Ordinance No. 3181

(Amending or Repealing Ordinances)

CFN=104 – Finance
Passed - 8/2/1994
Amending KCC Ch. 7.01 – Notice of Delinquent Accounts & Other Amendments

Amended by Ord. 3864
ORDINANCE NO. 3181

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 7.01 relating to notice of delinquent accounts and other amendments.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Kent City Code Chapter 3.60 entitled "Application for, and Billing of, Utility Services" is hereby amended to read as follows:

CHAPTER 7.01. UTILITY SERVICE BILLING APPLICATION FOR, AND BILLING OF, UTILITIES SERVICES

Sec. 7.01.010. Administration of Utility billing.

The director of finance manager shall be responsible for billing for utilities services and the administration and enforcement of utility accounts.
Sec. 7.01.020. Utility service applications.

All applications for utility service on established accounts shall be made to the finance division of the operations department. The written application shall be made by the owner or authorized agent of the property where service is requested. For new utility service the application shall be made to the department of public works for approval and then to the finance division department to be processed in the normal manner. Whenever an application for utility service is made by an agent, the agent shall submit written authority from the owner authorizing such agent to receive the utility service requested. An acknowledgment that the owner is legally liable for all service shall be included in this written authority.

Sec. 7.01.030. Utility accounts.

All accounts for utility service shall be kept in the name of the owner. The owner may by written stipulation direct that the account shall be billed to a renter, tenant or lessee. No change of ownership or occupancy shall affect the application of this chapter.

Sec. 7.01.040. Payments received.

All money for the payment of utility bills shall be received by the finance manager director or authorized agent.
Sec. 7.01.050. Utility bills--Due date; collection.

A. All utility bills are due and payable in the office of the finance manager director within fifteen (15) days after the billing date appearing on the bill. Bills not paid within twenty-one (21) days of the billing date shall be considered delinquent. If the twenty-first day falls on a legal holiday, Saturday or Sunday, the first business day thereafter shall be considered the twenty-first day. When an account is delinquent in payment, the City will provide written notice of said delinquency to the occupant by mail, door hanger or other form. When the city posts a door hanger notice regarding a delinquent utility account which the notice shall advises the occupant of shut off of utility service, and the assessment of a late payment or related fees added to such delinquent utility account, which A schedule of such fees is on file in the city clerk's office shall be added to such utility account.

B. When a charge for water service is delinquent, the service shall be subject to shutoff upon notice to the customer. Regulations governing issuance of notice, consistent with this chapter, shall be promulgated by the finance manager director. The service shall not be restored until full payment of the delinquent account is received, together with a water turnoff/on charge of which is on file in the city clerk's office.

C. Whenever a water service is in the name of a renter, tenant or lessee, and is subject to turnoff for
delinquency, the finance division department will send a
duplicate notice of delinquency to the owner of record shown on
the application for service.

D. Delinquent bills.

1. System of sewerage. Pursuant to RCW 35.67.331 and section 7.06.010 of this Code, the combined
sanitary sewage collection and disposal system (sewage) and the
storm and surface water utility (drainage), are all combined as
the system of sewerage. Delinquent and unpaid rates and charges
for sewage and drainage service shall be subject to RCW ch. 35.67
and shall be deemed delinquent and unpaid rates and charges for
sewer service subject to subsection 2. below.

2. Delinquent sewer service rates and charges; interest; water service cut off.

a. When a charge for sewerage service is
delinquent, the city shall have a lien for delinquent and unpaid
charges, plus penalties, which lien shall be effected in
accordance with RCW 35.67.210. Liens for sewerage service shall
be effective for a period not to exceed six (6) months of
delinquent charges without the necessity of any writing or
recording. In order to make such a lien effective for more than
six (6) months, the finance manager director shall file for
recording in the office of the King County auditor a notice
setting forth the amount of the delinquency, the name of the
owner or reputed owner who owes the bill and the description of
the lot, tract or parcel to which such lien shall attach. This lien may be foreclosed in action in superior court pursuant to RCW 35.67.220 et seq.

b. Interest shall be added to any delinquent and unpaid charge for sewer service in the maximum amount allowed by RCW 35.67.200.

Sec. 7.01.060. Same--Alternate collection procedure.

As an additional method of collecting the delinquent charges and concurrent method of enforcing the lien authorized by RCW 35.67.200 et seq. and section 7.01.050 of this Code the city may cut off water service from the premises to which such sewerage service was furnished after the charges become delinquent and unpaid, until the charges and delinquent account are paid. The right to enforce the lien by cutting off and refusing water service shall not be exercised after two (2) years from the date of the recording of sewerage lien notice except to enforce payment of six (6) months of charges for which no lien notice is required to be recorded.

Sec. 7.01.070. Additional remedy.

The remedies set forth in sections 7.01.050 and 7.01.060 are not meant to be exclusive and that the city may use any alternate method of collecting delinquent charges that is available under common law or the laws of the state.
SECTION 2. Severability. 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, sentence, clause or phrase of this ordinance.

SECTION 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENTA JACOBER, CITY CLERK
APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED ___ day of ___ August, 1994.

APPROVED ___ day of ___ August, 1994.

PUBLISHED ___ day of ___ August, 1994.

I hereby certify that this is a true copy of Ordinance No. 3181, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK