

**ORDINANCE 2017-1043**

**AN ORDINANCE OF THE CITY OF WAITSBURG, WASHINGTON, AMENDING  
TITLE 9, CHAPTER 1, OF THE WAITSBURG MUNICIPAL CODE**

**WHEREAS**, the City staff regularly reviews the City Municipal Code to identify necessary changes, clarifications, updates, and amendments; and

**WHEREAS**, the City staff has determined that updates are needed to the City Municipal Code to amend or repeal various sections of the code that are no longer current or necessary; and

**WHEREAS**, The City of Waitsburg currently requires a utility deposit on all new utility accounts at the time of account setup; and

**WHEREAS**, RCW 63.29.080 considers utility deposits held longer than one year to be abandoned property; and

**WHEREAS**, the City routinely holds utility deposits for longer than one year when refund conditions are not met; and

**WHEREAS**, the City regularly returns deposits to the deposit holders within the one-year time frame; and

**WHEREAS**, the City is now required to submit an unclaimed property report to the Washington State Department of Revenue on an annual basis; and

**WHEREAS**, unpaid utility bills constitute a lien against the property should a utility bill go unpaid; and

**WHEREAS**, City staff recommended to the City Council that utility deposits are not necessary any longer to ensure that utility bills get paid on a monthly basis.

**NOW THEREFORE**, the City Council of the City of Waitsburg ordains as follows:

**Section I. Code Sections to be amended.** Waitsburg Municipal Code, Title 9, Chapter 1 is amended as follows:

“9.01.080. Fees - Domestic Water.

A. The monthly charge for domestic water consumed by customers of the City of Waitsburg shall be determined by the following schedule:

5. At the time application for water service is made, the applicant shall pay a five dollar (\$5.00) application fee in addition to a deposit with the City Clerk. The deposit shall be in the amount of the base rate determined by meter size, multiplied by three, as security for full performance of all obligations due the City under the terms of this Chapter.”

~~9.01.145. Refund of deposit. Any deposit or unused portion of a deposit paid to the city as security for payment for utility services, shall be refunded to the person making the deposit, providing the following conditions have been satisfied:~~

~~(1) The deposit was made for the purpose of securing payment of charges for utility services to be rendered to that person; AND,~~

~~(2) The person has satisfied all obligations to pay for utility services provided to the person; AND,~~

~~(3) The person requests a refund of the deposit; AND,~~

~~(4) Utility services to the person have been terminated at the request of the person. Or, more than 12 months have elapsed since the deposit was made; AND,~~

~~The person has had, for the 12-month period prior to the request, no delinquency or default on the account~~

**Section II.** With the passage of this Ordinance, all deposits currently on file with the City will be refunded to the account holder. Consistent with RCW 63.29.135, any remaining deposits that have been abandoned for more than five years will be deposited into the City’s general fund.

**Section III.** This Ordinance shall take effect immediately upon passage by the Council and publication as required by law.

Passed by the Waitsburg City Council this 19<sup>th</sup> day of July, 2017.

APPROVED

APPROVED AS TO FORM

\_\_\_\_\_  
Mayor Marty Dunn

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City Attorney Jared Hawkins

ATTEST:

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City Clerk Randy Hinchliffe