

## ORDINANCE 2024 - 11

### AN ORDINANCE OF THE CITY COUNCIL OF SUNNYSIDE, WASHINGTON, ADOPTING CHAPTER 13.16 OF THE SUNNYSIDE MUNICIPAL CODE TO PROVIDE FOR ADJUSTMENTS TO THE UTILITY BILL; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

**WHEREAS**, the City of Sunnyside provides water services to the residents and business of the City of Sunnyside and bills for the services on a monthly basis; and

**WHEREAS**, the City Council authorizes amending Chapter 13.16 Water Service to add section 13.16.060 to allow for adjustments to Utility,

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON:**

**SECTION 1.** Chapter 13.16 of the Sunnyside Municipal Code is hereby amended as follows:

#### 13.16.120 Adjustment of Utility Bills

- A. The Administrative Services Director, or their designee, is empowered to resolve utility billing disputes upon receipt of a request from a utility account owner/customer. Utility bill adjustment requests are required to be submitted to the Administrative Services Director. Upon receipt of the request from the utility account owner/customer, the Administrative Services Director shall review the bill with the utility account owner/customer to verify if the water overage amount is justly owed. The utility account owner/customer shall have the right to a meeting to bring forth reasons and evidence why such a bill or portion of said bill should not be due and owing.
- B. The maintenance and repair of the water service line on the customer's side of the water meter setter is the responsibility of the property owner of the premises being served. The maintenance and repair of the sanitary sewer service line from the connection to the City's sewer main to the premises is the responsibility of the property owner of the premises being served. The owner shall keep both water and sewer service lines in good working order.
- C. In the case of a leak in the water service line, the utility customer will be allowed an adjustment to the water utility bill based on the following:
  1. The utility account owner/customer states that there was a leak in the water line on the customer's premises which caused a large consumption of water, and the existence of a leak in the water service line has been inspected and verified by the Public Works Director, or their designee, or by documentary and/or photographic proof supplied by the

customer, that has been reviewed and verified by the Public Works Director.

2. Within seven days of the discovery of the leak by the property owner or within seven days of the City notifying the owner of a probable leak, whichever occurs sooner, the property owner shall have completed the repair of said leak.
  3. Upon the Public Works Director's verification that the leak has been satisfactorily repaired, an adjustment will be considered based on the following:
    - a. Said leak in the water service line was not caused by and/or the fault of the property owner. An adjustment to the utility billing shall not be permitted if such excess water consumption is due to a customer's neglect or failure to timely repair the leak.
    - b. An adjustment for a water service line leak shall only be allowed for the buried water service line from the water meter setter to the premises. No adjustment shall be made for leaking plumbing fixtures, leaks or breaks associated with an irrigation system, or any other typically visible leaks.
    - c. Said property has not had a previous water bill adjustment due to a water service line leak in the previous five years.
    - d. The customer's utility account is current with no past-due amounts owed to the city.
    - e. Utility service to property is classified as a single-family. Commercial, multifamily, and industrial classified utility service customers are not eligible for water service leak adjustment to their utility bill.
- D. Eligible customers will be entitled to a water service line leak adjustment of the water overage portion of the utility bill, not to exceed \$250.00. Adjustments below \$25.00 will not be processed by the city.
- E. If all the conditions of subsection C of this section are met, the water overage portion of the utility bill in the month the leak is detected shall be adjusted to an amount that is one-half of the difference between the previous year's three-month average consumption, and the existing disputed bill's consumption. The three-month average shall be calculated by taking the average of the previous year's consumption for the month the leak was detected, the month before, and the month after. For customers who have been owners for less than one year, the adjustment will be by one of the following methods:
1. The water overage portion of the utility bill in the month the leak is detected shall be adjusted to an amount that is one-half of the deference between the previous three-month average consumption immediately preceding the disputed bill and the existing disputed bill's consumption.

2. Or in the absence of three complete prior billing cycles, water consumption after the leak repair is complete can be used to estimate consumption during the leak period.
- F. The City reserves the right to discontinue water service to any premises where the owner refuses to make necessary repairs to avoid the wasting of water. If after reasonable efforts to contact the owner about observable water being lost through leakage, the City at its option may terminate water services and shall leave a written notice as to its action and the reason, therefore.
- G. This Code section is subject to RCW 4.16.080, and any other applicable local, state, and federal laws.

**SECTION 2. Severability.** If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

**SECTION 3. Effective Date.** This Ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 14th day of October 2024.

  
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DEAN BROERSMA, MAYOR

ATTEST:

  
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JACQUELINE RENTERIA, CITY CLERK

APPROVED AS TO FORM:  
SAXTON RILEY & RILEY, PLLC:

  
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BY: BENJAMIN J. RILEY  
CITY ATTORNEYS FOR THE CITY OF SUNNYSIDE

Date of publication: October 14, 2024