Ordinance No. 3658
(Amending or Repealing Ordinances)

CFN=104 – Finance
Passed – 9/2/2003
KCC Ch. 3.10 Delinquent Accounts

Amends Ords. 1678;2423;3035

Amended by Ord. 4001 (KCC 5.01)
ORDINANCE NO. 3658

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 3.10 of the Kent City Code relating to delinquent accounts, clarifying assessment and collection of penalties and interest, and aligning other related sections regarding collection of unpaid charges for consistency.

WHEREAS, Ch. 3.10 of the Kent City Code ("KCC") establishes interest charges for certain types of delinquent accounts; and

WHEREAS, Ch. 3.10 KCC does not accurately reflect delinquent account policies established elsewhere in the code; and

WHEREAS, this ordinance amends Ch. 3.10 KCC in order to clarify the amount of interest or service charges assessed for invoices billed for services or other amounts due to the City that are not otherwise established elsewhere in the code; and

WHEREAS, this ordinance also makes other housekeeping amendments to related sections in the code regarding collection of unpaid charges in order to make those revised sections consistent with the other code collection provisions; NOW THEREFORE,

Kent City Code Ch. 3.10 – Delinquent Accounts
THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON,
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. - Amendment. Chapter 3.10 of the Kent City Code is
amended as follows:

CHAPTER 3.10 DELINQUENT ACCOUNTS

Sec. 3.10.010. Definitions. Delinquency defined. The following words, terms,
and phrases, when used in this chapter, shall have meanings ascribed to them in this
section, except where the context clearly indicates a different meaning.

Delinquent shall mean any account shall be deemed to be delinquent if not
paid within thirty (30) days from the date shown on the invoice as of billing by the
"invoice date." City.

Donor shall mean any person, firm, corporation, agency or state or local
government unit that promises or pledges to contribute or that donates money or other
assets to the City without expectation of repayment by the City through monies,
products, or services from the City.

Grantor Agencies shall mean any local government, state agency, or firm that
provides federal, state, or county financial assistance in the form of grants or other
entitlements.

Sec. 3.10.020 Service charge on delinquent accounts. There is hereby
imposed upon all delinquent accounts receivable, not otherwise exempt under the
terms of this chapter. If any person, firm, or corporation fails or neglects to pay any
City invoice within thirty (30) days from the date shown on the invoice as the "invoice
date," a monthly service charge of one (1) percent of the amount of the unpaid balance
on the outstanding account or two dollars fifty cents ($2.50), whichever is the
greater amount, will be imposed one month from the date payment was due, and at the
end of each succeeding monthly period, until all past due amounts are paid in full.
Any invoice or service charge due under this chapter and unpaid shall constitute a debt to the City. The City may, pursuant to Ch. 19.16 RCW, use a collection agency to collect outstanding debts, or it may seek collection by court proceedings, which remedies shall be in addition to all other remedies.

Sec. 3.10.030 Exemption. Bills for the furnishing of utilities services shall be collected pursuant to KCC Title 7, Utilities.

A. Donors and grantor agencies Donors or grantor agencies shall be exempt from the delinquency and collection provisions of this chapter.

B. Code enforcement. Code enforcement fines and penalties that have been assessed in accordance with Ch. 1.04 KCC shall be exempt from the delinquency and collection provisions of this chapter and shall be subject to the delinquency and collection provisions of Ch. 1.04 KCC.

C. Public records. Duplication fees owed for public records produced in accordance with Ch. 1.05 KCC shall be exempt from the delinquency and collection provisions of this chapter and shall be subject to the delinquency and collection provisions of Ch. 1.05 KCC.

D. Utility taxes. Utility taxes imposed by the City upon all persons engaged in certain utility business activities defined in Ch. 3.18 KCC shall be exempt from the delinquency and collection provisions of this chapter and shall be subject to the delinquency and collection provisions of Ch. 3.18 KCC.

E. Gambling taxes. Gambling taxes shall be exempt from the delinquency and collection provisions of this chapter and shall be subject to the delinquency and collection provisions of Ch. 3.21 KCC.
F. **Local improvement districts.** Bills for local improvement districts (LIDs) shall be exempt from the delinquency and collection provisions of this chapter and shall be subject to the delinquency and collection provisions of Ch. 3.22 KCC and Ch. 6.04 KCC.

G. **Business licenses and regulations.** Business license and other license penalties assessed in accordance with Title 5 KCC shall be exempt from the delinquency and collection provisions of this chapter and shall be subject to the delinquency and collection provisions of Title 5 KCC.

H. **City utility services.** Invoices for the furnishing of City utility services shall be exempt from the delinquency and collection provisions of this chapter and shall be subject to the delinquency and collection provisions of Ch. 7.01 KCC.

I. **Maintenance of landscaping.** Invoices for maintenance of landscaping required by Ch. 15.07 KCC shall be exempt from the delinquency and collection provisions of this chapter and shall be subject to the delinquency and collection provisions of Ch. 15.07 KCC.

