

ORDINANCE NO. 258

An Ordinance Amending Ordinance No. 149, Ordinance No. 220, Ordinance No. 228, and Section 75 of Ordinance No. 234

THE CITY OF MORO ORDAINS AS FOLLOWS:

1. EQUAL TREATMENT

1.1 The City of Moro (the "City") is committed to the principle of equal treatment of all utility customers. In furtherance of that commitment, this Ordinance shall apply equally to all persons, firms, corporations, or legal entities receiving utility services supplied by the City and shall uniformly govern all billing, collection, and payment of utility charges. It shall be the policy of the City that the utility needs of all customers shall be handled equally, without discrimination and utilizing sound business principles. Furthermore, the utility rates and processes established by ordinance and/or resolution shall be uniformly applied to all customers.

1.2 The City does not discriminate against individuals on the basis of race, color, sex, sexual orientation, religion, disability, age, veteran status, ancestry, or nation or ethnic origin in the administration of its ordinance, utility service, or billing practices.

2. WATER SERVICE

2.1 Every parcel of property within the City limits requesting or requiring water service currently or in the future must subscribe to the Moro Water System.

2.2 At the time that application is made to the City for water service, the applicant shall pay a transfer fee of \$25.00 if the water service to the premises has not been previously discontinued. An additional fee of \$50.00 will be assessed to the applicant if water service to the premises has been discontinued in the past.

2.3 At the time an application is made for service, the applicant will be asked to pay a deposit. The deposit shall be in the sum of two months service at the current rate. Applicants will be entitled to a refund of this deposit only in the event that all payments have been timely made for twelve consecutive months. Upon request of the applicant, the deposit will be credited to the account or reimbursed by check if the applicant is no longer a Moro Water System customer.

2.4 In the event of temporary vacancy of any premises, water service will be turned off at the service cock upon written request of the owner. In the event water service is discontinued for more than 30 days, a \$50.00 fee will be charged to restore water service. A full month's service will be charged if water service is restored on or before the 15th of the month, but no charge will be made for that month if the service is turned on after the 15th of the month.

2.5 Utility bills shall be issued by the City on or around the 24th day of the month. Utility bills shall list the final date on which payment is due and payable. The due date shall be the tenth (10th) day of the succeeding month.

2.6 The property owner of record shall be responsible for the payment of ALL charges prescribed in this ordinance. If the property is rented and the renter fails to pay the charges, the City Administrator/Recorder shall submit the bill when 2 months delinquent to the property owner for payment. All utility bills shall be mailed to the premises where water service is furnished unless the resident or property owner submits a request that the bill be sent to another address.

2.7 In cases of extreme hardship, the Moro City Council (the "Council") shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the past due amount, provided said installment period does not exceed the period of time the account was delinquent. When the extreme hardship is due to incapacitating illness, the Council may, upon confirmation of the precise circumstances (e.g. by demanding confirmation from a treating physician), renew service and defer the customers' obligation to make payments on the account until such time as the customer is able to resume income-producing activities.

2.8 In the event a utility bill remains unpaid, the City reserves the right to turn off service to the property unless full payment is received. Twenty-four hours prior to the turnoff date, the agent of the City shall personally advise the occupant of the premises receiving water that the water service is to be disconnected unless delinquent amounts are paid within 24 hours. If, despite reasonable diligence, the agent is unable to locate the occupant, the agent shall leave a notice on the door stating the water service will be turned off in 24 hours, unless payment is received. If payment is not timely received, the agent shall turn off the service and lock the meter.

2.9 All water service charges shall be a lien against the premises served after the date of billing and entry in the City's records. The City's records shall be made accessible during the City's regular business hours for inspection by anyone interested in ascertaining the amount of the charges against the property. When a bill for water service remains unpaid 90 days after it has been rendered, the lien thereby created may be foreclosed in the manner provided for by ORS 233.610, or in any other manner provided by law, this code, or City Ordinance/Resolution, as they presently exist, or may hereafter be amended.

