CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 04-19

AN ORDINANCE OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, AMENDING TITLE 8 AND TITLE 14 OF THE BUCKLEY MUNICIPAL CODE RELATED TO THE "PAYMENT OF FEES" FOR CITY UTILITY SERVICES ADDING LANGUAGE GOVERNING FEE WAIVERS.

WHEREAS, since the recent Federal Government shutdown the City has received requests from furloughed Federal workers asking that penalties and interest be waived on their utility accounts since they are not currently receiving pay checks; and

WHEREAS, this subject has been presented to the City Council who unanimously indicated that they desired to support the furloughed workers since this was a hardship that was beyond their control; and

WHEREAS, the City also recently received guidance from MRSC whose position is that a utility can waive late charges and penalties, but only when done pursuant to an ordinance or written policy that clearly describes the circumstances under which the waiver will be granted. Having a policy in place helps the jurisdiction avoid any accusations that it is making a gift of public funds or that its decision-making is arbitrary; and

WHEREAS, based on this opinion the City Council desires to add policies to the municipal cods payment of fees sections that allows the City Administrator to consider the waiver of fees for excusable neglect or extreme hardship;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 8.12.070 of the Buckley Municipal Code entitled "Payment of fees" is hereby amended to read as follows:

The charges of refuse collection and disposal shall be compulsory.

(1) All charges and/or fees for refuse collection and disposal are due and payable at the office of the city administrator by the fifteenth of every month (due date). If payment is not received within five days of the due date, the account shall become delinquent. On or about the first of every month a notice shall be sent to the customer noting the balance due, including any penalties and interest. After the city sends a notice of delinquency on the account, the customer must pay any delinquent

amounts within 15 days or unpaid amounts shall become a lien against the property as authorized under RCW 35.21.130. Any account that has been deemed delinquent shall be assessed a late penalty of five percent of the delinquent amount.

(2) The city administrator is authorized to waive all or any portion of the penalties and interest if the administrator determines that late payment was the result of excusable neglect or extreme hardship.

Section 2. Chapter 14.04.050 of the Buckley Municipal Code entitled "Payment of fees" is hereby amended to read as follows:

(1) All charges and/or fees for water service are due and payable at the office of the city administrator by the fifteenth of every month (due date). If payment is not received within five days of the due date, the account shall become delinquent. On or about the first of every month a notice shall be sent to the customer noting the balance due, including any penalties and interest. After the city sends a notice of delinquency on the account, the customer must pay any delinquent amounts within 15 days or services may be disconnected. Any water service account that has been deemed delinquent shall be assessed a late penalty of five percent of the delinquent amount. The utility billing clerk shall, not later than the fifteenth day of each following month, furnish to the public works director a list of all meters in which water service accounts are delinquent. After water service accounts become delinquent, the public works director shall cause to be shut off the service to the premises affected by such delinquency, and the water service shall not be turned on again until all, or if less, at least four months of delinquent charges, interest and fees, including a fee established by resolution of the city council for the cost of issuing the shut-off notice and dispatching the city crew, is paid in full to the city administrator's office.

(2) The city administrator is authorized to waive all or any portion of the penalties and interest if the administrator determines that late payment was the result of excusable neglect or extreme hardship.

Section 3. Chapter 14.08.040 of the Buckley Municipal Code entitled "Payment of fees" is hereby amended to read as follows:

(1) All charges and/or fees for sanitary sewage disposal services are due and payable at the office of the city administrator by the fifteenth of every month (due date). If payment is not received within five days of the due date, the account shall become delinquent. On or about the first of every month a notice shall be sent to the customer noting the balance due, including any penalties and interest. After the city sends a notice of delinquency on the account, the customer must pay any delinquent amounts within 15 days or service may be disconnected. Any sanitary sewage disposal service account that has been deemed delinquent shall be assessed a late penalty of five percent of the delinquent amount. The utility billing clerk shall, not later than the fifteenth day of each following month, furnish to the public works director a list of all sanitary sewage disposal service accounts that are delinquent. After sanitary sewage disposal service accounts become delinquent, the public works director shall cause to be shut off water service to the premises affected by such delinquency and the water service shall not be turned on again until all, or if less, at least 12 months of delinquent charges and fees, including a fee established by resolution of the city council for the cost of issuing the shut-off notice and dispatching the city crew, shall be paid in full to the city administrator's office.

(2) The city administrator is authorized to waive all or any portion of the penalties and interest if the

administrator determines that late payment was the result of excusable neglect or extreme hardship.

Section 4. Chapter 14.28.155 of the Buckley Municipal Code entitled "Payment of fees" is hereby amended to read as follows:

(1) All surface water management utility service charges are due and payable at the office of the city administrator by the fifteenth of every month (due date). If payment is not received within five days of the due date, the account shall become delinquent. On or about the first of every month a notice shall be sent to the customer noting the balance due, including any penalties and interest. After the city sends a notice of delinquency on the account, the customer must pay any delinquent amounts within 15 days. Any surface water management utility service account that has been deemed delinquent shall be assessed a late penalty of five percent of the delinquent amount.

(2) The city administrator is authorized to waive all or any portion of the penalties and interest if the administrator determines that late payment was the result of excusable neglect or extreme hardship.

Section 5. 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 6. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

Passed by the City Council on the 12th day of February 2019.

Pat Johnson
Mayor Pat Johnson

Attest:
Treva Percival
Treva Percival, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts
Phil Olbrechts, City Attorney

PUBLISHED: February 20, 2019

EFFECTIVE: February 25, 2019