

**CITY OF MONROE  
ORDINANCE NO. 017/2015**

AN ORDINANCE OF THE CITY OF MONROE,  
WASHINGTON, AMENDING MONROE MUNICIPAL CODE  
CHAPTER 13.04, WATER REGULATIONS, RATES AND  
CHARGES, AND CHAPTER 13.08, SEWER SYSTEM  
REGULATIONS; MODIFYING THE UTILITY RATE  
STRUCTURE, PROVIDING FOR SEVERABILITY; AND  
ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, the City of Monroe retained the services of FCS Group to conduct an utility rate study; and

WHEREAS, the rate study included recommendations to modify the rate structure to more equitably distribute that costs of operating the water and sanitary sewer system; and

WHEREAS, the Monroe City Council determined it would be in the best interest of the City to effected these changes.

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

Section 1. Amendment of MMC 13.04.010, Definitions. Subsection 13.04.010 of the Monroe Municipal Code is hereby amended as follows:

**13.04.010 Definitions.**

~~[A. "Additional unit" means any unit other than "sleeping room."]~~

~~A.~~[B.] "City" means the city of Monroe, Washington.

**B. "Class of User:"**

1. **"Single residential" means any dwelling unit served by a separate water meter.**
2. **"Multiple residential" means two or more dwelling units served by a single water meter without any non-residential uses.**
3. **"Nonresidential" means any use other than a dwelling unit served by a single meter. Buildings containing dwelling units and commercial, retail, industrial, manufacturing, and other nonresidential units served by the same water meter are considered nonresidential for the purposes of this Chapter.**

~~[C. "COMBINATION COMMERCIAL AND SINGLE RESIDENTIAL UNIT" IS DEFINED AS ANY BUILDING OR PORTION THEREOF CONTAINING LIVING QUARTERS IN CONNECTION WITH THE OPERATION OF A STORE, OFFICE, OR OTHER COMMERCIAL BUSINESS AS OTHERWISE DEFINED HEREIN.~~

**C. " Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.**

~~D. "FIRST UNIT" MEANS ANY UNIT SELECTED BY THE OWNER OR OPERATOR, AND MAY INCLUDE THE UNIT IN WHICH THE OWNER OR OPERATOR RESIDES, AND WHETHER THE UNIT IS OF A PERMANENT OR TEMPORARY NATURE.~~

~~E. "HOTELS, MOTELS, AND APARTMENT HOUSES" INCLUDE THE ORDINARY DEFINITION OF SAME AND FURTHER, FOR THE PURPOSES OF THIS CHAPTER, EXCLUDES PREMISES OF FOUR DWELLING UNITS OR LESS.~~

~~F. "MULTIPLE COMMERCIAL UNITS" ARE DEFINED AS BUILDINGS OR STRUCTURES, OR PORTIONS THEREOF, WHERE TWO OR MORE OFFICES, STORES OR BUSINESSES ARE CONDUCTED.~~

~~G. "MULTIPLE RESIDENCES" ARE DEFINED AS DUPLEXES, TRIPLEXES AND FOURPLEXES, OR ANY SINGLE BUILDING CONTAINING FOUR OR FEWER ONE-PERSON OR ONE-FAMILY DWELLING UNITS.]~~

**D.[H.] "Person" means and includes natural persons of either sex, associations, copartnerships or corporations, whether acting by themselves or by a servant, agent, or employee; the singular number shall be held and construed to include the plural and the masculine pronoun to include the feminine.**

~~[I. "SINGLE COMMERCIAL UNIT" MEANS ANY AND ALL PREMISES WHEREIN OR WHEREUPON ONE BUSINESS OR ENTERPRISE IS CONDUCTED FOR PROFIT OR OF A PUBLIC NATURE, INCLUDING FRATERNAL AND CHURCH PROPERTIES, AND RETAIL OR WHOLESALE ESTABLISHMENTS, WITHOUT LIVING QUARTERS ATTACHED AND EXCEPT AS OTHERWISE DEFINED HEREIN.~~

