

## ORDINANCE 1515

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S WATER SYSTEM BILLING, DELINQUENCIES, AND LIENS; AMENDING SECTION 13.04.050(B) OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

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**WHEREAS,** more frequent periods of extreme heat affect a majority of residents and disproportionately harm the medically vulnerable and this extreme heat is becoming more common and deadly; and

**WHEREAS,** it is important for the city to protect the health and safety of its residents and the City recognizes that domestic water is critical for keeping people healthy and in their homes; and

**WHEREAS,** earlier in 2023 the Washington State Legislature passed ESHB 1329 that prevents utility providers from shutting off residential customers during periods of extreme heat, which becomes effective on July 23, 2023; and

**WHEREAS,** ESHB 1329 is not consistent with Section 13.04.050(B) of the Gig Harbor Municipal Code (GHMC); and

**WHEREAS,** Staff recommends an amendment to GHMC 13.04.050(B) to collect on water utility delinquencies within the city's standard practice, unless otherwise required by state law.

**NOW THEREFORE,** The City Council of the City of Gig Harbor, Washington, do ordain as follows:

**Section 1.** Section 13.04.050(B) and (C) of the Gig Harbor Municipal Code is hereby amended to read as follows:

B. Water service charges shall be deemed delinquent if not paid within 30 days following the billing date. Interest at the rate of eight percent per annum shall be charged on all delinquent service charges. In the event any billing for water service or other service charge has not been paid within 60 days of billing, the city utility department shall mail a first delinquency/shut-off notice to the property owner and occupant if the record owner does not reside at the premises. The delinquency/shut-off notice shall provide the following: (1) payment for service is overdue and the total amount due and a statutory lien will be imposed; (2) service will be suspended unless payment in full is made to the city within 10 days; (3) address and telephone number of the utility department, stating that the

owner or occupant may contact the department if a dispute exists as to liability for the billing or the validity of lien; and (4) the city will charge a turn-on fee before service is resumed. The customer shall be charged \$10.00 for this first notice. If the customer has not settled the account within the time provided in the notice, a second notice which indicates service shall be discontinued by the city the next day shall be posted by the city utility department at a reasonably visible location at the property site. The customer shall be charged \$15.00 for this second notice. If the property owner has not settled the account within the time provided under the second notice, the city utility department shall shut off service. The city shall follow the notice procedures and shut-off procedures as outlined in this section unless otherwise required by law.

C. The city, as provided by law, shall have a lien against the premises to which water service was furnished and may enforce such lien by shutting off service until all charges and interest thereon then due are paid. Additionally, the city shall have the option to enforce the delinquent utility charges pursuant to other methods allowable by law. If the water service is shut off, it may be turned on again by the city after full payment is made for all charges to date, plus notice charges, interest and turn-on charge or such other procedures dictated by law.

**Section 2. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be 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. Correction of Errors.** The city clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

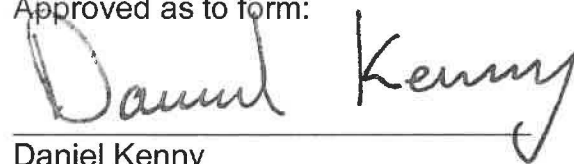
**Section 4. Effective Date.** This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

**ADOPTED** by the Council of the City of Gig Harbor at a regular meeting thereof, held this 10<sup>th</sup> day of July, 2023.




Tracie Markley  
Mayor

Approved as to form:



Daniel Kenny  
City Attorney

Attest:



Joshua Stecker, CMC  
City Clerk