

ORDINANCE NO. 843

AN ORDINANCE OF THE CITY OF SCAPPOOSE RELATING TO SEWER AND WATER CHARGES

WHEREAS, the City of Scappoose provides sewer and water service to customers; and

WHEREAS, the City currently bills its customers bi-monthly; and

WHEREAS, the City wishes to bill sewer and water customers on a monthly basis in order to provide for 12 smaller bills instead of 6 larger bills, which will make it easier for customers to include the cost of water service in their monthly household budgets; and

WHEREAS, additional changes to Chapter 13.20 are necessary to bring the City Code into compliance with state law regarding the transfer of delinquent tenant accounts to property owners.

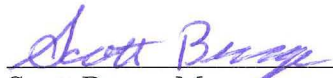
NOW, THEREFORE, THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Chapter 13.20 of the Scappoose Municipal Code shall be amended to read as shown on the attached Exhibit A (additional language underlined and deleted language ~~stricken~~).

Section 2. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 3. Effective Date. This ordinance shall go into effect 30 days after passage. Customers will begin seeing monthly sewer and water bills in September.


APPROVED: Approved by the City Council of Scappoose this 3rd day of August, 2015.


Scott Burge, Mayor

First Reading: July 20, 2015

Second Reading: August 3, 2015

ATTEST:


Susan M. Reeves, MMC
City Recorder

Chapter 13.20

WATER AND SEWER HOOKUP CHARGES

Sections:

13.20.010	Purpose.
13.20.020	Definition.
13.20.030	Water and sewer hookup charges.
13.20.040	Exemptions.
13.20.050	Prohibited connection.
13.20.060	Violation of Section 13.20.050--Penalty.
13.20.070	Collection of hookup charges.
13.20.080	Payment of monthly water and sewer rates.

13.20.010 Purpose. The purposes of this chapter are as follows:

A. To establish water and sewer system hookup fees to reimburse the city for the cost of installing and inspecting connections.

B. To establish monthly water and sewer service charges. (Ord. 724 \$1, 2002; Ord. 585 \$1, 1992)

13.20.020 Definition. For purposes of this chapter, and the resolution provided by Section 13.20.030, the following definition shall apply:

"Hookup fee" means a one-time charge upon a connection to the water or sewer system of the city which is based upon the average cost to the city of inspecting and installing connections to water and sewer facilities. (Ord. 585 \$2, 1992)

13.20.030 Water and sewer hookup charges. A. Water and sewer hookup charges are imposed upon each connection to the water and sewer system of the city. The charges shall be paid by the applicant for connection to each system, or by another person responsible for the development. If the applicant for connection is a tenant, any unpaid charges, and shall be the responsibility of the property owner only if not paid on time by the applicant or other responsible person when the city provides notice of the delinquent status to the tenant and mails a copy of the notice of delinquency by first class mail to the last address of the owner or owner's agent that is on file with the city, within 30 days from the time the payment is due on the account.

B. Water and sewer hookup charge rates shall be established and revised by the city council from time to time by resolution. (Ord.724 \$1, 2002; Ord. 585 \$3, 1992)

13.20.040 Exemptions. A project financed by city revenues is exempt from all portions of the hookup charge. (Ord. 585 \$7, 1992)

13.20.050 Prohibited connection. No person may connect to the water or sewer systems of the city unless the appropriate hookup charges have been paid. (Ord. 585 §8, 1992)

13.20.060 Violation of Section 13.20.050--Penalty. Violation of Section 13.20.050 is punishable by a fine not to exceed five hundred dollars for each day of violation. This penalty is in addition to, and not in lieu of any other remedy. (Ord. 585 §9, 1992)

13.20.070--13.20.080

13.20.070 Collection of hookup charges. A. Water and sewer hookup charges are payable upon the earlier of:

1. Application for connection to the sewer or water system; or
2. Actual connection to the sewer or water system.

B. If no building or connection permit is required, hookup charges are payable at the time of the initial usage.

C. If development is commenced or connection is made to the water or sewer systems without appropriate permit, the hookup charges are immediately payable upon the earliest date that a permit was required.

