

ORDINANCE NO. 1982

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON AMENDING ORDINANCE 1976 AND TITLE 4-9 OF THE DAYTON MUNICIPAL CODE, UTILITY RATE REDUCTION DISCOUNT PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY

WHEREAS, RCW 74.38.070 authorizes the City to reduce utility rates for low-income senior citizens and other low-income citizens; and

WHEREAS, pursuant to the grant of authority at RCW 74.38.070, the City Council adopted Ordinance 1976 at a regular meeting on March 10, 2021, establishing a utility rate reduction discount program; and

WHEREAS, the City Council has determined it to be in the best interest of low-income senior citizen residential utility customers and certain low-income disabled residential utility customers to amend Title 4-9 of the Dayton Municipal Code to expand eligibility for of the utility rate reduction discount program.

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

Section 1. Ordinance 1976 and Chapter 4-9 of the Dayton Municipal Code are hereby amended as follows:

Section 4-9.020, which currently reads as follows:

4-9.020 Definitions.

- A. "Fixed Base Rates" means: A flat monthly charge to a customer, regardless of usage levels, that represents the fixed costs necessary to maintain a water and/or sewer system and meet the system's obligation to provide service whenever the customer requires it.
- B. "Low-income senior citizen residential utility customer" means a person who:
 - 1. Is 62 years of age or older;
 - 2. Resides in a residential dwelling unit charged by the utility;
 - 3. Is billed by the utility or the spouse, or the domestic partner of a person billed by the utility;
 - 4. Whose maximum household income, including that of his or her spouse or domestic partner, is at or below one hundred twenty five percent of federal poverty guidelines.
- C. "Low-income disabled residential utility customer" means a person who:
 - 1. Resides in a residential dwelling unit charged by the utility;

2. Is billed by the utility or the spouse, or the domestic partner of a person billed by the utility;
3. Whose maximum household income, including that of his or her spouse or domestic partner, is at or below one hundred twenty five percent of federal poverty guidelines.
4. Is permanently disabled and can furnish proof of such disability from the Social Security Administration.

Is hereby amended to read as follows:

4-9.020 Definitions.

- A. "Fixed Base Rates" means: A flat monthly charge to a customer, regardless of usage levels, that represents the fixed costs necessary to maintain a water and/or sewer system and meet the system's obligation to provide service whenever the customer requires it.
- B. "Low-income senior citizen residential utility customer" means a person who:
 1. Is 62 years of age or older;
 2. Resides in a residential dwelling unit charged by the utility;
 3. Is billed by the utility or is the spouse, or the domestic partner of a person billed by the utility;
 4. Whose maximum household income, including that of his or her spouse or domestic partner, is at or below one hundred fifty percent (150%) of federal poverty guidelines.
- C. "Low-income disabled residential utility customer" means a person who:
 1. Resides in a residential dwelling unit charged by the utility;
 2. Is billed by the utility or the spouse, or the domestic partner of a person billed by the utility;
 3. Whose maximum household income, including that of his or her spouse or domestic partner, is at or below one hundred fifty percent (150%) of federal poverty guidelines; and
 4. Is permanently disabled and can furnish proof of such disability from the Social Security Administration.

Section 4-9.030, which currently reads as follows:

4-9.030 Rate Reduction Discount - For low-income senior citizen residential customers and low-income disabled residential customers.

- A. The fixed based rates for low-income senior citizen residential utility customers and low-income disabled residential utility customers inside and outside the city limits shall receive a reduction by twenty percent (20%) of the residential fixed base rates that would otherwise apply. The rate reduction discount shall only apply to fixed base rates. All other regular residential customer utility charges and fees, whether inside or outside the city limits, whichever is applicable, are exempt from a rate reduction discount.

Is hereby amended to read as follows:

4-9.030 Rate Reduction Discount - For low-income senior citizen residential customers and low-income disabled residential customers.

