

ORDINANCE NO. 2020-1576

**AN ORDINANCE OF THE CITY OF CHELAN,
WASHINGTON, ADOPTING A PUBLIC HEALTH
EMERGENCY AND/OR PANDEMIC UTILITY BILLING
POLICY AND PROCEDURE; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE.**

WHEREAS, Chelan Municipal Code (“CMC”) Section 13.12.010 “Billing & Payment Procedure” establishes the process upon which water, sewer, and sanitation utilities provided by City of Chelan are billed for and related timelines for penalties including disconnection; and

WHEREAS, there is an urgent need for a policy and related procedures related to utility billing during a declared public health emergency for the immediate preservation of public peace, health and safety; and

WHEREAS, on March 17, 2020, the Mayor of Chelan declared an emergency pursuant to RCW 38.52.070, for the purpose of protecting public health and our employees as necessary in response to a public health emergency; and

WHEREAS, City Council wishes to establish a temporary policy in response to the COVID-19 public health emergency and related Declaration of Emergency made by the Mayor of Chelan and affirmed by City Council, to allow for the suspension of penalties and postponement of disconnections of water service; and

WHEREAS, the City will codify this policy by amending CMC Section 13.12.010 at a later date.

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

Section 1. Adoption of a Public Health Emergency and/or Pandemic Utility Billing Policy and Procedure: The Public Health Emergency and/or Pandemic Utility Billing Policy and Procedures “Policy” is hereby approved as set forth on the attached Exhibit “A”. The Policy is adopted as the rules the City will follow in public health emergencies as it relates to City of Chelan water, sewer, and sanitation utility bills.

Section 2. No Precedent. This Ordinance is not intended to establish a precedent for how similar emergency situations will be addressed in the future.

Section 3. Severability. 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of

this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City and, pursuant to RCW 35A.11.090(2), shall take effect immediately and be in full force and effect for the duration of the emergency or until the Council withdraws such authority.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 24th DAY OF MARCH, 2020.

APPROVED:

By: 

Robert Goedde, Mayor

ATTEST:

By: 

Peri Gallucci, Clerk

APPROVED AS TO FORM:

By: 

Quentin Batjer, City Attorney

FILED WITH THE CITY CLERK: March 17, 2020
PASSED BY THE CITY COUNCIL: March 24, 2020
PUBLISHED: April 1, 2020
EFFECTIVE DATE: March 24, 2020
ORDINANCE NO.: 2020-1576

CITY OF CHELAN

UTILITY BILLING DURING PUBLIC HEALTH EMERGENCY AND/OR PANDEMIC POLICY

POLICY NO. COVID-E1

I. PURPOSE

The purpose of this policy is to allow for suspending past due/pending disconnection penalties and postponement of water disconnection during a Declaration of Emergency related to an outbreak or pandemic illness or other Public Health Emergency.

II. SCOPE

This policy applies to all City of Chelan utility customers.

III. DEFINITIONS

“Public Health Emergency” means an occurrence or imminent threat of an illness or health condition, caused by bio terrorism, epidemic or pandemic disease, or (a) novel and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant number of human fatalities or incidents or permanent or long-term disability.

“Pandemic” means a disease that is prevalent over a region, country, or the world.

IV. POLICY

It is the policy of the City of Chelan to take all appropriate measures needed to address a public health emergency. Protecting the community and City staff is a top priority and this policy establishes actions that the City will take during a public health emergency related to City of Chelan utility bills including water, sewer and sanitation.

During a declared public health emergency, it is the policy of the City of Chelan to postpone all disconnections to water service for the duration of the emergency. It is also the policy of the City of Chelan to suspend past-due penalties (also known as “Late Fees”, “Disconnection Notice Fees” and “Reconnection Fees”) for the duration of the declared emergency.

V. PROCEDURE

The following procedures are established to allow for citizens to continue receiving water, sewer and sanitation services, without penalty, during a declared public health emergency.

Notification

- A.** Utility Billing will be notified when a Declaration of Emergency related to public health is proclaimed.
- B.** Utility Billing will include with each billing following the declaration of emergency, information notifying customers of the policy of the City of Chelan to postpone all disconnections to water service for the duration of the emergency, and to suspend past-due penalties (also known as “Late Fees”, “Disconnection Notice Fees” and “Reconnection Fees”) for the duration of the declared emergency. including an explanation that all past due amounts are still owed, and that additional penalties will be suspended and disconnections will be postponed for the duration of the declared emergency.

Reporting

- A.** Utility Billing will track, by way of reports, utility accounts that go into arrears during the duration of the proclaimed emergency and submit the reports to Administration on a regular basis throughout the proclaimed emergency.

Post-Emergency Procedure

- A.** Regular penalty and disconnection timelines, as outlined in Chelan Municipal Code Section 13.12.010 “Billing & Payment Procedure”, will be re-established the first day of the month following the Declaration of Emergency being lifted
- B.** Commencing with the first billing cycle following the end of the declared emergency, customer account billings for the current billed month must be paid within 30 days, as per the usual and customary utility billing terms (*example – the August billing which covers services in July must be paid within 30 days*). Failure to pay the current billing amount within 30 days will result in all past due amounts becoming due immediately subject to past due penalties on a prospective basis.
- C.** Repayment of unpaid past due service charges must be made over a time period consisting of the same number of billing cycles as occurred during the declared emergency plus two. The first billing following the end of the declared emergency will include a “Customer Promise to Pay” agreement specifying the time period over which deferred charges must be repaid (*example the declared emergency last for three months, April, May and June. The customer will have 5 months (billing cycles) - July, August, September, October, and November - to repay the unpaid balance*) and allowing the customer to establish the repayment schedule for the repayment of deferred, past due charges. The agreement must be returned to the Finance Department within 30 days of the billing to avoid past-due penalties (also known as “Late Fees”, “Disconnection Notice Fees” and “Reconnection Fees”) on outstanding balances.
- D.** Repayment arrangements will be reviewed by the Finance Director on a case by case basis.