

ORDINANCE NO. 662

AN ORDINANCE AMENDING CODE SECTIONS RELATING TO UTILITY ACCOUNT DEPOSITS, DELINQUENCY, AND SHUT-OFFS, AND REPEALING ORDINANCES.

WHEREAS, the City of Stayton requires all persons requesting utility services to pay a deposit as security for any unpaid bills for water and/or sewer usage; and

WHEREAS, the City has refunded utility deposits at the end of twelve (12) months if the customer has a good payment record; and

WHEREAS, the City requires owners of real property where utility service is provided to pay any unpaid utility bills if a tenant or lessee vacates the premises and leaves unpaid utility bills; and

WHEREAS, the City has found that the majority of unpaid utility bills are caused when a tenant or lessee vacates a premise and fails to notify the City, and as a consequence the City is required to either find the tenant or lessee and require them to pay the unpaid bill, or require the property owner to pay the unpaid bill; and

WHEREAS, the City desires to establish a refund policy that will allow the City to retain the utility deposit from tenants and lessees in order to provide a deposit amount that will be used as security to pay any unpaid bills; and

WHEREAS, the City believes the adoption of this refund policy will reduce the number of unpaid utility bills left by tenants and lessees when they vacate a property and consequently significantly reduce the collection efforts required by the City to collect unpaid bills from either the tenant or lessee or the property owner; and

WHEREAS, the City wishes to modify its utility deposit and refund policies to reduce staff time required for delinquent account collection efforts and to reduce the number of uncollectible utility bills;

NOW, THEREFORE, THE CITY OF STAYTON ORDAINS AS FOLLOWS:

SECTION 1: SECTION 5.135 through 5.144 of the Stayton City Code is amended to read as follows:

5.135 UTILITY DEPOSITS: When Required

1. A utility deposit of \$40.00 for water and sewer service, or a deposit of \$20.00 for water service or \$20.00 for sewer service, shall be required of all persons requesting utility service at any premises.
2. The utility deposit shall bear no interest.

5.137 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. If a customer is the owner/occupant of the premises being serviced, the utility deposit shall be refunded to the customer after twelve (12) months if all utility bills have been paid within thirty (30) 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 serving a premise, but is not the owner/occupant, the utility deposit shall be refunded only upon discontinuance of service as described in Section 1. above.

5.138 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 fail to pay the charges, the City shall submit 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.

5.140 UTILITY BILLS: When Due

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

5.141 UTILITY BILLS: Delinquent Accounts

1. Water and sewer bills become delinquent if not paid within fifteen (15) days after it becomes due, as specified in Section 5.140 of this Ordinance.
2. Notices of delinquent accounts will be mailed to occupants and property owners on the fifteenth day of the month 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 5.142 of this Ordinance for such time as the default of payment may continue.

5.142 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 are paid within twenty-four (24) hours. If no one responds to the agent's knock, he 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, or if the occupant does not indicate that payment is forthcoming, 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 \$10.00, or the actual cost of labor and materials, whichever is greater, for disconnection of the water service.

5.143 RESTORATION OF SERVICE CHARGE

The City shall charge a customer for restoration of water service when service has been discontinued for any reason. The customer shall pay the sum of \$10.00, or the actual cost of labor and materials, whichever is greater, prior to such restoration of service.

SECTION 2: STAYTON CITY CODE SECTION 5.144 is hereby repealed in it entirety.

SECTION 3: THIS ORDINANCE shall be in full force and effect (date) after execution by the Mayor.


SECTION 4: PROVISIONS OF THIS ORDINANCE shall apply to all persons requesting utility service at any premises

after this ordinance takes full force and effect.


SECTION 5: STAYTON CITY ORDINANCE NUMBERS 588 and 620 are hereby repealed in their entirety.

PASSED BY THE COMMON COUNCIL this 2nd day of JANUARY,
~~1989.~~ 1990

Signed by the Mayor this 4th day of JANUARY,
~~1989.~~ 1990


WAYNE L. LIERMAN, Mayor 1-4-90
Date

ATTEST:


DAVID W. KINNEY, CITY ADMINISTRATOR 1-3-90
Date

APPROVED AS TO FORM:


DAVID A. RHOTEN, CITY ATTORNEY Date

ef:b(10-23-89)