

ORDINANCE NO. 632 -O

AN ORDINANCE ADJUSTING THE UTILITY BILLING PROCEDURES, ESTABLISHING A UTILITY BILL LATE FEE, AND AMENDING CHAPTERS 12.03 AND 12.04 OF THE TROUTDALE MUNICIPAL CODE

WHEREAS, the current Chapters 12.03 and 12.04 of the Troutdale Municipal Code provide that utility bills not paid within thirty days after the billing period are delinquent, and water service shall be terminated after a fifteen day written notice; and

WHEREAS, this procedure creates a large number of water turnoff actions each month, with a resultant increase in workload upon the Finance and Public Works Departments and a significant level of dissatisfaction from many of the affected account holders; and

WHEREAS, there is currently no interim step for bringing overdue accounts current other than discontinuing water service; and

WHEREAS, it is considered in the best interests of the City and its utility account holders to modify the existing process by instituting an interim step of assessing overdue accounts a late fee while simultaneously extending the time before water service is discontinued.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

That Chapters 12.03 and 12.04 of the Troutdale Municipal Code are amended to read as shown on attachments A and B, which are made a part hereof.

YEAS: 7
NAYS: 0
ABSTAINED: 0


Paul A. Thalhoffer, Mayor

Dated: 9-13-95


George Martinez, City Recorder

Adopted: 9-12-95

ATTACHMENT A

CHAPTER 12.03

WATER SYSTEM

SECTIONS:

- 12.03.010 Title**
- 12.03.020 Intent and Scope**
- 12.03.030 Establishment of a Water Utility Fee**
- 12.03.040 Use of Water Utility Fee**
- 12.03.050 Calculation of Water Utility Fee**
- 12.03.060 Billings and Collection**
- 12.03.070 Administration**

12.03.010 Title

This chapter of the Troutdale Municipal Code shall be entitled "Water System".

12.03.020 Intent and Scope

- A. Pursuant to the statutes of the State of Oregon and the powers granted in the Charter of the City, the Council declares its intent to acquire, own, construct, reconstruct, improve, equip, operate, maintain, and repair a water system within the City limits, and outside the City limits when consistent with City policy, intergovernmental agreements, and State law.**
- B. The Council hereby finds, determines, and declares the necessity of providing for the City's water system by the formation of a Water Utility.**
- C. It is unlawful to take water from the public water system of the City without prior authorization or without obtaining the proper permits and payment of the appropriate fees and charges.**
- D. The owner of any house, building, or other structure used for human occupancy, employment, recreation, or other purpose erected within the City and abutting on any public right-of-way in which there is located a public water main is required, at his/her expense, to install suitable facilities to connect the structure to such water system within ninety days after receipt of notice to do so, provided that the structure is within three hundred feet of said water main.**

12.03.030 Establishment of a Water Utility Fee

There is hereby established a Water Utility Fee to be paid by each user of the water system. Such fee may include charges for water consumption, standby fire service, installation of new or changed service, standpipe service, and hydrant meter usage. Such fees shall not be imposed in amounts greater than that which is necessary, in the judgment of the Council, to provide sufficient funds to properly acquire, construct, reconstruct, improve, equip, operate, maintain, and repair the City's water system. The Council, by resolution, shall establish the amount of the fee and may, from time to time, by resolution change the amount of the fee.

12.03.040 Use of Water Utility Fee

There is hereby established a Water Fund, and all water utility fees collected by the City shall be paid into the Water Fund. Such revenues shall be used for the acquisition, construction, operation, maintenance, and repair (to include renewal, replacement, and improvement) of the City's water system. To the extent that the fees collected may not be sufficient to properly meet the expenses of the water system, the cost of same may be paid from other City funds as may be determined by the Council, but the Council may order the reimbursement of such funds if additional water funds are collected thereafter. The fees collected by virtue of this chapter shall not be used for general or other governmental purposes of the City except to pay for the equitable share of the cost of accounting, management, and other administrative costs attributable to the water system.

12.03.050 Calculation of Water Utility Fee

The monthly water utility fee shall be the sum of the charges for water consumption, standby fire service, installation of new or changed services, standpipe service, and hydrant meter usage, as applicable.

12.03.060 Billings and Collection

- A. The Water Utility Fee shall be billed and collected with the monthly City utility bill. The bill becomes due and payable twenty calendar days after the end of the billing month.**
- B. Partial payments on utility bills shall be allocated on a pro-rated basis to each utility balance due.**
- C. If full payment for a utility bill is not received within forty-five days after the end of the billing month, the account becomes overdue and a late fee in an amount determined by the Council shall be charged. If a utility bill is not paid in full sixty days after the end of the billing month, the account becomes**

delinquent and water service to that account shall be terminated by the City after providing a fifteen day written notice. It shall not be resumed until all fees and charges are brought current or until the user enters into a payment plan agreement with the Finance Director.

