

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO. 1123-11**

AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON, TO AMEND ORDINANCE 986-08, APPROVED SEPTEMBER 25, 2008, ESTABLISHING A STORMWATER UTILITY RATE STRUCTURE, TO SET JUNE 1 AS THE EFFECTIVE DATE OF THE ANNUAL RATE CHANGE FOR 2012 BY AMENDING SECTION 3 "ESTABLISHING THE STORMWATER UTILITY FEE" ADDING A NEW SUBSECTION 3(4); PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to RCW 35.92.010 and RCW 35.92.025 the City through its legislative authority has the power and authority to establish rates for water service and also to establish a reasonable connection charge (general facilities charge) as a condition to granting the right to connect to the City's water system; and

WHEREAS, by Ordinance No. 986-08 the City adopted a Stormwater Utility rate structure levied upon all developed real property within the boundaries of the utility; and

WHEREAS, the rate structure adopted by Ordinance No. 986-08 was effective December 1, 2009 and each December 1, thereafter in accordance with the monthly rate schedule; and

WHEREAS, the City Council delayed the effective date of the 2011 rate increase from December 1, 2010 to June 1, 2011 in order to provide relief to rate payers during the economic downturn; and

WHEREAS, the City Council would like to change the effective date of the 2012 rate increase from December 1, 2011 to June 1, 2012 and extend the rate of \$9.25 through May 31, 2013;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1 Amend Section 3 of Ordinance No. 986-08. Section 3 of Ordinance No. 986-08, approved on September 25, 2008 is hereby repealed and replaced in its entirety to read as follows:

Stormwater Utility Fee. In accordance with the rate structure established herein, there is hereby levied upon all developed real property within the boundaries of the Utility the following Stormwater Utility Fee:

- 1) For all single-family residences and detached single-family condominiums, the monthly Stormwater Utility Fee shall be the fee established and approved for 1.00 ERU.
- 2) For two-, three- and four-family residential property, the monthly stormwater utility fee shall be the fee established and approved for 1.75 ERUs.
- 3) For all other developed property including commercial, institutional, manufacturing, multi-family greater than four (4) residences, attached condominiums of greater than four (4) units and mobile home parks within the boundaries of the Utility, except as exempt under Section 4 below, the monthly Stormwater Utility Fee is determined by dividing the total square fee of impervious surface on the subject property by one ERU.

By way of illustration:

12,500 square feet of impervious surface / 4,519 square fee (1 ERU) = 2.77 ERU

2.77 ERU = \$5.90/month

STORMWATER MONTHLY RATE SCHEDULE PER TAX PARCEL				
	12/1/2009	12/1/2010	06/01/2011	06/01/2012 through 05/31/2013
RESIDENTIAL PARCELS				
Single Family	\$5.75/MO	\$6.75/MO	\$8.00	\$9.25
Low-Income Senior (50% SFR rate)	\$2.88/MO	\$3.38/MO	\$4.00/MO	\$4.63/MO
Two-, three-, and four-family residential	\$5.90/MO	\$6.85/MO	\$8.10/MO	\$9.35/MO
COMMERCIAL, INSTITUTIONAL, MANUFACTURING, MULTI-FAMILY (GREATER THAN 4 UNITS) AND MOBILE HOME PARKS				
Base Rate by Equivalent Residential Unit (ERU) The calculated ERU is 4,519 square feet				
< 1 ERU-1.0 ERU	\$5.75/MO	\$6.75/MO	\$8.00/MO	\$9.25/MO
1.01-5.00 ERU	\$5.90/MO	\$6.85/MO	\$8.10/MO	\$9.35/MO
5.01-10.00 ERU	\$6.00/MO	\$6.95/MO	\$8.20/MO	\$9.45/MO
10.01-15.00 ERU	\$6.10/MO	\$7.05/MO	\$8.30/MO	\$9.55/MO
15.01 – 20.00 ERU	\$6.20/MO	\$7.15/MO	\$8.40/MO	\$9.65/MO
20.01 – 25.00 ERU	\$6.30/MO	\$7.25/MO	\$8.50/MO	\$9.75/MO
25.01 – 50.00 ERU	\$6.40/MO	\$7.35/MO	\$8.60/MO	\$9.85/MO
50.01-100.00 ERU	\$6.50/MO	\$7.45/MO	\$8.70/MO	\$9.95/MO
> 100.00 ERU	\$6.60/MO	\$7.55/MO	\$8.80/MO	\$10.05/MO

- 4) The effective date of the annual rate increases shall be:
 - a. December 1, 2009; December 1, 2010; June 1, 2011 and June 1, 2012-May 31, 2013

Section 2. 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication, but no sooner than December 1, 2011

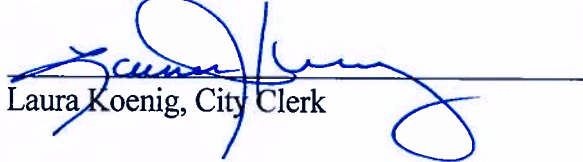
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 22nd DAY OF November, 2011.

CITY OF SULTAN

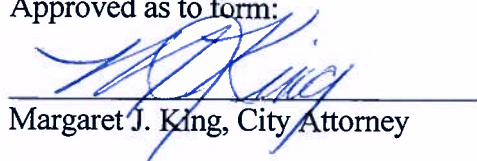


Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:


Laura Koenig, City Clerk

Approved as to form:


Margaret J. King, City Attorney

Ordinance No. 1123-11 Storm water rate effective date *6-1-12*

Date of Publication: *11-29-11*

Effective Date: *12-4-11*