~~J. "SINGLE RESIDENTIAL" MEANS ANY ONE-FAMILY DWELLING UNIT PHYSICALLY SEPARATED FROM ANY OTHER ONE-FAMILY DWELLING, WHETHER THE SAME BE ON THE SAME LOT OR PROPERTY, OR OTHERWISE.~~

~~K. "SLEEPING ROOM" MEANS AN ACCOMMODATION OF A HOTEL, MOTEL OR APARTMENT HOUSE PROVIDING FACILITIES FOR SLEEPING ONLY, OR INCLUDING PERSONAL TOILET AND BATH, BUT NOT INCLUDING FACILITIES FOR COOKING, FOOD STORAGE AND SERVING OF MEALS, AND DESIGNED PRIMARILY FOR OVERNIGHT ACCOMMODATION ONLY, AS DISTINGUISHED FROM FACILITIES DESIGNED FOR PERMANENT LIVING QUARTERS.~~

~~L. "TRAILER COURTS" MEANS PREMISES ESTABLISHED CHIEFLY FOR THE ACCOMMODATION OF TRAILERS AND MOBILE HOMES FOR SUBSTANTIALLY TRANSIENT AND TEMPORARY OCCUPANCY, WHETHER THE UNIT IS OWNED BY THE OCCUPANT OR THE OPERATOR OF THE TRAILER COURT.~~

~~M. "TRAILERS AND MOBILE HOMES" ARE DEFINED AS DWELLING UNITS DESIGNED FOR FACILITY OF MOVEMENT FROM ONE PLACE TO ANOTHER ON WHEELS AND EXCLUDES ANY PERMANENT-TYPE DWELLING UNIT.]~~

Section 3. Amendment of MMC 13.04.020, Application for connection.  
Subsection 13.04.020 of the Monroe Municipal Code is hereby amended to provide as follows.

**13.04.020 Application for connection.**

Any person desiring to have premises connected with the water supply system of the city of Monroe shall make application therefor at the [~~OFFICE OF THE WATER COLLECTOR~~]**permit assistance center.**

Applications therefor shall be made upon a printed form furnished for that purpose, which application shall contain the address of the owner, a legal description of the premises where such water supply is desired, and shall fully state all the purposes for which the water is to be used, the number of [~~FAMILY~~]**dwelling** units to be supplied, the size of the service pipe, and shall be signed by the owner of the premises to be served or his duly authorized agent. Tenants, as such, are not considered agents of the owner, and without specific written authority from the owner placed on file with and at the time of application, no application for water service by a tenant will be considered or processed.[~~AT THE TIME OF FILING SUCH APPLICATION THE APPLICANT SHALL PAY THE FEES FOR INSTALLATION OF WATER SERVICE HEREINAFTER PROVIDED.]~~

Section 4. Amendment of MMC 13.04.025, Water system capital improvement charge. Section 13.04.025 of the Monroe Municipal Code is hereby amended to provide as follows.

**13.04.025 Water system [~~CAPITAL IMPROVEMENT~~]**development** charge.**

A water system [~~CAPITAL IMPROVEMENT~~]**development** charge shall be assessed at time of application for a new connection to the Monroe water system or at time of expansion or change of use of a facility when the water usage is expected to increase. A water system capital charge shall not be assessed when an additional meter is purchased for an already served parcel when the water usage is not expected to increase. No refunds will be given if a change in use or occupancy causes the expected water usage to decrease.

Capital improvement charges shall be as established by the city council by periodic resolution. The amount set by such resolution shall be the amount paid per ~~[EQUIVALENT RESIDENTIAL UNIT (ERU)]~~**meter capacity equivalents (MCEs)**. ~~[SINGLE-FAMILY RESIDENCES WILL BE CHARGED FOR ONE ERU. MULTIFAMILY]~~**Residential** structures shall be charged for one ~~[ERU]~~**MCE** per ~~[RESIDENTIAL]~~**dwelling** unit. ~~[ERUS]~~**MCEs** for nonresidential new customers shall be based on the size of water meter needed to supply the customer's calculated peak demand:

