

ORDINANCE NO. 654
AN ORDINANCE OF THE TOWN OF ODESSA, WASHINGTON, AMENDING ORDINANCE 344 AND O.M.C.
TITLE 13 TO INCLUDE "UTILITY BILLING AND COLLECTION PROCEDURES"

WHEREAS, the Town of Odessa Town Council believes that it is in the best interest of the Town to include a section in the O.M.C. to include the section "Utility Billing and Collection Procedures;

THE TOWN COUNCIL OF THE ODESSA, LINCOLN COUNTY, WASHINGTON, DOES ORDAIN AS FOLLOWS

Section 1: Purpose

An ordinance to standardize utility billing and collection procedures to simplify customer and administrative response to the process involved.

This ordinance shall apply to the water, sewer, and solid waste utilities.

Section 2: Definitions

1. "Utility" refers to any of the Town of Odessa utilities which include sewer utility (rates and regulations which are codified in OMC Title 13), water utility (rate and regulations which are codified in OMC Title 13), and solid waste utility (rates and regulations which are codified in OMC Title 8).
2. "Lien" is the lien for utilities authorized by state law. For the water utility, the lien statutes are RCW 35.21.290 and 35.21.300. For solid waste utility lien, the lien statutes are RCW 35.21.140 and 35.21.150. For sewer utility, the lien statutes are RCW 35.67.200 through 35.67.290.
3. "PWD" means the Public Works Director or his/her designee.

Section 3: Billing and Payment Procedures

1. **Payment-Owner Responsibility:** The owner of the premises/property to which the utility service is attached shall be responsible for the payment of all connections, shut off/turn on fees, service charges and liens. Accounts shall be established and remain in the owner's name and bills shall be sent to the owner.
2. **Billing Cycle:** Billings will be on a monthly basis, and bills shall be due and payable to the Clerks' Office on the first day of each month following the month in which the utilities are used. Bills are mailed on the last working day of the month, unless unforeseen circumstances prevent the mailing on this day.
3. **Meter Reading Unavailable:** For billing of water use at a property which the water meter or read out is not functioning, the water usage will be billed at the minimum usage rate for said water meter size at the said property.
4. **Water Leak:** Excess water usage due to broken lines or leaks. If requested by the customer, the PWD may adjust a customer's utility bill for excess water usage when a water leak has been verified. The customer is required to make a written request within fifteen days of mailing of

the bill showing excess usage. If the overage is due to a leak, the customer is to provide proof of repair of the leak. The PWD is authorized to waive up to what is typically billed to the customer based on review of the customer's account history. No late fees shall be incurred by the customer making such request until the customer has been notified of a revised bill.

The Town shall not be held liable for damages caused because of any leakage, frozen pipes or breaks.

5. **Rates and Fees:** Water Rates and assorted fees are designated in O.M.C. and 13.04.175 and 13.04.180.
6. **Delinquency:** If the account is not paid when due, the Town shall assess a delinquency as forth in O.M.C. 13.04.205.
In addition:
 - a) A date for water turn-off will be set for not less than (7) seven days after giving of delinquent/shut off notice; and
 - b) Service will be shut off unless payment in full is made to the Town within (7) seven days; and
 - c) A hearing may be requested by contacting the Clerks' Office prior to the scheduled date for water turn-off; and
 - d) An additional charge as set forth in O.M.C. 13.04.180 will be added to the bill if a delinquent/shut-off notice is physically delivered.
7. **Hearing Prior to utility service turn-off:** Upon customer request of the Clerk-Treasurer or his/her designee, the customer shall be given the opportunity to explain why the utility service should not be turned-off. Service will not be shut off while this hearing is pending. The Clerk-Treasurer or his/her designee shall set the hearing date to be held within (3) three-days of the customer's request for a hearing.
8. **Payment Request-Water Service Unpaid:** If the water service has been disconnected because of the water, sewer bill has not been paid; the water service shall not be turned on until the charges have been paid.

Section 4: Liens

1. **Water Lien:** As a means of enforcement, the lien for water services supplied by the Town may shut off and refuse to supply water to the premises which were furnished with the water services after the charges have become delinquent and unpaid; provided, that the lien may not be for more than (4) four months of water services.
2. **Sewer Lien:** As an alternative method to enforce the lien for nonpayment of sewer, the Town may cut-off water service and refuse to provide water service to premises which were furnished water after the charges have become delinquent and unpaid; provided, that unless the lien is filed with the Lincoln County Auditor, the lien shall not be for more than (6) six months' service.

Section 5. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 6. Amendments

The Odessa Town Council is hereby permitted to amend and adopt changes to Ordinance No. 654 by resolution.

Section 7. Severability.

Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 8. Effective Date.

That this ordinance shall be effective five (5) days after its passage, approval and publication.

PASSED AND ADOPTED BY THE ODESSA TOWN COUNCIL THIS 28th DAY OF JANUARY, 2013.

Douglas Plinski, Mayor

ATTEST:

Gail Kiesz, Clerk-Treasurer