

**CITY OF NORTH BONNEVILLE
ORDINANCE NUMBER 1095**

**AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE, WASHINGTON, AMENDING
NORTH BONNEVILLE MUNICIPAL CODE CHAPTER 13.04 WATER SYSTEM.**

WHEREAS, the City of North Bonneville also finds it useful to evaluate its City water code from time to time to assure its policies and practices are not in conflict with the code, and;

WHEREAS, the City Council believes updating the code serves the public's best interests.

NOW, THEREFORE, The City Council of the City of North Bonneville do hereby ordain as follows:

Legend: New language added = underlined
 Old language deleted = ~~strikethrough~~

Section 1.

**Amending
CHAPTER 13.04 Water System as follows:**

13.04.050 Payment.

A. Obligation to pay. Each person shall pay the City Utility charges owed when due. The charges for utilities [sewer and water] shall accrue monthly and be billed bi-monthly. Utility bills shall be mailed to the property owner or account holder's most current address or known address the first part of January, March, May, July, September and November. 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 within 20 days after it has been sent and if not paid within that timeframe will be deemed to be delinquent on the 21st day 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 the 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 10 days after the notice of delinquency is sent in order to request an appeal hearing.

2. The Notice of Delinquency shall be mailed to the property owner's or account holder's most current address provided to the City in writing, allowing them an additional 10 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. A property owner in billing arrears whose service has not been shut off for non-payment shall provide a minimum 50 percent payment of their unpaid utility balance. 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 and must be paid off prior to the next billing.

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 day after the Notice of Delinquency has been sent in accordance with provisions of this chapter.

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 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 town 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 to 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.

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 3:00 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.

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.

13.04.060 Rate schedule.

All water services shall be metered.

A. The minimum monthly service charge for water for all customers shall be in accordance with the adopted utility rates, charges and fees schedule.

B. ~~Multifamily dwellings shall have each dwelling unit individually metered.~~ The minimum monthly service charge for water furnished to multifamily dwellings ~~not individually metered~~ shall be in accordance with the adopted utility rates, charges and fees schedule multiplied by the number of units serviced.

C. Meter Charge for Water Consumption.

The minimum service charge shall not include any water. All water shall be charged by way of a consumption fee in increments of 100 cubic feet charged in accordance with the adopted utility rates, charges and fees schedule.

D. Service for fire protection systems will be charged on a metered basis.

1. All fire protection systems (whether sprinkler or hydrant) shall be installed and billed as a separate service from any main water service.

2. All fire protection systems will be equipped with flow-detector check valves and backflow prevention valves at customer's expense.
3. Use of water through a fire protection system for uses other than fire protection is prohibited with the exceptions noted in subparagraph D 4 below. The City reserves the right to bring a civil action for damages against any person who uses water through a fire protection system for uses other than fire protection, according to RCW 80.28.240.
4. A City fire hydrant may be available for certain types of temporary usage through a permitting and metering process in accordance with the provisions of 13.04.290.

13.04.150 Water charges constitutes lien.

- A. The City Administrator may use such means of water charge collection as may be provided by the laws of the State of Washington or permitted by the City Charter and ordinances.
- B. The property owner shall be ultimately responsible for all water service charges associated with their property.
- C. Unpaid water charges may be levied against the property in the form of a lien filed with the County of Skamania for the amount that is delinquent plus a 10 percent penalty.
- D. In the event it becomes necessary to file a lien, all costs incurred by the City to file the lien shall be the responsibility of the property owner and these costs shall be included in the lien.

13.04.160 Accounting.

- A. The City Administrator is directed to collect the water service charges and connection fees as provided for herein.
- B. Water service fees shall be paid into a fund designated as "water fund." Meter and connection fees shall be paid into a fund designated as "water reserve fund."

13.04.200 Adjustments.

Installation and maintenance of water service lines from the City owned water meter to the building or premises of the private property is the property owner's responsibility, as well as the utility charges resulting from water loss due to leaks or breakage. If the property owner sustains a pipe leak they may seek onetime billing adjustment. The landowner must report the leak to the City within seven (7) days of its discovery and provide proof of its repair five days thereafter. After these conditions have been met the owner may apply for an adjustment of the excess water meter charges. All applications for adjustments will be submitted to and reviewed by the City Administrator. All leak adjustments will be approved by the City Council prior to crediting the account. The adjusted rate for the period in which the leak was detected, shall be equal to the metered water charges of the same period from the previous years as the month the leak was detected. ~~The landowner may also request an adjustment to its annual sewer average if the leak influences that process by more than 10 percent.~~

Adjustment relief shall not be provided for leaking toilets, plumbing fixtures or hoses, only service pipe leaks.

Section 2.

Severability.

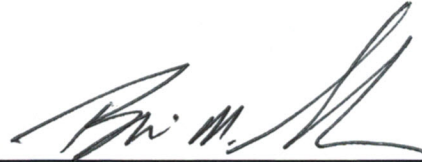
If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3.

Effective Date and Publication.

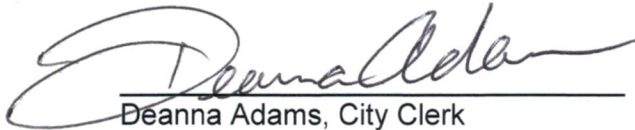
This Ordinance shall be effective five days after publication of the Ordinance, or a summary thereof consisting of its title, in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON MARCH 27, 2018.

A handwritten signature in black ink, appearing to read "Brian Sabo", written over a horizontal line.

Brian Sabo, Mayor

Attest:

A handwritten signature in black ink, appearing to read "Deanna Adams", written over a horizontal line.

Deanna Adams, City Clerk

Approved as to Form:

A handwritten signature in blue ink, appearing to read "Ken Woodrich", written over a horizontal line.

Ken Woodrich City Attorney