<b>Meter size</b>	<b><del>[ERUS]</del>MCEs</b>
5/8 x 3/4 inch	1
1 inch	2.5
1-1/2 inches	5
2 inches	8
3 inches	16
4 inches	25
6 inches	50
8 inches	80

~~[OR THE EXPECTED WATER USAGE, WHICHEVER IS GREATER. WHEN USING EXPECTED WATER USAGE, ONE ERU IS DEFINED AS HAVING AN AVERAGE ANNUAL MONTHLY DISCHARGE OF ONE THOUSAND CUBIC FEET. ALL EXPECTED WATER USAGE INCLUDING, BUT NOT LIMITED TO, DOMESTIC SUPPLY, IRRIGATION, AND PROCESS WATER WILL BE INCLUDED TO DETERMINE THE APPROPRIATE FEE. ]~~This charge will be determined by the city engineer and any decision may be appealed to the city council for a final determination.

Exceptions:

1. One-bedroom or studio residential units located in the downtown commercial zone~~[, WHICH STRUCTURES ARE MIXED COMMERCIAL AND RESIDENTIAL USE,]~~ shall be charged for 0.333 ~~[PER ERU]~~**MCE** per unit.
2. Permitted accessory dwelling units (as defined in MMC Title 18) contained within the structure of the primary dwelling unit or detached from the primary dwelling unit shall be exempt from ~~[CAPITAL IMPROVEMENT]~~**water system development** charges.

In no case shall the ~~[ERU]~~**MCE** amount be less than one except as noted above.

Section 5. Amendment of MMC 13.04.026, Exemption for homeless transitional shelters. Section 13.04.026 of the Monroe Municipal Code is hereby amended to provide as follows.

**13.04.026 Exemption for homeless transitional shelters.**

A. The ~~[CAPITAL IMPROVEMENT FEES]~~**water system development charge** imposed by MMC 13.04.025 shall not apply to transitional housing for homeless persons operated by federal, state, county or municipal agencies or public benefit nonprofit corporations. In order to qualify for this exemption, the transitional housing must focus upon providing counseling, training and/or opportunities to the homeless to enable them to find employment and support themselves. All persons who use the transitional home shall either be homeless individuals, support staff or others involved in the operations of the shelter. For purposes of this section, homeless persons shall be deemed to be individuals who do not have the resources for a fixed place to sleep at night. Such persons must qualify as "very low-income" individuals as defined in the city of Monroe comprehensive plan.

B. As a condition of granting this exemption, the property owner shall record a covenant prepared by the city that provides that if the use is subsequently changed in a manner that no longer qualifies it for the exemption in MMC 13.04.026(A), MMC 13.04.025 shall be applied at the time the exempted use was changed as if the exempted use had never occurred. Under these circumstances, a ~~[CAPITAL IMPROVEMENT FEE]~~**water system development charge** assessed for a change in use shall be based upon the change in use from the use immediately preceding the exempted use to the use to which the exempted use was converted. Similarly, if the exempted use was the first water use of the property, the ~~[CAPITAL IMPROVEMENT FEE]~~**water system development charge** assessed at the time the exempted use is changed shall be assessed as if the changed use were the first water use of the property.

C. This exemption shall only apply to the first thirty ~~[EQUIVALENT RESIDENTIAL UNITS (ERUS)]~~**meter capacity equivalents (MCEs)** that qualify. Any exempted uses that are subsequently discontinued shall not qualify as one of the thirty ~~[ERUs]~~**MCEs**.

Section 6. Amendment of MMC 13.04.320, Rates established. Section 13.04.320 of the Monroe Municipal Code is hereby amended to provide as follows.

