

ORDINANCE NO. 774

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE SECTIONS 13.16.450, "UTILITY DEPOSITS: WHEN REQUIRED"; 13.16.460, "UTILITY DEPOSITS: REFUNDS"; 13.16.470, "UTILITY BILLS: RESPONSIBLE PARTY"; 13.16.480, "UTILITY BILLS: WHEN DUE"; 13.16.490, "UTILITY BILLS: DELINQUENT ACCOUNTS"; 13.60.500, "UTILITY BILLS: PROCEDURE FOR SHUTTING OFF WATER"; 13.16.510, "RESTORATION OF SERVICE CHARGE"; CREATING SECTIONS 13.16.520, "RESIDENTIAL UTILITY DEPOSITS: WHEN REQUIRED"; 13.16.530, "RESIDENTIAL UTILITY DEPOSITS: REFUNDS"; 13.16.540, "RESIDENTIAL UTILITY DEPOSITS: RESPONSIBLE PARTY"; 13.16.550, "RESIDENTIAL UTILITY BILLS: WHEN DUE"; 13.16.560 "RESIDENTIAL UTILITY DEPOSITS: DELINQUENT ACCOUNTS"; 13.16.570, "RESIDENTIAL UTILITY BILLS: PROCEDURE FOR SHUTTING OFF WATER"; 13.16.580, "RESIDENTIAL UTILITIES: SERVICE CHARGE"; AND RENUMBERING SECTIONS 13.16.520, "APPEAL OF DEVELOPMENT FEES"; 13.16.530, "ENFORCEMENT OF PROVISIONS"; 13.16.590, "VIOLATION: PENALTY"; AND 13.24.1220, "VIOLATION: PENALTY."

WHEREAS, it is the Stayton City Council's primary goal to protect the health and well being of all residents by providing water and sewer service without creating financial hardship to residents; and

WHEREAS, a significant percentage of the properties in the City of Stayton are occupied, through rental, lease, or other agreement, by persons other than the owner of the property; and

WHEREAS, a significant percentage of these tenant arrangements provide that the renter, lessee, or other tenant occupant is responsible for utility costs (water and sewer) to the property; and

WHEREAS, the Stayton City Council finds that responsibility for utility costs related to providing utilities (water and sewer) to a property should be solely that of the owner of the property; and

WHEREAS, it is the intent of the Stayton City Council that the owners of property be billed and responsible for utility costs;

NOW, THEREFORE, the Stayton City Council ordains as follows:

SECTION 1.: Stayton Municipal Code Section 13.16.450 is hereby amended to read:

13.16.450 COMMERCIAL/INDUSTRIAL UTILITY DEPOSITS: WHEN REQUIRED

1. A utility deposit of \$75.00 for water and sewer service, or an amount equal to one month's service, whichever is greater, shall be required of all persons requesting utility service at any commercial/industrial premises.
2. The utility deposit shall bear no interest.

SECTION 2.: Stayton Municipal Code Section 13.16.460 is hereby amended to read:

13.16.460 COMMERCIAL/INDUSTRIAL UTILITY DEPOSITS: REFUNDS

1. Upon discontinuance of service to any customer, the city will refund the customer's deposit or the balance, if any, in excess of the unpaid bills owing for utility service furnished by the city.
2. The utility deposit shall be refunded to the customer after twelve (12) months if all utility bills have been paid within ten (10) days of the due date, and if service has not been discontinued for non-payment during any twelve (12) month period.
3. A new utility deposit may be waived when any customer moves from one location in the city to another location in the city if, within the prior twelve (12) months, the customer has paid all utility bills to the city within ten (10) days of the due date and service has not been discontinued for non-payment.

SECTION 3.: Stayton Municipal Code Section 13.16.470 is hereby amended to read:

13.16.470 COMMERCIAL/INDUSTRIAL UTILITY BILLS: RESPONSIBLE PARTY

1. Where more than a single dwelling unit or business is serviced by a single water meter, the bill for utilities shall be sent to the owner of the premises.
2. The property owner of record shall be responsible for the payment of all charges prescribed in this ordinance. If the property is rented and the renter fails to pay the charges, the city shall present the bill to the property owner for payment.
3. All water and sewer charges shall be a lien against the premises served from and after the date of billing and entry in the city lien docket. The lien docket shall be made accessible for inspection by anyone interested in ascertaining the amount of the charges against the property. When a bill for water or sewer service remains unpaid thirty (30) days after it has been rendered, the lien thereby created may be foreclosed in any manner provided by law, this code, or city ordinance

SECTION 4.: Stayton Municipal Code Section 13.16.480 is hereby amended to read:

13.16.480 COMMERCIAL/INDUSTRIAL UTILITY BILLS: WHEN DUE

All accounts for water and sewer service are due and payable at city hall on the tenth day of each calendar month for all the previous month's use.

