

ORDINANCE NO. 476-2009

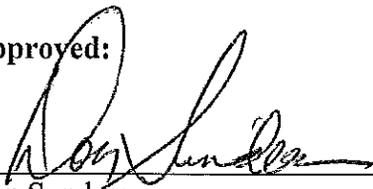
AN ORDINANCE RELATING TO THE BILLING AND COLLECTION OF CITY UTILITY CHARGES AND AMENDING THE DUNDEE MUNICIPAL CODE.

THE CITY OF DUNDEE DOES ORDAIN AS FOLLOWS:

A new Chapter 13.04 is hereby adopted and added to the Dundee Municipal Code, which is to read as set out in Exhibit "A" attached hereto.

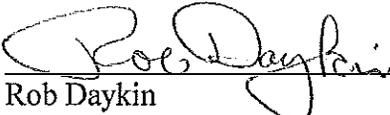
ADOPTED by the Council this 3rd day of February, 2009.

Approved:



Don Sundeen
Mayor

Attest:



Rob Daykin
City Administrator/Recorder

Chapter 13.04

BILLING AND COLLECTION OF UTILITY CHARGES

- 13.04.010 Combined utility billing.
- 13.04.020 Application for service.
- 13.04.030 Billing tenants.
- 13.04.040 Deposits.
- 13.04.050 Owner responsible for utility charges.
- 13.04.060 Utility charge liens.
- 13.04.070 Billing and collection.
- 13.04.080 Unauthorized restoration of service.
- 13.04.090 Payment arrangements.
- 13.04.100 Final bills.
- 13.04.110 Collection costs.
- 13.04.120 Temporary vacancies.
- 13.04.130 Deposits, fees and charges established.
- 13.04.140 Meter test.
- 13.04.150 Leak adjustments.
- 13.04.160 Appeal procedures.

13.04.010 Combined utility billing.

Water service charges, sanitary sewer charges and storm water charges authorized by the Dundee city council and imposed on users of utility services, or any combination of such charges, shall be billed in conformance with the provisions of this chapter. For purposes of this chapter, "utility" shall include water service, sanitary sewer service and storm water service provided by the city.

13.04.020 Application for service.

Application for utility service shall be made in writing by the owner of the premises to be served, or the owner's agent, on forms furnished by the city, giving the location of premises to be served, the date the applicant desires service to begin, purpose for which service is to be used, the address for mailing the bills and such other information as the city may require. The application for utility service shall be accompanied by payment of a processing fee. Rules and regulations established by the city for utility services shall be part of the service contract between the city and the applicant. All such rules and regulations are subject to change by the council at any time. The filing of an application for the use of city utilities shall be considered as consent by the applicant to be bound thereby. If an application is not properly completed and filed with the city within five days of a new service account being established, the account may be terminated and the water disconnected to the premises.

13.04.030 Billing tenants.

A property owner, or the owner's agent, may authorize that city utility charges be billed directly to a tenant on the application for service. In such cases, tenant shall complete and co-sign the application form. Owners are to notify the city within 24 hours of any billing customer change. Water service will remain active between tenants unless otherwise instructed by the owner. Owners will be responsible for all utility charges for periods of vacancies between tenants, or for any time period for which the city was not notified of a change of occupancy.

13.04.040 Deposits.

At the time application for utility service is made, any customer who is not the owner of the property being served shall pay a utility deposit. The deposit shall be held by the city until service is discontinued, and then will be applied toward the final bill, with any extra being refunded. Interest shall not be paid on deposits.

13.04.050 Owner responsible for utility charges.

Responsibility for payment of city utility charges shall be that of the person who owns the property. The responsibility for payment to the city does not pass to the tenant or other occupants, notwithstanding the fact that tenants or other occupants may be required by the property owner to pay the charges. The city shall provide information to the owner regarding the status of a tenant's account upon request. Execution of a service application shall constitute the owner's consent to such responsibility.

13.04.060 Utility charge liens.

City utility charges shall be a lien against the premises served from and after the date of billing and entry on the ledger or other records of the city pertaining to the utility system, and such records shall remain accessible for inspection by anyone interested to ascertain the amount of such charges against the property. When a bill for utility service remains unpaid 60 days after it has been rendered, the city may give constructive notice pursuant to ORS 93.643 of the lien thereby created and the lien may be foreclosed in the manner provided by ORS 223.610, or in any other manner provided by law or city ordinance. The city may refuse water service to any property upon which a lien has been attached until the amount owing on the lien has been paid to the city.

13.04.070 Billing and collection.

- A. Water meters shall be read at regular intervals for the preparation of city utility bills and as required for the preparation of opening and final bills. The city reserves the right to estimate meter readings in cases where actual meter readings are not available and to adjust consumption when actual readings are obtained. Opening and closing bills, representing less than a full billing cycle, shall be prorated using the actual days of use. Utility charges shall be billed monthly. All bills are due and payable upon receipt, and are delinquent if not paid within 25 days after the billing date.