**13.04.320 Rates established.**

A. The rates for water service for the water system of the city shall be as established by the city council by periodic resolution. **The rates established by periodic resolution shall not override any valid preexisting water contracts.** ~~[Rates shall be generally classified as follows:~~

~~1. WHOLESALE WATER PRIMARILY PURCHASED FOR RESALE TO MEMBERS OR THIRD PARTIES. THE WHOLESALE PURCHASER MUST PROVIDE ITS OWN WATER DELIVERY SYSTEM TO ITS WATER PURCHASERS. IT MUST ALSO HAVE ITS OWN STORAGE CAPACITY SUFFICIENT TO MEET WASHINGTON STATE DEPARTMENT OF HEALTH STANDARDS WITHOUT RELIANCE UPON CITY CAPACITY.~~

~~2. RETAIL WATER USE THAT DOES NOT QUALIFY AS WHOLESAL AS DEFINED ABOVE.~~

~~THE RATES CLASSIFICATIONS CREATED BY THIS SUBSECTION SHALL NOT AFFECT ANY VALID PREEXISTING WATER CONTRACTS.~~

~~B. WHENEVER THE RATES ESTABLISHED BY COUNCIL RESOLUTION PROVIDE FOR ADDITIONAL UNIT CHARGES, THE SAME SHALL BE DEEMED TO MEAN THAT EACH ADDITIONAL UNIT SHALL BE CHARGED WITH THE NUMBER OF CUBIC FEET MINIMUM, AS DETERMINED BY PERIODIC COUNCIL RESOLUTION, THE TOTAL OF WHICH MAY BE ADDED TO THE PRIME UNIT MINIMUM CHARGE BEFORE EXTRA CHARGES ARE ADDED AT THE RATES ESTABLISHED BY PERIODIC COUNCIL RESOLUTION.]~~

~~[C.]B.~~ For service outside the city limits [~~(RETAIL OR WHOLESAL RATE CLASSES)~~], the charges shall be one hundred fifty percent of the standard in-city rate as established by the city council by periodic resolution. "Outside of the city limits" shall mean any property that qualifies for one or more of the following:

1. A majority of the property is situated outside of city limits;
2. A majority of fixtures on the property are outside of city limits; or
3. A majority of the value of improvements is outside city limits.

"Property" for purposes of determining outside service shall include the property served by a wholesale customer of the city's water system, i.e., if the wholesale customer resells to residential or commercial properties, the location of those properties shall be considered in determining whether the service is "outside city limits."

~~[D.]C.~~ Irrigation water meters turned off during winter months for winterizing shall not be assessed charges for services while water is off. When irrigation meter is turned on, charges will be assessed

Section 7. Amendment of MMC 13.08.010, Definitions. Section 13.08.010 of the Monroe Municipal Code is hereby amended to provide as follows.

**13.08.010 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms in this chapter shall be as set forth in this section.

"BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade expressed in milligrams per liter.

"Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (one and one-half meters) outside the inner face of the building wall.

~~["BUILDING AND/OR PRIVATE SEWER" MEANS THE EXTENSION LINE FROM THE PRIVATE PROPERTY LINE TO THE HOUSE OR BUILDING.]~~

"City" means the city of Monroe, Washington.

**"Class of User:"**

4. **"Single residential" means any dwelling unit served by a separate water meter.**
5. **"Multiple residential" means two or more dwelling units served by a single water meter without any non-residential uses.**
6. **"Nonresidential" means any use other than a dwelling unit served by a single meter. Buildings containing dwelling units and commercial, retail, industrial, manufacturing, and other nonresidential units served by the same water meter are considered nonresidential for the purposes of this Chapter.**

"Combined sewer" means a sewer receiving both surface runoff and sewage.

~~["COMMERCIAL ESTABLISHMENT" MEANS AN ESTABLISHMENT INVOLVING AN ACTIVITY WITH GOODS, MERCHANDISE, OR SERVICES FOR SALE OR INVOLVING A RENTAL FEE.]~~

**"Dwelling unit" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.**

"Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and the handling, storage, and sale of produce.

"Industrial establishment" means an establishment involving manufacturing, assembling, fabrication, processing, bulk handling of products, large amounts of storage, warehousing, and heavy trucking, in addition to lighter industrial activities consisting of uses involving the processing, handling and creating of products.

