

ORDINANCE NO. 4956

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO CHAPTER 2.12 COLLECTION OF ACCOUNTS – UTILITIES AND AMENDING SECTIONS 2.12.020 AND 2.12.025 OF THE ELLENSBURG CITY CODE.

WHEREAS, the City implemented the Origin SmartCity utility billing software December 12, 2023; and

WHEREAS, the Origin SmartCity utility billing software automatically charges a late fee fifteen days following the issuance of the utility bill; and

WHEREAS, the number of days that a utility bill takes to reach a customer by United States Postal Service (USPS) mail has significantly increased over the past several years; and

WHEREAS, the number of late fees incurred by City utility customers has significantly increased due, in part, to customers not receiving their utility bills in a timely manner because of USPS delivery times; and

WHEREAS, the number of late fees incurred by City utility customers has significantly increased due to the SmartCity solution following the current fifteen-day deadline required by the Ellensburg City Code;

NOW, THEREFORE, the City Council of the City of Ellensburg, Washington do hereby ordain as follows:

Section 1. Section 2.12.020 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4933, is hereby amended to read as follows:

2.12.020 When due—Monthly utility accounts.

Monthly utility accounts are due and payable within ~~45~~ twenty-two calendar (22) days following the date of mailing of the utility bill or electronic notification that the utility bill is available has been sent to the customer. If not paid by the due date, the entire account shall be deemed delinquent. The finance director/treasurer may temporarily pause deeming accounts as delinquent to facilitate changes to city utility billing and payment technology or processes. The finance director/treasurer may allow a customer to pick a fixed monthly due date, which may not extend their due date beyond thirty-six (36) calendar days following the date of the mailing of the utility bill or electronic notification that the utility bill is available has been sent to the customer. When a monthly utility account becomes delinquent:

A. A final notice shall be sent by regular mail within ~~five business~~ seven (7) calendar days after the billing due date, and the delinquent charges must be paid and received by the city within fourteen (14) calendar days of the date of the final notice.

B. If there is no response received to the mailed final notice of account delinquency within ~~five business~~ seven (7) calendar days after the final notice due date, a tag for disconnect shall be delivered to the service address of the utility consumer giving at least seven (7) business calendar days' notice of pending disconnection for said service address.

C. If the delinquent charges and penalties are still unpaid after ~~five business~~ seven (7) calendar days following the property being tagged for disconnection as provided in subsection (B) of this section, utility service shall be disconnected for said service address.

(Ord. No. 4933, § 1, 12-4-2023; Ord. 4649 § 2, 2013; Ord. 3434 § 2, 1984; Ord. 3411 § 1, 1983)

Section 2. Section 2.12.025 of the Ellensburg City Code, as last amended by Section 9 of Ordinance 4490, is hereby amended to read as follows:

2.12.025 Due date—Delinquency—Penalty.

A. All charges for utility services furnished by the city shall be due and payable to the city on the date shown on the face of the bill. Charges for services remaining unpaid at the close of business on the ~~fifteenth~~ twenty-second (22) calendar day following the billing date shall be considered delinquent and automatically incur an additional charge of \$10.00 as a late penalty for all utility services provided. Payments will first be applied to the oldest delinquent charges. Remaining funds will be credited to the utilities included in the delinquent bill by the prorated apportionment of the delinquent amount for each utility. If utility services have been disconnected as provided in ECC 2.12.020, service shall not be restored until all past due charges, penalties and fees have been paid, unless otherwise required by RCW 35.21.302. The finance director may waive all or a portion of the penalties provided herein in the event the director determines the late payment was the result of excusable neglect or extreme hardship.

B. The city shall have a lien against the premises to which utility services were furnished for up to four months of utility charges, to which the utility service is rendered superior to all other liens and encumbrances whatsoever except for general taxes and local special assessments. Enforcement of such lien or liens shall be in the manner provided by law.

C. When a disconnection notice has been ordered for failure to pay, a disconnect notice fee of \$25.00 for all utility services provided shall be charged to the delinquent account. The charge shall be in addition to the late fee penalty provided in subsection (A) of this section.

D. Discontinuance of service for any cause stated in this chapter shall not release the customer from his or her obligation to the city for payment of bills or charges. In addition, before service is restored to such property, the customer will be subject to the reconnection fee(s) established in chapter 9.92 ECC.

E. Weather-related disconnection and reconnection.

1. Utility service for residential space heating shall be disconnected in accordance with RCW 35.21.300.
2. Residential water or electrical utility service shall not be involuntarily terminated, or shall be reconnected, during a heat-related event, in accordance with the requirements of RCW 35.21.302.

(Ord. No. 4933, § 2, 12-4-2023; Ord. 4649 § 3, 2013)

Section 3. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.


Section 4. Corrections. Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary 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 5. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 18th day of February, 2025.

ATTEST:


MAYOR


CITY CLERK

Approved as to form:


CITY ATTORNEY

Publish: 2-22-25

I, Beth Leader, City Clerk of said City, do hereby certify that Ordinance No. 4956 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4956 was published as required by law.


BETH LEADER