

ORDINANCE NO. 2010-904

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING SECTION 13.04.270 OF THE DEER PARK MUNICIPAL CODE DELEGATING CERTAIN AUTHORITY TO THE MAYOR RELATED TO THE CITY WATER REGULATIONS, AND ADDING A NEW CHAPTER 13.16 TO THE DEER PARK MUNICIPAL CODE CONSOLIDATING THE BILLING AND COLLECTION OF WATER AND WASTEWATER UTILITIES OF THE CITY; CONTAINING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, Section 13.04.270 of the Deer Park Municipal Code retains to the City Council authority to decide matters not otherwise set forth in Chapter 13.04; and

WHEREAS, the City Council has determined that the Mayor should be delegated authority to decide matters not otherwise set forth in Chapter 13.04; and

WHEREAS, pursuant to RCW 35.92, et. seq., and Chapter 13.04 of the Deer Park Municipal Code, the City operates a water system utility in and throughout the City; and

WHEREAS, pursuant to RCW 35.67, et. seq., and Chapter 13.08 of the Deer Park Municipal Code, the City operates a wastewater utility in and throughout the City; and

WHEREAS, the City Council desires that billing and collection procedures for the water and wastewater utilities be consolidated to promote administrative efficiency; and

WHEREAS, the City Council now desires to amend Section 13.04.270 of the Deer Park Municipal Code to delegate certain decisionmaking authority to the Mayor, and add a new chapter to the Deer Park Municipal Code setting forth rules and regulations consolidating billing and collection of the water and wastewater utilities in the City, now, therefore,

THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Section 13.04.270 of the Deer Park Municipal Code is hereby amended to read as follows:

13.04.270 Mayor Authority.

The Mayor, or his or her designee, shall have authority to decide any matters which may arise and which are not provided for by any of the provisions of this chapter. In such a case, the Mayor, or his or her designees,' decision shall be final and binding.

Section 2. A new Chapter 13.16 of the Deer Park Municipal Code is hereby added to read as follows:

**Chapter 13.16
WATER AND WASTEWATER SYSTEM BILLING AND COLLECTION**

Sections:

- 13.16.010 Purpose.**
- 13.16.020 Billing for Water and Wastewater Service Rates and Charges--
Notice of Lien-- Application of Partial Payments.**
- 13.16.030 Alternate Remedies.**

13.16.010 Purpose.

The City has established a water utility code in Chapter 13.04 of the Deer Park Municipal Code, and a wastewater utility code at Chapter 13.08 of the Deer Park Municipal Code. The purpose of this Chapter is to adopt policies and procedures regarding the billing and collection of the water and wastewater utility service charges in the City.

**13.16.020 Billing for Water and Wastewater Service Rates and Charges--
Notice of Lien-- Application of Partial Payments.**

A. All rates, charges, and/or fees for water and wastewater utility services shall be separately established by the City Council from time to time by resolution. Charges for all water and wastewater utility services shall be consolidated on a single billing statement for each service customer.

B. All bills containing water and/or wastewater service charges shall be mailed on the last business day of the month for the month serviced. All billings for water and/or wastewater utility services shall be due and payable in full at the office of the City Clerk/Treasurer on the fifteenth day of the following month by 11:59 p.m. If not so paid (in full), any such account shall thereupon become delinquent.

C. If no timely payment (in full) of water and/or wastewater charges is made as set forth in this chapter and the customer's account thus becomes delinquent, the City Clerk/Treasurer or duly authorized representative, shall mail to the owner and/or occupant a notice in writing, postage prepaid, and mailed to the last known address of such owner that, if such delinquent water and/or wastewater charges are not paid by the date stated therein, which date must be within fifteen (15) days of mailing or service of the notice, water service to the premises may be terminated in accordance with RCW 35.21.300, as presently enacted or hereafter amended, and the City shall have a lien against the premises in accordance with RCW 35.21.290, as presently enacted or hereafter amended, and such a lien shall be superior to all other liens or encumbrances, except those for general taxes and special assessments. There will be fees established by resolution of the City Council from time to time to be charged for the expenses of turning the water off and on, recording liens, and personnel administrative time (including time spent issuing notices, traveling to and from a subject property, and preparing documents for filing). Any such water service shutoff shall remain disconnected until all fees of the City, plus penalties and interest, together with the water turn on fee, have been paid.

D. In lieu of any notice by mail, notice may be served personally upon the owner or occupant. Failure to receive mail properly addressed to such owner or occupant shall not be a valid defense for failure to pay such delinquent charges. Any change in ownership of property or change in mailing address must be properly filed in writing with the office of the City Clerk/Treasurer within fifteen days after such change of status.

E. Owners and occupants of leased premises served by the utilities furnished by the City are jointly and severally liable for payment of the cost of any utilities furnished by the City to such premises, whether such utility service is furnished upon the application and request of the owner or the lessee or other occupant of the premises. The owner of any leased premises, or the owner's agent if leasing through an agent, shall be notified of the delinquency of the occupant of the leased premises in the same manner as notice is provided to customers and at the same time of notice to the lessee-customer.

F. All partial payments shall be applied first to interest, penalties, and attorneys fees, next to capital type improvements, next to wastewater fees and charges owing, and next to water fees and charges owing.

13.16.030 Alternate Remedies.

The remedies set forth in Section 13.16.020(C) are not meant to be exclusive and the City may use any alternate method of collecting delinquent charges that is available under common law or state law.

Section 3. To the extent any existing Resolutions of the City reference matters addressed in this Ordinance (including rates) by reference to provisions of the Deer Park Municipal Code that existed as of the passage of this Ordinance, all such references shall be interpreted as references to the provisions of the Deer Park Municipal Code as amended pursuant to this Ordinance so as not to affect the validity of any such resolutions.

Section 4. 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, clause, or phrase of this Ordinance.

Section 5. This Ordinance shall take effect and be in full force five (5) days after this Ordinance or a summary thereof consisting of the title is published.

APPROVED:



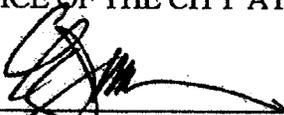
MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:



CITY CLERK, DEBY CRAGUN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



BY _____
CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK : 12/03/10
FIRST READING DATE : 12/15/10
SECOND READING DATE : 01/05/11
THIRD READING DATE : 01/19/11
PASSED BY THE CITY COUNCIL : 01/19/11
PUBLISHED : 01/21/11
EFFECTIVE DATE : 01/28/11
ORDINANCE NO. : 2010-904

SUMMARY OF ORDINANCE NO. 2010-904

of the City of Deer Park, Washington

On the 19th day of January, 2011, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2010-904. A summary of the content of said Ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING SECTION 13.04.270 OF THE DEER PARK MUNICIPAL CODE DELEGATING CERTAIN AUTHORITY TO THE MAYOR RELATED TO THE CITY WATER REGULATIONS AND ADDING A NEW CHAPTER 13.16 TO THE DEER PARK MUNICIPAL CODE CONSOLIDATING THE BILLING AND COLLECTION OF WATER AND WASTEWATER UTILITIES OF THE CITY CONTAINING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

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

DATED this 20th day of January, 2011.

Debra Cragun
DEBRA CRAGUN, CITY CLERK/TREASURER