

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2396

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, AMENDING SMC 15.05.040 “VOLUNTARY TERMINATION OF UTILITY SERVICES” TO ALLOW FOR SUSPENSION OF BILLING WHERE WATER CONNECTION TO VACANT COMMERCIAL PROPERTIES MUST BE MAINTAINED FOR FIRE SUPPRESSION NEEDS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, Snohomish Municipal Code 15.05.040 permits utility customers to temporarily turn off water service to vacant properties while still retaining a meter; and

WHEREAS, a minimum monthly maintenance charge is assessed during periods of disconnection; and

WHEREAS, on rare occasions, situations arise where the utility customer is unable to disconnect water service due to the need to maintain fire flow to commercial or industrial structures; and

WHEREAS, the cost to maintain commercial or industrial connection is in excess of \$3000.00 per month; and

WHEREAS, in order to encourage redevelopment of commercial or industrial properties, it is appropriate to waive fees where temporary disconnection is not possible due to health and safety requirements.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. **Adoption of recitals as findings.** The City Council hereby adopts each of the recital paragraphs above as findings and hereby incorporates them by reference as though fully stated herein.

Section 2. **SMC 15.05.040 Voluntary Termination of Utility Services amended.** SMC 15.05.040 Voluntary Termination of Utility Services is hereby amended as follows:

A customer may request voluntary disconnection of utility services during periods where the premises are vacant. Three days advance written notice of such discontinuance shall be given to the City and the customer shall pay the City all charges to the date of the turnoff, and a minimum monthly maintenance charge as set forth by resolution of City Council for turned off services. Any customer who elects not to disconnect utility services shall also be charged a minimum monthly maintenance fee for billing periods where no water is used. Should a commercial or industrial utility customer whose

premises is vacant be required by the City to maintain connection to meet fire flow requirements, the monthly base fee and charges not incurred by customer use shall be waived. Such waiver of fees and charges shall only apply where there is no water use or "de minimis use," which for purposes of this ordinance shall mean less than 1% of the average use over the prior 12-month period. A minimum monthly maintenance charge as set forth by resolution of City Council for turned off services will be charged.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 4. Authority to make necessary corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance and attachments 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 be effective five days after adoption and publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 1st day of September, 2020.

CITY OF SNOHOMISH

By John T. Kartak
John T. Kartak, Mayor

ATTEST:

APPROVED AS TO FORM:

By Pat Adams
Pat Adams, City Clerk

By Grant K. Weed
Grant K. Weed, City Attorney

Date of Publication: 9/5/2020

Effective Date (5 days after publication): 9/10/2020