

**ORDINANCE NO. 819**

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE SECTIONS 13.16.490, “UTILITY BILLS: DELINQUENT ACCOUNTS”; AND 13.16.560 “RESIDENTIAL UTILITY DEPOSITS: DELINQUENT ACCOUNTS”.**

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;

WHEREAS, the amendment disallows the waiver of charges for the first notice of delinquency per year;

WHEREAS, the cost of hand delivering door hangers for delinquent accounts should be the same irrespective of the frequency of delinquencies; and

WHEREAS, it is the intent of the Stayton City Council that the cost of notices should accrue to the responsible customer;

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

SECTION 1.: 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 13.16.450 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 Delinquent Accounts
  - a. An account is considered a delinquent account if it has fallen delinquent.
  - b. The City may assess a \$15 processing fee for 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. (Ord. 774, October 22, 1997).

SECTION 2: Stayton Municipal Code Section 13.16.560 is hereby amended 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 Delinquent Accounts
  - a. An account is considered a delinquent account if it has fallen delinquent:
  - b. The City may assess a \$15 processing fee for 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 3. 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 4<sup>th</sup> day of December, 2000.

CITY OF STAYTON

Date: Dec. 6, 2000

By: Henry A. Porter  
Henry A. Porter, Mayor

Date: 12-7-2000

ATTEST: Chris Childs  
Chris Childs, City Administrator

APPROVED AS TO FORM:

David A. Rhoten  
David A. Rhoten, City Attorney