

BINGEN MUNICIPAL CODE

Article II. Sewers

Chapter 13.24

SEWER SERVICE RATES

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13.24.010 Use of equivalent residential unit.

- A. The equivalent residential unit (ERU) measure used in this chapter is found by the council to be generally the best method available to the city to assure that users bear their respective fair share of the cost of the sewage works and complies with RCW 35a.80.010. The equivalent residential unit, schedule may be used to determine a user's sewer rate when flow measurement is not available and is not applicable to single-family dwellings.
- B. The equivalent residential unit schedule for the city which may be amended from time to time as the council deems appropriate, is as follows:

Table 13.24.010
EQUIVALENT RESIDENTIAL UNIT SCHEDULE

All user classifications other than single-family residences
will have a minimum ERU of 1.0

User Class	ERU	Unit
Bars, cocktail lounges, taverns	1.0	Per 8,500 gallons/month
Barber and beauty shops	0.35	Per station
Cafes, cafeterias, restaurants	1.0	Per 8,500 gallons/month
Taverns (with kitchens)	3.0	Per disposal unit
Car washes	2.5	Per station
Churches, lodges, clubs	1.2	Per building
Plus	0.6	Per kitchen
Plus	2.5	Per disposal unit
Hospitals	1.0	Per 8,500 gallons/month
Plus	2.5	Per disposal unit
Hotels, motels, mobile home courts	0.5	For each unit
Institutions w/ permanent or temporary Residences, rest homes, ect.	0.5	Per resident
Plus	0.4	Per 3 employees
Plus	2.5	Per disposal unit
Laundries, coin operated	1.25	Per establishment
Plus	0.6	Per machine
Laundries, commercial	1.25	Per establishment
Plus	0.85	Per machine
Mortuaries	2.0	Per facility
Museums, visitor centers	0.4	Per 3 employees
Offices, factories (sanitary wastes only) Small businesses, stores Every 5 employees or fraction thereof Above a multiple of 5	1.0	
Parks	0.1	Per toilet
Plus	0.1	Per shower
Resorts	2.0	
Plus	0.05	Per RV hookup
Plus	0.1	Per resort toilet
Plus	2.5	Per trailer dump station
Service stations, public garages	2.5	Per establishment
Plus	2.5	Per dumping facility
Swimming pools	1.0	Per 8,500 gallons/month
Plus	0.1	Discharged from the pool itself
Supermarkets, grocery stores	1.0	Per 3 employees
Plus	3.0	Per butcher shop
Plus	3.0	Per disposal unit

Theaters	0.02	Per seat (performances)
Open class	1.0	Per 8,500 gallons/month
Single-family residences (including Mobile homes)	1.0	Per unit
Multifamily residences, apartments	1.0	Per unit

(Ord. 450 §2 (part), 1998).

13.24.020 Definitions.

The following definitions shall be used for the following words and phrases for the purpose of this chapter.

“Commercial unit” means any building or facility used for any purpose other than dwelling.

“Dry industry” means any industry which does not produce “industrial waste” as defined in this section.

“Dwelling unit” means one room or a suite of two or more rooms, designed for or used by one family or housekeeping unit for living and sleeping purposes and having one kitchen. Each unit shall provide a complete independent living space for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation.

“Equivalent residential unit (ERU)” means any residential or nonresidential use which has been reasonably found by the public works director to place a demand on the city’s sewage system or water system approximately equal to the demands thereon by a single family dwelling, or eight thousand five hundred gallons/month of sanitary waste.

“Expanded service” means any additional use, expanded use or change in use which will cause an additional demand on the water-sewer facility. Such additional demand shall be recognized to include, but shall not be limited to, the following changes in service:

1. Additional waste meter;
2. Increased size of existing water meter;
3. Additional number of dwelling units on an existing water meter or sewer lateral;
4. Any change of occupancy or use which would increase the number of equivalent dwelling units connected or to be connected to an existing water meter or sewer lateral;
5. Expansion of an existing use where the system development charge is independent of the meter equivalent size.