2.10 Service may be denied to any person who has previously been responsible for an unpaid water bill at another address until such bill is paid in full. In such cases, a turn-on fee established by the City will be charged and collected at the time the delinquent charges are paid and a request for re-service is made.

2.11 Schedules of water rates shall be fixed by the Council by Ordinance/Resolution, and may in like manner be amended or altered from time to time, at the discretion of the Council.

2.12 Any user desiring to connect to a City water main shall at the time of application for a building permit, pay to the City a system development fee. The amount of the fee shall be fixed by Ordinance/Resolution, which may from time to time be amended or altered by the Council. Different fees may be established, depending on the size of the connection, whether or not property has been assessed for the water main construction, and other factors.

2.13 The Council shall have the right to include in any assessment levied against property for water main construction the amount of the connection fee and the costs, including

legal, administrative, and engineering expenses of installing the service line from the water main to the property line. These amounts may be included in the assessment even though there is no immediate use of water on the property assessed.

2.14 All expenses for connection to the City's water utility shall be borne solely by the property owner and shall not be part of the system development charge.

2.15 If a service larger than two inches is required, the cost will be negotiated. Actual costs to the City for material and labor to connect to the utility in excess of the deposit are due within thirty days of billing following completion of connection to the utility. In the event the charges are not timely paid, access to the utility will be revoked by removal of the meter or capping off the utility. Access to the utility will not be allowed until the customer has paid the connection fee and cost associated with the disconnection.

2.16 Anyone turning water on or off at the city's water meter other than City personnel shall be assessed a penalty fee of \$50.00. If the meter has been tagged or locked and then tampered with, the property owner/renter may, at the City's request, be charged criminally.

2.17 When any fee, fine, or other payment is made to the City by any person by check, and such check is dishonored by the bank, a processing fee of twenty-five dollars (\$25.00) shall be added to the fee, fine, or other sum due the City for each check thus returned, and the processing fee shall be subject to collection in the same manner as the underlying fee, fine, or other sum due.

3. ACCESS TO PREMISES

3.1 Authorized employees or representatives of the City, with proper identification, shall have access during reasonable hours to all parts of a property to which water is supplied to inspect the City's infrastructure.

4. WATER METERS

4.1 Once installed, any cost associated with the repair or replacement of damaged or missing meters and services will be charged to the owner of the property to which the meter is connected. Such costs may include, but are not limited to, gaskets, meter boxes, like inserts, meters, pressure regulator valves, and related labor. No liability shall exist on the part of the City resulting from the breaking of mains, service pipe fittings, or other appurtenances. No deductions in water rates shall be made for any time that mains or service pipes are out of use or when service is discontinued, for any reason.

4.2 Once installed, a water meter shall not be obscured, in any way, by vegetation, dirt, vehicles, garbage, or otherwise, so as to prevent or hinder the reading of the meter. Should a meter require uncovering before it can be read, the City reserves the right to assess charges against the homeowner or renter associated with this work.

4.3 If any water meter is out of order or if, in the judgment of the City, such meter is not making proper water measurement, the same shall be promptly repaired and the water charges equitably adjusted.

4.4 Charges for water service to properties outside the City limits shall be set and

assessed by the Council, in its sole and unfettered discretion.

4.5 Customers shall have the right to appeal billing decisions to the City staff. If a customer is not satisfied with the decision of City staff, the customer may appeal to the Council by making a formal written request. All appeals will be made at the next appropriate Council meeting and heard by the Council. The Council shall review the decision for appeal of discretion and render a written decision within twenty-one (21) days of receiving the appeal. All decisions of the Council shall be final.

Submitted to the Council and read the first time on the _____ day of _____, 20____.

Read in full the second time and passed by the Council on the _____ day of _____, 20____.

Submitted to the Mayor for approval on the _____ day of _____, 20____.

City of Moro, Mayor

Attest, City Administrator