

**CITY OF NORTH BONNEVILLE
ORDINANCE NUMBER 1162**

**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:**

13.04.030 Application for Service.

A. Application for water service shall accompany a building permit application. The City shall not finalize a water service connection until all delinquent water service charges, penalties, connection charges, claims and other charges pending against the owner of premise have been paid in full, or other arrangements have been made as provided in this chapter.

B. A person, association, company partnership and/or corporation applying for water system connection shall pay a utility deposit with the City in accordance with the adopted utility rates, charges and fees schedule. This sum shall constitute a refundable deposit for security for any utility charges thereafter accruing. A property owner or account holder whose service predates passage of Ordinance 1036 shall be obligated to provide a deposit in the event their water service is turned off for non-payment. The deposit is refundable after two years ~~with~~ of the account being current and in good standing or occupancy is discontinued with all sewer and water service charges paid in full.

1. A property owner or account holder in good standing, whose bills have been paid by the due date consecutively for a 24-month period or longer, may apply for a utility deposit refund by requesting a form to be turned into the City. In the event service is turned off for non-payment in the future, the property owner or account holder will be obligated to provide a new utility deposit.

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 25 days after it has been sent and if not paid within that timeframe will be deemed to be delinquent on the 26th 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.

1. A customer in good standing, whose bills have been paid by the due date consecutively for a 12-month period or longer, may apply for a late fee adjustment by requesting a form to be turned into the City. If approved, a customer may be granted one late fee adjustment in a 12-month period.

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 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 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 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 /Returned Checks. If the City receives a non-sufficient funds or a returned check [NSF], the property owner/account holder shall be given a 3 Day notice to make account current before service is shut off. The property owner/account holder will be charged a handling fee along with any additional fees if the service is shut off 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 for non-payment twice in the past a 12 months month period, 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.

13.04.200 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. 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.~~
~~—Adjustment relief shall not be provided for leaking toilets, plumbing fixtures or hoses, only service pipe leaks.~~

A. The maintenance and repair of the water service pipe on the customer side of the water meter location is the responsibility of the owner of the premises being served. The maintenance and repair of the sanitary sewer service pipe from the connection to the city's sewer main to the premises is the responsibility of the owner of the premises being served. The owner shall keep said water and sewer service pipes in good working order.

B. In the case of a leak in the water service pipe, the owner may be entitled to an adjustment of their current water utility bill provided each of the following conditions are met:

1. Within seven days of the leak discovery by the owner or within seven days of the city notifying the owner of a probable leak, whichever occurs sooner, the owner shall have completed the repair of said leak. The owner shall submit to the city a Reduction Request form along with an invoice or other evidence to show that the leak was repaired within the aforementioned time frame. An adjustment in the water utility billing shall not be permitted if such excess water consumption is due to a customer's neglect or failure to timely repair the leak.
2. Said leak in the water service pipe was not caused by and/or the fault of the owner.
3. An adjustment for a water service leak shall only be allowed for the buried water service pipe from the water service setter to the premises. No adjustment shall be made for leaking plumbing fixtures, leaks or breaks associated with an irrigation system, or any other typically visible leaks.
4. Said property has not had a previous water bill adjustment due to a water service leak in the previous 24 months.
5. Customer's utility account is current with no past due amounts owed to the city.
6. Customers will be eligible for a water service leak adjustment if the total dollar amount of the adjustment is greater than \$50.00 but shall not exceed \$250.00. Adjustments less than \$50.00 will not be processed by the city. Adjustments for water service leaks are limited to no more than \$250.00.

C. If all the conditions of subsection B of this section are met, pending City Council approval, the water consumption portion of the utility bill in the month the leak is detected shall be adjusted to an amount that is one-half of the difference between the same time period of the previous year's consumption and the existing disputed bill's consumption. For customers who have been owners for less than one year, the adjustment will be by one of the following methods:

1. The water consumption portion of the utility bill in the month the leak is detected shall be adjusted to an amount that is one-half of the difference between the previous three-month average consumption immediately preceding the disputed bill and the existing disputed bill's consumption.

2. In the absence of three complete prior billing cycles, water consumption after the leak repair is complete can be used to estimate consumption during the leak period.

D. The city reserves the right to discontinue water service to any premises where the owner refuses to make necessary repairs to avoid the wasting of water. If after reasonable efforts to contact the owner about observable water being lost through leakage, the city at its option may terminate water service and shall leave a written notice as to its action and the reason therefor.

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 APRIL 23, 2024.



Brian Sabo, Mayor

Attest:



Deanna Syron, City Clerk

Approved as to Form:



Emily Guildner, City Attorney