

ORDINANCE NO. 2859
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING SMC 13.24 RELATED TO UTILITY BILLING AND DISCONNECTION AND RECONNECTION PROCESSES AND CHARGES.

WHEREAS, the City's water utility customers may have their services disconnected for non-payment of their city utility bill; and

WHEREAS, during periods of excessive heat customers may request reconnection of service; and

WHEREAS, the current fee for reconnection of water service was last addressed in 2005 and does not adequately reflect the administrative costs of service disconnection and reconnection.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment to City Code. Sumner Municipal Code Section 13.24.350 is hereby amended as follows:

13.24.350 Discontinuance and restoration of service.

A. Discontinuance of Service by Customer – Nonemergency.

1. A customer may have service discontinued by giving not less than five days' advance notice thereof to the city. Charges for service shall be required to be paid until the requested date of discontinuance or such later date as will provide not less than the required five days' advance notice.
2. When such notice is not given, the customer may be required to pay for service until five days after the city has knowledge that the customer has vacated the premises or has otherwise discontinued water service.

B. Discontinuance of Service by Customer – Emergency.

When an emergency discontinuance is requested by the customer for such reasons as leaks, burst pipes, etc., the city will make every effort to shut off the service as quickly as possible. In an emergency situation, charges will not be made for one visit to shut off the service and one visit to restore the service. Each return visit to the customer's premises will require payment of \$15.00 per visit, which the city will add to the monthly bill.

C. Discontinuance of Service by City.

1. Noncompliance with Chapter. The city may discontinue service to any customer for violating the provisions of this chapter after having provided the customer at least five days' written notice of such intention. Where the safety of water supply is endangered, or the discontinuance is precipitated by an order from the Washington State Department of Health, service may be discontinued immediately without notice.

2. Waste of Water. Where negligent or wasteful use of water exists on or from a customer's premises, the city may discontinue the service if such practices are not remedied within five days after it has given the customer written notice to such effect.

3. Unsafe Apparatus or Where Service Is Detrimental to the City or Its Customers. If any unsafe or hazardous condition is found to exist on the customer's premises, or if the use of water thereon by apparatus, appliances, equipment or otherwise is found to be detrimental or damaging to the city or its customers, the service may be discontinued without notice. The city will notify the customer immediately of the reasons for the discontinuance and the corrective action to be taken by the customer before service can be restored.

4. Fraudulent Use of Service. When the city discovers that a customer has obtained service by fraudulent means, or has diverted the water service for unauthorized use, the service to that customer may be discontinued without notice. The city will not restore service until that customer has complied with all ordinances and reasonable requirements of the city, the city has been reimbursed for the full amount of the service rendered and the city's actual cost incurred because of the fraudulent use has been fully reimbursed.

D. Restoration of Service.

1. Reconnection Charge. Where service has been scheduled for discontinuance for violation of this chapter, for nonpayment of bills, or for any other reason, the customer will incur a charge of \$75.00 ~~\$40.00~~ for reconnection of service during regular working hours. When the disconnection occurred for nonpayment of bills, the account must be paid in full, including all reconnection charges, before service will be restored. When the customer requests reconnection of service outside of regular city hall working hours, an additional \$200 ~~\$160~~ shall be charged for a total of \$275.00 ~~\$200~~.

2. During times of excessive heat defined by the National Weather Service issuing a heat related alert for the City of Sumner such as an excessive heat warning, a heat advisory, an excessive heat watch or similar alert, customers may request utility reconnection provided they enter into a payment plan as described by applicable law.

3. To Be Made During Regular Working Hours. The city will endeavor to make reconnections during regular working hours on the day of the request, if conditions permit; otherwise, reconnections will be made on the regular working day following the day the request is made.

4. To Be Made at Other Than Regular Working Hours. When a customer requests that the reconnection be made outside regular working hours, the city will reasonably endeavor to so make the reconnection if practicable under the circumstances but will be under no obligation to do so, unless an emergency exists.

5. If for any reason the meter or city equipment is damaged due to the negligence or willful destruction of property, the owner will be responsible for any penalty as described in SMC 13.24.410, plus the cost of any replacement of damaged equipment and actual costs incurred by the city to do the repair.

E. Conditions for Refusal.

The city may refuse or discontinue service under any of the following conditions:

1. If the applicant fails to comply with this chapter or any provision of the city's most recently adopted comprehensive water system plan;
2. If the intended use of the service is of such a nature that it will be detrimental or injurious to existing customers;
3. If, in the judgment of the city, the applicant's installation for utilizing the service is unsafe or hazardous or subject to freezing, or of such a nature that satisfactory service cannot be rendered;
4. Where service has been discontinued for fraudulent use, the city will not serve an applicant until it is determined that all conditions of fraudulent use or practice have been discontinued.

F. Notice to Customer.

When an applicant has been refused service under the provisions of this section, the city will notify the applicant promptly of the reason for the refusal to serve and of the right of the applicant to appeal the decision to the city's hearing examiner by filing a written notice of appeal with the city's public works director, within 10 business days of receipt of the city's determination to refuse water service. An appeal hearing before the hearing examiner shall thereafter occur within 30 days, unless circumstances outside of the city's control warrant an extension, or by mutual agreement of the customer and the city.

G. Continuity of Service.

1. Emergency Interruptions.
 - a. The city will make reasonable efforts, in accordance with prudent utility practice, to prevent interruptions to service, and, when such interruptions occur, will endeavor to establish service without unreasonable delay, consistent with the safety of its customers and the general public.
 - b. The city will not be liable for interruptions, shortage, insufficiency of supply, any loss or damage of any kind occasioned thereby, if same is caused by act of God, fire, strike, riot, war, accident, breakdown, action by governmental agency or other cause beyond the control of the city.
2. Scheduled Interruptions. Whenever the city finds it necessary to schedule an interruption to its service, it will, within 24 hours, where feasible, notify all customers to be affected by the interruption, stating the approximate time and anticipated duration of the interruption. Scheduled interruptions will be made at such hours as will provide the least inconvenience to the customers consistent with reasonable city operations.
3. Apportionment of Supply During Times of Shortage. During times of threatened or actual water shortage, the city will apportion its available water supply among its customers as

directed by the mayor. In any event, it will apportion the supply in the manner that appears most equitable under the circumstances then prevailing, and with due regard to public health and safety. (Ord. 2743 § 1 (Exh. A) (part), 2020: Ord. 2529 § 3 (part), 2015; Ord. 2356 § 4 (part), 2011: Ord. 2218 § 1, 2007; Ord. 2119 § 1 (part), 2005. Formerly 13.24.290)

Section 2. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of the ordinance or the validity of its application to other person’s circumstances.

Section 3. Effective date. This ordinance shall be effective five (5) days from and after its passage approval and publication as provided by law.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this 20th day of June 2023.

DocuSigned by:
Kathy Hayden

Mayor Kathy Hayden

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:
Michelle Converse

City Clerk Michelle Converse, CMC

DocuSigned by:
Andrea Marquez

City Attorney Andrea Marquez

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