

ORDINANCE NO. 1976

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON AMENDING TITLE 4 OF THE DAYTON MUNICIPAL CODE, CREATING A NEW CHAPTER 4-9, UTILITY RATE REDUCTION DISCOUNT PROGRAM

WHEREAS, RCW 74.38.070 authorizes the City to reduce utility rates for low-income citizens and other low-income citizens; 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 establish a utility rate reduction discount.

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

Section 1. Amendment. Title 4 of the Dayton Municipal Code is hereby amended creating Chapter 4-9, entitled Utility Rate Reduction Discount Program, hereby adopted to read as follows:

Chapter 4.9 UTILITY RATE REDUCTION DISCOUNT PROGRAM

Sections:

4-9.010 Purpose and findings.

4-9.020 Definitions.

4-9.030 Rate reduction discounts - For low-income senior citizen residential utility customers and low-income disabled residential utility customers.

4-9.040 Rate reduction discount- Applicable utilities.

4-9.050 Application for reduced rate discount.

4-9.060 Appeal of denial of a utility rate reduction discount.

4-9.070 Penalty for false information.

4-9.010 Purpose and findings.

The city council of the city of Dayton finds that it is appropriate for the city of Dayton to establish reduced residential rates for utilities provided by the city to low-income senior citizen residential customers and to low-income disabled residential customers inside and outside city limits of the city.

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.

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.

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.

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.

4-9.060 Appeal of denial of a utility rate reduction discount.

- A. An aggrieved person may appeal denial of a utility rate reduction discount by filing a written appeal with the city clerk during normal city business hours no later than thirty (30) days from the date of mailing of the denial.
- B. An appeal of a denial of a utility rate reduction discount shall be decided by the mayor and the mayor's decision shall be final. The appeal decision shall be made in writing and mailed to the appellant at the address stated in the appeal or, if none, the most recent mailing address on file in city utility billing records for which the appeal concerns.
- C. For purposes of this section, "days" means calendar days and time shall be computed as provided in RCW 1.12.040.

4-9.070 Penalty for false information.

- A. Any individual willfully providing false information to the city in an application for reduced utility rates shall forfeit his/her eligibility for future reductions in utility rates and shall be guilty of a misdemeanor punishable as set forth in DMC 1-8.01(2), as the same now exists or is hereafter amended.
- B. Additionally, the individual shall be required to repay the amount of any utility discount received based upon such false information, together with interest at the rate of 12 percent per annum until repaid in full.

Section 2. Severability. 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.

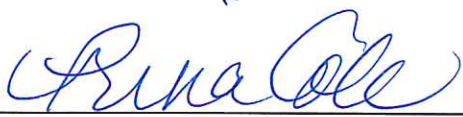
Section 3. Summary Publication. A summary thereof of this Ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS 10TH DAY OF March, 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
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Section 1. Amendment.

Section 2. Severability.

Section 3. Summary Publication.

The full text of Ordinance 1976 adopted the 10th day of March, 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:

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