

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 5/13/13

AGENDA ITEM: An Ordinance of the City of Marysville Amending Section 14.05.030 of the Marysville Municipal Code Addressing Liens and Extending the Effectiveness of a Sewerage Lien to one Year without the Necessity of Any Recording	
PREPARED BY: John Nield, Financial Operations Manager	DIRECTOR APPROVAL:
DEPARTMENT: Finance - Utility Billing Division	
ATTACHMENTS: Re-Line Ordinance, Draft Amending Ordinance	
BUDGET CODE: NA	AMOUNT:

SUMMARY:

The City's utility services consist of water, sewer, garbage, and surface water. These services are billed together on a bi-monthly basis. Currently, under MMC 14.05.030, payments on utility bills are applied first to garbage, second to surface water, third to sewer, and fourth to water. In the event these services are not paid and become delinquent, an automatic lien against the property is created. The City enforces the lien by shutting off water until the delinquency is satisfied and services are then restored.

Each type of utility service has a lien capability that is governed by the RCW's, water at four months, sewer at six months, garbage at ninety days, and surface water at one year. The inconsistency of the terms adds some complexity to the collection process. However, RCW 36.67.215 allows for the option of the City to extend the sewage lien from six months to one year. Authorization of this option would provide a necessary tool to the collection process by aligning the lien terms for sewer and surface water.

RECOMMENDED ACTION:
Staff recommends the City Council Authorize the Mayor to sign An Ordinance of the City of Marysville Amending Section 14.05.030 of the Marysville Municipal Code Addressing Liens and Extending the Effectiveness of a Sewerage Lien to one Year without the Necessity of Any Recording.

[DRAFT]

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE AMENDING SECTION 14.05.030 OF THE MARYSVILLE MUNICIPAL CODE ADDRESSING LIENS AND EXTENDING THE EFFECTIVENESS OF A SEWERAGE LIEN TO ONE YEAR WITHOUT THE NECESSITY OF ANY RECORDING.

THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, DO
ORDAIN AS FOLLOWS:

SECTION 1: Section 14.05.30 of the Marysville Municipal Code is hereby amended to provide as follows:

14.05.030 Utility bills – Delinquent accounts – Liens

- (1) Combined billing statements for the garbage, surface water, water and sewer utilities shall be sent to all customers on a regular and periodic basis to be determined by the finance director. All bill shall be mailed to the address of the owner of the property being served by the utilities, as the address appears in the records of the city utility department. Upon written request of an owner, billing statements may be sent directly to the occupant of the property being served; however, in such cases the owner shall remain ultimately liable for payment of the bill, and the property shall remain subject to a lien for a delinquent account, as provided below.
- (2) All payments on utility bills shall be applied first to the garbage account, second to the surface water account, third to the sewer account, and fourth to the water account. In the event that any fees or charges assessed for such services are not paid within the date set forth on the billing for such services, they shall be considered delinquent and shall automatically constitute a lien against the property to which the services were rendered. Such a lien, for up to four months of charges, shall encumber the property, and shall be the obligation of the owner of the property, its heirs, successors and assigns, until the same is paid in full. The city may enforce the lien by shutting off water, sewer and/or garbage service until all delinquent and unpaid charges are paid in full; provided, that discontinuance of service shall be subject to the provisions of MMC 14.05.070.
- (3) Where a parcel is not served by city water, and there is no water account, the city shall have separate sewerage and garbage liens as allowed by law. The sewerage lien, which may include any charge for storm or surface water, shall be for delinquent and unpaid rates, penalties, and interest. Said sewerage lien shall be superior to all other liens except the lien for general taxes and local and special assessments. In

accordance with the provisions of RCW 35.67.215, said sewerage lien shall be effective for a total not to exceed one year's delinquent service charges without the necessity of any writing or recording of the lien with the county auditor. Unpaid charges for sewerage shall bear interest at eight percent per annum computed on a monthly basis. Said sewerage lien shall be foreclosed in accordance with the provisions of Chapter 35.67 RCW. Any lien for garbage shall be foreclosed in accordance with the provisions of Chapter 35.21. RCW.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2013.

CITY OF MARYSVILLE

By _____
MAYOR

Attest:

By _____
CITY CLERK

Approved as to from:

By _____
CITY ATTORNEY