J. **Contracts.** If a written contract states different payment terms, the delinquency and collection provisions of the contract shall apply.

SECTION 3. – **Amendment.** Section 5.01.180 of the Kent City Code, entitled “Monetary Penalties,” as they pertain to business licenses is amended as follows:

Sec. 5.01.180. **Penalties.**

A. **Monetary penalties**

1. Penalty for operation of a business enterprise without a license shall be assessed by the director in an amount not to exceed five hundred dollars ($500). This
penalty shall not apply to business enterprises failing to pay the license renewal fee as set forth in subsection (A)(2) below.

2. Failure to pay the license fee within ninety (90) days after the date of expiration, pursuant to KCC 5.01.110, shall subject the licensee to a monetary penalty in the amount of fifty dollars ($50) to reinstate the license, in addition to the required license fee.

B. Collection. Any license fee or tax due and unpaid and delinquent under this chapter, shall constitute a debt of the City. The City may, pursuant to Ch. 19.16 RCW, use a collection agency to collect unpaid fees or taxes owed or assessed, or it may seek and all penalties thereon may be collected by court proceedingcivil action, which remedies shall be in addition to any-and-all other existing remedies and penalties.

C. Criminal penalties. Any business licensee who violates or fails to comply with any of the provisions of this chapter or other lawful rule or ordinance adopted by the City pursuant thereto, shall upon conviction be punished as described in the general criminal penalty provisions of KCC 1.01.140.

SECTION 4. - Amendment. Section 15.07.070 of the Kent City Code, entitled “Maintenance of landscaping,” as it pertains to zoning is amended as follows:

Sec. 15.07.070. Maintenance of landscaping.
A. Required. Whenever landscaping is or has been required in accordance with the provisions of this title or any addition or amendments to this title, or in accordance with the provisions of any previous code or ordinance of the City, the landscaping shall be permanently maintained in such a manner as to accomplish the purpose for which it was initially required.

B. Notice of violation. The planning managerdirector or his or her designee designated representative is hereby authorized and empowered to notify the owner of any property required to be landscaped, or the agent, tenant, lessee, or assignee of any.
such owner, that the landscaping is not being adequately maintained and the specific nature of such failure to maintain. The notice shall specify the date by which the maintenance must be accomplished, and shall be sent by certified mail, addressed to the owner at his last known address.

C.  *Action upon noncompliance.*

1.  Upon the failure, neglect, or refusal of any owner or agent so notified to perform the required maintenance within the time specified in the written notice, or within fifteen (15) days after the date of such notice if the notice is returned to the City by the post office department because of inability to make delivery thereof, provided the notice was properly addressed to the last known address of the owner or agent, the planning manager or his or her designee designated representative is hereby authorized and empowered to cause the required maintenance to be done and provide for payment of the cost thereof, with the cost to be collected or taxed against the property affected as provided in this section.

2.  Nothing in this section shall prevent the planning manager or his or her designee designated representative from taking action as provided in KCC 15.09.090.

D.  *Charge for maintenance by City to be included in tax bill.* When the City has performed landscape maintenance or has paid for such maintenance, the actual cost thereof, plus accrued interest at the rate of eight (8) percent per annum from the date of the completion of work, if not paid by such owner prior thereto, may be charged to the owner of such property on the next regular tax bill forwarded to such owner by the City, and if so charged shall be due and payable by the owner at the time of payment of such bill.

E.  *Lien for payment of charges.* If the full amount due the City is not paid by such owner within thirty (30) days after performance of the maintenance as provided for in
subsection (C) of this section, then, in that case, the planning manager or her designee may cause to be recorded in the office of the supervisor of treasury accounting a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the legal description of the property on which the work was done. The recording of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus court costs if any, until final payment has been made. The costs and expenses shall be collected in the manner fixed by law for the collection of taxes and further shall be subject to a delinquent penalty of eight percent per annum if the costs and expenses are not paid in full on or before the date the tax bill upon which the charge appears become delinquent. Sworn statements recorded in accordance with the provisions of this subsection shall be prima facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement plus interest constitutes a charge against the property designated or described in the statement and that the charge is due and collectible as provided by law.

F. Alternative methods of collection of charges. In addition to or in lieu of the provisions of subsections (D) and (E) of this section, the City may, at its option and pursuant to Ch. 19.16 RCW, use a collection agency to collect unpaid charges, interest, and penalties owed or assessed pursuant to this chapter, or the City may seek collection by commence a civil action in any-court proceedings, which remedies shall be in addition to all other remedies of competent jurisdiction to collect for any charges incurred by the city for performance of maintenance as provided in subsection (C) of this section.

SECTION 5. - Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision
shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 6. – Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: _2_ day of September, 2003.

APPROVED: _2_ day of September, 2003.

PUBLISHED: _6_ day of September, 2003.

I hereby certify that this is a true copy of Ordinance No. 3658 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

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