

ORDINANCE NO. 010/2009

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING MONROE MUNICIPAL CODE (MMC) SECTION 13.04.360 IN ORDER TO ESTABLISH NOTICE REQUIREMENTS PRIOR TO TERMINATION OF UTILITY SERVICE.

WHEREAS, the City of Monroe provides stormwater, sewer, and water utility services; and

WHEREAS, the United States Supreme Court held in *Memphis Light, Gas, and Water Division v. Craft*, 436 U.S. 1 (1978), that due process considerations require that certain minimum notice procedures be followed before termination of utility service; and

WHEREAS, utility customers whose services are scheduled to be terminated due to delinquency must receive written notice prior to the termination of utility service; and

WHEREAS, the written notice given prior to the termination of utility service must inform the customer of available opportunities to present his or her objections to the bill and identify contact information for a person or department that will handle the complaint; and

WHEREAS, the informal hearing must be available in advance of the termination date established in the written notice; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. MMC 13.04.360 is hereby amended to provide as follows:

All water bills unpaid by the thirtieth day of each month shall be deemed delinquent and service may be shut off and remain shut off until all arrearages shall have been paid together with a shutoff fee and further fee for turning on the same, as established by the city council by periodic resolution. All delinquent accounts shall be charged a penalty per unit per month on the unpaid delinquent amount, such penalty to be as established by the city council by periodic resolution.

At least 10 days before water service is scheduled to be terminated, the Finance Director or designated city official shall notify in writing the owner and the occupant of the property. The owner shall be notified by mail at the address on the account, and the occupant shall be notified by mail, door hanger, or other form at the serviced property. Mailed notices shall be deemed received 3 business days after mailing. All notices shall contain the following: (1) reason for water termination; (2) delinquent amount that must be paid to avoid interruption of service; (3) instructions on scheduling an informal hearing to demonstrate that the account is not delinquent; and (4) day on or after which water service will be terminated.

After notification, the owner and the occupant shall be afforded the opportunity to present to the Finance Director or designated city official empowered to resolve billing disputes, evidence that the delinquent charges have been paid. Such opportunity shall be afforded before water service is terminated, provided that the owner or occupant requests an informal hearing within 3 days of presumptive receipt of the notice. Failure to receive mail will not be recognized as a valid excuse for failure to pay rates when due. Changes in ownership of property and change in mailing addresses must be provided in writing to City of Monroe Utility Department staff. The owner or occupant has the burden to prove that the delinquent charges have been paid. After reviewing the evidence presented by the owner or occupant, the Finance Director or designated city official shall decide whether or not the account remains delinquent. The owner or occupant shall be notified of the decision. This decision is not subject to appeal. If the account is found to be delinquent, water service will be terminated as previously scheduled or three days after the final decision, whichever is later.

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 be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 7th day of July, 2009.

1st Reading: 7/07/09
Published: 7/14/09
Effective: 7/19/09

CITY OF MONROE, WASHINGTON:



Donnetta Walser, Mayor

ATTEST/AUTHENTICATED:



Eadye Martinson, Deputy City Clerk

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney