

ORDINANCE NO. 4790

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE 11.01, WATER SYSTEM RULES AND REGULATIONS, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Albany Municipal Code Chapter 11.01, Water System Rules and Regulations, is hereby amended to read as follows:

11.01.040 Application for service. (1) Application. Each applicant for water service may be required to sign a form provided by the City setting forth:

- (a) Date of application;
- (b) Location of property to be served;
- (c) Date for which service is being requested;
- (d) Class of service (commercial, residential, etc.);
- (e) The address to which bills are to be delivered;
- (f) Whether the applicant is an owner, or tenant of the property;
- (g) Owner of property, address, etc.;
- (h) Such other information as the City may reasonably request.

(2) Deposits

(a) New Turn-on's. Deposits shall be required of residential users and deposits equal to an estimated three months usage shall be required of commercial and industrial users **within 72 hours of application of service except under the following circumstances:**

~~(1) -- If the applicant is a present user, at a different address, and has had an acceptable payment record for the preceding twelve month period. An acceptable payment record exists if the applicant has not had service discontinued during the previous twelve months for nonpayment;~~

~~(2) -- If the applicant presents satisfactory evidence of ownership of the property where service is to be provided unless other information exists that indicates that the applicant is not an acceptable credit risk.~~

(b) Existing Users. All existing users, if service is discontinued for nonpayment, shall be required to comply with the deposit requirements of Subsection A of this section before service will be restored.

(c) Refund of Deposits. Deposits will be refunded to the applicant as follows:

(1) On termination of service, less any amount then due and payable;

(2) On the fifteenth of the month following **twenty-four** twelve months of continuous service, provided the applicant has not had service discontinued for nonpayment during the same period.

(d) Interest on Deposits. Interest will be paid on any deposit at a rate determined by Council resolution.

(3) Changes in Customer's Equipment. A customer making material changes in the size, character, or extent of the equipment or operation utilizing water service and if such change results in the consumption of larger or smaller amounts of water, said customer shall immediately give the utility written notice of the change. Changes shall be made in accordance with Subsections 4 and 5 of Section 11.01.100 of these rules and regulations.

(4) Special Contracts. Contracts, other than applications, may be required prior to service where, in the opinion of the utility, special circumstances

warrant special consideration.

(5) New Account Fees. A charge will be collected for the activation of any account.

11.01.050 Bills and payment. (1) Rendering of Bills.

(a) Meter Readings. Meters will be read at regular intervals for the preparation of monthly bills and as required for the preparation of opening, closing, and special bills.

(b) Bills for water service will be rendered monthly unless otherwise provided in the rate schedule.

(c) New Accounts and Closing Accounts. Accounts will be prorated to the day of the demand charge plus consumption to date.

(d) Interest. All accounts with amounts owing over 30 days following the original billing date will be charged an interest fee.

(2) Payment of Bills.

(a) All bills are due and payable on presentation. Payment may be made at the utility's office.

(b) Closing bills will be collected at the time of discontinuance of service.

(c) When bills are delinquent, the utility will follow the procedure as outlined in Section 11.01.060.

(3) Billings of Separate Meters Not Combined.

(a) Each meter on a customer's premises will be considered separately, and the readings of two or more meters will not be combined unless the utility's operating convenience requires the use of more than one meter or of a battery of meters. The minimum demand charge for such combined meters will be based on the diameter of the total combined discharged areas of the meters.

11.01.060 Delinquent Accounts (1) A water account is delinquent if it is not paid within thirty days following the date of billing of said account.

(2) A delinquent notice will be mailed to all past due accounts on or about **thirty** ~~forty-five~~ days following the original billing date; said notice will state that water service will be discontinued after the **fifteenth** ~~fifth~~ day following the date of mailing the delinquent notice.

(3) A written notice shall be left at the premise to the customer on or about the 46th day stating that payment must be received within 72 hours (3 days) or water service will be terminated.

(4) In all cases of delinquent turn-offs, a notice shall be left on the door or mailed to the customer **on or about the 49th day** stating that water has been turned off **and will remain off** until all delinquent amounts and penalty charges are paid.

(5) In all instances where water has been turned off because of a delinquent account, a service charge established by Council resolution will be collected in addition to the delinquent amount prior to restoring any service during regular working hours.

