

CITY OF GRANITE FALLS

RESOLUTION NO. 94-2

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF
GRANITE FALLS PROVIDING FOR THE ENFORCEMENT AND
COLLECTION OF DELINQUENT UTILITY SERVICE CHARGES.

WHEREAS, City of Granite Falls is a public body engaged in furnishing water to residents of the City for human consumption pursuant to Chapter 57 R.C.W. and sewer service under Chapter 57.08.065 R.C.W. and Chapter 56 R.C.W.; and

WHEREAS, certain customers neglect, fail, or refuse to pay for such services; and

WHEREAS, the only feasible and practical way to enforce the payment for these utility services is to turn off the water to the premises for non-payment of said services;

NEW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON, as follows:

Section 1. Delinquency Notice: Whenever a utility bill for services rendered to a customer of the City of Granite Falls shall be unpaid for more than fifteen (15) days (date of delinquency), the City may cause a Notice to be mailed to the billing address for which such service is being rendered in the name of the person who appears thereon as a customer according to the records of City of Granite Falls.

Section 2. Service Termination Notice: Approximately forty-five (45) days after the date of delinquency, a Service Termination Notice shall be sent to the customer. Whenever any amount becomes delinquent, all other charges, whether delinquent or not, become due and payable together with the delinquent amount. The Notice shall specify the total amount which is due and the date the total amount must be paid, hereinafter referred to as "required payment date", which is approximately twenty (20) days from the date of the Notice. The total amount must be paid in cash or by check and received at office of City Hall by the date specified in the Notice to avoid service termination and collection, shut-off or other related charges. The "required payment date" and the "required payment amount" shall be specified on each Notice.

Section 3. Appeal Hearing: In the event the customer believes there is an error in the billing or disputes the amount due, the customer shall be entitled to a hearing before the City Council, prior to termination of service, provided that a written request for such hearing is received

at office of City Hall no later than the close of business on the day before the "required payment date". At such hearing, the customer shall have the opportunity to present argument and evidence in support of his/her claim of error or irregularities. At the hearing, the Council shall afford the customer reasonable opportunity to present evidence and argument in support of the customer's claim of error or irregularity with respect to the bill. After giving careful consideration to any evidence and argument presented, the Council shall make any adjustment in the bill the Council believes fair and equitable. The decision of the Council in this regard shall be in writing and shall be final and conclusive.

Section 4. Pending determination of the Council, the water will not be shut off for non-payment of the total amount due. However, if the charges as determined by the Council are not paid by the customer within ten (10) days from the mailing of the Notice of Determination by Council, the water to the premises will be shut off or locked off.

Section 5. Lien and Foreclosure: The policy concerning liening and foreclosure of delinquent accounts shall be as follows: whenever the utility charges for an account, penalty charges, termination charges, or any other charges are delinquent for over thirty (30) days, the City of Granite Falls may file a Certificate of Delinquency with the Snohomish County Treasurer. The Certificate establishes the lien against the property upon which the service was received and, together with a penalty of ten percent (10%) and an interest charges of eight percent (8%) per annum, will be assessed against the total amount delinquent on that account, commencing the date of certification of the lien to the County Treasurer, to be assessed until the total amount is paid in full.

Action may be taken by the Council to enforce collection of the total amount at any time after said charges have been delinquent a period of sixty (60) days, pursuant to R.C.W 56.16.110 and R.C.W 57.08.090. The District is authorized to foreclose by civil action in the Superior Court of the County in which the real property is located, and to request attorney's fees in such amount as the Court may adjudge reasonable. The action shall be in rem against the property and, in addition, may be brought in the name of the City against an individual, or against all of those who are delinquent in one action, and the laws and rules of the Court shall control as in other civil actions. Each account which has been submitted to the City's attorneys for foreclosure shall be charged One Hundred Ten Dollars (\$110.00) in addition to all other charges.

Section 6. Release of Lien: The Lien filed with the Snohomish County Treasurer shall not be released until the

total amount, including penalty charges, interest, reinstallation fees and any other charges are paid in full.

Section 7. Severability: If any section, sentence, or part of this Resolution is for any reason found invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Resolution. The City Council hereby declares that it would have passed this Resolution and each section, sentence, clause and part hereof, despite the fact that one or more sections sentences, clauses or parts thereof be declared invalid.

ADOPTED BY THE CITY COUNCIL, at a regular meeting thereof held this 22 day of June, 1994.

Rella R. Morris
MAYOR

Attest:

Berry James
Clerk