

RESOLUTION NO. 648

A RESOLUTION ESTABLISHING THE FINANCE CHARGES, INVOLUNTARY DISCONNECTION FEES AND RE-CONNECTION FEES, DOOR HANGER FEES, AND ESTABLISHING FEES FOR TAMPERING WITH THE WATER METER FOR THE CITY WATER SYSTEM OF AURORA, OREGON; AND AMENDING RESOLUTION NUMBER 565, AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Aurora Municipal Code, Title 13, Chapter 13.04, Section 13.04.120 provides water billing and delinquent payment charges, and

WHEREAS, the City Council has determined the need for a new policy for users of the City water system and for the establishment and collection of all fees; **NOW THEREFORE.**

BE IT RESOLVED, the Aurora City Council hereby adopts the following finance charges, disconnection charges, re-connection charges, door hanger charges, and penalties for tampering with a City water meter.

SECTION 1. INVOLUNTARY DISCONNECTION AND RE-CONNECTION CHARGES

A disconnection fee in the amount of \$10.00 will be charged to any account that has been disconnected for non-payment. An additional \$10.00 will be charged to any account to be re-connected to the City water supply. No water service shall be re-connected to the water supply until all past due payments, together with the two (2) (disconnection and re-connection) fees, have been paid in full.

In the event a meter disconnected for non-payment is re-connected by the customer, said customer shall be charged with theft of City services and assessed a fine in the amount of \$500 per day, as well as, being charged criminally under Oregon Revised Statute Number 164.125.

When a service connection to a premise used for residential, commercial, industrial and other purposes has been terminated for non-payment, under no circumstances shall the use of the premises continue for more than thirty (30) days without water service. Such continued use, without sanitary facilities, constitutes a health hazard. Such health hazard shall be reported to the State Health Department and the Oregon State Department of Environmental Quality. When it becomes necessary, the delinquent water charges, the re-connect fee, and all other charges, shall become a lien against the real property, which shall continue to accrue interest at the legal rate, and service will be reinstated. Within twelve (12) months of the filing of the lien, if the

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Approved and Passed by the Aurora City Council
on March 10, 2012

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account remains delinquent, the City may commence foreclosure proceedings, as provided in the Oregon Revised Statutes, Chapter 223.

SECTION 2. VOLUNTARY SHUT-OFF PROCEDURE

If a residential, commercial, or industrial water customer requests that their water service be voluntarily shut-off, this notice must be submitted to the City Recorder in writing at least 48 hours prior to the shut-off notice. In other words, this voluntary shut-off procedure would apply to all water customers.

The voluntary shut-off will not be longer than 4 MONTHS, and no one can reside in the residence due to unsanitary conditions of the residence. Such continued use, without sanitary facilities, constitutes a health hazard. Such health hazard shall be reported to the State Health Department and the Oregon State Department of Environmental Quality. If the water service is in "In-Active Status" there would be no charges being accumulated on this "In-Active Status".

SECTION 3. FINANCE CHARGES

When a water bill remains un-paid for more than 20 days after the BILLING date stated on said bill, written notice shall be mailed to the customer prior to disconnecting the water service for non-payment. All accounts mailed a delinquency notice will also have a penalty in the amount of \$15.00 charged to the account on the date of mailing the notice. An additional sum of \$15.00 will be charged for each time the water account becomes delinquent.

- a) All water charges, user fees, sewer charges, street light fees, and finance charges that are delinquent for a period of ninety (90) days and are not paid by the owner of the property, shall be a charge upon and a lien against the real estate and property on which the water is used, whether used by the owner, tenant, or other persons. Such liens, when so docketed, may be foreclosed on as provided by law.
- b) A water service account that is delinquent for a period of ninety (90) days may be assigned to a debt collection agency for collection. So long as such accounts are being worked on by the collection agency, the lien shall not be foreclosed, and shall be satisfied to the extent of any collection agency from the party or parties responsible for payment of the account.

SECTION 4. DOOR HANGERS

If the water service is scheduled to be disconnected and payment is not made by the date designated on such notice, the water service to the premises will be disconnected,

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and a door hanger delivered to the premises advising of disconnection. Water will not be furnished thereto until all outstanding City utility charges and penalties have been paid in full. An additional sum of \$45.00 for delivery of the door hanger will be added to the total bill.

SECTION 5. RULES AND REGULATIONS

Unlawful Turn-Ons. It shall be unlawful for any person, firm, or corporation, as owner, tenant, or otherwise, to cause the water to be turned on to supply any premises whatsoever if the same shall have been turned off by the City of Aurora's Public Works Staff.

Unlawful Connections. It shall be unlawful for any person, either as owner, tenant, or otherwise, to make any taps or connections to the Municipal Water System of the City of Aurora except under the authorization and direction of the Superintendent of Public Works of said City, and after first having made application through the City Recorder's Office. The applicant will also be required to receive approval from the City Recorder's Office.

Injury to Water Line. It shall be unlawful for any person in any way to intentionally or maliciously damage, injure, or obstruct any water line of any part of the municipal water system of the City of Aurora.

Injury or Damage to a Water Meter. The customer shall be liable for damage to a meter or other equipment or property owned by the City which is caused by an act of the customer, his or her tenants or agents. Damage shall include, but is not limited to, the breaking or destruction of seals by the customer on or near a meter, or damage to a meter which may result from hot water or steam from a boiler or heater on the customer's premises. The customer shall reimburse the City for such damage to the water meter within 30 days, shall become a lien upon the property.

SECTION 6. PENALTY FOR TAMPERING WITH THE WATER METER

Any person, firm, corporation, or any agent or employee of any person, firm or corporation knowingly tampering with a water meter, whether turning on or off, or changing adjustments on said meter shall, upon conviction thereof in the Municipal Court in the City of Aurora, be punished by a fine of \$500.00 per day, per occurrence.

SECTION 7. APPEAL PROCESS

Any person affected by a decision by the City Recorder and the Utility Billing Clerk under this Resolution is entitled to appeal the decision to the City Council by

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making a request for a hearing. The request must be in writing to the City Recorder and be received or postmarked within ten (10) business days of the date of the decision. An appeal fee of \$25.00 must be paid at the time of the request.

If a timely appeal is received, the appeal will be heard by the City Council meeting at their regularly scheduled meeting for the month following the month the appeal request is received. The City Council and the affected person may by mutual agreement conduct the hearing at a different date. At the hearing before the City Council, the affected person may present relevant testimony and evidence and city staff shall present a report. At the close of evidence, the City Council shall deliberate and reach a decision. The decision of the City Council shall be final.

SECTION 8. EFFECTIVE DATE

THIS RESOLUTION SHALL TAKE EFFECT ON THE 10th DAY OF MARCH, 2012.

Adopted by the Aurora City Council at the regularly scheduled meeting on Tuesday, March 10, 2012.

Greg Taylor, Mayor

ATTEST:

Kelly Richardson, City Recorder

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