

ORDINANCE NO. 23-3997

AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON AMENDING KELSO MUNICIPAL CODE CHAPTER 13.04, WATER SYSTEM, TO ADD REQUIREMENTS FOR WATER SYSTEM CONNECTIONS AND DISCONNECTIONS DURING HEAT RELATED ALERTS

WHEREAS, the State Legislature enacted ESHB 1329 in 2023 with an effective date of July 23, 2023 adding a new chapter to RCW 35.21, prohibiting the disconnection of residential water or electric service due to nonpayment during heat related events and, under certain circumstances, requiring that utilities reconnect disconnected delinquent accounts during these events, and further requiring that the utilities provide notice of this obligation with any notices to disconnect; and

WHEREAS, the enacted statute applies to the City of Kelso's water utility; and

WHEREAS, the City wishes to amend the City's water utility code to incorporate the required changes;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KELSO, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. **Public Interest**. The Kelso City Council finds it to be in the public interest to adopt this ordinance to comply with updated state law regarding the connection of delinquent accounts during heat events.

Section 2. **Amending KMC 13.04.385**. That Section 13.04.380 of the Kelso Municipal Code is hereby amended as follows to add a new Subsection H:

...

H: Procedures for Heat Related Alerts:

1. The city may not terminate water service to any residential user, including tenants of metered apartment buildings or mobile homes on any day for which the National Weather Service has issued or announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or any similar alert for the area in which the residential user's address is located.
2. In the event water service has been disconnected for lack of payment at a dwelling, the residential user at that dwelling may request that the city reconnect the service for any day for which the National Weather Service has issued or announced that it intends to issue a heat-related alert, such as an excessive heat warning, a

heat advisory, an excessive heat watch, or any similar alert for the area in which the residential user's dwelling address is located. Upon receipt of the request, the city shall promptly make a reasonable attempt to reconnect service to the dwelling. The finance department may require the residential user enter into a payment plan, consistent with the requirements of RCW 35.21. _____, prior to reconnecting service to the dwelling.

3. In any notice of disconnection issued by the City, the City shall inform the customer of the ability to seek reconnection and shall provide clear and detailed information about how to make the request and how to contact the water department.
4. The finance department shall keep records of the number of disconnections and reconnections that occurred on each day for which the National Weather Service issued, or announced that it intended to issue, a heat-related alert, and shall submit a report of this information annually, along with such other information that may be requested, to the Washington Department of Commerce.

H. I. Nothing set forth herein shall be construed to limit the city's rights to proceed either by judicial process or by the remedies prescribed by RCW 35.21.290 and 35.21.300 to the extent that such actions do not interfere with tenant's rights as provided herein. A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

I. J. In cases where the occupant of the premises moves to another location and applies for water at the new location, services may be denied at such location until and unless any statement for service against the first location is fully paid.

J. K. If any such charges are not paid, the city may record a lien at the office of the county auditor against the property for which the service was installed.

Section 3. **Corrections**. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. **Severability**. Any provision of this ordinance or its application to any person, legal entity, or circumstance is held invalid; the remainder of the ordinance or its application to other persons, legal entities, or circumstances is not affected.

Section 6. **Effective Date.** This ordinance shall be in full force and effect five (5) calendar days after adoption and publication pursuant to law.

ADOPTED by the City Council and **SIGNED** by the Mayor this 5 day of September, 2023.

ATTEST/AUTHENTICATION:

Michael A. Kypri
MAYOR

Urena Barajas
Deputy CITY CLERK

APPROVED AS TO FORM:

Jameson Parks
CITY ATTORNEY

PUBLISHED: _____