“Facility” means the billing unit or customer and there shall not be more than one billing account per each facility. A not residential real property parcel with only one building thereon shall be one facility regardless of the number of individual businesses licensed by the city in said building; a not residential real property parcel, or contiguous not residential real property parcels, used only by one business, regardless of the number of buildings, shall be one facility; in any other event, a separate business or building constitutes a separate facility; provided, however, that one dwelling unit may have attendant buildings and still be considered a single facility.

“Fast food restaurant” means a restaurant in which the majority of items sold are served on paper or other non-washable materials.

“Industrial unit” means any building or facility other than a single family dwelling, multiple family dwelling, or hotel which discharges or is expected to discharge to the sanitary sewerage system a flow containing a total of more than fifty pounds of suspended solids and BOD in any one day.

“Industrial user” means any liquid, solid or gaseous material or combination thereof resulting from any process of industry, manufacturing, commercial, food processing, business, agriculture, trade or research, including, but not limited to, development, recovering, or processing of natural resources and leachate from landfill or other disposal sites.

“Irrigation meter” means any unit used or designed to be used for living or sleeping purposes or both, and which is designed to be equipped with wheels for the purpose of transporting the unit.

“Mobile home” means any unit used or designed to be used for living or sleeping purposed or both, and which is designed to be equipped with wheels for the purpose of transporting the unit.

“Mobile home park” means a commercial enterprise in which rented or leased space, area, and/or buildings are designed, equipped or maintained for the harboring, parking or storing of two or more trailer coaches, or vehicles which haul such trailer coaches, or motor homes being used as living and/or sleeping quarters for humans; provided, two or more mobile homes located on a single parcel, allowed under a variance, conditional use or nonconforming use, shall be considered as single family dwellings.

“Multiple family (multifamily) dwellings: means a building or portion thereof designed or used as a residence by two or more families and containing two or more dwelling units.

“Sanitary waste” or “domestic waste” means waste typical of waste originating in a residence or dwelling.

“Significant industrial user” means any industrial user of the public sewer system who:

1. Has a discharge flow of five thousand gallons or more per average workday; or

2. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (ss) in excess of three hundred milligrams per liter per average workday or is determined by the city to be discharging water, sewage, wastewater, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; or
3. Is found by the city, State Department of Ecology, or US Environmental Protection Agency to have significant impact on the waste systems effluent quality or, in the opinion of the city, is required to be reported to the Washington State Department of Ecology pursuant to the operating permit issued by that department to the Bingen Wastewater Treatment Facility.

“Single family dwelling” means a building designed or used for residence purposes by not more than one family and containing one dwelling unit only, including mobile homes when not located in a mobile home park and including condominium units subject to fee simple ownership, and excluding multiple family dwellings, apartments and motels.

“Wet industry” means any industry which generates process wastes in addition to domestic wastes.

Where not inconsistent with the definitions above, Section 13.20.020 of the Bingen Municipal Code is incorporated here by reference. (Ord. 450 §2 (part), 1998).

13.24.030 Monthly sewer rates.

- A. Except for commercial, industrial and significant industrial users, the monthly sewer service rates shall be the following pursuant to Section 12.24.010(B), for the first ERU used in the month, but in no event less than the following for any user:

Effective date of ordinance through December 31, 2020: \$50.00

Effective January 1, 2021 and beyond: the rate each year shall be the last year’s rate increased by 5% and rounded to the nearest dollar.

- B. Commercial Unit Rates. When flow measurement is available, the monthly sewer service rate shall be the following per ERU for the first ERU used in the month:

Effective date of ordinance through December 31, 2020: \$50.00

Effective January 1, 2021 and beyond: the rate each year shall be the last year’s rate increased by 5% and rounded to the nearest dollar.

Where flow measurement is not available, the city will determine the appropriate ERU equivalent using the equivalent residential unit schedule set out in Section 13.24.010 as a guideline.

