

CITY OF GARIBALDI, OREGON

ORDINANCE NO. 244

AN ORDINANCE AMENDING THE GARIBALDI WATER ORDINANCE.

SECTIONS

- 1 *Deposit Regulations Amended*
- 2 *Water Service to Multiple Unit Customers*
- 3 *Notice of Discontinuance of Service Amended*
- 4 *Costs of Discontinuance of Service Amended*
- 5 *Collection of Delinquent Utility Bills*
- 6 *Responsibility for Payment Amended*
- 7 *Bill Payment Schedule Amended*
- 8 *Installation of Water Meters at Customer's Expense*
- 9 *Effective Date*

THE CITY OF GARIBALDI ORDAINS AS FOLLOWS:

Ordinance No. 184 (enacted 8/12/91 and last amended by Ord. 203, enacted 4/12/93) is hereby amended as follows:

Section 1. DEPOSIT REGULATIONS AMENDED: Subsection 2 (Deposit) of Section 2 (Application for City Water Service) of Ordinance No. 184 is hereby amended to read as follows:

"2. Deposit.

"The application shall be signed by the applicant and state the location for which service is requested, the address to which bills are to be sent, information adequate to determine which utility rates shall apply, and such other information as may be reasonably required by the City Administrator.

"If the applicant is a person other than the owner of the premises as shown by the records of the Tillamook County Clerk, the applicant shall obtain the signature of the owner on a form provided by the City Administrator in which the owner agrees to accept liability for delinquent bills.

"Upon application for service, a deposit shall be paid by the applicant in the amount of three (3) months' base rate for the same class or category of customer as the applicant."

Section 2. WATER SERVICE TO MULTIPLE UNIT CUSTOMERS: Section 2

(Application for City Water Service) of Ordinance No. 184 is further amended by adding the following new subsection:

"4. Water Service to Multiple Unit Customers. If one building houses two (2) or more apartments, households, or business establishments, the water may be served through one meter or it may be served through a meter for each separate apartment, household, or business establishment, at the discretion of the City. Under normal circumstances, all water meters shall be installed on City property.

"If a customer wants one or more meters to be installed on private property, the customer is entirely responsible for installing and maintaining the service line and customer's line from wherever it first crosses onto private property, except that the City shall own, install and maintain all water meters and water gaskets, and shall have reasonable access to said meters and gaskets to do so. The owner of the premises as shown by the records of the Tillamook County Clerk shall be responsible for payment of all water charges."

Section 3. NOTICE OF DISCONTINUANCE OF SERVICE AMENDED: Subsection 1 of Section 3 (Discontinuance of Service) of Ordinance No. 184 is hereby amended to read as follows:

"1. Whenever any customer shall fail to pay a charge with 30 days after the same is due, the City shall send a written notice pursuant to RULE 16 of Section 4 of this Ordinance. The notice shall be deemed given when deposited by first class mail in the U.S. Post Office, addressed to the billing address on file for said customer and with postage prepaid."

Section 4. COSTS OF DISCONTINUANCE OF SERVICE AMENDED: Subsection 3 of Section 3 (Discontinuance of Service) of Ordinance No. 184 is hereby amended to read as follows:

"3. In addition to the payment of delinquent charges required in subsection 2., above, all costs incurred by the City in carrying out the provisions of this Ordinance, including but not limited to the cost of sending notices and fees for shutting off and restoring water or sewer service, shall be paid in full to the City prior to the restoration of water or sewer service to any premises where water or sewer service has been shut off pursuant to this Ordinance."

Section 5. COLLECTION OF DELINQUENT UTILITY BILLS: Section 3 (Discontinuance of Service) of Ordinance No. 184 is hereby amended by adding the following new subsections following subsection 4, and re-numbering the existing subsection 5 as subsection 7:

"5. The City may use such means of collection or enforcement of delinquent utility charges as provided by the laws of the State of Oregon, or are authorized by the

charter and Ordinances of the city. In addition to any other remedy provided by law, any delinquent utility charge may be collected by an action at law against the utility user and owner of the property served."

"6. Residential service shall not be terminated for non-payment on, or the day prior to, a weekend or holiday."

Section 6. RESPONSIBILITY FOR PAYMENT AMENDED: RULE 1

(Responsibility for Payment) of Section 4 (Rules and Regulations) is hereby amended to read as follows:

"RULE 1. Responsibility for Payment: All water and sewer charges for services provided by the City to a property shall be the responsibility of the property owner, unless other arrangements have been made in writing with the City pursuant to Section 2 of this Ordinance."

Section 7. BILL PAYMENT SCHEDULE AMENDED: RULE 16 (Bill Payment Schedule) of Section 4 (Rules and Regulations) is hereby amended to read as follows:

"RULE 16. Bill Payment Schedule.

"(1) Water charges as herein provided are due and payable at the office of the City Administrator on the first of each month.

"(2) Upon rate increases, customers who have paid utility bills in advance shall nonetheless be required to pay the increased rate.

"(3) Effective 1 NOVEMBER 2000, if such charges are not paid by the end of the month following mailing of the utility bill a one percent (1%) per month penalty will be assessed and added thereto. Failure to pay charges within sixty (60) days shall entitle the city to turn off the water from the premises where the same has been used and where the delinquency exists, pursuant to RULE 17 of this Section and subsection 1 of Section 3 of this Ordinance.

"(4) Effective 1 NOVEMBER 2000, a late fee of FIVE DOLLARS (\$5.00) shall be assessed against any City utility account when a shut-off notice is sent, to cover the production and mailing of said notice. The late fee shall be added to and become part of the outstanding balance against the account, and shall bear interest at the same rate as the outstanding balance.

"(5) Whenever it is necessary to turn delinquent utility bills over to collection agencies for collection, a fee of up to fifty percent (50%) of the outstanding balance, including interest and late charges, shall be assessed and added to the balance owing. The amount of the assessment shall be equal to the amount retained by the collection agency as its fee for collection.

"(6) Prior the shut-off of water service for non-payment, a customer may contact the City to make payment arrangements. Payment arrangements must be approved by the City Administrator of his or her designee, and if made, shall take into account (a) the City's needs, (b) the customer's past payment record and probable ability to meet the payment schedule in light of the circumstances (e.g., unemployment, illness, *et al.*) causing delayed payments, and (c) the size of the bill and length of time outstanding. If payment arrangements are made and the customer fails to comply therewith, the City may, at the City's option, terminate service for non-payment without further notice to the customer."

Section 8. INSTALLATION OF WATER METERS AT CUSTOMER'S EXPENSE:

Subsection 2 of Section 5 (Rates and Fees) of Ordinance 184 is hereby amended to read as follows:

"2. The use of all water provided by the City of Garibaldi to customers shall be metered. The installation of a water meter, either at the direction of the City or at a customer's request, shall be entirely at the customer's expense."


Section 9. EFFECTIVE DATE: It is hereby adjudged and decreed that this Ordinance is necessary for the immediate preservation of the peace, health, safety and general welfare of the people of Garibaldi, and therefore an emergency is declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

Passed by the Common Council and approved by the Mayor of the City of Garibaldi, this 16th day of October, 2000.



Mayor

ATTEST:


City Recorder

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