

ORDINANCE NO. 6777

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING ORDINANCE NO. 6767, EXTENDING THE TEMPORARY WAIVER OF LATE FEES FOR UTILITY ACCOUNTS AND AIRPORT FEES, SUPERSEDING CERTAIN SECTIONS OF AUBURN CITY CODE REQUIRING PAYMENT OF SUCH LATE FEES AS SET FORTH IN ACC 12.56.045; 13.06.300; 13.06.511; 13.20.390; AND 13.48.120, IN LIGHT OF A DECLARED PUBLIC HEALTH EMERGENCY RELATED TO COVID- 19

WHEREAS, the World Health Organization has announced novel coronavirus COVID-19) is officially a global pandemic; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency because of COVID- 19; and

WHEREAS, the Washington Governor declared a State of Emergency due to new cases of COVID-19; and

WHEREAS, on March 5, 2020, the Mayor proclaimed a local emergency due to growing public health impacts of COVID-19, which the Auburn City Council ratified by Resolution No. 5504; and

WHEREAS, the COVID-19 outbreak presents an extreme risk of person-to- person transmission of the virus and public health experts worldwide advise the best way to prevent transmission of the virus is to prevent infected people from coming in close contact with healthy persons; and

WHEREAS, following recommended public health best practices, including social

distancing, which is critical to mitigate the spread of COVID-19, is also having significant negative economic effects on the national, regional, and local economy, in particular small businesses and workers in the Auburn-area who cannot work remotely and may not receive full wages during this time; and

WHEREAS, utility bills combined with the public health emergency for COVID-19 will inherently have a disproportionate negative impact on low-wage workers, individuals on fixed incomes, non-profit organizations and small businesses, inhibiting their ability to pay utility bills before the due date; and

WHEREAS, temporarily waiving the charging of late fees on delinquent bill balances as soon as possible, for utility bills and airport fees, is necessary both to help ease the negative impact on low-wage workers, individuals on fixed incomes, non-profit organizations and small businesses and to reduce the frequency of in-person bill payment during the emergency; and

WHEREAS, the Auburn City Code ("ACC") includes several provisions requiring late fees on delinquent utility consumption and utilization charges; and

WHEREAS, the ACC and the adopted City of Auburn Fee Schedule includes provisions requiring late fees on delinquent airport payments; and

WHEREAS, as part of its continued efforts to respond to the emergency and provide assistance to its customers, the City has determined it is appropriate to temporarily waive imposition or collection of late fees and penalties assessed against users of the City' s utility systems and municipal airport; and

WHEREAS, in order to provide for a waiver of late fees, on March 23, 2020, the City Council adopted Auburn Ordinance No. 6767; and

WHEREAS, in order to address the purposes for which the late fees were to be waived, it is appropriate to extend the waiver of late fees, currently set to expire on June 30, 2020; and

WHEREAS, the provisions of Ordinance No. 6767 should be amended to extend the waiver of late fees through August 31, 2020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

The provisions of Ordinance No. 6767 are amended as follows:

Section 1. Late Fees Waived. The imposition and collection of late fees assessed against users of the City of Auburn' s utility systems and municipal airport are waived until the earlier of: a) termination of the civil emergency proclaimed by the Mayor on March 5, 2020; or (b) ~~June 30, 2020~~August 31, 2020.

Section 2. Affected City Code Sections. To the extent the following sections or subsections of the ACC that authorize or require the collection of late fees and penalties on delinquent utility customer consumption, utilization charges, or airport fees, are inconsistent with Section 1 of this Ordinance, those sections are superseded and waived during the time period stated in Section 1:

ACC 12.46.045 (Airport tiedown, Hangar, and Storage Rental Fees)

ACC 13.06.290 (Water-Service Charges- Nonpayment Action)

ACC 13.06.300 (Water-Service Charges-Payment and Delinquency)

ACC 13.06.511 (Fees, Service Charges, Fines, Penalties and Damage)

ACC 13.20.390 (Sewage Conveyance and Disposal Service Charge-Payment Dates-Payment Delinquency)

ACC 13.48.120 (Sewers- Billing and Collection)

City of Auburn Fee Schedule (B)(9) (Engineering and Public Works Fees, Other Utility Fees)-Delinquent shut off, late charge, delinquent meter pull; (D)(1) (Auburn Municipal Airport Fees, Lease Fees)-Late payments and delinquency fee.

Section 3. Late Fee Waivers. The Mayor is authorized to waive late fees both in the code and set forth in the City of Auburn Fee Schedule consistent with ACC 2.03.030.

Section 4. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 5. Severability. The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 6. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____