C. Industrial User Rates.

1. For industrial users that are not significant industrial users and when flow measurement is available, the monthly sewer rate shall be as follows per each ERU for the first ERU:

Effective date of ordinance through December 31, 2020: \$50.00

Effective January 1, 2021 and beyond: the rate each year shall be the last year's rate increased by 5% and rounded to the nearest dollar. Where flow measurement is not available, the city will determine the appropriate ERU equivalent, using the equivalent residential unit schedule set out in section 13.24.010 as a guideline.

- D. Overage. Any one-half of an ERU discharged after the first ERU (or the number of ERU's determined appropriate pursuant to BMC Section 13.24.030(C) (2)), shall be charged at the following rates:

Effective date of ordinance through December 31, 2020: \$20.00

Effective January 1, 2018 and beyond: the rate each year shall be the last year's rate increased by 5% and rounded to the nearest dollar.

- E. Cost Allocation/Base Fee. For each ERU billed, \$14.75 of the Bingen sewer fee shall be allocated to operation and maintenance of the wastewater treatment plant. The remaining fees shall be allocated to operation and maintenance of the sewer collection system. (Ord. 702 §2, 2019; Ord 688 §2, 2018; 681 §2, 2017; Ord. 667 §2, 2016; Ord. 654 § 2, 2015; Ord. 641 §3, 2014; Ord. 623 §2, 2013; Ord. 622 §2-5, 2013; Ord. 567 §2, 2009; Ord. 563 §3, 2009; Ord. 551 §2, 2008; Ord. 529 §2, 2006; Ord. 518 §2, 2005, Ord. 505 §3, 2004; Ord. 504 §2, 2004; Ord. 488 §2, 2002; Ord. 480 §3, 2001; Ord. 469 §2, 2000; Ord. 480 §2, 2001; Ord. 459 §2, 1999; Ord. 455 §3, 1999; Ord. 450 §2 (part), 1998).

13.24.040 Sewer service outside city limits.

Sewer service provided to users in unincorporated areas shall be charged at 1.25 times the city rates otherwise established in this chapter. (Ord. 477 §2, 2001; Ord. 450 §2 (part), 1998).

13.24.050 Right of access for inspection.

The public works director, his representative, and other duly authorized employees of the city shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. If so entering, such employees or agents shall have no authority under this section to inspect, observe, measure, sample or test in any manner not related to the purposes of this chapter. In the event entrance during proper hours to premises served by the sewage system is denied, the public

works director or his designee shall obtain a warrant or warrants for entrance and inspection designed to assure compliance with the provisions of this chapter. (Ord. 450 §2 (part), 1998).

13.24.060 Utility taxes by state and city excluded.

The sewer use charge specified in this chapter does not include state and city utility taxes as are now or hereafter maybe lawfully imposed. (Ord. 450 §2 (part), 1998).

13.24.070 Imposition of rates.

Monthly sewer service rates shall be imposed when the user hooks up to the city's sewer system. (Ord. 450 §2 (part), 1998).

13.24.080 Billing cycle, account setup fees, late charge.

- A. The city clerk is authorized and directed to bill monthly sewer rates on a monthly basis. Billing for sewer charges shall be the responsibility of the owner of the property served. The billing shall be mailed to the owner's address, as used by the treasurer's office of Klickitat County for the mailing of real property tax notices. Duplicate billing shall be mailed to a tenant upon the property owner's request; however billing shall continue to be the responsibility of the owner of the property served. A nominal fee of \$1.00 to cover printing and mailing of the duplicate bill shall be charged to the account each month. Payment of charges shall be due the twentieth (20th) of each month. The city clerk shall charge twenty-five dollars to set-up a new account or to change the payer on an account due to the administrative costs of doing the same. A delinquent fee of ten dollars shall be charged whenever an account has a past due balance of more than fifteen dollars (\$15.00), which fee reflects the costs of rebilling and other administrative costs of managing delinquent accounts.