"Industrial wastes" means the liquid waste from industrial manufacturing processes, trade, or business as distinct from sanitary sewage, and such wastes shall be divided into the following divisions:

1. Division A – Agriculture, forestry, and fishing;
2. Division B – Mining;
3. Division D – Manufacturing;
4. Division E – Transportation, communication, electric, gas, and sanitary services;
5. Division I – Services.

A user in the divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

“Natural outlet” means outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

~~[OCCUPANCY DEFINITIONS. THE FOLLOWING DEFINITIONS SHALL PERTAIN TO DIFFERENT CLASSES OF OCCUPANCY FOR THE PURPOSES OF THIS CHAPTER:~~

- ~~1. “APARTMENT HOUSE” MEANS ANY BUILDING CONSISTING OF TWO OR MORE SEPARATE APARTMENTS OR SINGLE DWELLING UNITS.~~
- ~~2. “HOTEL” OR “ROOMING HOUSE” MEANS ANY BUILDING IN WHICH INDIVIDUAL ROOMS, WITHOUT COOKING FACILITIES, WHETHER WITH OR WITHOUT BATH, ARE OFFERED FOR RENT OR RENTED FOR DWELLING PURPOSES FOR ANY GIVEN PERIOD.~~
- ~~3. “RESIDENCE” MEANS ANY ONE FAMILY DWELLING UNIT.]~~

“Person” means any individual, firm, company, association, society, corporation, or group.

“pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

~~[“PROPERLY SHREDDED GARBAGE” MEANS THE WASTES FROM THE PREPARATION, COOKING, AND DISPENSING OF FOOD THAT HAVE BEEN SHREDDED TO SUCH A DEGREE THAT ALL PARTICLES WILL BE CARRIED FREELY UNDER THE FLOW CONDITIONS NORMALLY PREVAILING IN PUBLIC SEWERS, WITH NO PARTICLE GREATER THAN ONE HALF INCH (ONE AND TWENTY SEVEN HUNDREDTHS CENTIMETERS) IN ANY DIMENSION.]~~

“Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority to include main line sewer.

"Public works director" means the public works director of the city or his authorized deputy, agent or representative.

~~["RESTAURANT" OR "CAFE" MEANS ANY ESTABLISHMENT OR PLACE OF BUSINESS WHERE REFRESHMENTS, MEALS OR FOODS ARE PREPARED, SERVED, SOLD OR OFFERED FOR SALE TO THE PUBLIC.]~~

"Sanitary sewer" means a sewer which carries sewage and to which storm water, surface water, and groundwaters are not intentionally admitted.

~~["SCHOOL," "HOSPITAL," "TAVERN," "SERVICE STATION," "GARAGE," "FOUNTAIN," "CLEANERS," "BAKERY," "MACHINE SHOP," "FUNERAL HOME," "LOCKERS," "MEAT MARKET," "GROCERY," "THEATER," "CHURCH," "LODGE," "BARBERSHOP," "BEAUTY PARLOR," AND "REST HOME" SHALL BE ACCORDED THEIR ORDINARY AND COMMON USAGE DEFINITIONS.]~~

"Sewage" means a combination of the liquid-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewage works" means all facilities for collecting, pumping, treating, and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Shall" is mandatory; "may" is permissive.

"Side sewer" means the extension line from the main line sewer to the house or building. (A side sewer shall extend no longer than three hundred feet from the public sewer main excluding that portion of the side sewer in the public right-of-way.)

"Slug" means any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration or flows during normal operation.

"Storm drain" (sometimes termed "storm sewer") means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"Suspended solids" means solids that either float on the surface or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering as per standard methods testing set forth in the most current publication of the Standard Methods for the Examination of Water and Wastewater.

~~["TOXICANTS" MEANS ANY OF THE LISTED SUBSTANCES IN 307-A OF THE CLEAN WATER ACT OF 1977 (A COPY OF WHICH LIST SHALL BE KEPT AT MONROE CITY HALL).]~~

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

Section 8. Amendment of MMC 13.08.270, Sewer connection charges.  
Section 13.08.270 of the Monroe Municipal Code is hereby amended to provide as follows.

