

ORDINANCE NO. 2024-023

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON
AMENDING ARLINGTON MUNICIPAL CODE CHAPTERS 13.12 and 13.28 PERTAINING TO
STORMWATER UTILITY RATES

WHEREAS, the City of Arlington has the authority to set rates and charges for its utility system; and

WHEREAS, the City of Arlington continues to examine equitable rates for water, sewer, and stormwater service; and

WHEREAS, the City wishes to correct two sections of the municipal code to confirm that it has the right to send delinquent accounts to collection; and

WHEREAS, the City Council considered this amendment at their workshop on September 23, 2024 and at their regular meeting held on October 7, 2024, and determined approving the amendment was in the best interest of the City and its citizens;

NOW, THEREFORE, the City Council of the City of Arlington do hereby ordain as follows:

Section 1. Arlington Municipal Code section 13.12.210 shall be and hereby is amended to read as follows:

13.12.210 - Due date for charges.

The monthly utility bill for water, sewer, and stormwater service shall be paid immediately upon billing and will be considered delinquent if not paid in full twenty calendar days from the billing date in which the service was originally charged. A grace period of five calendar days from the due date will be allowed before penalties are assessed. A penalty of five percent for each thirty days or fraction thereof shall be assessed against all delinquencies after said grace period. In the event that the city shall turn over an account under this chapter to an attorney, collection agency or other person for collection, the person responsible for payment of the account shall be responsible for actual costs of collection, including collection agency fees, reasonable attorney's fees and other costs incurred in collection.

Section 2. Arlington Municipal Code Section 13.28.270 shall be and hereby is amended to read as follows:

13.28.270 - Storm and surface water rates.

(a) General. The city council shall establish service rates within AMC 13.12 for the operation and maintenance of the drainage system, for related drainage services, and for the operation of the stormwater utility. ~~Shall~~, which shall establish classifications of customers or service and rate structures, using any method or methods authorized by law. In the event that the city shall turn over an account under this chapter to an attorney, collection agency or other person for collection, the person responsible for payment of the account shall be responsible for actual costs of collection, including collection agency fees, reasonable attorney's fees and other costs incurred in collection.

(b) Rate Basis. Drainage rates shall be based on revenue requirements necessary to cover all costs of the utility, as authorized by the city council, the adoption of the annual budget and subsequent amendments and shall be guided by adopted financial policies and bond covenants.

(c) Rate Adjustments. Rates shall be evaluated periodically as part of the review and adoption of the annual budget. Rate adjustments shall be recommended by the director as needed to meet revenue requirements of the utility. The recommendation shall consider equity, adequacy, costs, NPDES II requirements and other factors allowed by law.

(d) Rate Relief. The city council may establish drainage rate relief measures, as authorized by state law and as detailed in the stormwater credit manual, for specific customer classes where, through site design, regular system maintenance, education and other approaches, the impacts of stormwater on the drainage system are reduced.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance or a summary thereof shall be published in the official newspaper of the City. The Ordinance shall take effect five (5) days after publication as provided by law.

PASSED BY the City Council and APPROVED by the Mayor this 7th day of October, 2024.

CITY OF ARLINGTON

Don E. Vanney, Mayor

Attest:

Wendy Van Der Meersche, City Clerk

Approved as to form:

Steven J. Peiffle
City Attorney