

CITY OF WHITE SALMON

ORDINANCE NO. 2015-12-978

AN ORDINANCE OF THE CITY OF WHITE SALMON, WA, AND AMENDING WSMC 13.16.065 CHANGING THE PAYMENT DUE DATE AND WSMC 13.16.075 ESTABLISHING A PAYMENT OBLIGATION AND HEARING PROCESS PRIOR TO WATER DISCONTINUATION AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of White Salmon wishes to change the payment date on the utility bills to give customers more time to make their payment; and,

WHEREAS, the City of White Salmon wishes establish due process for citizens subject to water service discontinuation.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON, WASHINGTON DO ORDAIN AS FOLLOWS: by the City Council of the City of White Salmon that the following amendments be made to White Salmon Municipal Code Chapter 13.16.065 and 13.16.075:
[added provisions underlined; deleted provisions ~~stricken~~]

SECTION 1 – Amendment to WSMC 13.16.065

Section 13.16.065 is hereby amended as follows:

- **13.16.065 – Billing procedure generally-Payment date.**
 - A. The billings for all services provided for in this chapter shall be the responsibility of the owner of the property served. The billings 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 or such other address as provided by the property owner to the city.
 - B. Monthly billings include the base rates for the forthcoming month plus any past month's charges in excess of the base rates. All charges for services provided for in this chapter shall be due and payable by the ~~twentieth~~ twenty-fifth (25th) of the month following the billing period. If the ~~twentieth~~ twenty-fifth (25th) of the month falls on a weekend or holiday, payment shall be due on the next business day. If not so paid, it shall be considered delinquent.

SECTION 2 – Amendment to WSMC 13.16.075

Section 13.16.075 is hereby amended as follows:

- **13.16.075 - Enforcement of charges—Service cutoff.**

~~As an additional and concurrent method of enforcing this chapter, the public works director is authorized and directed, at the end of fifteen days after the date of the first delinquency on any garbage, water or sewer charges, to cut off water service from the premises to which services were furnished and all water service shall remain cut off until all garbage, water and sewer charges, current and delinquent, plus penalties and interest thereon, together with an additional sum for reinstating garbage services set forth in WSMC Section 8.08.180, and for disconnecting and reconnecting the water set forth in WSMC Section 13.16.025(F) have been paid, regardless of who owns the property when the charges are incurred. All payments made for garbage, water or sewer services shall first be applied for reinstatement charges for garbage service, then reconnection charges for water service then late charges on any account, then to sewer charges, then to garbage charges and finally to water charges.~~

- A. Obligation to pay. Each person shall pay the City Utility charges owed when due. The charges for utilities [sewer and water] shall accrue and be billed monthly. Utility bills shall be mailed to the property owner or account holder's most current address or known address the business day after the Payment Date as set forth in WSMC 13.16.065, generally on the twenty-sixth (26th) day of each month. Utility payments are applied in a priority fashion, first to payment of wastewater [sewer] charges and second to water charges.
- B. Content of Bill Notice. The Utility bill shall contain the following: Notify the customer that payment of the bill is due as set forth in WSMC 13.16.065 and if not paid accordingly will be deemed to be delinquent and subject to a late fee applied in accordance with the adopted utility rates, charges and fees schedule. The late fee will be added to the account.
- C. Content of Notice of Delinquency. A Notice of Delinquency shall be designed to alert the customer of a delinquent balance. It also serves as a shutoff [discontinuation] notice and notice of right to appeal.
 - 1) Notice of Right to Appeal. The Notice of Delinquency shall advise the property owner or account holder of an opportunity to present billing objections and discrepancies to the City's attention through a hearing process. The notice shall provide that the property owner or account holder must contact the City in writing within five (5) calendar days after the notice of delinquency is sent in order to request an appeal hearing.
 - 2) Seven days after an account is considered delinquent and still not paid, a Notice of Delinquency shall be hung on the resident's front door and/or mailed and/or emailed to the property owner's or account holder's most current address provided to the City in writing, allowing them an additional ten (10) calendar days to pay the full utility amount due or make payment arrangements by way of a payment agreement.
 - 3) The notice shall advise customers that if they wish to make payment arrangements, they shall do so by way of a water/sewer payment agreement as outlined in the City's Delinquent Account Policy. If the property owner has multiple accounts, payment arrangements can only be made on one account at a time. The property owner is responsible for the tenant's unpaid bills. The unpaid balance is subject to additional late fees.

- 4) The notice of delinquency shall contain a shut off notice advising the customer that delinquent accounts shall result in water service discontinuation action [shut off] on the 11th calendar day after the Notice of Delinquency has been sent in accordance with provisions of this chapter. If payment is not received by 5pm on the 10th calendar day a service fee shall be assessed.
- D. Appeal Hearing Procedure. The timely written request of the property owner or account holder to seek an appeal hearing shall suspend water disconnection action during the pendency of an appeal as provided for herein. The hearing shall be held within 5 days of the hearing request, or longer upon mutual agreement of the appellant and the City. The property owner or account holder shall have the right to present evidence why such utility should not be terminated. The hearing shall be conducted during normal business hours on an informal basis. A written decision on the appeal, including the date of the hearing, who was present, and the findings made as to whether or not the customer had good cause not to pay the bill and the reasons therefore, shall be timely issued to the appellant. The decision shall be filed in the city utility system record. The hearing shall be conducted by the City Administrator or designee familiar with the customer's billing information. The decision shall be final and not subject to further administrative appeal. If the property owner or account holder fails to make payment or take other steps as required by the decision within 5 days after the issuance of the decision, water service may be discontinued without further notice. In the event of a disputed amount, the property owner may tender the amount claimed to be owing and the City may only discontinue service after filing suit and obtaining a judgment in the matter.
- E. Service Reconnection Fee. In the event the City shuts off a water supply, the property owner/account holder will be assessed a turn on fee in accordance with the adopted utility rates, charges and fees schedule. If the water service is discontinued for non-payment the City shall only accept full sewer and water payment to include all payment in arrears before water service is restored. Water service restoration requests made after 4:00 P.M. Monday through Thursday will be subject to an additional fee in accordance with the adopted utility rates, charges and fee schedules. If water shut off is scheduled for Friday or on a City or Federal Holiday the service will be continued until the next work day.
- F. NSF Checks. If the City receives a non-sufficient check [NSF] the property owner/account holder shall be charged a handling fee in accordance with the adopted utility rates, charges and fees schedule. If a person writes more than one NSF check to the City within a 12 month period, the City reserves the right to require cash payment for services rendered.
- G. Deposit Upon Reconnection: If a property owner or account holder has their water shut off twice in the past 12 months the City shall require an additional deposit to reconnect the water in accordance with the adopted utility rates, charges and fees schedule. Termination of service does not relieve the utility customer of the obligation to pay all outstanding bills and charges.

SECTION 3 - SEVERABILITY. If any section, sentence, or phrase of this Chapter is 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 or phrase of this Chapter.

SECTION 4 - EFFECTIVE DATE. This ordinance shall become effective following passage and publication as provided by law.

PASSED in regular session this 2nd day of December, 2015.




Mayor David R. Poucher

ATTEST:



Leana Johnson, City Clerk/Treasurer

Approved as to form only:



Kenneth B. Woodrich
City Attorney