

ORDINANCE NO. 2010-01-006

AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING BELLINGHAM MUNICIPAL CODE SECTION 15.04.105 REGARDING FEES FOR SEWER LIEN FILINGS.

WHEREAS, Washington state law (RCW Chapter 35.67) allows the City as a utility provider to file a lien against any property owing delinquent sewer and storm and surface water fees ("sewerage lien"); and,

WHEREAS, BMC Section 15.04.105 implements the state law authorized sewerage lien process; and,

WHEREAS, the City currently charges \$50.00 for both recording and releasing the lien to recover the City's recording costs; and,

WHEREAS, Washington state has passed HB 2331 in 2009, which increased the existing surcharge to record documents, including the City's sewerage liens; and,

WHEREAS, HB 2331 took effect on July 1, 2009 and increased the City's recording costs; and,

WHEREAS, the first page of recording now costs the City \$63.00 plus additional charges per page; and,

WHEREAS, to recover the City's actual costs of recording sewerage liens, BMC Section 15.04.105 must be revised;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. BMC 15.04.105 is hereby amended as follows:

15.04.105 - Lien For Delinquent Sewer Payments

In addition to any other remedies permitted by law, the City shall have a lien pursuant to RCW 35.67, as currently enacted or hereinafter amended, for all delinquent and unpaid sewer or storm and surface water rates and charges, including interest thereon, against any parcel or premises for which the sewer and/or storm and surface water rates and charges have been furnished. Said lien shall have the superiority, and may be foreclosed upon, as described in RCW 35.67, as currently enacted or hereinafter amended. The City shall be entitled to charge and collect an amount sufficient to recover the City's costs associated with recording the lien and an additional amount sufficient to recover the City's costs associated with releasing the lien. The City shall be entitled to recover its costs incurred in collecting any delinquent sewer or surface and storm water payments, including court costs and attorney fees.

[Ord. 2004-11-081 §2; Ord. 2001-02-007; Ord. 9618 §6, 1986]

PASSED by Council this 25th day of January, ~~2009~~ 2010



Council President

APPROVED by me this 29th day of January, ~~2009~~ ²⁰¹⁰



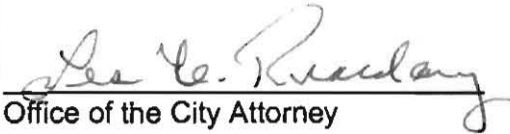
Mayor

Attest:



Finance Director

Approved as to Form:



Office of the City Attorney

Published: January 29, 2010