

ORDINANCE NO. 3629

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF CHAPTER 7.10 ECC ON WATER SERVICE, ECC 7.30.070 ON WATER, SEWER AND STORMWATER RATE REDUCTIONS FOR LOW INCOME CITIZENS, ECC 7.40.040 ON MONTHLY FIRE SERVICE CHARGES, REPEALING ECC 3.50.030 ON DELINQUENCY CHARGE, ADOPTING ECC 7.10.025 ON DELINQUENCY CHARGE, PROVIDING FOR SEVERABILITY, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, City of Edmonds provides water, sewer and stormwater utility service; and

WHEREAS, procedural requirements by City water, sewer and stormwater customers for supplemental services in connection with water, sewer and stormwater utilities need to be updated; and

WHEREAS, certain fees and charges related to supplemental services in connection with water, sewer and stormwater utilities need to be updated; and

WHEREAS, water and sewer customers whose services are scheduled to be shut off due to delinquency should be afforded an opportunity to show that the delinquent charges have been paid; and

WHEREAS, delinquency charges should apply equally to all water, sewer and stormwater accounts; **NOW, THEREFORE,**

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

Section 1. Edmonds City Code 3.050.030, Delinquency charge. is hereby repealed.

Section 2. Edmonds City Code 7.10.010, Application for water use. is hereby amended to read as follows:

7.10.010 Application for water use.

All applications for the use of water shall be made at the development services department by the owner, or by the owner's authorized agent, on printed forms furnished by said department for that purpose, and shall contain the name and description of the lot, block and addition. The applicant shall state the purposes for which the water is to be used and shall agree to conform to the ordinances, rules, and regulations, with modification which may be adopted, as a condition for use of water.

Section 3. Edmonds City Code 7.10.020, Accounts - Payments. is hereby amended to read as follows:

7.10.020 Accounts – Payments.

A. All accounts shall be kept in the name of the owner, and all charges shall be made against the property as well as the owner thereof. No change of ownership or occupancy shall affect the application of this section. All bills are payable within 25 days from the billing date. If water bills are not paid within a stated period, the water will be shut off. Water will be turned on after payment of the fees as set forth in ECC 7.10.070, in addition to the amount of delinquent charges.

B. At least 10 days before water is scheduled to be shut off, the Administrative Services Director, or a designated city official, shall notify the owner and the occupant of the property. The owner shall be notified by mail at the address on the account, and the occupant shall be notified by mail, door hanger or other form at the property. Mailed notices shall be deemed received 3 business days after mailing. All notices shall contain the following:

1. Reason for water shut off;

2. Delinquent amount that needs to be paid to avert interruption in water service;
3. Instructions on scheduling a hearing to show that the account is not delinquent; and
4. The day on or after which water will be shut off.

C. After notification, the owner and the occupant shall be afforded the opportunity to present to the Administrative Service Director, or a designated official, evidence that the delinquent charges have been paid. Such opportunity shall be afforded before the water is shut off, provided that the owner or the occupant make a request for the same to the Administrative Service Director, or a designated official, within 3 days of presumptive receipt of the notice. The burden shall be on the owner and or occupant to prove that the delinquent charges have been paid.

D. After reviewing the evidence by the owner and or occupant, the Administrative Service Director, or the designated official to whom the evidence was presented, shall decide whether or not the account remains delinquent. The owner and the occupant shall be notified of the decision, and this decision shall not be subject to further appeal. If the account is found to be delinquent and water has not been shut off, water will be shut off as previously scheduled or 3 days after final decision, whichever date is later. If the account is not found to be delinquent and water has been shut off, water will be turned on without being subject to turn on and turn off charges in ECC 7.10.070.

Section 4. A new section in Chapter 7.10 Edmonds City Code, ECC 7.10.025,

Delinquency charge., is hereby adopted to read as follows:

7.10.025 Delinquency charge.

A charge equal to 10 percent of the outstanding balance of the delinquent utility bill shall be added as a fee, except in cases of extraordinary hardship as determined by the administrative services director or his/her designee. The decision of the administrative services director can be appealed to the finance committee of the Edmonds city council. The account shall be considered delinquent 35 days after the sending of the regular billing. Such delinquency notice and billing will be provided 35 days following the mailing of a regular utility bill. This charge shall be applicable to all delinquent utility billing accounts. In order to be considered delinquent an account must total \$21.00 or more of delinquency, and no delinquency charge shall be levied

against any delinquent account under \$21.00. This delinquency charge shall be paid prior to the application of any payment against the fee or charge initially assessed and nothing herein shall be interpreted to limit the city's collection of its attorneys' fees and other reasonable costs and charges in the event it is forced to seek judicial remedy for collection.

Section 5. Edmonds City Code 7.10.030, Suspension of water use - Procedure. is

hereby amended to read as follows:

7.10.030 Suspension of water use – Procedure.

Should a customer desire to discontinue the use of water for a period of time, notice thereof must be given to the utility billing department. The water will then be shut off and turned on again upon notice to the utility billing department. The customer shall be required to pay charges as set forth in ECC 7.10.070.

