

To: Mayor Samuelson and Members of the City Council

Date of Report: March 5, 2010

Staff Contact: Challis Stringer, Director of Public Works *CMS*

Meeting Date: March 15, 2010

Agenda Item: Water Code Amendments

Attachments: LMC Chapter 13.01

This staff report introduces proposed amendments to the Langley Municipal Code 13.01, Water System, specifically to 13.01.610 Effective date of contract and rates. If approved, these amendments would clear up language regarding when the City begins billing for water.

BACKGROUND

The Utility Committee has been in discussion of when the City begins charging for water service since June 2009. We wanted a better understanding of when we start charging the base rate for water service. It was determined from our discussions on the present code that we start charging the day the contract is signed, which is the application for a water connection permit as described in 13.01.070, whether there is a meter installed or not. We determined that the code language should be clearer and more concise to limit confusion on when rates would be effective. The committee looked at different ways to structure the language in the code and came to an agreement on the code changes as you see them in 13.01.610.

RECOMMENDED MOTION

This is a first reading for amending Langley Municipal Code 13.01, Water System. No final action will be taken.

CITY OF LANGLEY

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF LANGLEY,
WASHINGTON, Amending Langley Municipal Code
Sections 13.01.010 and 13.01.610 and Ordinance Nos. 744
And 917 regarding Water Rights and Effective Date of
Contract and Rates**

WHEREAS, This ordinance is necessary to more clearly state when water rates to Langley residents and businesses for the availability of water services from the City apply;

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

Section 1: The Langley Municipal Code section 13.01.010 and Ordinances 744 and 917 are hereby amended to read as follows:

Section 13.01.010 Water system - Definitions

USE OF PRONOUN -- For the purposes of this title, certain words and phrases are defined. When not inconsistent with the context, words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the masculine pronoun shall include the feminine; and the word "shall" is mandatory and not merely permissive.

"City " -- means the City of Langley.

"Clerk/Treasurer " -- means the City of Langley Clerk/Treasurer.

"City Engineer" -- means the consulting engineer retained by the City.

"Commercial Enterprise" -- means an enterprise connected with commerce and/or the activity of providing goods and services involving financial, commercial and/or industrial aspects.

"Council" -- means the City Council of the City of Langley.

"Cross-connection" -- means any connection between any part of the City water supply system used or intended to supply water for drinking purposes and any source or system containing water or any substance that is not or cannot be approved as safe, wholesome, and potable for human consumption.

"Customer" -- means any person obtaining water service from the water supply system of the City.

"Department" -- means the water department of the City.

"Dwelling unit" -- means one or more rooms designed or used by an individual or family for residential purposes, including, without limitation, a house, apartment, condominium unit or duplex unit, having water use facilities equivalent in extent to a normal dwelling.

"Lot" -- means a platted or unplatted parcel of land unoccupied, occupied or to be occupied by a building or buildings.

"Multifamily dwelling" -- means a building designed or used to house two or more families living independently of each other.

"Occupancy" -- means the purpose for which a building, or part thereof, is used or intended to be used.

"Person" -- means any individual, firm, company, association, society, corporation, partnership or group.

"Public Works Director" -- means the Public Works Director of the City of Langley.

"System" -- means all water source and supply facilities, transmission pipelines, storage facilities, pumping plants, distribution mains and appurtenances, and other attendant facilities of the City water supply system.

"Water hook-up right" – means the right to obtain a service connection to the water system under the terms and conditions established in this chapter.

"Water service area" -- means that area consisting of the corporate limits of the City of Langley and those areas that have been or may be designated for water service by the City Council.
(Ord. 744, 1997) (Ord. 917, 2008)

Section 2: The Langley Municipal Code section 13.01.610 and Ordinance 744 is hereby amended to read as follows:

Section 13.01.610 Effective date of contract and rates.

All contracts shall take effect from the day they are signed and rates shall be charged from the day the premises ~~are~~ **have a water hook-up right, a water connection permit, or are** connected with the City's water supply **whichever comes first.** ~~and, if applicable, the meter is installed.~~ Water rates shall be in effect as long as the ~~water service remains on~~ **premises has a water right.**
(Ord. 744, 1997)

Section 3. Severability

If any section, paragraph, subsection, clause or phrase of this ordinance is held invalid for any reason, such decision shall not effect the validity of the remaining portions of this ordinance.

Section 4. Effective date of ordinance

This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, and approved by the Mayor at a regular meeting held on the ___ day of _____, 2010.

PAUL O. SAMUELSON, Mayor

ATTEST:

DEBBIE L. MAHLER, Director of Finance/City Clerk

APPROVED AS TO FORM:

GRANT K. WEED, City Attorney

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