

ORDINANCE NO. 2245

ORDINANCE REPEALING PREEXISTING VERSION OF SELAH MUNICIPAL CODE
SECTION 9.02.140 AND ENACTING A NEW VERSION THEREOF

WHEREAS, City staff has recommended that the currently-existing version of section 9.02.140, currently labeled "Water service charges", of the Selah Municipal Code (SMC) should be fully repealed and replaced by different to-be-enacted language, so as to implement a contest hearing prior to water being shut off due to delinquency, and also to implement additional substantive changes; and

WHEREAS, the City Council finds that good cause exists;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does hereby ordain as follows:

Section 1. Repeal of Preexisting Version of SMC Section 9.02.140. That the preexisting version of SMC section 9.02.140, which presently reads as follows:

9.02.140 Water service charges.

(a) All charges for water service shall be due to the city clerk-treasurer on or before the tenth day of the month succeeding the date the bill was rendered. Water bills shall be presented monthly for water services delivered in the metered month prior to the bill. Water service shall be suspended to any property for which the service charge remains unpaid by the tenth day of the next succeeding month. The clerk-treasurer shall notify the property owner or customer in the next succeeding month following the initial service charge billing of the fact that payment has not been received. In the event of failure to pay the one month delinquent payment appearing upon the bill notifying the property owner or consumer of the nonpayment the water service shall be discontinued.

(b) In the event of disconnection of water service for delinquencies, the property owner or occupant shall be charged ten dollars for the service of disconnecting the water service. The property owner or occupant shall be charged ten dollars for the service of reconnecting the water service. Service to any property disconnected for delinquencies shall not be reinstated until all delinquencies, disconnection charges, and reconnection charges have been paid to the clerk-treasurer.

; shall be and hereby is fully repealed.

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Section 2. Enactment of New Version of SMC Section 9.02.140. That a new version of SMC section 9.02.140, to read as follows:

9.02.140 Water monthly charges, delinquent fees, pre-shut off contest hearing, and shut offs due to delinquency.

(a) Interval of Regular Billing Invoices. Regular billing invoices will be sent by the city (or on the city's behalf) to domestic water customers on an approximate-but-not-strictly-monthly basis, because water meter readings are often performed or generated multiple days prior to or after the turn of a calendar month.

(b) Due Date of Regular Billing Invoices. The combined financial amount owed by a customer for the water monthly minimum charge (a/k/a water base fee or ready-to-serve amount) and, if any, for a monthly water consumption usage charge (a/k/a overage or water consumption) shall be due and payable to the city (or to the payment service then engaged by the city to act on its behalf) on or before 4:30 p.m., on the day that is the latter of (1) the twentieth calendar day after the date that a billing invoice therefor was sent by the city (or on the city's behalf) to the customer or (2) the date recited on the billing invoice under the "due date" column or as otherwise specified on the billing invoice.

(c) Delinquency Date and Fee. If full payment of an invoiced financial amount is not actually received by the city (or by the payment service then engaged by the city to act on its behalf) on or before 4:30 p.m., on the calendar day that is the fortieth calendar day after the date that the billing invoice therefor was sent, the utility account shall enter delinquent status. When a utility account enters delinquent status, a one-time delinquency fee of thirty dollars (\$30.00) shall be owed in addition to any then-unpaid portion of a previously-invoiced financial amount (and, also, in addition to any new combined financial amount(s) invoiced to the customer for any succeeding month(s)). The delinquency fee shall be included on all subsequent billing invoices and notices sent to the customer and, if different from the customer and when written request has been made, to the property owner, until such time as it is fully paid.

(d) Notice of Delinquency, of Potential Shut Off, and of Right to Pre-Shut Off Contest Hearing. When a utility account enters delinquent status, the city (or a service acting on the city's behalf) shall send a written notice of delinquency to the customer and, if different from the customer and when written request has been made, to the property owner, consistent with this subsection (d). The delinquency notice may be included on, within or together with a next forthcoming regular billing invoice, and, thus, it does not have to be separate document or mailing, and no specific title or format is necessary; provided however that the notice must specify (1) the date on which water service to the property will presumptively be shut off (a/k/a disconnected) due to delinquency, which date must be at least seven calendar days after the date that the delinquency notice was sent, (2) the cumulative amount and individual amounts of delinquent charges and items that must be fully

paid to avoid shut off of water service to the property, (3) that, consistent with RCW 35.21.302 or other applicable law, if water service becomes shut off to the property and a heat-related alert is then issued or announced by the national weather service for an area that includes the property in question, that a request may be communicated to the public works department to have the water turned back on, and (4) that the customer or, if different from the customer and when written request has been made, the property owner, may request, in writing, a pre-shut off contest hearing before the public works director or his/her delegatee, if any, in order to dispute the existence or amount of the delinquency.

