

ORDINANCE NO. 1071-A

AMENDING ORDINANCE NO. 1029-A BY ESTABLISHING THE USE OF A
COLLECTION AGENCY FOR DELINQUENT UTILITY ACCOUNTS AND
OTHER POLICY CLARIFICATIONS

WHEREAS, the City Commission of the City of Warrenton adopted Policy Clarifications for Water Department regulations in 2002; and

WHEREAS, it is appropriate these policy clarifications be included in the City's Ordinance Establishing Water Department Rules and Regulations; and

WHEREAS, the City of Warrenton has determined it to be in its best interest to turn utility accounts not paid after 90-days over to a collection agency and has entered into a collection agency service agreement;

NOW, THEREFORE, the City of Warrenton, Oregon, Ordains as follows:

Section 1. Ordinance No. 1029-A is amended by adding paragraph (7) to Section 3 as follows:

Section 3. **INSTALLATION AND MAINTENANCE**

(7) **Canceling Accounts/Meter Removal.** An application for cancellation shall only be allowed for existing accounts associated with properties that have no structure, or a building determined to be dangerous and order abated under City Ordinance 852-A. Utility base rates shall not apply to canceled accounts. A dangerous building must be demolished before an account can be canceled. Once an account is canceled, the City shall have the option of removing or disabling the water meter associated with the account. If the water meter is removed, the City will reinstall the water meter when a new account is created. Meter removal and installation will be provided for a fee no greater than the actual cost to the City including labor. If a meter is disabled, the City will reinstate the meter for a fee as established by resolution, when a new account is established.

Section 2. Ordinance No. 1029-A is further amended by replacing paragraph (8) and adding paragraphs (14), (15), (16), and (17) to Section 4 as follows:

Section 4. **CHARGES, PAYMENTS AND PENALTIES**

(8) **Water Liens.** Unpaid service or usage charges shall be a lien against the premises served. Ledger and other records will be accessible for inspection by anyone interested in ascertaining the amount of such charges against the property.

(14) **Vacancy/Vacation Credits.** Because the City's water, sewer, and storm water user rates are based on the cost of maintaining and operating the City's public utilities, the City shall charge the minimum base rate, as defined by resolution, for water consumption, even if no water is consumed. Residents will be billed for utility consumption over the base rate when consumption exceeds the designated gallons for the base rate.

(15) **Turning Meters Off/On.** For the protection of the account holder's property, residents may request to have their water turned off for a fee, as set by resolution. Upon request, the City

will then turn the service back on for an additional fee. Base rates, including water, sewer, and storm drain, will apply regardless of whether or not the water meter is on or off.

(16) **Construction Rates.** All service accounts associated with construction projects, also referred to as "Contractor's Rates," shall be subject to the minimum base water rate. Sewer and storm sewer rates will apply once the service becomes available.

(17) **Use of a Collection Agency.** Past due amounts from prior renters or owners will be sent to collection after the City has attempted to collect for 90-days. The owner of the property is the responsible party and therefore, the owner will be sent to collection for renter's past due charges. The City will not shut off water on a new tenant or property owner but will send past due amounts to collection. A collection fee of 50% of the principal amount owing will be added to the balance at the time of referral to the collection agency. Door Hangers will be hung on subject property and the fee for the Door Hanger will attach to the prior renter/owner's account. If the past due amount remains unpaid at shut-off day, the shut off/turn on penalty will be assessed to the previous renter/owner even though the water is not shut off.

(18) **New Service.** The City will not allow new service to customers with a prior past due amount that remains uncollected at a former residence/property until the entire past due amount that has accrued to the former account is paid.

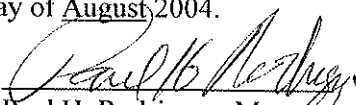
Section 3. In case any portion or provisions of this ordinance should be held to be invalid for any reason whatsoever by any court, then all other provisions shall be held and considered to be independent of, and separable from, such invalid portions and shall not be affected or rendered void by the invalidity of such other portions.

Section 4. Except as amended by this ordinance, all other sections and paragraphs of Ordinance No. 1029-A remain in effect.

Section 5. The effective date of this ordinance shall be 30 days after its passage.

PASSED by the City Commission of the City of Warrenton this 10th day of August 2004.

APPROVED by the City Commission of the City of Warrenton this 10 day of August 2004.


Paul H. Rodriguez, Mayor

ATTEST:


Linda Engbretson, City Recorder

First Reading: July 21, 2004

Second Reading: August 10, 2004