

ORDINANCE NO. 012/2009

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING THE MONROE MUNICIPAL CODE (MMC) SECTIONS 6.08.090(B), 13.04.322, 13.08.430, AND 13.32.120 IN ORDER TO REQUIRE PROOF OF DISABILITY FROM THE SOCIAL SECURITY ADMINISTRATION AND PROOF OF ANNUAL INCOME TO QUALIFY FOR REDUCED UTILITY RATES.

WHEREAS, RCW 35.92.020(5) authorizes cities to "provide assistance to aid low-income persons" in connection with utility services; and

WHEREAS, RCW 35.67.020(5) specifically authorizes cities to provide low-income assistance with respect to sewerage services; and

WHEREAS, RCW 74.38.070, a section of the Senior Citizens Services Act, authorizes cities providing utility services to offer reduced utility rates to low-income senior citizens and other low-income citizens, but specifically requires that "low-income senior citizen" and "other low-income citizen" shall be defined by appropriate ordinance or resolution adopted by the city council; and

WHEREAS, the City of Monroe has historically offered reduced utility rates for low-income, disabled individuals; and

WHEREAS, the City of Monroe desires to codify its long-standing policy to require proof of disability from the Social Security Administration in order to qualify for the reduced utility rates on the basis of disability; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN
AS FOLLOWS:

Section 1. MMC 6.08.090(B) is hereby amended to provide as follows:

The city, if the utility is operated by contract, may provide special services and/or special rates for low-income senior citizens or low-income disabled persons restricted to single-family residences primarily occupied by a senior citizen or handicapped person as defined in this chapter. The single-family residential housekeeping unit discount rates shall be as established by the city council by periodic resolution. Said persons must apply on application forms provided by the city at the Monroe City Hall. Said persons must qualify for the discount on an annual basis on the forms provided for such purposes. A customer applying for the discount rates on the basis of disability shall furnish proof of such disability from the Social Security

Administration in addition to proof of annual income. A customer applying for the discount rates on the basis of age shall furnish proof of annual income and age.

Section 2. MMC 13.04.322 is hereby amended to provide as follows:

For senior citizens with low income or disabled persons with low income hereinafter defined, the single-family residential housekeeping unit charge shall be as established by the city council by periodic resolution. The rate established for seniors is restricted to single-family residences primarily occupied by a senior citizen or senior citizens being sixty-two years of age or older. Discount rate is restricted to minimum residential meter size. To qualify as a disabled person, the disability is defined as the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than twelve months. To qualify for the disabled discount, said rate is restricted to single-family residences primarily occupied by a disabled person. For purposes of this section, "low-income" means having an annual income below fifty percent of the median level as determined by the U.S. Department of Housing and Urban Development for the Seattle/Tacoma/Bremerton area. The discount rates provided for herein are available only upon application, which is required to be updated annually by the customer. A customer applying for the discount rates on the basis of disability shall furnish proof of such disability from the Social Security Administration in addition to proof of annual income. A customer applying for the discount rates on the basis of age shall furnish proof of annual income and age.

Section 3. MMC 13.08.430 is hereby amended to provide as follows:

For senior citizens with low income or disabled persons with low income hereinafter defined, the single-family residential housekeeping unit charge shall be as established by the city council by periodic resolution. The rate established for seniors is restricted to single-family residences primarily occupied by a senior citizen or senior citizens being sixty-two years of age or older. Discount rate is restricted to minimum residential meter size. To qualify as a disabled person, the disability is defined as the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than twelve months. To qualify for the disabled discount, said rate is restricted to single-family residences primarily occupied by a disabled person. For purposes of this section, "low-income" means having an annual income below fifty percent of the median level as determined by the U.S. Department of Housing and Urban Development for the Seattle/Tacoma/Bremerton area. The discount rates provided for herein are available only upon application, which is required to be updated annually by the customer. A customer applying for the discount rates on the basis of disability shall furnish proof of such disability from the Social Security Administration in

addition to proof of annual income. A customer applying for the discount rates on the basis of age shall furnish proof of annual income and age.

Section 4. MMC 13.32.120 is hereby amended to provide as follows:

For senior citizens with low income or disabled persons with low income hereinafter defined, the single-family residential housekeeping unit charge shall be as established by the city council by periodic resolution. The rate established for seniors is restricted to single-family residences primarily occupied by a senior citizen or senior citizens being sixty-two years of age or older. Discount rate is restricted to minimum residential meter size. To qualify as a disabled person, the disability is defined as the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than twelve months. To qualify for the disabled discount, said rate is restricted to single-family residences, primarily occupied by a disabled person. For purposes of this section, "low-income" means having an annual income below fifty percent of the median level as determined by the U.S. Department of Housing and Urban Development for the Seattle/Tacoma/Bremerton area. The discount rates provided for herein are available only upon application, which is required to be updated annually by the customer. A customer applying for the discount rates on the basis of disability shall furnish proof of such disability from the Social Security Administration in addition to proof of annual income. A customer applying for the discount rates on the basis of age shall furnish proof of annual income and age.


Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be 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 6. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 7th day of July, 2009.

1st Reading: 7/07/09
Published: 7/14/09
Effective: 7/19/09

CITY OF MONROE, WASHINGTON:



Donnetta Walser, Mayor

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:


Eadye Martinson, Deputy City Clerk


Phil Olbrechts, City Attorney