

**CITY OF STANWOOD**  
Stanwood, Washington

**ORDINANCE 1415**

**AN ORDINANCE OF THE CITY OF STANWOOD,  
WASHINGTON, AMENDING STANWOOD MUNICIPAL CODE  
(SMC) SECTION 12.20.060 ADJUSTMENTS TO BILLS;  
ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.**

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

**Section 1.** SMC Section 12.20.060 entitled "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:

(i) The leak could not have been readily detectable with reasonable diligence;

(ii) The customer does not occupy or use the subject property on a continuous basis;

(iii) Any prior leak for which an adjustment was made by the city was repaired within 30 days of discovery;

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

(3) 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 that was the result of a city project involving a public work as defined by state law, or maintenance performed at the expense of the city, the city public works director will have the authority to provide a rate adjustment for more than 50 percent of the volume consumed in excess of the bimonthly average of water consumed over the previous 12 months at that service address.

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

**Section 2. Severability.** The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 3. Effective Date.** This Ordinance shall take effect from and after five (5) days after its passage and publication as required by law.

**PASSED AND APPROVED** by the Stanwood City Council this 24<sup>th</sup> day of March, 2016.

CITY OF STANWOOD

  
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Leonard Kelley, Mayor

ATTEST:

By:   
\_\_\_\_\_  
Jan Berg, City Clerk

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
Grant Weed, City Attorney

Date of Publication: March 29, 2016

Effective Date: April 4, 2016