, recyclable materials and yard waste. The city shall be entitled, during regular business hours, to inspect the books and records of collection companies operating within the city;

2. Pick up Christmas trees each January;

3. Provide for a semiannual residential cleanup in the spring and fall of each year to allow for disposal of accumulated solid waste. The director of public works shall promulgate administrative rules, following consultation with collection companies, for the implementation of this subsection;

4. Provide service to public buildings and facilities, as designated by the director of public works. Upon consultation with collection companies, the director of public works may add or delete public facilities from such designation in the interests of public health and safety.

5. Extend the lifeline utility rate for solid waste, recyclable materials, and yard waste collection as adopted by the city under KCC 7.01.080 to eligible customers who have filed an approved application with the city.

B. Collection companies operating pursuant to and in compliance with this chapter shall be issued, upon application, a business license pursuant to Ch. 5.01 KCC, without the payment of license fees, permit fees as provided in KCC 7.03.020(8), or other fees related to solid waste handling established by the city. This subsection (B) shall not be construed as a waiver of the utility tax imposed by Ch. 3.18 KCC.

SECTION 5. – Amendment – Sanitary Sewer Utility Rates. Section 7.04.280 of the Kent City Code concerning sanitary sewer utility rates and entitled “Schedule of charges for service,” is amended as follows:

Sec. 7.04.280. Schedule of charges for service. The following sanitary sewer service charges for service inside the city limits are in effect on the dates and in
the amounts listed below. Sewer service charges for customers residing outside the city shall be the charges as on file in the city clerk's office.

<table>
<thead>
<tr>
<th>Type of Service</th>
<th>Effective through December 31, 2004</th>
<th>Effective on January 1, 2005</th>
<th>Effective on January 1, 2006</th>
<th>Effective on January 1, 2007</th>
<th>Effective on January 1, 2008</th>
<th>Effective through January 1, 2009</th>
<th>Effective on January 1, 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Single-family residential dwelling, as defined in Ch 15 02 KCC</td>
<td>$31.27</td>
<td>$33.62</td>
<td>$36.14</td>
<td>$38.85</td>
<td>$41.76</td>
<td>$44.89</td>
<td>$48.26</td>
</tr>
<tr>
<td>2 Two-family or multiple-family residential dwelling, as defined in Ch 15 02 KCC</td>
<td>$31.27</td>
<td>$33.62</td>
<td>$36.14</td>
<td>$38.85</td>
<td>$41.76</td>
<td>$44.89</td>
<td>$48.26</td>
</tr>
<tr>
<td>3 Single-family residential/life line criteria for the life line utility rate set forth in KCC 7.01.080</td>
<td>$28.65</td>
<td>$30.93</td>
<td>$33.24</td>
<td>$35.74</td>
<td>$38.42</td>
<td>$41.30</td>
<td>$44.10</td>
</tr>
<tr>
<td>4 All other than single-family residential shall be billed in accordance with the consumption of water and at the following rate, except that no monthly bill shall be less than the single-family residential rate set forth in service type No 1</td>
<td>$4.17 per 100 cubic feet per month</td>
<td>$4.49 per 100 cubic feet per month</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SECTION 6. — Amendment — Storm and Surface Water Utility Rates. Section 7.05.130(4) of the Kent City Code concerning storm and surface water utility rates and entitled “Rate reductions - Credits,” is amended as follows:

Sec. 7.05.130. Rate reductions – Credits. The finance director, upon direction of the director of public works or designee, shall reduce (credit) the normal storm and surface water utility charge for a parcel of real property when the public works department finds:

...  
4. The owner or renter of a single-family residential parcel of real property qualifies under KCC 7.01.080 Resolution 980— for lifeline rates. In such cases, the lifeline charge rate for the qualifying customer shall be ninety-two cents ($0.92) per month, and basin-specific charges pursuant to KCC 7.05 090(B)(5) shall not be imposed.

SECTION 7. — Repealer. Resolution No. 980 of the city of Kent, adopted November 1, 1982, is hereby repealed in its entirety by this ordinance.

SECTION 8. — Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision

Lifeline Utility Rate – New Section 7.01.080 KCC
shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 9. – Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 13 day of December, 2005.
APPROVED: 14 day of December, 2005.
PUBLISHED: 17 day of December, 2005.

I hereby certify that this is a true copy of Ordinance No. 3779 passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

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