

**AN ORDINANCE TO AMEND CHAPTER 45 OF THE CITY CODE TO
LIMIT THE CITY'S ABILITY TO FILE MONITIONS TO COLLECT
UNPAID WATER FACILITIES AND USAGE CHARGES**

#0084

WHEREAS, Section 4-181 of the Related Laws allows the City to file a monition

Sponsor:

against the owner of record of real property for unpaid water facilities and usage charges

**Council
Member
McCoy**

related to that property; and

WHEREAS, the monition results in the public sale of such real property if the
overdue charges are not paid; and

WHEREAS, the City wants to promote homeownership and the retention thereof;
and

WHEREAS, in light of the foregoing, City Council deems it necessary and
appropriate to limit the City's ability to file monitions to collect unpaid water facilities and
usage charges.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Section 45-176 of the City Code is hereby amended by adding the
underlined language to read as follows:

**Sec. 45-176. - Water, sewer, and stormwater charges; interest, penalties and
costs; limitation of actions; monitions.**

(j) Monitions. The City shall not file a monition, as described in
Section 4-181 of the Related Laws, to collect unpaid water
facilities and usage charges if the owner of record of real property
has unpaid charges owed to the City where at least sixty percent
(60%) of the aggregate amount owed to the City by the owner of
such real property is comprised of water facilities and usage
charges.

(1) This subsection only applies to owner occupied
properties.

(2) Nothing in this subsection shall limit the City's ability to pursue other methods to collect unpaid water facilities and usage charges owed to the City.

SECTION 2. This Ordinance shall become effective upon its passage by City Council and approval by the Mayor.

First Reading..... July 1, 2021
Second Reading..... July 1, 2021
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2021.

Mayor

SYNOPSIS: This Ordinance amends City Code Section 45-176 to prohibit the City from filing monitions to collect unpaid water facilities and usage charges owed to the City where at least sixty percent (60%) of the aggregate amount owed to the City by the owner of real property is comprised of water facilities and usage charges. This prohibition only applies to owner occupied properties and it does not limit the City's ability to use other collection methods to collect unpaid water facilities and usage charges owed to the City.

FISCAL IMPACT STATEMENT: This Ordinance's fiscal impact will reduce accounts receivable by forty percent (40%), from approximately \$35 million outstanding collectible to approximately \$23 million outstanding collectible.