

**CITY OF WINLOCK, WASHINGTON**  
**ORDINANCE NO. 1164**

**AN ORDINANCE OF THE CITY OF WINLOCK, WASHINGTON, REAFFIRMING, AMENDING, AND REPEALING SECTIONS OF WINLOCK MUNICIPAL CODE CHAPTER 13.40 CONCERNING SHUT-OFFS DURING HEAT RELATED EVENTS; AMENDING ORDINANCE NO. 1038 AS NECESSARY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

**RECITALS:**

WHEREAS, the City of Winlock, Washington (the “City”) is a Code City under the laws of the State of Washington; and

WHEREAS, pursuant to RCW 35A.11.020, the City may adopt and enforce ordinances of all kinds relating to and regulating the City’s local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, all references herein to “WMC” shall mean the “Winlock Municipal Code,” and

WHEREAS, Chapter 13.40 is entitled “10.35”; and

WHEREAS, Ordinance No. 1138, as codified at Chapter 13.40 of the Winlock Municipal Code, was enacted on January 1, 2023; and

WHEREAS, the state legislature passed Engrossed Substitute House Bill 1329 which prohibits water utilities from disconnecting water service due to nonpayment from residential users during certain heat-related events; and

WHEREAS, the City amended Chapter 13.40 WMC when it adopted Ordinance Nos. 1155 and 1156; and

WHEREAS, the City Council finds it necessary to amend chapter 13.40 to comply with Engrossed Substitute House Bill 1329; and

WHEREAS, the Council desires to amend Chapter 13.40 as set forth herein.

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

**Section 1.** Section 13.40.075 of the Winlock Municipal Code is hereby created to state:

**13.40.075 Prohibition of Residential Water Shut-off During Heat-Related Alert.**

The City shall not effect, due to lack of payment, an involuntary termination of water service (shut-off) to any residential user, including tenants of metered apartment buildings and residents of mobile homes, on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The City may effect an involuntary termination of water service (shut-off) to any residential user, including tenants of metered apartment buildings and residents of mobile homes, for any other reason not related to non-payment.

**Section 2.** Section 13.40.078 of the Winlock Municipal Code is hereby created to state:

**13.40.078 Water Shut-Off – Reconnection during a heat-related alert.**

- A. A residential user at whose dwelling water service has been disconnected for lack of payment may request that the City reconnect service on any day for which the national weather service has issued or has announced that it intends to issue a heat-related alert, such as an excessive heat warning, a heat advisory, an excessive heat watch, or a similar alert, for the area in which the residential user's address is located. The city shall inform all customers in the notice of disconnection of the ability to seek reconnection and provide clear and specific information on how to make that request, including how to contact the utility.
- B. Upon receipt of a request made pursuant to subsection (A) of this section, the city shall promptly make a reasonable attempt to reconnect service to the dwelling. The city, in connection with a request made pursuant to subsection (A) of this section, shall require the residential user to enter into a payment plan prior to reconnecting service to the dwelling.
- C. A repayment plan required by the City pursuant to subsection (B) of this section will be designed both to pay the past due bill by the following May 15th, or as soon as possible after May 15th if needed to maintain monthly payments that are no greater than six percent (6%) of the customer's monthly income, and to pay for continued utility service. The plan may not require monthly payments in excess of six percent of the customer's monthly income. A customer may agree to pay a higher percentage during this period, but will not be in default unless payment during this period is less than six percent (6%) of the customer's monthly income. If assistance payments are received by the customer subsequent to implementation of the repayment plan, the customer is required to contact the City to reformulate the plan.

**Section 3.** Section 13.40.150 of the Winlock Municipal Code is hereby amended to state:

**13.40.150 NSF fees.**

A fee shall be charged per the current city of Winlock fee schedule for all checks, debit cards, e-check payments, or other payments returned for nonsufficient funds. If more than one NSF payment is received within a one-year (1) period, an alternate form of payment will be required by using cash, money order, cashier's check, or credit card for a period of one (1) year.

**Section 4.** Section 13.40.275 of the Winlock municipal code of the Winlock Municipal Code is hereby created to state:

**13.40.275 Repayment Plans.**

A. Pursuant to RCW 35.21.300, the City shall do the following:

1. Include in any notice that an account is delinquent, and that service may be subject to termination, a description of the customer's duties in RCW 35.21.300;
2. Assist the customer in fulfilling the requirements under this section;
3. Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area;
4. Be permitted to disconnect service if the customer fails to honor the payment program. The City may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected; and
5. Advise the customer in writing at the time it disconnects service that it will restore service if the customer contacts the City and fulfills the other requirements of RCW 35.21.300.

**Section 5.** 13.40.278 of the Winlock Municipal Code of the Winlock Municipal Code is hereby created to state:

**13.40.278 Budget billing/equal payment plan.**

The City shall offer residential water customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered to low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

**Section 6. Reaffirmed.** All other sections of Chapter 13.40 of the Winlock Municipal Code as last amended by Ordinance No. 1156 are hereby affirmed in their entirety.

**Section 7. Repealer.** All other ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 8. Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

**Section 9. Effective Date.** This ordinance shall take effect five days after its publication, or publication of a summary thereof, in the City's official newspaper, or as otherwise provided by law.

**Section 10. Corrections.** Upon approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

**PASSED** by the Council of the City of Winlock, Washington, and **APPROVED** by the Mayor of the City of Winlock at a regularly scheduled open public meeting thereof, this \_\_\_ day of May, 2024.

Brandon Svenson

Brandon Svenson (May 29, 2024 17:57 PDT)

Brandon Svenson, Mayor

Attest:

Penny Jo Haney  
Penny Jo Haney, City Clerk

Approved as to form:

Marissa Y. Jay  
Marissa Y. Jay, WSBA # 55593  
City Attorney

Approved Reading:

5/28/2024

Publication Date:

5/30/2024

Effective Date:

6/04/2024