

ORDINANCE NO. 2017-3

**AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON,
AMENDING EATONVILLE MUNICIPAL CODE SECTION 13.18.010
RELATING TO UTILITY DEPOSITS**

WHEREAS, the Town of Eatonville collects a utility deposit from every applicant for utility services, except applicants who own or are contract purchasers of the premises to which the service is furnished, to cover unpaid charges for utility services in the event a person vacates the premises; and

WHEREAS, the owner of the real property, may sign a form, that is provided by the town, waiving all or part of the utility deposit; and

WHEREAS, the \$400.00 deposit rate that was established in Ordinance 2001-05 does not cover an average sixty-day utility service period; and

WHEREAS, the Town's Public Utilities Committee has reviewed EMC 13.18.010 and recommends increasing the utility deposit to \$500.00; and

WHEREAS, the Eatonville Town Council, desires to update Section 13.18.010 of the Eatonville Municipal Code to increase the utility deposit from \$400.00 to \$500.00 and to clarify the language which allows the owner of the real property to waive the deposit for their tenants ; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. Eatonville Municipal Code Section 13.18.010 is AMENDED to read as follows:

13.18.010 Utility deposit.

A. Deposit Required. ~~Any~~Every applicant for utility service, ~~except applicants who own or are contract purchasers of the premises to which service is furnished, of electrical energy or other utilities within the town~~ shall pay a deposit of ~~\$400.00~~500.00. ~~The property owner or contract purchaser must provide proof of ownership to the Town, or two times the highest monthly charges for the utilities during the preceding 12 months, whichever sum is greater.~~ The ~~fee~~ owner of the real property ~~in lieu of paying a deposit~~ may sign a form, provided by the town, ~~waiving all or part of the utility deposit, wherein the fee~~The owner agrees to be of the real property is personally responsible for the payment of any delinquent utility bills, ~~even if the whether or not the fee~~ owner is ~~not~~ occupying the premises. Any customer, whether or not an ~~fee~~ owner, who becomes delinquent in payment of the utility charges may be required by the town to make the deposit required in this chapter as a condition to receiving further utility service.

B. Use of Deposit. In the event a person vacates premises leaving unpaid charges for electric services or unpaid charges for other utility services, the town shall apply such deposit to the payment of such charges as far as necessary, and shall refund any portion thereof remaining

unused. The deposit shall not be transferable to new premises to which the applicant might move until all utility bills are paid on the former premises.

C. Other Remedies. This procedure is in addition to the town's right to terminate utility service to any premises, during any period of time, when any outstanding utility bill remains unpaid regardless of whether the fee owner incurred the bill. (Ord. 2001-05 § 2, 2001).

Section 2. 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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 04/10/2017

2ND READING: ___/___/2017

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this ____ day of April, 2017.

Mike Schaub
Mayor

ATTEST:

Kathy Linnemeyer
Town Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby
Town Attorney