ORDINANCE NO. 007-13

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, AMENDING PORT ORCHARD MUNICIPAL CODE SECTION 13.06.120 TO ALLOW FOR THE RECOVERY OF THE COST OF RECORDING FEES FOR STORM DRAINAGE LIENS

WHEREAS, Port Orchard Municipal Code section 13.06.120 authorizes the City to prepare and record a lien against any property where storm drainage charges remain unpaid for four months; and

WHEREAS, the cost charged by the Kitsap County Auditor to record documents is $72.00 per page; and

WHEREAS, the City Council finds that it is in the best interest of the City to charge delinquent storm drainage accounts the full cost of recording; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Port Orchard Municipal Code section 13.06.120 is hereby amended to read as follows:

13.06.120 Billing: payment: penalty: lien.
(1) The storm drainage service charges shall be billed bimonthly to the current property owner by the City Treasurer on the last day of the bimonthly billing period. It shall be the responsibility of the property owner to notify the City upon change of ownership.
(2) The charges shall be due to the City Treasurer, who is authorized and empowered to collect and receipt for such payments, on the first day of the month following the receipt of services.
(3) Charges remaining unpaid 25 days after the due date shall be considered delinquent and shall be subject to an additional charge of 10 percent of the unpaid balance as a penalty.
(4) The City of Port Orchard may disconnect water service for any customer whose bill for storm drainage services is more than 30 days delinquent, in which case the shutoff and reconnect fees set forth in POMC 13.04.050 apply. Termination of water service shall not limit other remedies available to the City.
(5) Pursuant to RCW 35.21.290 and 35.67.200, the City Treasurer is directed to prepare and file a lien against any property where storm
drainage charges remain unpaid for four months. The recording fee to be applied to the account will be based on the current charges as established by the county auditor when the lien is filed. Such liens shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 et seq., except that the service charge lien shall be effective for a total not to exceed one year’s delinquent service charges without the necessity of any writing or recording the lien with the county auditor, as provided for in RCW 35.67.215.

SECTION 2. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 3. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 26th day of March 2013.

Timothy C. Matthes, Mayor

Brandy Rinearson, CMC, City Clerk

Gregory A. Jacoby, City Attorney

Sponsored by:

Cindy Lucarelli, Councilmember
NOTICE OF CITY OF PORT ORCHARD
ORDINANCE

The following is a summary of an Ordinance approved by the Port Orchard City Council at their regular Council meeting held March 26, 2013.

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AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, AMENDING PORT ORCHARD MUNICIPAL CODE SECTION 13.06.120 TO ALLOW FOR THE RECOVERY OF THE COST OF RECORDING FEES FOR STORM DRAINAGE LIENS

Copies of Ordinance No. 007-13 are available for review at the office of the City Clerk of the City of Port Orchard. Upon written request a statement of the full text of the Ordinance will be mailed to any interested person without charge. Thirty days after publication, copies of Ordinance No. 007-13 will be provided at a nominal charge.

City of Port Orchard

Brandy Rinearson
City Clerk

Publish: Port Orchard Independent
April 5, 2013