Section 6. Edmonds City Code 7.10.070, Turn on and turn off charges. is hereby

amended to read as follows:

7.10.070 Turn on and turn off charges.

The charge for turning on or off the water other than at the main shall be \$20.00 if done during regular working hours. If the water is turned on or off at any time other than during regular working hours, the charge shall be \$75.00.

Section 7. Edmonds City Code 7.10.080, Request for inspection of meters. is

hereby amended to read as follows:

7.10.080 Request for inspection of meters.

The water division, upon the request of any water user, shall inspect the water meter on the user's premises. A deposit of \$20.00 shall be made with such request to cover the cost of such inspection. In the event such meter is found to be overregistering, such deposit shall be returned to the depositor; otherwise, said deposit shall be retained by the city.

Section 8. Edmonds City Code 7.10.110, Charge and bill adjustments. is hereby

amended to read as follows:

7.10.110 Charge and bill adjustments.

The administrative services director, or such authorized representative as he may designate, is authorized to make adjustments or corrections to billings for any charge for water service, including but not limited to connection charges, minimum monthly billings, meter charges, penalty and special charges, improperly charged rates, and, subject to the City Council's approval, the cancellation of uncollectible bills and accounts.

Section 9. Subsection C of Edmonds City Code 7.30.070, Water and sewer rate

reductions for low income citizens. is hereby amended to read as follows:

7.30.070 Water, sewer and stormwater rate reductions for low income citizens.

A. Definitions. For the purposes of implementing water, sewer and stormwater rate reductions under the provisions of this section, the following words or phrases shall have the following definitions:

1. "Low income citizen" shall mean a person who has established Edmonds as their residence and whose total disposable income including that of his or her spouse or cotenant does not exceed the amount specified in RCW 84.36.381(5)(b) as the same exists or is hereafter amended.

2. The definition of terms such as "residence", "total disposable income", "combined disposable income", and other such terms used in this section shall be given those meanings established by RCW 84.36.383 as the same exists or is hereafter amended. In the event that any provision of the Revised Code of Washington incorporated by reference or implication in this definitional section shall be amended, such amendment shall be deemed to be incorporated within or utilized in interpretation of this section.

B. Low income citizens shall be given reductions in the water, sewer and stormwater rates as those rates are established from time to time by the city council:

1. A rate reduction of 30 percent shall be afforded those low income citizens who meet the qualifying income and asset levels established by RCW 84.36.381(5)(b)(i) as the same exists or shall hereafter be amended.

2. A 50 percent rate reduction shall be afforded those low income citizens qualifying under the provisions of RCW 84.36.381(5)(b)(ii).

3. No rate reduction shall be afforded to any person shown as a dependent on the income tax return of any other individual, whether or not such person resides at the location for which the

rate reduction is sought, unless the total combined disposable income of the applicant, along with their spouse, cotenant and all family members shown on the income tax return in which the applicant is shown as a dependent, meets the standards established by this section.

C. The administrative services director is authorized to establish an application for low income citizens rate reduction applications. The application shall be provided without cost by the utility billing division of the city and shall include such information, as may reasonably be required by the administrative services director to verify eligibility.

Section 10. Subsection A of Edmonds City Code 7.40.040, Fire service monthly service charges. is hereby amended to read as follows:

7.40.040 Fire service monthly service charges.

A. The monthly rates for inspection and maintenance of detector check systems are fixed as follows:

Fire Service or Detector Meter Size	Bimonthly Service Charge
Up to 4"	\$12.34
6"	\$21.59
8"	\$30.81

Water used through the fire service line for fire suppression purposes and limited testing of the system will normally be furnished without any charge in addition to the bimonthly minimum charge set forth for fire service meter or detector check meter.

Section 11. 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 12. Effective Date. This ordinance, constituting administrative acts of the City Council, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	02/16/2007
PASSED BY THE CITY COUNCIL:	02/20/2007
PUBLISHED:	02/25/2007
EFFECTIVE DATE:	03/02/2007
ORDINANCE NO. <u>3629</u>	

SUMMARY OF ORDINANCE NO. 3629

of the City of Edmonds, Washington

On the 20th day of September, 2007, the City Council of the City of Edmonds, passed Ordinance No. 3629. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF CHAPTER 7.10 ECC ON WATER SERVICE, ECC 7.30.070 ON WATER, SEWER AND STORMWATER RATE REDUCTIONS FOR LOW INCOME CITIZENS, ECC 7.40.040 ON MONTHLY FIRE SERVICE CHARGES, REPEALING ECC 3.50.030 ON DELINQUENCY CHARGE, ADOPTING ECC 7.10.025 ON DELINQUENCY CHARGE, PROVIDING FOR SEVERABILITY, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 21st day of February, 2007.

CITY CLERK, SANDRA S. CHASE