**13.08.270 Sewer connection charges.**

In addition to the permit fee required by the preceding sections, the following connection charges shall be made at the time of application for a permit to connect to the system.

A. Sewer connection installation fees shall be as established by the city council by periodic resolution.

B. ~~[TREATMENT FACILITY RESERVE CAPACITY]~~Sewer system development charges shall be made at time of application for a new connection to the Monroe sanitary sewer system or at time of application for a building permit or change of use permit when the water usage is expected to increase. No refunds will be given if a change in use or occupancy causes the expected water usage to decrease. ~~[TREATMENT FACILITY RESERVE CAPACITY]~~Sewer system development charges shall be as established by the city council by periodic resolution.

The amount set by such resolution shall be the amount paid per meter capacity equivalents (MCEs).~~[EQUIVALENT RESIDENTIAL UNIT (ERU). Single family residences shall be charged for one ERU. Multifamily]~~ Residential structures shall be charged for one ~~[ERU]~~MCE per ~~[RESIDENTIAL]~~dwelling unit. ~~[ERUs]~~MCEs for nonresidential new customers shall be based on the size of water meter needed to supply the customer's calculated peak demand:

<b>Meter size</b>	<b><del>[ERUs]</del>MCEs</b>
5/8 x 3/4 inch	1
1 inch	2.5
1-1/2 inches	5
2 inches	8
3 inches	16
4 inches	25
6 inches	50
8 inches	80

~~[OR EXPECTED SEWAGE FLOWS, WHICHEVER IS GREATER. WHEN USING EXPECTED SEWAGE FLOWS, ONE ERU IS DEFINED AS HAVING AN AVERAGE ANNUAL MONTHLY DISCHARGE OF ONE THOUSAND CUBIC FEET. ]~~This charge

will be determined by the city engineer and any decision may be appealed to the city council for a final determination.

Exceptions:

1. One-bedroom or studio residential units located in the downtown commercial zone, which structures are mixed commercial and residential use, shall be charged **for** 0.333 ~~[PER-ERU]~~**MCE** per unit.
2. Permitted accessory dwelling units (as defined in MMC Title 18) contained within the structure of the primary dwelling unit or detached from the primary dwelling unit shall be exempt from ~~[TREATMENT FACILITY RESERVE CAPACITY]~~**sewer system development** charges.

In no case shall the ~~[ERU]~~**MCE** amount be less than one except as noted above.

Section 9. Amendment of MMC 13.08.275, Exemption for homeless transitional shelters. Section 13.08.275 of the Monroe Municipal Code is hereby amended to provide as follows.

**13.08.275 Exemption for homeless transitional shelters.**

A. The sewer ~~[TREATMENT FACILITY RESERVE CAPACITY]~~**system development** charges imposed by MMC 13.08.270 shall not apply to transitional housing for homeless persons operated by federal, state, county or municipal agencies or public benefit nonprofit corporations. In order to qualify for this exemption, the transitional housing must focus upon providing counseling, training and/or opportunities to the homeless to enable them to find employment and support themselves. All persons who use the transitional home shall either be homeless individuals, support staff or others involved in the operations of the shelter. For purposes of this section, homeless persons shall be deemed to be individuals who do not have the resources for a fixed place to sleep at night. Such persons must qualify as "very low-income" individuals as defined in the city of Monroe comprehensive plan.

B. As a condition of granting this exemption, the property owner shall record a covenant prepared by the city that provides that if the use is subsequently changed in a manner that no longer qualifies it for the exemption in subsection (A) of this section, MMC 13.08.270 shall be applied at the time the exempted use was changed as if the exempted use had never occurred. Under these circumstances, sewer ~~[TREATMENT FACILITY RESERVE CAPACITY]~~**system development** charges for a change in use shall be based upon the change in use from the use immediately preceding the exempted use to the use to which the exempted use was converted. Similarly, if the exempted use was the first sewer use of the property, the capital improvement fee assessed at the time the exempted use is changed shall be assessed as if the changed use were the first sewer use of the property.

c. This exemption shall only apply to the first thirty ~~[EQUIVALENT RESIDENTIAL UNITS (ERUS)]~~**meter capacity equivalents (MCEs)** that qualify. Any exempted uses that are subsequently discontinued shall not qualify as one of the thirty ~~[ERUS]~~**MCEs**.

