

CITY OF ILWACO

ORDINANCE NO. 894

**AN ORDINANCE AMENDING TITLE 13 PUBLIC SERVICES, CHAPTER 13.06
COMBINED WATER/SEWER/STORMWATER BILLING OF THE MUNICIPAL
CODE OF THE CITY OF ILWACO, WASHINGTON**

WHEREAS, the City of Ilwaco adopted ordinance no. 733 on or about July 23, 2007, establishing protocol for the management and collection of delinquent utilities accounts, codified in the Ilwaco Municipal Code as IMC 13.06.020, and owner's responsibility for bills, codified as IMC 13.06.030;

WHEREAS, RCW 35.21.290 and RCW 35.67.210 place certain mandatory constraints on the extent and manner in which Washington municipalities, including the City of Ilwaco, may levy liens against delinquent utility accounts for water and sewer services, respectively; and

WHEREAS, the City of Ilwaco desires to amend IMC 13.06.020 and IMC 13.06.030 in a manner consistent with RCW 35.21.290 and RCW 35.67.210, in order to better manage and facilitate the collection of delinquent utilities accounts.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Section 13.06.020 of the Ilwaco Municipal Code is amended to read as follows:

13.06.020 Delinquent accounts and fees/interest/penalties.

A. When a utility account becomes delinquent, the city shall assess a fifteen dollar (\$15.00) late charge, and a delinquent/termination notice will be sent to the customer, and to the owner if different from the customer, stating the delinquent balance, the late charge, the date the water will be shut off, the administrative/termination fee and the procedure to dispute a bill. The water shut off date will be two (2) months from the date of the original bill. If the bill is not paid by that time, the water will be turned off, monthly interest will accrue at eight percent (8%) per annum, and a fifty dollar (\$50.00) administrative/termination fee will be added to the account. No other notice will be given.

B. If the delinquent bill, fees and interest are not paid by the end of the month the service was shut off, the meter ~~will~~ may be locked or removed and a penalty of one and one-half percent (1.5%) of the applicable connection permit fee (water or sewer or both if applicable) will accrue per month. Upon payment of the past due balance, penalty, fees and interest, reinstallation of the meter will be at the cost of actual labor and materials to reconnect the service connection.

~~C. After fifty (50) months of nonpayment from the time of the meter being locked or removed, the service will be deemed abandoned. The city shall remove the accrued charges and penalties from the account and the connection permit for the site will be revoked—subject to all provisions for disconnecting service. Thereafter, to reinstate service, a new connection permit will be required to be applied for and all applicable fees paid. (Ord. 809 § 4, 2012; Ord. 799 § 1 (part), 2012; Ord. 742, 2008; Ord. 733 (part), 2008)~~

C. All charges for water, when the same become delinquent and unpaid, shall be a lien against the premises to which water has been furnished; provided, that, consistent with RCW 35.21.290, such lien shall not be for more than four months' charges due or to become due, nor for any charges which have been due for more than four months.

D. All charges for sewerage, when the same become delinquent and unpaid, shall be a lien against the premises to which the sewerage has been furnished and may be enforced pursuant to RCW 35.67.200, except that the service charge lien shall be effective for a total not to exceed one year's delinquent service charges, without the necessity of any writing or recording of the lien with the county auditor, as provided for in RCW 35.67.215.

E. Failure to enforce a lien by cutoff of service shall not be deemed to relieve the customer of the obligation to pay the amount billed and unpaid. The right to enforce such lien may be exerted whenever and as often as such default occurs, and neither delay nor omission on the part of the city to enforce the same shall be deemed as a waiver of its right to enforce the same at any time within the period provided by law and this article so long as a default continues.

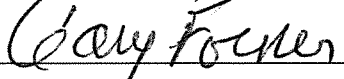
F. The remedies provided in this section are non-exclusive, and are without prejudice to the city's right to pursue collection of delinquent utility accounts in any lawful manner not expressly provided herein.

Section 2. Section 13.06.030 of the Ilwaco Municipal Code is amended to read as follows:


13.06.030 Owner's responsibility for bills

The All utility accounts shall be in the name of the property owner, and the owner will be responsible for all water, sewer and stormwater bills against his or her property ~~in the event a renter does not pay. All delinquent water/sewer/stormwater bills incurred by owner or the renter must be paid in full before a new renter will be allowed to take over the account.~~ Tenant's rights regarding utility services shall be in compliance with RCW 35.21.217. Owner requests to turn water off shall be billed an administrative fee. Requests to turn water off shall not be considered a request for disconnection of city utility services; therefore, monthly charges will continue to be billed. Tenant requests to turn water off will only be granted with permission of owner.

PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 11th DAY OF MARCH, 2019.



Gary Forner, Mayor

ATTEST:


Stephanie Davis, City Clerk

VOTE	Oakes	Bageant	Sprague	Lessnau	Mathison	Forner
Ayes		X	X	X	X	
Nays						
Abstentions						
Absent	X					

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EFFECTIVE: March 25, 2019