(6) The City Manager or his agent, in the case of extreme hardship or by prior arrangement with the user, shall have the discretion of not discontinuing or renewing service to a delinquent account upon acceptance of a valid plan for the payment of all past due charges.

(7) Notice shall be given with the second billing (delinquent notice) that the customer shall have the opportunity, if they do not agree with the billing, to have a hearing on their account. The hearing shall be held by a hearings

officer appointed by the Finance Director and his/her decision shall be binding. Notice to the utility by the customer of his request for a hearing must be given prior to the water service being disconnected; otherwise, the customer must pay all past due accounts plus any restoration charges prior to service being restored. If the hearing is held and the hearings officer finds in favor of the customer, any or all of the appropriate charges may be returned to the customer based upon his/her findings.

(8) Final bills are due and payable upon receipt. After thirty days the ~~account will be rebilled~~ **City will a) apply deposit, b) transfer any remaining balance to the customers new water account, or c) initiate other collection action against the customer.**

(9) In cases where termination of service for a delinquent account may cause severe hardship or loss of life, the City shall initiate other collection action against its customers. This action may include the use of small claims court and/or district court, if appropriate.

11.01.070 Notices. (1) Notices required to be given by the utility to the customer will normally be given in writing, and may be delivered to him personally or by mail to the address for which service is rendered.

(2) Notice from the customer to the utility shall be given by him or authorized representatives orally or in writing at the utility's office.

11.01.080 Discontinuance of service. (1) Nonpayment of Bills. A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures as listed in Section. 11.01.060.

(2) Unsafe Apparatus.

(a) The utility may refuse to furnish water and may discontinue service to any premises where apparatus, appliances, or equipment using water is dangerous, unsafe, or is being used in violation of laws, ordinances or legal regulations.

(b) The utility does not assume liability for inspecting apparatus on the customer's property. The utility does reserve the right of inspection, however, if there is reason to believe that unsafe or illegal apparatus is in use.

(3) Service Detrimental to Others. The utility may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

(4) Fraud and Abuse. The utility shall have the right to refuse or to discontinue water service to any premises to protect itself against fraud or abuse.

(5) Noncompliance. The utility may, unless otherwise provided, discontinue water service to a customer for noncompliance with any of these regulations any time after ~~five days of the~~ giving of written notice to the customer of the utility's intention to discontinue service. If such noncompliance affects matters of health or safety or other conditions that warrant such action, the utility may discontinue water service immediately.

(6) Customer Request for Service Discontinuance.

(a) A customer may have his water service discontinued by notifying the utility reasonably well in advance of the desired date of discontinuance. He will be required to pay all water charges until the date of such discontinuance.

(b) If notice is not given, the customer will be required to pay for the water service until the date the utility has learned that the customer has vacated the premises or otherwise has discontinued service.

(7) Restoration: Reconnection Charge. The utility shall charge as provided by Council resolution for restoring water service which has been discontinued because of noncompliance with these rules.

(a) Water which has been discontinued because of nonpayment or non-compliance with these rules shall not be restored in the name of any relative, friend or family member when the head of the household has not changed or when the customer of record is still residing at the service location (and would continue to benefit from the water service) unless all charges have been paid.

(8) Penalty for turning on water without authority. Should the water be turned on by any water consumer or other person without authority from the utility, the water may then be shut off at the main or the meter may be removed. The charge for shutting water off at the main shall be the actual cost plus fifteen percent overhead. The charge for removing the meter shall be established by Council resolution. All such charges shall be chargeable to the offending customer where the water is supplied, and water shall not again be furnished to such premises until said charges are paid.

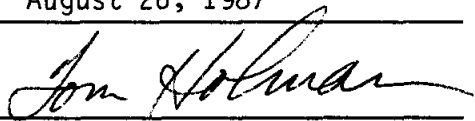
(9) Tampering. Water services locked off for nonpayment or noncompliance will be subject to tampering fees should any consumer or person without authority from the utility remove or destroy said locking devices in order to self restore water service.

Section 2: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

Passed by the Council: August 26, 1987

Approved by the Mayor: August 28, 1987

Effective Date: August 26, 1987



Mayor

ATTEST:



City Recorder