

CITY OF WINLOCK, WASHINGTON
ORDINANCE NO. 1182

**AN ORDINANCE OF THE CITY OF WINLOCK, WASHINGTON,
ENACTING A NEW SECTION OF CHAPTER 13.40 OF THE WINLOCK
MUNICIPAL CODE CONCERNING THE TEMPORARY REMOVAL OF
UTILITY SERVICES DUE TO AN ACT OF GOD; 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, the City has provisions in its utility code concerning temporary partial suspension of bimonthly billing where a residential customer is a snowbird or where a residential customer is selling, remodeling, and/or building a structure; and

WHEREAS, the City does not have provisions for the temporary removal of utility services, bimonthly billing, and waiver of connection fees where a residential structure is destroyed due to an occurrence outside of an owner’s/customer’s control, such as destruction by fire, flood, tornado, earthquake, or other “act of God;” and

WHEREAS, the Council finds it in the best interests of the residents of the city to enact new rules and regulations concerning the temporary removal of utility services, bimonthly billing, and waiver of connection fees under such circumstances outlined above; and

WHEREAS, the Council further finds that the adoption of said regulations are necessary for the public health, safety, and/or welfare of the City’s residents; and

WHEREAS, the Council also finds that the adoption of said regulations are needed to mitigate “acts of God”; and

WHEREAS, the Council desires to create a new section of 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 13.40.265 WMC is hereby created to state:

13.40.265 Temporary Removal of Utility Services Due to an Act of God.

- A. In the event a residential structure is destroyed due to an occurrence outside of the owner's and customer's control, such as destruction by fire, flood, tornado, earthquake, or other "act of God," then the residential customer may request and apply to the city to have their utility services removed such as to not be charged the base bimonthly utility service fees for a period, not to exceed twelve (12) months. Once the residential structure has been replaced, in order for the customer to not be responsible for applicable connection fees upon reconnection of services, the reconnection shall occur within one year of the removal of their services, at which time the bimonthly billing for utility services will resume. The waiver of connection fees shall not apply to any additional dwelling units or enlarged utility connections due to changes in the replaced structure.
- B. The customer must submit a written application to the city clerk on forms furnished by that office, which, at a minimum, will include the following information:
 - 1. All applications shall be signed by the owner(s) of the real property and the customer;
 - 2. Customer Name;
 - 3. Legal Owner Name (if different from customer);
 - 4. Utility Account Number;
 - 5. Location of Residence;
 - 6. Time Period Requested.
- C. After the City clerk receives an application of temporary removal of utility services and determines it is complete, the City Clerk shall place the application on the agenda for the next regularly scheduled meeting which shall occur no sooner than 5 days nor more than 30 days from the date the application is determined complete. A customer shall be granted only one temporary removal of utility services during any calendar year. The customer's application for a temporary removal of utility services must be submitted to the city within 30 days of the emergency giving rise to the request. The city council, if it finds unusual circumstances and in the exercise of its sound discretion, may waive the 30 day requirement.
- D. During the period of the approved temporary removal of utility services the customer's utility base charges shall be suspended. The applicant shall apply to have service reconnected or restored as required by the city's water and sewer department. A service charge shall apply for the turn-on of the utility connections per the current published city of Winlock fee schedule.
- E. If a customer who applies to a temporary removal of utility services is not current on their utility bills, the City shall record a lien against the property for the past due amounts. No utility services shall be reconnected or turned-on unless all utility accounts are made current, and no past due amounts are owed.
- F. The City may revoke the waiver of connection fees and/or bimonthly billing if criminal charges are filed against the customer, owner, or any occupant of the residence for causing or

contributing to the destruction of the structure, or any other crime related to the destruction of the structure, including insurance fraud and arson. Furthermore, the city may revoke the waiver of connection fees and/or bimonthly billing if a civil cause of action is filed in a court of competent jurisdiction against the customer, owner, or any occupant of the residence for causing or contributing to the destruction of the structure, or any other act related to the destruction of the structure, including insurance fraud and arson. Under such circumstances, the utility connections shall be terminated indefinitely or until such time as the owner applies for a new utility connection, subject to a new connection fee for water and sewer, and pays all outstanding balances owed. Furthermore, the City may revoke the waiver of connection fees and/or bimonthly billing for utility services at any time it determines that the owner, customer, or applicant has failed to provide accurate and full information in their application for temporary removal of utility services.

Section 2. Repealer. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3. 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 4. Effective Date. This ordinance shall take effect five (5) days after its publication, or publication of a summary thereof, in the City's official newspaper, or as otherwise provided by law.

Section 5. 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 24th day of March, 2025.



Brandon Svenson, Mayor

Attest:



Jill Davis, City Treasurer

Approved as to form:



Marissa Y. Jay, WSBA # 55593
City Attorney

Approved Reading: 03/24/2025

Publication Date: 03/29/2025

Effective Date: 03/31/2025