

# TOWN OF EATONVILLE

## Agenda Staff Report

Agenda Item No.: \_\_\_\_\_ Meeting Date: April 27, 2015  
Subject: Ordinance No. 2015-3 Amending EMC  
sections 13.04040 and 13.16.150 so as  
to discontinue the use of door hangers  
for notice of delinquent utility accounts Prepared by: Gregory A. Jacoby  
Town Attorney  
Atty Routing No: \_\_\_\_\_  
Atty Review Date: April 22, 2015

**Summary:** When water and electric bills are delinquent and the utility account is subject to shut-off, Eatonville Municipal Code (EMC) sections 13.04.040 and 13.16.150 require the Town to not only mail notice of discontinuance of utility service to the consumer but also to post written notice on the front door of the premises, for which the Town uses a door hanger. Staff is currently delivering approximately 120 door hangers each month regarding delinquent utility accounts, which is a considerable strain on Town resources. Staff has contacted other electric utilities and learned that most have discontinued the use of door hangers to provide notice of delinquent accounts. Staff has concluded that the current practice of mailing written notice to the utility account holder is a commonly used and reliable method for providing notice of delinquency.

Accordingly, staff is requesting that EMC sections 13.04.040 and 13.16.150 be amended to delete the requirement to post notice of delinquency on the front door of the premises. Staff will continue to mail written notice of the delinquency to the consumer.

**Recommendation:** Staff recommends approval of the first reading of Ordinance No. 2015-3 amending EMC sections 13.04.040 and 13.16.150 so as to discontinue the use of door hangers for notice of delinquent utility accounts.

**Motion for consideration:** I move to approve the first reading of Ordinance No. 2015-3 amending EMC sections 13.04.040 and 13.16.150 so as to discontinue the use of door hangers for notice of delinquent utility accounts.

**Fiscal Impact:**

**Attachments:** Ordinance No. 2015-3

**ORDINANCE NO. 2015-3**

**AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, AMENDING EATONVILLE MUNICIPAL CODE SECTIONS 13.04.040 AND 13.16.150 SO AS TO DISCONTINUE THE USE OF DOOR HANGERS FOR DELINQUENT UTILITY ACCOUNTS**

**WHEREAS**, when water and electric bills are delinquent and the utility account is subject to shut-off, Eatonville Municipal Code (EMC) sections 13.04.040 and 13.16.150 require the Town to not only mail notice of discontinuance of utility service but also to post written notice on the front door of the premises, for which the Town uses a door hanger; and

**WHEREAS**, Town staff are currently delivering approximately 120 door hangers each month regarding delinquent utility accounts, which is a considerable strain on Town resources; and

**WHEREAS**, staff has contacted other electric utilities and learned that most have discontinued the use of door hangers to provide notice of delinquent accounts; and

**WHEREAS**, the Town Council finds that the current practice of mailing written notice to the utility account holder is a commonly used and reliable method for providing notice of delinquency; now, therefore,

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

**Section 1.** Eatonville Municipal Code Section 13.04.040 is amended to read as follows:

**13.04.040 Billing – Delinquency – Penalty – Shutoff – Reconnection.**

- A. All utility bills are due and payable when mailed.
- B. All bills become delinquent if not paid within 25 days after date of billing; if unpaid, the town may impose a late payment fee.
- C. Bills become subject to shutoff if not paid within 25 days from the billing date.
  - 1. The town may make written demand to such consumer to either pay such fees or cease such violation, as the case may be, and may shut off service to the premises at any time after five days following delivery of

such demand, if the late payment fee has not been paid or the violation is not ceased.

2. Discontinuance of service shall not occur earlier than five days after written notice of the discontinuance date has been deposited in the mail addressed to the consumer, ~~and not earlier than 24 hours after an additional written notice has been posted at the front door of the premises.~~

D. When service has been shut off, reconnection will be made only after payment of all back charges for service rendered to said premises, and correction of any other violation of this chapter and payment of the reconnection fee established by the town.

E. Unauthorized reconnection or tampering with the utilities, by persons other than town employees, without express written consent of the mayor or public works director, is unlawful.

EF. Fees for late payment, reconnection, and costs of staff time to repair tampering may be set by resolution adopted by the town council, which may be amended from time to time as deemed necessary.

**Section 2.** Eatonville Municipal Code Section 13.16.150 is amended to read as follows:

**13.16.150 Billing – Delinquency – Penalty – Shutoff – Reconnection.**

A. All utility bills are due and payable when mailed.

B. All bills become delinquent if not paid within 25 days after date of billing; if unpaid, the town may impose a late payment fee.

C. Bills become subject to shutoff if not paid within 25 days from the billing date.

1. The town may make written demand to such consumer to either pay such fees or cease such violation, as the case may be, and may shut off service to the premises at any time after five days following delivery of such demand, if the late payment fee has not been paid or the violation is not ceased.

2. Discontinuance of service shall not occur earlier than five days after written notice of the discontinuance date has been deposited in the mail addressed to the consumer, and not earlier than 24 hours after an additional written notice has been posted at the front

door of the premises.

D. When service has been shut off, reconnection will be made only after payment of all back charges for service rendered to said premises, ~~and correction of any other violation of this chapter and payment of the reconnection fee established by the town.~~

E. Unauthorized reconnection by persons other than town employees, without express written consent of the mayor or public works director, shall result in an additional tampering charge.

F. Fees for late payment, reconnection, and tampering may be set by resolution adopted by the town council, which may be amended from time to time as deemed necessary.

**Section 3.** The amendments set forth above in Sections 1 and 2 of this ordinance shall be effective June 1, 2015.

**Section 4.** 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 5.** This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING:     /    /2015  
2ND READING:    /    /2015

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this \_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Mike Schaub  
Mayor

ATTEST:

\_\_\_\_\_  
Kathy Linnemeyer

Town Clerk

APPROVED AS TO FORM:

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Gregory A. Jacoby  
Town Attorney