

ORDINANCE NO. 2011-905

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, AMENDING SECTIONS 13.04.050 AND 13.04.200(C) OF THE DEER PARK MUNICIPAL CODE TO ESTABLISH AN ALTERNATIVE TEMPORARY WATER SHUT-OFF PROGRAM; AMENDING SECTION 13.04.085 OF THE DEER PARK MUNICIPAL CODE TO ALLOW FOR TEMPORARY WATER SERVICE CONNECTION FOR PURPOSES OF INSPECTION; REPEALING SECTIONS 13.04.135 AND 13.08.065 AND AMENDING SECTIONS 13.04.130 AND 13.08.070 OF THE DEER PARK MUNICIPAL CODE TO ESTABLISH CONSISTENCY WITH CHAPTER 13.16 WITH RESPECT TO WATER AND WASTEWATER SYSTEM BILLING AND COLLECTION PROCEDURES; CONTAINING A SEVERABILITY CLAUSE, AND SETTING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 13.04.200(C) of the Deer Park Municipal Code, the City currently charges what has been labeled an indebtedness fee to all owners of premises in the City capable of receiving water service when the water service to the premises is in shut off status; and

WHEREAS, the indebtedness fee was historically intended to cover the costs of operating the City's water and wastewater utility systems while the premises capable of being served by such systems were not in use; and

WHEREAS, due to the complications encountered by City staff in attempting to collect past due indebtedness fees from non-voluntary disconnected customers, the City has determined a fixed temporary water shut off fee should be charged to the owners desiring to voluntarily temporarily shut off their water service for a three to six month period, in lieu of the indebtedness fee; and

WHEREAS, demonstration of water service capability is an important factor during an inspection of premises for purposes of sale or lease, which demonstration has not been available if water service to the premises has been shut off due to nonpayment of water service fees; and

WHEREAS, Section 13.04.085 of the Deer Park Municipal Code allows for temporary water service to property under a variety of circumstances, but does not provide for temporary service for inspections of premises; and

WHEREAS, the City desires to amend Section 13.04.085 to allow for temporary water service connections for purposes of inspecting premises; and

WHEREAS, on January 19, 2011, the City Council passed Ordinance No. 2010-904, establishing a new Chapter 13.16 of the Deer Park Municipal Code relating to water and wastewater system billing and collection procedures; and

WHEREAS, as a result of the adoption of new Chapter 13.16 of the Deer Park Municipal Code, repeal of Sections 13.04.135 and 13.08.065 and amendment of Sections 13.04.130 and 13.08.070 of the Deer Park Municipal Code are necessary to eliminate redundant code provisions and create appropriate cross references within the water and wastewater chapters of the Code to the water and wastewater system billing and collection procedures set forth in Chapter 13.16 of the Code; now, therefore,

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

Section 1. Section 13.04.050 of the Deer Park Municipal Code is hereby amended to read as follows:

13.04.050 Voluntary water shut off.

Persons desiring that water be temporarily shut off must make such request in writing and it shall be signed by the owner of the property or his duly authorized agent at the office of the department. Said notice shall be given two working days before the date on which the owner/applicant desires the water to be turned off. The owner/applicant shall be held responsible for any and all water service bills or other charges accruing until the expiration of two working days after notice is given to the City, unless water service is actually shut off prior to that time. The water shall not be turned on again until all charges required by this chapter are paid in full.

Section 2. Subsection "C" of Section 13.04.200 of the Deer Park Municipal Code is

hereby amended to read as follows:

C. The City shall charge a fixed temporary shut off fee, established by resolution from time to time, for temporary shut off of water service to any premises at the request of the owner thereof, which shut off period may extend for a period of between three and six months. The temporary shut off fee is intended to cover wastewater and water utility charges incurred by the City during the period of non-use. The fixed temporary shut off fee does not include the administrative costs of shutting the water service off, turning the water service back on, or taxes, which shall be assessed in addition to the fixed fee to any owner requesting temporary shut off of water service. The fixed temporary shut off fee and all applicable taxes shall be paid in full at the time of request for the shut off together with the administrative fee for shutting off the water. All administrative fees and applicable taxes associated with turning the water back on shall be paid in full prior to turning water service back on to the premises.