SECTION 5.: Stayton Municipal Code Section 13.16.490 is hereby amended to read:

13.16.490 COMMERCIAL/INDUSTRIAL UTILITY BILLS: DELINQUENT ACCOUNTS

1. Water and sewer bills become delinquent if not paid within ten (10) days after it becomes due, as specified in Section 13.16.480 of this chapter.

2. Notices of delinquent accounts will be mailed to occupants and property owners on the first working day after delinquency occurs advising them of the delinquency and the proposed shut-off date.
3. The city may shut off water for any customer whose account has become delinquent or who has not paid the utility deposit in accordance with procedures set out in Section 13.16.500 of this ordinance for such time as the default of payment may continue.
4. A Final Delinquent Notice will be attached to the door of any owner/occupied service address for which payment has not been made twenty (20) days after delinquency as defined in 13.16.560.1. The notice will inform the customer that the utility bill must be paid within a minimum of 24 hours or the water service will be shut off after the date and time specified on the final notice.
5. Processing Fees for Repeat Delinquent Accounts
  - a. An account is considered a repeat delinquent account if it has fallen delinquent more than one (1) time in a year.
  - b. The city may assess a \$15 processing fee for repeat delinquent accounts in addition to other penalties provided for in this chapter.
  - c. The \$15 processing fee may be waived by the finance director of the city if an agreement for payment, satisfactory to the city, can be reached and is performed.
  - d. Arrangements for payment may be made with the concurrence of the Finance Director under the following circumstances:
    - i. Unique and unusual circumstances
    - ii. City Council direction

A limit of four (4) occurrences per year of unusual circumstances may be claimed by any utility customer.
  - e. The Finance Director may increase, to double the average monthly billing of the past year, the amount of the utility deposit if payments have been delinquent more than three times in the past year.

SECTION 6.: Stayton Municipal Code Section 13.16.500 is hereby amended to read:

13.16.500 COMMERCIAL/INDUSTRIAL UTILITY BILLS: PROCEDURE FOR SHUTTING OFF WATER

Whenever water is shut off to any premises for non-payment of water and/or sewer bills, the following procedure shall apply:

1. On the initial shut-off date, an agent of the city shall advise an occupant of the premises that the water service is to be discontinued unless the delinquent amounts

SECTION 10.: Stayton Municipal Code Section 13.16.530 is hereby renumbered and amended to read:

13.16.600 ENFORCEMENT OF PROVISIONS

1. In the event of violation of any provision in this chapter, the city may use any enforcement method or measure, including discontinuance of service or property lien, it deems appropriate, in addition to any penalties provided in this code.

SECTION 11.: Stayton Municipal Code Section 13.16.530 is hereby created to read:

13.16.530 RESIDENTIAL UTILITY DEPOSITS: REFUNDS

1. Upon the discontinuance of service to any customer, the city will refund the customer's deposit or the balance, if any, in excess of the unpaid bills owing for utility service furnished by the city.
2. If a customer is the owner/occupant of the premises being serviced, the utility deposit shall be fully refunded to the customer after twelve (12) months if all utility bills have been paid within ten (10) days of the due date, and if service has not been discontinued for non-payment during any twelve (12) month period.
3. If a customer is a tenant, lessee, agent, or other person responsible for payment of the utility bill service, but is not the owner/occupant, the utility deposit shall be refunded only upon discontinuance of service as described in Section 1. above.
4. A new utility deposit may be waived when any customer moves from one location in the city to another location or requests service at a new location in the city if, within the prior twelve (12) months, the customer has paid all utility bills to the city within ten (10) days of the due date and service has not been discontinued for non-payment.

SECTION 12.: Stayton Municipal Code Section 13.16.540 is hereby created to read:

13.16.540 RESIDENTIAL UTILITY BILLS: RESPONSIBLE PARTY

1. Where more than a single dwelling unit or business is serviced by a single water meter, the bills for utilities shall be sent to the owner of the premises regardless of whether the premises is occupied by the owner or by a renter, lessee, or other tenant occupant.
2. The property owner of record shall be responsible for the payment of all billings prescribed in this ordinance. If the property is rented and the renter fails to pay the charges, the city shall submit the bill to the property owner for payment. The owner is responsible for all delinquent billings, but is not responsible for any penalties assessed for delinquency.

are paid within twenty-four (24) hours. The agent shall leave a notice on the door advising occupant that water service is to be discontinued in twenty-four (24) hours if the delinquency is not paid.