- B. Charges for services provided in this section are the responsibility of the owner of record of the property served. All charges for services provided for in this section shall be a lien on the real property served and such lien shall have the highest priority allowed by law and may be enforced in any lawful manner. As an additional and concurrent method of enforcing this section, the public works director is authorized to cut off water services to any property served for which property charges are delinquent more than thirty days; services shall be reconnected only after payment in full of charges owed at time of reconnect, which charge shall include a reinstatement fee pursuant to BMC Section 13.40.280. If a property served by sewer is not served by water, the city may record a lien at the office of the county auditor against the property for which the service was connected. Such lien shall include the delinquent charges and such customer shall be responsible for all costs incurred by the city, including reasonable attorney's fees for preparing the lien, and the fee for recording the lien. (Ord. 570 §2, 2009; Ord. 491 §2, 2003; Ord. 486 §2, 2002; Ord. 450 §2 (part), 1998).

13.24.090 Delinquent/lien.

- A. Sewer rate not paid when due is delinquent. All sewer rates shall be charged against the premises for which the service was connected. Any and all charges provided for, when the same become delinquent and unpaid, shall constitute a lien against the premises to which the same has been furnished. Enforcement of a lien and collection of a lien shall include, but not be limited to, the right to stop service and deny service thereafter to any and all owners and/or occupants of the premises until the charges for service and/or other charges have been paid in full.
- B. In cases where the occupant of the premises moves to another location within the system and applies for service at the new location, services may be denied at such location until and unless any statement for service against the first location is fully paid.
- C. If any such charges are not paid, the city may record a lien at the office of the county auditor against the property for which the service was connected. Such lien shall include the delinquent charges and such customer shall include the delinquent charges and such customer shall be responsible for all costs incurred by the city, including reasonable attorney's fees for preparing the lien, and the fee for recording the lien.
- D. Failure to receive mail will not be recognized as a valid excuse for failure to pay charges due. Notice of change in ownership of property and change in mailing address must be given in writing by the property owner or his agent to the city. The city may require an advance or satisfactory security for sewer service to be furnished, and if such payment is not made or security furnished within the time fixed by the city, sewer service may be discontinued to premises. (Ord. 450 §2 (part), 1998).

13.24.100 Delinquent charges-Discontinuance of service.

- A. In the event of failure to pay sewer service charges after they become delinquent or failure to have flow or sampling devices in proper operating condition for more than one week, the city shall have the right to remove or close sewer connections, and enter upon the property for accomplishing such purposes.
- B. The expense of such removal, or closing, as well as the expense of reinstating service, shall likewise be a debt due to the city and a lien upon the property and may be recovered by civil action in the name of the city against the property owner, the person, or both. (Ord. 450 §2 (part), 1998).

13.24.110 Reinstatement of service.

If sewer service is discontinued, sewer service may not be restored until all charges, including the expense of removal, closing, and reinstatement, shall have been paid. (Ord. 450 §2 (part), 1998).

13.24.120 Delinquent charges-Change in ownership.

Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties. (Ord. 450 §2 (part), 1998).

13.24.130 Water supply severance.

Whenever in the opinion of the public works director or his designee a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard, or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply. (Ord. 450 §2 (part), 1998).

13.24.140 Public nuisances.

A violation of any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is declared a public nuisance and shall be corrected or abated as directed by the city. Any person (s) creating a public nuisance shall be subject to the provisions of Bingen Municipal Code governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance. (Ord. 450 §2 (part), 1998).

13.24.150 Right to terminate sewer service.

The city reserves the right to terminate sewer service for any residence or commercial or industrial customer where it is determined by the city that the wastes being discharged:

- A. May be causing operational problems with sewer collection system, lift station and/or wastewater treatment plant;
- B. May be causing some way damaging pipelines, manholes, lift stations or equipment and/or machinery at the wastewater treatment plant;
- C. May be causing health or safety problems either with the city sewer department personnel or other persons.

Termination of such sewer service shall be in effect until it is determined by the public works director that the problems have been corrected and action or other steps have been taken to prevent their reoccurrence. (Ord. 450 §2 (part), 1998).

13.24.160 Savings clause.

If any provision of Chapter 13.24 or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. (Ord. 450 §2 (part), 1998).