- A. The fixed based rates for qualifying low-income senior citizen residential utility customers and qualifying low-income disabled residential utility customers inside and outside the city limits shall ~~receive~~ be discounted as follows:
1. At or below one hundred twenty five percent (125%) of federal poverty guidelines - a reduction by fifty percent (50%) of the residential fixed base rates that would otherwise apply. The rate reduction discount shall only apply to fixed base rates. All other regular residential customer utility charges and fees, whether inside or outside the city limits, whichever is applicable, are exempt from a rate reduction discount; or
 2. Where income ranges between 125.01% - 150% of the federal poverty guidelines, a reduction by twenty percent (20%) of the residential fixed base rates that would otherwise apply. The rate reduction discount shall only apply to fixed base rates. All other regular residential customer utility charges and fees, whether inside or outside the city limits, whichever is applicable, are exempt from a rate reduction discount.

Section 4-9.040, which currently reads as follows:

4-9.040 Rate Reduction Discount– Applicable utilities.

A utility rate reduction shall be applied to the residential monthly water and/or sewer utility bill(s) of low-income senior citizens and certain low-income disabled citizens, in accordance with section DMC 4-9.020.

Is hereby amended to read as follows:

4-9.040 Rate Reduction Discount– Applicable utilities.

A utility rate reduction shall be applied to the residential monthly water and/or sewer utility fixed base rate bill(s) of low-income senior citizens and certain low-income disabled citizens; in accordance with section DMC 4-9.020.

Section 4-9.050, which currently reads as follows:

4-9.050 Application for utility rate reduction discount.

- A. Applications for utility discounts shall be obtained from and filed with the city clerk, or his or her designee. The application shall be on a form prescribed by the city clerk, and shall contain the information necessary to evaluate the applicant's qualification for reduced utility rates.

- B. Submission of an application for a utility discount shall constitute a verification by the applicant that all information provided in such application is true and correct to the best of the applicant's knowledge.
- C. Eligibility determination shall be made by the city administrator or a designee of the city administrator.
- D. Once approved by the city administrator, the application shall become effective the next billing cycle following 30 days after approval of the application.
- E. Each application approved in accordance with terms of this chapter is effective for 12 months commencing the first month the reduced rate becomes effective for the applicant. It shall be the sole responsibility of the applicant to re-apply for successive 12-month periods of eligibility for reduced utility rates.

Is hereby amended to read as follows:

4-9.050 Application for utility rate reduction discount.

- F. Applications for utility discounts shall be obtained from and filed with the ~~city clerk~~city administrator, or his or her designee. The application shall be on a form prescribed by the city ~~clerk~~administrator, and shall contain the information necessary to evaluate the applicant's qualification for reduced utility rates.
- G. Submission of an application for a utility discount shall constitute a verification by the applicant that all information provided in such application is true and correct to the best of the applicant's knowledge.
- H. Eligibility determination shall be made by the city administrator or a designee of the city administrator.
- I. Once approved by the city administrator, the application shall become effective the next billing cycle following 30 days after approval of the application.
- J. Each application approved in accordance with terms of this chapter is effective for 12 months commencing the first month the reduced rate becomes effective for the applicant. It shall be the sole responsibility of the applicant to re-apply for successive 12-month periods of eligibility for reduced utility rates.

Section 2. Except as expressly set forth herein, all other provisions of Ordinance 1976 and Dayton Municipal Code Chapter 4-9 remain unchanged.

Section 3. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 4. A summary thereof of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF
DAYTON, WASHINGTON, AT A REGULAR MEETING THIS 19 DAY OF May,
2021.

City of Dayton


By: Zac Weatherford

Attest:


Trina Cole, Administrator/Clerk-Treasurer

Approved as to form:
Menke Jackson Beyer, LLP


By: Quinn N. Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NO. 1982

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON,
WASHINGTON AMENDING TITLE 4-9 OF THE DAYTON MUNICIPAL CODE,
UTILITY RATE REDUCTION DISCOUNT PROGRAM; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR SUMMARY PUBLICATION BY
ORDINANCE TITLE ONLY**

Section 1. Amendment.

Section 2. Severability.

Section 3. Summary Publication.

The full text of Ordinance 1982 adopted the 19 day of May, 2021 is available for examination at the City Administrator/Clerk-Treasurer's Office, 111 S. 1st St., Dayton, WA during normal business hours, Monday – Friday, 7:00 a.m. to 4:00 p.m. Full text of the Ordinance shall be mailed upon request.

By: /s/ Zac Weatherford, Mayor

Attest: /s/ Trina Cole, City Administrator

Approved as to form: /s/ Quinn Plant, City Attorney

Published:

The Times, xx/xx/xxxx