D. The city manager shall collect the applicable hookup charges when a permit that allows building or development of a parcel is issued or when a connection to the water or sewer system of the city is made.

E. Nonpayment Procedures.

1. When, for any reason, a hookup charge has not been paid on time, the city manager shall prepare a report to the council giving the amount of the uncollected charge, the description of the real property to which the charge is attributable, the date upon which the charge was due, and the name of the applicant or owner(s);

2. The city council shall schedule a public hearing on the matter and direct that notice of the hearing be given to each applicant or owner involved, together with a copy of the city manager's report concerning the unpaid charge. Notice of the hearing shall be given either personally or by certified mail, return receipt requested, or by both personal and mailed notice, and by posting notice on the parcel at least ten days before the date set for the hearing. When the applicant is a tenant, notice of the hearing, along with the notice of delinquency, shall also be provided to the property owner by first class mail to the last address of the owner or owner's agent that is on file with the city. The city shall provide notice of delinquency to the property owner within 30 days from the time the payment is due on the account;

3. At the hearing, the council may accept, reject, or modify the determination of the city manager as set forth in the report. If the council finds that a hookup charge is unpaid and uncollected, it shall direct the city recorder-treasurer to docket the unpaid and uncollected charge in the city lien docket. Upon completion of the docketing, the city shall have a lien against the described land for the full amount of the unpaid fee or charge, together with interest at the rate of ten

percent per annum and the city's actual cost of serving notice of the hearing on the owners. The lien shall be enforceable in the manner provided in ORS Chapter 223. (Ord. 724 §1, 2002; Ord. 609, 1993; Ord. 585 §6, 1992)

13.20.080 Payment of monthly water and sewer rates.

A. Monthly charges for water and sewer service are imposed upon the ~~monthly~~ consumption of water and use of sewer facilities. Such charges shall be paid by the owner, occupant or other responsible person of property connected to the water and/or sewer system according to subsections ~~B and CE~~ within of this section.

B. All water and sewer bills are due and payable not later than ~~thirty days after the billing date on the statement~~ the fifteenth (15th) day of the month for the prior month's service, and shall be subject to a rebilling charge if not paid within that time.

C. Payment is delinquent ~~forty-five days after the billing date on the statement if not paid in full by the twentieth (20th) day of the month for the prior month's service.~~ Water service may be shut off when a billing is delinquent. ~~If water service is shut off for delinquency, a service charge~~ A penalty fee will be added; and all billings, fees, service charges, deposits and interest must be paid in full prior to reestablishing service.

D. Bills and charges will be billed to the owner or occupant of the premises and mailed to any address designated by the owner.

~~D-E.~~ The city's claim against a tenant is transferred to the owner of the property when the city provides notice of the delinquent status to the tenant and mails a copy of the notice of delinquency by first class mail to the last address of the owner or owner's agent that is on file with the city, within 30 days from the time payment is due on the account. The transfer does not relieve the tenant of the obligation to pay the claim.

~~E-F.~~ A cash deposit to being service shall be paid to restore service, pursuant to SMC 13.04.070.B. Upon water shutoff due to delinquency, if there is no record of deposit, one shall be paid.

F-G. A fee for checking the accuracy of water meters shall be charged. This fee shall be set and revised by the city council from time to time by resolution. Water used in testing shall be charged at the current user rate. If the inaccuracy of any meter exceeds five percent, the city will provide meter test and repairs at no charge to the customer.

G-H. All monthly water/sewer rates, and other fees and charges as set forth in this section shall be established and revised by city council from time to time by resolution. (Ord. 724 §1, 2002; Ord. 625 §§1, 2, 1994; Ord. 612 §§1--3, 1993; Ord. 585 §5, 1992)