Section 3. Section 13.04.085 of the Deer Park Municipal Code is hereby amended to

read as follows:

13.04.085 Temporary water service connections.

A. A single water service may be supplied to a lot, parcel, or premises on a temporary basis during:

1. The construction of a building on the lot or parcel;
2. During the construction of a standard main to serve the lot or parcel;
3. For an office facility for the development of a single or multiple amount of lots or parcels; or
4. An inspection of the lot, parcel, or premises.

B. With the exception of temporary service for inspections, an application for temporary service shall only be approved upon payment of all fees and assessments required by this chapter. For temporary service for inspections, applications for temporary service shall be approved upon payment of the designated 48 hour water turn on/off fee, which fee shall be established by resolution from time to time. Each application shall state fully the type and size of service desired, the circumstances which require service by temporary means, and the duration for which temporary service is necessary. The maximum length of time any temporary connection may continue until transferred into a permanent connection is 24 months from date of approval. A temporary service connection for purposes of inspection shall not extend more than forty eight (48) hours.

C. All connections made to the system shall be completed per standards as enforced by the city.

D. In addition to the connection charges as established by the chapter, all costs necessary to complete the initial tap to the main for the temporary service, and costs associated with the removal, shall be paid by the applicant.

E. Upon completion of any work for which the temporary service was necessary:

1. The owner of a single parcel being served shall immediately apply for permanent service to the premises and the temporary service shall be removed.

2. The owner or developer of a project may in writing, elect to transfer his original connection fees collected towards the costs incurred for a new application for service for the same parcel or location of the original service.

Section 4. Section 13.04.130 of the Deer Park Municipal Code is hereby amended to read as follows:

13.04.130 Account collections – service termination- liens.

Water utility billings, collections, service terminations, and liens shall be administered pursuant to the provisions set forth in Chapter 13.16 of the Deer Park Municipal Code, as the same exists now or may be hereafter amended.

Section 5. Section 13.04.135 of the Deer Park Municipal Code is hereby repealed.

Section 6. Section 13.08.065 of the Deer Park Municipal Code is hereby repealed

Section 7. Section 13.08.070 of the Deer Park Municipal Code is hereby amended to read as follows:

13.08.070 Account collections – service termination- liens.

Wastewater utility billings, collections, service terminations, and liens shall be administered pursuant to the provisions set forth in Chapter 13.16 of the Deer Park Municipal Code, as the same exists now or may be hereafter amended.

Section 8. **Severability.** If any section, sentence, clause, or phrase of this Ordinance shall 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 9. Effective Date. 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.

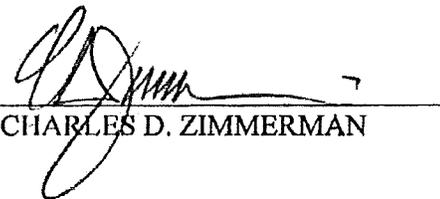
APPROVED:


MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:


DEBY CRAUN, CITY CLERK/TREASURER

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: 
CHARLES D. ZIMMERMAN

FILED WITH THE CITY CLERK :	<u>4/15/11</u>
PASSED BY THE CITY COUNCIL :	<u>5-18-11</u>
PUBLISHED :	<u>5-20-11</u>
EFFECTIVE DATE :	<u>5-27-11</u>
ORDINANCE NO. :	<u>2011-905</u>

SUMMARY OF ORDINANCE NO. 2011-905

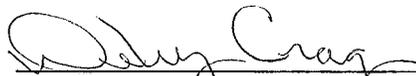
of the City of Deer Park, Washington

On the 18th day of May, 2011, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2011-905. 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 SECTIONS 13.04.050 AND 13.04.200(C) OF THE DEER PARK MUNICIPAL CODE TO ESTABLISH AN ALTERNATIVE TEMPORARY WATER SHUT-OFF PROGRAM; AMENDING SECTION 13.04.085 OF THE DEER PARK MUNICIPAL CODE TO ALLOW FOR TEMPORARY WATER SERVICE CONNECTION FOR PURPOSES OF INSPECTION; REPEALING SECTIONS 13.04.135 AND 13.08.065 AND AMENDING SECTIONS 13.04.130 AND 13.08.070 OF THE DEER PARK MUNICIPAL CODE TO ESTABLISH CONSISTENCY WITH CHAPTER 13.16 WITH RESPECT TO WATER AND WASTEWATER SYSTEM BILLING AND COLLECTION PROCEDURES; CONTAINING A SEVERABILITY CLAUSE, AND SETTING AN EFFECTIVE DATE.

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

DATED this 19 day of May, 2011.


CITY CLERK, DEBY CRAGUN