

**CITY OF STANWOOD  
Stanwood, Washington**

**ORDINANCE 1359**

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON,  
CHANGING THE CITY'S WATER LEAK ADJUSTMENT POLICY AND  
AMENDING SECTION 12.20.060 OF THE STANWOOD MUNICIPAL CODE.**

**WHEREAS**, the city council of the City of Stanwood has the authority to establish policies to adjust customer utility bills by ordinance; and

**WHEREAS**, current city policy allows the finance director to issue a water leak credit of up to 50 percent of the volume consumed; and

**WHEREAS**, that same policy does not allow the city to consider more than one application for water leak credit per service address in any 24-month period; and

**WHEREAS**, there may be special circumstances when the city council may wish to consider more than one application for water leak credit in a 24-month period.

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

**Section 1. SMC Section 12.20.060 Adjustments to bills** is hereby amended to read as follows:

**12.20.060 Adjustments to bills.**

(1) In the event a meter fails to register the correct amount of water used, the customer will be charged at the average rate of monthly consumption for the previous 12 months as shown by the meter when in working order.

(2) In the event a leak or failure of a private water system or private service between the meter and the structure located on private property results in excess consumption, the city may, through a determination of the city finance director, provide for a rate adjustment up to 50 percent of the volume consumed in any one billing period in excess of the bi-monthly average of water consumed over the previous 12 months at that service address.

(a) Customers shall be required to provide proof of repair to leak or failure prior to receiving any rate adjustment.

(b) Application for the credit or adjustment must be made in written form and approved by the city finance director or his/her designee.

(c) No more than one application for credit may be considered per service address in any 24-month period without city council approval. In order to grant a second adjustment the Council must find one or more of the following circumstances exist:

1. The leak could not have been readily detectable with reasonable diligence;

2. The customer does not occupy or use the subject property on a continuous basis;

3. Any prior leak for which an adjustment was made by the City was repaired within 30 days of discovery;

4. The customer account has been kept current and there have been no delinquencies within the previous 24 months.

Adjustments are final and requests for reversal will not be granted and are not subject to appeal.

**Section 2. Severability.** If any section, subsection, sentence, clause, phrase or word 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 or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**Section 3. Effective Date.** This ordinance will become effective immediately upon adoption.

PASSED by the City Council and APPROVED by the Mayor this     day of     , 2013.

CITY OF STANWOOD

By Leonard Kelly Pro-Tem  
Dianne White, Mayor

Attest:

By Greg Thramer  
Greg Thramer, City Clerk

Approved as to form:

By Grant Weed  
Grant Weed, City Attorney

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