2. If full payment is not made to the city within the 24-hour period, the agent shall immediately turn off the service, without necessity of further notice to the occupant.
3. The city shall charge a customer \$20.00, or the actual cost of labor and materials, whichever is greater, for notification and restoration of the water service.

SECTION 7.: Stayton Municipal Code Section 13.16.510 is hereby amended to read:

13.16.510 COMMERCIAL/INDUSTRIAL SERVICE CHARGE

1. CUSTOMER REQUESTED TEMPORARY TURN-OFF OF SERVICE: The city shall charge a customer a \$10.00 service charge for each time the water service is turned-off at the meter.
2. RESTORATION OR TURN-ON OF SERVICE: The city shall charge a customer a \$10.00 service charge for each time the water service is turned on at the meter.
3. ADDITIONAL CHARGES: In addition to the \$10.00 turn-off or turn-on charge listed in Sections (1) and (2), the city may charge a customer the actual cost of labor and materials plus 10% administrative services in the event the city removes or reinstalls a water meter and/or service connections due to an owner request or tampering with city-owned water services.

SECTION 8.: Stayton Municipal Code Section 13.16.520 is hereby renumbered to 13.16.590:

13.16.590 APPEAL OF DEVELOPMENT FEES

Any person aggrieved by the imposition of a development fee may request a hearing before the city council by filing a written request with the city administrator setting forth his particular circumstances. The council may, at its discretion, alter the charge or the manner of payment thereof if unusual or exceptional circumstances justify each alteration.

SECTION 9.: Stayton Municipal Code Section 13.16.520 is hereby created to read:

13.16.520 RESIDENTIAL UTILITY DEPOSITS, WHEN REQUIRED

1. A utility deposit of \$75.00 for water and sewer service, or a deposit of \$37.50 for water service or \$37.50 for sewer service, shall be required of all persons requesting utility service at any premises.
2. The utility deposit shall bear no interest.
3. Persons making the deposit shall be given a copy of "The City of Stayton Billing Policy" at the time the deposit is made.

3. All water and sewer charges shall be a lien against the premises served from and after the date of billing and entry in the city lien docket. The lien docket shall be made accessible for inspection by anyone interested in ascertaining the amount of the charges against the property. When a bill for water or sewer service remains unpaid thirty (30) days after it has been rendered, the lien thereby created may be foreclosed in any manner provided by law, this code, or city ordinance.

SECTION 13: Stayton Municipal Code Section 13.16.550 is hereby created to read:

13.16.550 RESIDENTIAL UTILITY BILLS: WHEN DUE

All accounts for water and sewer service are due and payable at city hall on the first tenth day of each calendar month for all the previous month's use.

SECTION 14.: Stayton Municipal Code Section 13.16.560 is hereby created to read:

13.16.560 RESIDENTIAL UTILITY BILLS: DELINQUENT ACCOUNTS

1. Utility bills (water and sewer) become delinquent if not paid within ten (10) days after they become due as specified in Section 13.16.550 of this chapter.
2. The city may take whatever steps it deems appropriate, including discontinuance of service, at any property, regardless of whether the property is owner-occupied or is occupied by a renter, lessee, or other party, if the account has become delinquent, as defined in subsection 13.16.560 of this chapter, for such time as the default of payment may continue.
3. Notices of Delinquent Accounts will be mailed to occupants and property owners on the first working day after delinquency occurs as defined in 13.16.560 (1) advising them of the city's policy and the penalties for delinquency, and the date the penalty(ies) may become effective.
4. A Final Delinquent Notice will be attached to the door of any owner/occupied service address for which payment has not been made twenty (20) days after delinquency as defined in 13.16.560.1. The notice will inform the customer that the utility bill must be paid within a minimum of 24 hours or the water service will be shut off after the date and time specified on the final notice.
5. Processing Fees for Repeat Delinquent Accounts
  - a. An account is considered a repeat delinquent account if it has fallen delinquent more than one (1) time in a year.
  - b. The city may assess a \$15 processing fee for repeat delinquent accounts in addition to other penalties provided for in this chapter.

- c. The \$15 processing fee may be waived by the finance director of the city if an agreement for payment, satisfactory to the city, can be reached and is performed.
- d. Arrangements for payment may be made with the concurrence of the Finance Director under the following circumstances:
  - i. Unique and unusual circumstances
  - ii. City Council direction

A limit of four (4) occurrences per year of unusual circumstances may be claimed by any utility customer.