- D. Any charge due hereunder which is not paid when due may be recovered from the responsible party in an action at law by the City.**

12.03.070 Administration

- A. The Public Works Director shall be responsible for the administration of this chapter (except for the billing and collection of funds), to include the development of administrative procedures, maintenance programs, capital improvements, operations and maintenance standards, and related activities.**
- B. The Finance Director shall be responsible for the billing and collection of funds.**

ATTACHMENT B

CHAPTER 12.04

SANITARY SEWER SYSTEM

SECTIONS:

- 12.04.010 Title
- 12.04.020 Intent and Scope
- 12.04.030 Establishment of a Sanitary Sewer Utility Fee
- 12.04.040 Use of Sanitary Sewer Utility Fee
- 12.04.050 Calculation of Sanitary Sewer Utility Fee
- 12.04.060 Billings and Collection
- 12.04.070 Administration

12.04.010 Title

This chapter of the Troutdale Municipal Code shall be entitled "Sanitary Sewer System".

12.04.020 Intent and Scope

- A. Pursuant to the statutes of the State of Oregon and the powers granted in the Charter of the City, the Council declares its intent to acquire, own, construct, reconstruct, improve, equip, operate, maintain, and repair a sanitary sewer system within the City limits, and outside the City limits when consistent with City policy, intergovernmental agreements, and State law.
- B. The Council hereby finds, determines, and declares the necessity of providing for the City's sanitary sewer system by the formation of a Sanitary Sewer Utility.
- C. It is unlawful for any person to place, deposit, or permit to be deposited upon public or private property within the City any human or animal excrement, garbage or other waste which may be injurious to the health, safety, or well-being of the residents of the City.
- D. The owner of any house, building, or other structure used for human occupancy, employment, recreation, or other purpose erected within the City and abutting on any public right-of-way in which there is located a public sanitary sewer is required, at his/her expense, to install suitable facilities to connect the structure to such sewer system within ninety days after receipt

of notice to do so, provided that the structure is within three hundred feet of said sanitary sewer.

12.04.030 Establishment of Sanitary Sewer Utility Fee

There is hereby established a Sanitary Sewer Utility Fee to be paid by each user of the sewer system. Such fee may include charges for volume of discharge and for strength of discharge if such discharge creates a greater impact on the treatment system than normal domestic sewage. Such fees shall not be imposed in amounts greater than that which is necessary, in the judgment of the Council, to provide sufficient funds to properly acquire, construct, reconstruct, improve, equip, operate, maintain, and repair the City's sanitary sewer system. The Council, by resolution, shall establish the amount of the fee and may, from time to time, by resolution change the amount of the fee.

12.04.040 Use of Sanitary Sewer Utility Fee

There is hereby established a Sewer Fund, and all Sanitary Sewer Utility Fees collected by the City shall be paid into the Sewer Fund. Such revenues shall be used for the acquisition, construction, operation, maintenance, and repair (to include renewal, replacement, and improvement) of the City's sanitary sewer system. To the extent that the fees collected may not be sufficient to properly meet the expenses of the sanitary sewer system, the cost of same may be paid from other City funds as may be determined by the Council, but the Council may order the reimbursement to such fund if additional sanitary sewer funds are collected thereafter. The fees collected by virtue of this chapter shall not be used for general or other governmental purposes of the City except to pay for the equitable share of the cost of accounting, management, and other administrative costs attributable to the sanitary sewer system.

12.04.050 Calculation of Sanitary Sewer Utility Fee

The monthly sanitary sewer utility fee shall be the sum of the charges for volume of discharge and strength of discharge to the sanitary sewer system.

12.04.060 Billings and Collection

- A. The Sanitary Sewer Utility Fee shall be billed and collected with the monthly City utility bill. The bill becomes due and payable twenty calendar days after the end of the billing month.
- B. Partial payments on utility bills shall be allocated on a pro-rated basis to each utility balance due.
- C. If full payment for a utility bill is not received within forty-five days after the end of the billing month, the account becomes overdue and a late fee in an

amount determined by the Council shall be charged. If a utility bill is not paid in full sixty days after the end of the billing month, the account becomes delinquent and water service to that account shall be terminated by the City after providing a fifteen day written notice. It shall not be resumed until all fees and charges are brought current or until the user enters into a payment plan agreement with the Finance Director.

- D. Any charge due hereunder which is not paid when due may be recovered from the responsible party in an action at law by the City.

12.04.070 Administration

- A. The Public Works Director shall be responsible for the administration of this chapter (except for the billing and collection of funds), to include the development of administrative procedures, maintenance programs, capital improvements, operations and maintenance standards, and related activities.
- B. The Finance Director shall be responsible for the billing and collection of funds.