

ORDINANCE NO. 2013-09

**AN ORDINANCE OF THE CITY OF REPUBLIC, WASHINGTON,
AMENDING REPUBLIC MUNICIPAL CODE SECTIONS 13.04.090
and 13.04.220 AND ADDING SECTIONS 13.04.225 and
13.04.227 REGARDING UTILITY RATES AND BILLING
PROCEDURES.**

WHEREAS, the City of Republic, Washington, hereinafter "City," is required to provide notice of shutoff of utilities pursuant to RCW 35.21217 and established case law; and

WHEREAS, this Ordinance amends the existing Republic Municipal Code to comply with RCW 35.21.217 and such case law.

NOW, THEREFORE, the City Council of the City of Republic, Washington, do ordain as follows:

SECTION 1 – AMENDMENT.

A. Section 13.04.090(A) of the Republic Municipal Code, hereinafter "RMC," which reads as follows:

13.04.090 Water service.

A. All applications for water service installations and for water service shall be made at the office of the town clerk on forms furnished by the town, which applicant shall supplement with such information as deemed necessary by the superintendent. All applications shall be made by the owner of the property to be served or his or her authorized agent, and all accounts shall be in the name of the owner of such property. No person shall make any connections with either the system or add to an existing connection with the system without first obtaining a permit as herein required. A bond, if required, must be posted.

be and is hereby amended to read as follows:

13.04.090 Water service.

A. All applications for water service installations and for water service shall be made at the office of the city clerk on forms provided by the City, which applicant shall supplement with such information as deemed necessary by the superintendent. No person shall make any connections with either the system or add to an existing connection within the system without first obtaining a permit as herein required. A bond, if required, must be posted.

B. RMC 13.04.220 which reads as follows:

13.04.220 Water, sewer and solid waste disposal bill.

The water, sewer and solid waste disposal bill shall cover a period of one month and shall be issued upon a single statement. All charges for water, sewer and solid waste disposal services shall be due and payable on or before the fifteenth (15th) day of the month after the bill has been issued. This bill becomes delinquent after said fifteenth (15th) day. A late penalty of twenty-five dollars (\$25.00) shall be charged on any bill not paid in full by the beginning of the next to the last working day of the month that a bill becomes delinquent, unless prior arrangements have been made. Water service shall be shut off on the third working day of the next month that the bill or any part thereof becomes delinquent. The outstanding balance plus twenty-five dollars (\$25.00) penalty and sixty dollars (\$60.00) reconnect fee must be paid in full before water service is reconnected.

be and the same is hereby amended to read as follows:

13.04.220 Water, sewer and solid waste disposal bill.

The water, sewer and solid waste disposal bill shall cover a period of one month and shall be issued upon a single statement. All charges for water, sewer and solid waste disposal services shall be due and payable on or before the fifteenth (15th) day of the month after the bill has been issued. This bill becomes delinquent after said fifteenth (15th) day. A late penalty of twenty-five dollars (\$25.00) shall be charged on any bill not paid in full by the beginning of the next to the last working day of the month that a

bill becomes delinquent, unless prior arrangements have been made. If water service is disconnected as provided in this chapter, except as otherwise provided herein, the outstanding balance and penalties, plus reconnect fees, must be paid in full before water service is reconnected.

SECTION 2 – AMENDMENT BY ADDITION.

A. There is hereby added a new RMC 13.04.225 as follows:

13.04.225 Responsibility for payment.

All water user charges contained in utility billings from the City shall be the responsibility of the property owner for the purposes of liens which may be assessed by the City as provided by law. However, duplicate utility billings may be sent to the tenants or residents of commercial or residential property under the following conditions, but not to relieve the property owner from liability for charges incurred:

1. Upon the request of the owner or tenant of the real property, billing may be sent to the tenant or to the agent of the owner; *provided*, that a current address of the owner of the real property is maintained with the City, which is the responsibility of the owner, and any changes in the residents or tenants of the property are made known to the City by the owner.