(e) **Pre-Shut Off Contest Hearing.** A written request for a pre-shut off contest hearing must be actually received by the city prior to, and not on, the date specified in the delinquency notice as the date on which water service will presumptively be shut off due to delinquency; if it is received later, it shall be of no effect and the customer shall be deemed to have waived his/her/its right to a pre-shut off contest hearing. Upon timely receipt of a written request, the public works director or his/her delegatee, if any, shall notify the customer and, if different from the customer and when written request has been made, the property owner, in writing of the date, time and place of the pre-shut off contest hearing. The hearing shall be conducted briefly and informally, and may, at the city's option, be conducted via telephone or internet videoconference rather than in-person.

(f) **No Shut Off Pending Outcome of Hearing.** Pending the outcome of a pre-shut off contest hearing, water service to the subject property shall not be shut off due to delinquency.

(g) **Result of Hearing.** Following conclusion of a pre-shut off contest hearing, the public works director or his/her delegatee, if any, shall notify the customer and, if different from the customer and when written request has been made, the property owner, in writing as to whether the city has concluded that the delinquency in question does or does not validly exist. If the determination is that the delinquency does not validly exist, any improper water charges or items that were specified on the delinquency notice or any other notice or invoice shall be rescinded by the city and water service to the property shall not be shut off due to the supposed delinquency. If the determination is that the delinquency does validly exist, the public works director or his/her delegatee, if any, shall notify the customer and, if different from the customer and when written request has been made, the property owner, in writing as to (1) the cumulative amount and individual amounts of delinquent charges and items, (2) the date on which water service to the property will be shut off, and (3) that no further pre-shut off contest rights or options exist administratively (i.e., outside of the court system).

(h) **Shutting off of Water; Turning of Water Back on.** Water service to a property shall be promptly shut off when the utility account for that property is in delinquency status due to a cumulative amount owed exceeding one hundred dollars (>\$100.00) and the delinquency is not fully resolved by the presumptive shut off

date specified in the delinquency notice (without a pre-shut off contest hearing occurring) or is not fully resolved by the date specified on a post-hearing written notice from the public works director or his/her delegatee, if any (following a pre-shut off contest hearing having occurred). When water service to a property has been shut off due to an unresolved delinquency, it shall not be turned back on until the delinquency is fully resolved.

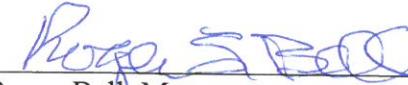
; shall be and hereby is enacted.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Corrections. The City Attorney and the codifiers of the SMC are authorized to make any necessary or desirable clerical or formatting changes – including but not limited to correcting scrivener errors; changing formatting; eliminating bold, italic and underscore emphasis; changing numbering; and correcting references – when publishing or republishing the official text of any section(s), Chapter(s), title(s) or other portion(s) of the SMC due to any amendment, addition, alteration, change, impact or enactment effectuated by this Ordinance.

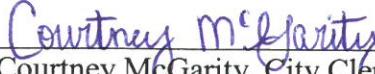
Section 5. Publishing & Effective Date. Consistent with RCW 35A.12.130 (3rd ¶) and .160 (1st and 2nd ¶¶), this Ordinance or a summary of it shall be published at least once in the City's official newspaper prior to the Ordinance taking effect.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH,
WASHINGTON this 11th day of February, 2025.



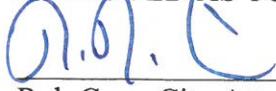
Roger Bell, Mayor

ATTEST:



Courtney McGarity, City Clerk

APPROVED AS TO FORM:



Rob Case, City Attorney