Section 10. Amendment of MMC 13.08.370, General rate study. Section 13.08.370 of the Monroe Municipal Code is hereby amended to provide as follows.

**13.08.370 General rate study.**

A. All rates and charges for sanitary sewer collection and disposal services shall be as established by the city council by periodic resolutions unless otherwise specifically proved, and shall be collected by the collector of sewer revenues.

~~[EACH YEAR DURING MAY OR JUNE THE CITY SHALL REVIEW THE WATER CONSUMPTION FOR ALL RESIDENTIAL CUSTOMERS. THE CUSTOMER'S SEWER CHARGES DURING THE FOUR SUMMER MONTHS OF JULY, AUGUST, SEPTEMBER AND OCTOBER SHALL BE BASED ON THEIR WINTER USAGE DURING THE MONTHS OF NOVEMBER THROUGH JUNE.~~

~~AND FURTHER PROVIDED, THAT SUCH ESTABLISHED SHALL PAY AN INITIAL USER CHARGE OF THIRTY CENTS PER POUND BOD, AS DEFINED IN THIS CHAPTER, AND AN ADDITIONAL TWENTY CENTS PER POUND SUSPENDED SOLIDS AS DEFINED IN THIS CHAPTER AS MEASURED BY THE CITY PURSUANT TO THIS CHAPTER.~~

~~B. THE INITIAL CHARGES FOR FLOW, BOD AND SUSPENDED SOLIDS SHALL BE INCREASED ANNUALLY. THE CITY'S COSTS OF TREATING FLOW, BOD AND SUSPENDED SOLIDS ARE TO BE DETERMINED ANNUALLY BY THE PUBLIC WORKS DIRECTOR AND CERTIFIED TO THE COUNCIL AND CITY TREASURER FOR PURPOSES OF BILLING FOR SEWER USER CHARGES. THE PUBLIC WORKS DIRECTOR SHALL FILE AN ANNUAL REPORT TO THE CITY COUNCIL FOR PURPOSES OF ESTABLISHING APPROPRIATED ADDITIONAL CHARGES HEREIN AND SUCH REPORT SHALL BE APPROVED BY THE CITY COUNCIL AS PART OF THE ANNUAL SEWER DEPARTMENT BUDGET.]~~

Section 11. Amendment of MMC 13.08.440, User rate – Outside city limits. Section 13.08.440 of the Monroe Municipal Code is hereby amended to provide as follows.

**13.08.440 User rate – Outside city limits.**

Monthly rates and charges for sanitary sewage collection and disposal system service outside the city limits shall be ~~[TWO]~~**one** hundred ~~[fifty]~~**fifty** percent of the appropriate in-city charge, ~~[EXCEPT OUTSIDE CITY PUBLIC FACILITIES ONE HUNDRED AND FIFTY PERCENT OF THE APPROPRIATE IN-CITY CHARGE.]~~ This rate differential is based upon the city's additional expenses for administration, maintenance, and service for nonresident users as well as to assist in covering departmental expenses and city expenses not covered by user fees such as resident users pay as revenues to the city.

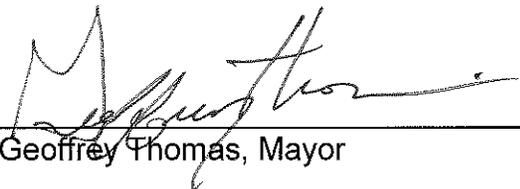
Section 12. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 13. 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.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 1 day of December, 2015.

1st Reading: November 24, 2015  
2nd/Final Reading: December 1, 2015  
Published: December 8, 2015  
Effective: December 13, 2015

CITY OF MONROE, WASHINGTON:

  
\_\_\_\_\_  
Geoffrey Thomas, Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Elizabeth M. Smoot, MMC, City Clerk

  
\_\_\_\_\_  
J. Zachary Lell, City Attorney