2. Such billing, when sent to the tenant or agent, will become the responsibility of the tenant or agent, as well as the property owner, and each can be held jointly and severally liable for such billing.

3. The owner and tenant, or agent, shall sign an application form giving their consents for the utility service to be billed as provided in this section, and giving the address of each. Copies of such forms shall be provided to both the owner of the real property and the tenant or the resident of the real property, and such form shall also contain notification of the right of hearing on termination of utilities.

4. In the event that any water user charges in utility accounts shall remain unpaid after the third working day of the next month that the bill or any part thereof becomes delinquent, a termination notice shall be given informing all of those affected by the shut-off that the termination of service shall occur no sooner than ten (10) days from the date of mailing of the notice of termination of service. Water service may be terminated when any portion of the water user charge is unpaid and delinquent. A shut-off charge shall be added to any account for a shut-off due to such delinquency.

A notice of hearing shall be included in any termination notice as required by RMC 13.04.227. In those cases where billing is sent to a tenant, and not a property owner, the termination notice shall be sent to the property owner as well as the tenant. If a hearing is requested within five (5) business days of mailing the notice, a hearing shall be arranged in accordance with RMC 13.04.227. Service shall not be terminated until after the date of any hearing.

B. There is hereby added a new RMC 13.04.227 as follows:

13.04.227. Termination of Service.

1. Termination of Water Service to Rental Buildings. Except in the case involving public health or safety, or as otherwise provided in this chapter, the City may terminate water service to a residential tenant occupying a rented dwelling for delinquent utility charges and penalties. In the case of a delinquency incurred by a property owner or prior tenant, and if requested by the current tenant, the City shall allow the current tenant to open an account in their name, and on the same terms and conditions as other residential utility customers, without requiring the tenant to pay delinquent amounts for water service billed directly to the property owner or a previous tenant, except as otherwise allowed by law and only when the City offers the affected tenant to set up a reasonable payment plan for the delinquent amounts legally owed. When a rented dwelling is occupied by a tenant who has opened an account in their name, no termination or threat of termination will occur because of the tenant's landlord or the obligation of the prior tenant of the premises not currently residing therein; *provided,*

however, the term "threat of termination" shall not include the notices authorized by this chapter.

2. Customer Disputes. Customers disputing their utility service termination shall use the following procedure:

(a) If requested by the customer as provided in RMC 13.04.225, a hearing by the City Council or their designee shall be held no more than five (5) business days after receiving the request from the customer. The customer shall have the right to said hearing and evidence why such utility should not be terminated.

(b) Any hearing under this section shall be conducted during normal business hours, on an informal basis. A record of the hearing, including the day of the hearing, who was present and the findings made as to whether or not the bill was justly owing and the reasons therefor shall be made in writing. The written findings shall be filed with the City Clerk.

(c) Whenever notice of termination is required under this chapter, such notice shall inform the customer of his or her right to a hearing, current phone number and address of the city hall where a hearing may be requested, and normal business hours to phone in for a hearing, and the time periods involved with hearings requested as to termination.

SECTION 3 – SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

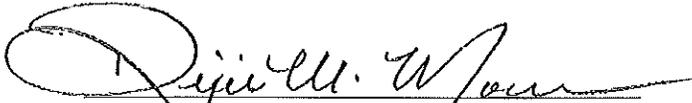
SECTION 4 – EFFECTIVE DATE. This Ordinance shall become effective from and after its passage by the Council, approval by the Mayor and five (5) days after publication of this Ordinance, or a summary thereof, as required by law.

PASSED BY THE CITY COUNCIL of the City of Republic,
Washington, this 23rd day of December, 2013.



Jim Burnside, Mayor

ATTEST:



Dixie Moore, City Clerk-Treasurer

APPROVED AS TO FORM:



W. Scott DeTro, City Attorney

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