

PATEROS MUNICIPAL CODE FOR WATER SERVICE

13.04.460 Payment, responsibility and due date.

A. Bills for water service shall be made each month for the month's service included in the last meter reading. Water bills are due fifteen (15) days after issuance for nondelinquent accounts.

B. All water user charges contained in utility billings from the city shall be the responsibility of the property owner for the purposes of liens which may be assessed by the city as provided by law. However, duplicate utility billings may be sent to tenants or residents of commercial or residential property under the following conditions, but not to relieve the property owner from liability for charges incurred:

1. Upon the request of the owner or tenant of the real property, billing may be sent to the tenant or to the agent of the owner; provided, that a current address of the owner of the real property is maintained with the city, which is the responsibility of the owner, and any changes in the residents or tenants of the property are made known to the city by the owner.
2. Such billing, when sent to the tenant or agent, will become the responsibility of the tenant or agent, as well as the property owner, and each can be held jointly and severally liable for such billing.
3. The owner and tenant, or agent, shall sign an application form giving their consents for the utility service to be billed as provided in this section, and giving the address of each. Copies of such forms shall be provided to both the owner of the real property and the tenant or the resident of the real property, and such form shall also contain notification of the right of hearing on termination of utilities.

13.04.470 Delinquency and service termination.

In the event that service charges shall remain unpaid after the twenty-seventh day of the succeeding month that such charges were incurred, a termination notice shall be given informing all of those affected by the shutoff that termination of service shall occur no sooner than ten (10) days from the date of mailing of the notice of termination of service. Water service may be terminated when any portion of the service charge is unpaid and delinquent. A shutoff charge shall be added to any account shut off due to such delinquency.

A notice of hearing shall be included in any termination notice as required by Section 13.04.480. In those cases where billing is sent to a tenant, and not a property owner, the termination notice shall be sent to the property owner as well as the tenant. If a hearing is requested within five business days of mailing the notice, a hearing shall be arranged in accordance with Section 13.04.490. Service shall not be terminated until after the date of any hearing.

Accounts with a balance of over fifteen (15) days shall be charged a delinquent fee as specified in the city's adopted fee schedule. In bona fide hardship cases, this fee may be waived by the city council upon written request made. (Ord. 710)

13.04.480 Termination notice—Form and service.

A. Prior to termination of a customer's water utility service for nonpayment, notice shall be given to the customer substantially in the following format:

NOTICE

Your city water service will be terminated unless all amounts not disputed are paid.

If you dispute any amounts due, you may request an informal hearing with the Mayor and City Clerk/Treasurer by visiting, phoning or writing: City of Pateros, PO Box 8, Pateros, WA 98846, phone number 923-2571. This office is open every business day from 8:00 a.m. to 5:00 p.m.

To avoid service termination, your request for a hearing must be received by the City within five (5) business days of this notice. Further, you may be eligible to enter into an agreed program to pay off any amount that is delinquent by phoning or writing the above-stated telephone number or address.

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B. This notice may be mailed or personally delivered at the service address as shown in the files of the utility department. The notice shall be given no less than ten (10) days prior to termination of water services.

C. Where the utilities department has reason to believe that a termination of water service will affect more than one dwelling unit at a given service address, a reasonable effort to give notice to each dwelling unit served shall also be made. Such efforts may include the above methods and/or posting written notice conspicuously at one or more places on the premises.

D. Nothing herein shall require such notice to be given in cases of consent, vacant premises, emergency, or as may be required for repairs at the direction of the director.

13.04.490 Hearing.

A. Upon receipt of a request for a hearing, the city clerk/treasurer shall, within three business days, arrange a time for a hearing. The hearings shall be at the City Hall unless other arrangements are made. The hearing shall be set during normal business hours and shall be set not less than three business days nor more than ten days from the date of the request of the customer unless by mutual agreement. To avoid misunderstandings, the city clerk/treasurer may require all dealings to be with one authorized person, but this shall not preclude such a person from presenting information through the statements of others.

B. The city clerk/treasurer shall prepare a summary of the hearing and the results thereof and shall promptly inform the customer of the result. The results shall also be reflected on the customer's utility bill.

C. If the result is unfavorable to the customer, he or she shall be advised to make full payment of the disputed amount within five business days. In default of payment thereafter, the water service may be terminated in accordance with law.

13.04.500 Delayed termination—Deferred payment agreement.

A. In case of account balances aged forty-five (45) days or less, a water customer shall be entitled upon request to enter into a deferred-payment agreement with the city and termination of water service shall be delayed. This privilege shall not be extended to customers who have defaulted on a previous such agreement within the past twelve (12) months. Such agreements shall be administered by the city clerk/treasurer. To avoid misunderstandings, the clerk/treasurer may require all dealings on an account be with one authorized person. Such person may be required to furnish written proof of authorization.

B. In establishing the terms of the deferred payment agreements, including but not limited to a determination of what portion of the delinquency the customer shall pay each billing period, the clerk/treasurer shall take into account whether the account is residential or commercial, the size of the delinquency, the customer's ability to pay, the customer's payment history, the time the debt has been outstanding, the reasons for its accrual, and any other relevant factors concerning the circumstances of the customer.

13.04.505 Termination of water service to rental buildings.

Except in a case involving public health or safety, or as otherwise provided in this chapter, the city may terminate water service to a residential tenant occupying the rental dwelling for delinquent utility charges. In the case of a delinquency incurred by a property owner or prior tenant, and if requested, the city shall allow the current tenant to open an account in their name and on the same terms and conditions as other residential utility customers, without requiring the tenant to pay delinquent amounts for water service billed directly to the property owner or the previous tenant, except as otherwise allowed by law and only when the city offers the affected tenant to set up a reasonable payment plan for the delinquent amounts legally owed. When a rented dwelling is occupied by a tenant who has opened an account in their name, no termination or threat of termination will occur because of the tenant's landlord or the obligation of the prior occupant of the premises not currently residing therein; provided, however, the term "threat of termination" shall not include the notices authorized by this chapter. (Ord. 710 § 3, 2013)

13.04.510 Additional termination exemptions.

Exemptions to termination may be granted where the utility billing supervisor determines the following circumstances exist:

A. During winter months when a danger of freezing and adverse weather conditions exist and the health and safety of the recipients may be jeopardized;

B. Serious health problems or contagious diseases in the home;

C. Where a new occupant of a premises has not received a copy of the most recent city utilities bill, the utilities department shall permit a temporary or indefinite continuation of the utility service to such occupants, where termination of service would occur because of delinquency accrued by previous owners or occupants, provided such new occupants remain current in payment for services received by them.