- e. The Finance Director may increase to double the average monthly billing of the past year to access the amount of the utility deposit if payments have been delinquent more than three times in the past year.

SECTION 15.: Stayton Municipal Code Section 13.16.570 is hereby created to read:

**13.16.570 RESIDENTIAL UTILITY BILLS: PROCEDURE FOR SHUTTING OFF WATER**

Whenever the city must take action to discontinue service to any premises for non-payment of water and/or sewer bills, the following procedure shall apply:

1. On the initial shut-off date, an agent of the city shall advise an occupant of the premises that the water service is to be discontinued unless the delinquent amounts are paid within twenty-four (24) hours. The agent shall leave a notice on the door advising occupant that water service is to be discontinued in twenty-four (24) hours if the delinquency is not paid.
2. If full payment is not made to the city within the 24-hour period, the agent shall immediately turn off the service, without necessity of further notice to the occupant.
3. The city shall charge a customer or owner \$20.00, or the actual cost of labor and materials, whichever is greater, for notification and restoration of the water service.

SECTION 16.: Stayton Municipal Code Section 13.16.580 is hereby created to read:

**13.16.580 RESIDENTIAL UTILITIES: SERVICE CHARGE**

1. **TEMPORARY TURN-OFF OF WATER SERVICE:** The city shall charge a customer a \$10.00 service charge for each time the water service is turned off at the meter.
2. **RESTORATION OR TURN-ON OF WATER SERVICE:** The city shall charge a customer a \$10.00 service charge for each time the water service is turned on at the meter.
3. **ADDITIONAL CHARGES:** In addition to the \$10.00 turn-off or turn-on charge referred to in Sections (1) and (2), the city may charge a customer the actual cost of labor and materials plus 10 percent of the actual costs for labor and materials for administrative services in the event the city removes or reinstalls a water meter and/or service

connections due to tampering with city-owned water services by the owner and/or the customer.

SECTION 17.: Stayton Municipal Code Section 13.16.590 is hereby renumbered 13.16.610:

13.16.610 VIOLATION: PENALTY

1. It is unlawful for any person to open, cut into, or make any connection with any city water main or lines, or to tamper in any way with any water system without permission of the council or of the superintendent of public works.
2. It is unlawful for any person to open any shutoff valve or other device so as to permit water to flow from the city mains or lines into any private main or line without the express permission of the council or of the superintendent of public works.
3. It is unlawful for any person to use water for a city fire hydrant for construction purposes or any other purpose without express permission from the superintendent of public works, who may make provisions for metering such use, set charges, or refuse such permission.
4. Violation of this section is deemed disorderly conduct and a misdemeanor, punishable by a fine not to exceed three hundred dollars (\$300.00), or by imprisonment not to exceed one hundred (100) days, or by both such fine and imprisonment.

SECTION 18. Stayton Municipal Code Section 13.24.1210 and 13.24.1220 are hereby amended to read:

13.24.1210 VIOLATION: NOTICE

Any person violating any of the provisions of this chapter relating to the sanitary sewer system, excepting section 13.16.610 of this chapter and those sections relating to payment of fees and charges shall be served by the city with written notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (prior code section 5.575)

13.24.1220 VIOLATION: PENALTY

1. Violation of Section 13.16.610 of this chapter is deemed disorderly conduct and a misdemeanor, punishable by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment not to exceed one-hundred (100) days, or by both such fine and imprisonment.
2. Any person who continues a violation beyond the time limit provided for in Section 13.24.1210 of this article is guilty of a misdemeanor, punishable by a fine not to exceed five-hundred dollars (\$500.00), or by imprisonment not to exceed one-hundred (100) days, or by both such fine and imprisonment.
3. The obligations and code provisions in Chapter 13.16, "Water Services," shall be deemed applicable to this Chapter 13.24, "Sewer Services."



SECTION 19. Should any article, section, subsection, paragraph, sentence, clause, or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other article, section, subsection, paragraph, sentence, clause, or phrase; and if this ordinance or any portion thereof should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance or such portion thereof was enacted.

PASSED BY THE STAYTON CITY COUNCIL this 20th day of October 1997.

Date: 10-22-97 By: Daphne E. Girod  
DAPHNE E. GIROD, Mayor

Date: 10-23-97 Attest: [Signature]  
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM:

Date: OCT 30 1997 [Signature]  
DAVID A. RHOTEN, City Attorney