

Approved: 07/03/2024

Effective: 07/18/2024

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 24-045

AMENDING 25.20.120 OF THE SNOHOMISH COUNTY CODE RELATING TO
STORM AND SURFACE WATER MANAGEMENT

WHEREAS, the County Council desires to amend authority under SCC 25.20.120 to allow certain Uncollectible Accounts which are delinquent to be cancelled; and

WHEREAS, on July 3, 2024, the County Council held a public hearing after proper notice and considered public comment and the entire record related to the code amendments contained in this ordinance.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The county council hereby adopts the foregoing recitals as findings of fact and conclusions as if set forth in full herein.

Section 2. Snohomish County Code Section 25.20.120, last amended by Amended Ordinance 23-019 on April 12, 2023 is amended to read:

25.20.120 Delinquent service charges.

(1) Service charges imposed by this title that remain unpaid in whole or in part, when due pursuant to SCC 25.20.090, shall be considered delinquent.

(2) (a) Except as provided in (c) of this subsection, delinquent service charges under this section are subject to interest as provided in this subsection computed on a monthly basis on the amount of service charges delinquent from the date of delinquency until paid. Interest must be calculated at the rate in effect at the time of the service charge payment, regardless of when the service charges were first delinquent.

(i) Until December 31, 2022, the interest rate is 12 percent per annum for all nonresidential real property and residential real property.

(ii) Beginning January 1, 2023, interest rates are as follows:

(A) Twelve percent per annum for all nonresidential real property and for residential real property with greater than four units per taxable parcel; or

(B) Nine percent per annum for all residential real property with four or fewer units per taxable parcel, including manufactured/mobile homes as defined in RCW 59.20.030.

(b) (i) Penalties on delinquent service charges under this section may not be assessed beginning January 1, 2022 through December 31, 2022.

(ii) Beginning January 1, 2023, delinquent service charges under this section are subject to penalties for nonresidential real property and for residential real property with greater than four units per taxable parcel as follows:

1 (A) A penalty of three percent of the amount of service charge
2 delinquent is assessed on the service charge delinquent on June 1st of
3 the year in which the service charge is due.

4 (B) An additional penalty of eight percent is assessed on the
5 delinquent service charge amount on December 1st of the year in which
6 the service charge is due.

7 (iii) Penalties may not be assessed on residential real property with four or
8 fewer units per taxable parcel, including manufactured/mobile homes as defined
9 in RCW 59.20.030.

10 (c) (i) If a ratepayer is successfully participating in a payment agreement or a
11 partial payment program, the director may not assess additional penalties on delinquent
12 service charges that are included within the payment agreement. Interest and penalties
13 that have been assessed prior to the payment agreement remain due and payable as
14 provided in the payment agreement.

15 (ii) The following remain due and payable as provided in any payment
16 agreement:

17 (A) Interest that has been assessed prior to the payment
18 agreement; and

19 (B) Penalties assessed prior to January 1, 2022 that have been
20 assessed prior to the payment agreement.

21 (3) As provided by RCW 84.60.010, service charges, or portions thereof, that
22 become delinquent under subsection (1) above, including interest and penalties shall
23 constitute a lien against the real property upon which they are imposed. As provided by
24 RCW 84.60.020, such lien shall attach on the first day of January in the year in which
25 the service charges are assessed and shall continue until the service charges, including
26 any interest and penalties, are paid in full. The county's lien for delinquent service
27 charges shall be superior to all other liens and encumbrances except general taxes and
28 local and special assessments.

29 (4) As provided in RCW 84.64.050, after the expiration of three years from the date
30 on which service charges, or portions thereof, become delinquent under subsection (1)
31 above, the county treasurer shall foreclose the liens arising pursuant to this section in
32 the county's annual tax foreclosure action under chapter 84.64 RCW unless said
33 delinquent account has been declared to be an Uncollectible Account as provided for in
34 section 6 below. Costs of collection and foreclosure shall be included in the amount of
35 the lien. Approval by the county council shall be required prior to any foreclosure action
36 taken by the county treasurer which involves only delinquent charges under subsection
37 (1) above. The department shall provide such approval to the county treasurer by
38 February 1st of the foreclosure year. The department shall reimburse the county
39 treasurer for the department's share of all costs incurred from collection and/or
40 foreclosure under this section.

41 (5) When the county treasurer does not take foreclosure action pursuant to
42 subsection (4) above, the director shall take any and all lawful means to collect the
43 delinquent service charge, or portions thereof, that become delinquent under subsection
44 (1) above. The amount collected shall include all accrued interest and penalties, as well
45 as the costs of collection.

1 (6) If during the course of lawful collection action for the delinquent service charges,
2 or portions thereof, that become delinquent under subsection (1) above, the director
3 determines that it is not in the public interest that the lien for collection of said delinquent
4 charges be foreclosed due to lack of economic value of the property subject to
5 foreclosure and/or liability to the public that would arise in the event of acquisition of the
6 property subject to foreclosure, the director may file with the county legislative authority,
7 ~~((on or before the first day of February following the year in which such assessments~~
8 ~~shall remain delinquent for a period of three years))~~ at any time, a list of such delinquent
9 accounts together with an affidavit of the director or his designee, stating the reasons
10 why it is not in the public interest that those properties subject to lien for delinquent
11 service charges should be foreclosed. The county legislative authority shall cancel the
12 delinquent charges owing upon those properties as the county legislative authority is
13 satisfied would not be in the public interest to foreclose based either upon the costs of
14 foreclosure exceeding the economic value of the property to be foreclosed and/or said
15 property being subject to certain liabilities or other obligations which may be assumed
16 by the public if foreclosed.

17 (7) Nothing herein shall be deemed to require the county treasurer to foreclose on a
18 lien created hereunder in a manner that is more frequent or inconsistent with other lien
19 foreclosure procedures and the costs related thereto.
20


21 Section 3. Severability and Savings. If any section, sentence, clause or phrase
22 of this ordinance shall be held to be invalid or unconstitutional by a court of competent
23 jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
24 constitutionality of any other section, sentence, clause or phrase of this ordinance.
25 Provided, however, that if any section, sentence, clause or phrase of this ordinance is
26 held to be invalid or unconstitutional by a court of competent jurisdiction, then the
27 section, sentence, clause or phrase in effect prior to the effective date of this ordinance
28 shall be in full force and effect for that individual section, sentence, clause or phrase as
29 if this ordinance had never been adopted.
30

31 PASSED this 3rd day of July, 2024.

32
33 SNOHOMISH COUNTY COUNCIL
34 Snohomish County, Washington
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38 _____
39 Council Chair

40 ATTEST:

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42 _____
43 Deputy Clerk of the Council
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1 (X) APPROVED
2 () EMERGENCY
3 () VETOED
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5 DATE: July 8, 2024

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9 County Executive

10 ATTEST:

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13 Melissa Geraghty
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17 Approved as to form only:

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20 /s/ Brian Dorsey 
21 Deputy Prosecuting Attorney