B. When a bill is delinquent, water service may be disconnected by the city. Written notice shall be mailed to customers at least ten days prior to disconnecting water service for nonpayment. All accounts mailed a delinquency notice shall have a notice fee charged to the account on the date of mailing the notice. If payment of the past due amount and the notice fee is not made by the date and time designated on such notice, a final warning notice to the customer shall be posted at the premises 24 hours prior to disconnecting water service for nonpayment. All accounts receiving the 24-hour notice shall have a posting fee charged to the account on the date of posting the notice. If payment of the past due balance and the notice and posting fees are not made by the date and time designated on the 24-hour notice, the water service to the premises may be disconnected and the water shall not again be furnished thereto until all such utility charges have been paid in full, including payment of a reconnection fee for turning the water back on.

13.04.080 Unauthorized restoration of service.

If utility service to a delinquent account has been turned off, and if the owner, occupant, or other unauthorized person restores the service prior to making the required payments, a fee equivalent to double the reconnection fee shall be added to the account. Such fee shall not prevent nor replace regular charges for the services used, nor preclude judicial remedies or criminal or civil sanctions.

13.04.090 Payment arrangements.

The city administrator, or his/her designee, may enter into a payment arrangement with a customer to facilitate the payment of delinquent utility charges in order to have water service restored. Such agreements shall not exceed the term of six months. If the customer fails to comply with the terms of the agreement, then the water may be shut off without additional notice and not turned on again until the outstanding charges are paid in full.

13.04.100 Final bills.

A customer shall notify the city reasonably well in advance of the date service is to be discontinued. The customer shall pay all utility charges until the date of such discontinuance. If notice is not given, the customer will be required to pay for service until the date the city has learned that the customer has vacated the premises. Final bills are due and payable upon receipt. Final bills of tenants, net of the customer deposit, which remain unpaid 20 days after the final billing date, shall be submitted to the owner for payment. The city may disconnect water service to the premises, notwithstanding if an account has been established with a subsequent tenant, if the final bill of a previous tenant remains unpaid 30 days after the final billing date.

13.04.110 Collection costs.

In the event of any suit or proceeding to collect delinquent utility charges, the customer responsible for the charges shall pay all costs of collection, including the city's attorney fees at trial and at appeal, as part of the delinquent amount. In the event that the account is assigned to a private collection agency, a fee shall be added to the account before being assigned to cover the cost of collection.

13.04.120 Temporary vacancies.

- A. In the case of temporary vacancy of any premises due to change of ownership or occupation between tenants for periods of less than 15 continuous days, city utility charges shall not be assessed, provided that less than 20 cubic feet of water is used during the period of no occupancy.
- B. Where premises receiving city utility services is rendered uninhabitable as determined by the building official, city utility charges shall not be assessed during reconstruction or repair of the premises, provided that less than 20 cubic feet of water per month is used during the period of no occupancy.
- C. A customer requesting discontinuance of service for more than 30 continuous days shall upon written request to the city have the water service disconnected to the premises and shall be billed at the normal monthly rates up to end of the current billing cycle. During the period of no occupancy, the account shall be billed a monthly service standby fee. Upon written request for resumption of water service, the account shall be billed at the normal monthly rates starting at the beginning of the billing cycle preceding the date of water service restoration.

13.04.130 Deposit, fees and charges established.

All deposits, fees and charges required by this chapter shall be established by resolution of the city council.

13.04.140 Meter test.

A customer may request the city to test the accuracy of the water meter serving the customer's premises. Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association. The customer shall pay a deposit to cover the cost of testing the meter. The deposit shall be returned to the customer if the test reveals the meter to over-register more than five percent under conditions of normal operation; otherwise, the deposit shall be forfeited to the city. When, upon test, a meter is found to be over-registering more than five percent under normal operating conditions, the city will refund to the customer the full amount of the overcharge, based on corrected meter readings, not exceeding six months that the meter was in use.

13.04.150 Leak adjustments.

- A. The customer retains control over the use of water on the customer's premises, and as such, the customer is responsible for all the water passing through the meter, including water, which may be lost or wasted through leaking pipes or fixtures on the premises. No adjustment to water charges shall be made for leaks that occur on the customer's side of the water meter. A reduction to sewer charges for the excess water used may be allowed for leaks that occur on the customer's premises or in the customer's line under the following conditions: 1) The leak causes an increase in the customer's water consumption over 100% of normal usage for that month; 2) The customer can show that the occurrence of the leak was not due to negligence; and 3) The customer can show that they made a diligent effort to repair the leak within 48 hours of discovery.
- B. Upon verification of the leak being repaired, the city administrator, or his/her designee, may authorize a credit to the customer's account for sewer charges in an amount that would be equivalent to the difference between the billed sewer charges and the sewer charges computed using the average consumption for that account. The average consumption will be calculated by using the consumption for the same month's billing cycle as in the previous three years. In the event that three years of water consumption records are not available, the city administrator, or his/her designee, will determine the average consumption based on the best information available. No credit shall be authorized for water charges.
- C. Leak adjustments shall be limited to one per two-year period for an account.

13.04.160 Appeal procedures.

A customer who disputes their utility bill may make a written appeal to the city administrator. The city administrator shall review the appeal and provide a written response to the customer. The customer shall continue to comply with the provisions of this chapter during the appeal process. A customer aggrieved by the city administrator's decision may appeal to the city council by filing with the city a written request for review no later than ten days after receiving the city administrator's decision. The city council's decision shall be final.