

Chapter 13.04

WATER SERVICE SYSTEM

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13.04.010 DEFINITIONS.

The following terms as used in this chapter are defined as follows:

“City” means the City of Port Orford.

“Inside consumer” means any person to whom water is supplied inside the City limits.

“Outside consumer” means any person to whom water is supplied outside the City limits.

“Outside pipeline” means any pipe now or hereafter connected with the city water system for the purpose of supplying water to a place of consumption, and which extends beyond the City limits.

“Place of consumption” means the home, establishment of property to which water is supplied. (*Ord. 300 § 1, 1979*)

13.04.020 Connection

All inside and outside consumers desiring to make connection to and make use of the city water system, shall prior to making such connection, pay to the city the fees as shall be established by the common council of Port Orford by resolution. (*Ord. 300 § 2, 1979*)

13.04.30 Security Deposit

All consumers, whether inside or outside, except

such as who are owners of taxable real property, shall pay to the City as a security deposit for water usage, a sum as shall be set by resolution of the council. Said sum to be paid prior to any water usage. (*Ord. 300 § 3, 1979*)

13.04.040 Service Charges

The City shall make such charges as shall be set by resolution of the council. (*Ord. 300 § 4, 1979*)

13.04.050 Rates

All users of the city water system shall pay to the city for each place of consumption for use of the City water system and water, charges as set by resolution of the council. (*Ord. 300 § 5, 1979*)

13.04.060 Outside consumers-Conditions

Conditions for outside consumers are as follows:

(A) That all outside pipelines now in use are not part of the City water system and shall be maintained and kept in repair by the person or persons to whom the water is furnished;

(B) That the water shall be supplied to outside consumers solely for domestic purposes and for no other purpose without the consent of the City;

(C) That no outside pipeline shall be extended, nor shall any pipe be connected there-with, for the purpose of supplying water to an additional place of consumption without the consent of the City;

(D) That the outside consumer shall observe all rules and regulations made by the City or its duly authorized officers for the conservation of water;

(E) That the outside consumer shall not permit any waste or leakage from the outside pipeline or at the place of consumption;

(F) That the city shall not be under absolute obligation to provide an adequate water supply to

outside consumers; if the City's water supply shall be or becomes insufficient to provide adequately for all consumers, then those consumers who are supplied with water within the city limits shall be satisfied before any water shall be supplied to outside consumers;

(G) That if the outside consumers shall breach any of the above conditions, the City may, at its option, disconnect the outside pipeline of the said consumer from the city water system or shut off the supply to such consumer and thereby discontinue service;

(H) That, in the event that the City shall desire to discontinue service to the outside consumer for any reason other than those specified in the above conditions, the said consumer shall be entitled to ten days' notice of the intention to discontinue service, and, at the expiration of such period after giving notice, the city shall have the right to discontinue the service. (Ord. 300 § 6, 1979)

13.04.070 Outside Consumer-Application

If the application is granted to the outside consumer the application shall be issued, and shall be signed in duplicate, a permit in substantially the following form, to-wit:

The City of Port Orford hereby grants _____ permission to connect to a suitable pipeline to the water system of the City at _____ (describe point of connection) for the purpose of conveyance of water outside the city limits over the following general route: _____

_____ (describe route) to the following premises: _____

_____ (describe premises) providing that the permittee(s) shall make the said connection under the direction and supervision of the city public works superintendent, shall do so at his (their) own expense and shall furnish the pipe, materials, and labor, shall procure the necessary easements, and shall pay a connection charge of \$ _____

and costs, receipt whereof is hereby acknowledged. Upon completion of the pipeline

and upon approval thereof by the public works superintendent, the City shall provide water to the permittee(s) through said pipeline upon the terms and subject to the conditions set forth in *Ordinance No. 300*.

DATED This _____ day of _____ 20____.

CITY OF PORT ORFORD
By _____

Accepted under the conditions herein-above set forth and particularly under the conditions of *Ordinance No. 300* herein-above cited.

DATED This _____ day of _____, 20____.

(Ord. 300 § 7, 1979)

13.04.080 Collection Procedures.

(A) Collection of User Fees.

All users of the municipal water system will be billed and user fees collected by the City. All payments shall be deposited into the municipal water fund.

(B) Review of Fees.

Any user who believes his or her user fee is based on inaccurate measurement may file a written request to review of his or her user fee with the City Administrator. The request for review shall state the basis for the user's objection and shall include a statement of the user's measurement and shall state the method whereby the user's measurements were made. If the user demonstrates inaccurate measurements, the user

fee shall be adjusted upwards or downwards, as

the case may be, and the new fees shall be charged commencing with the following month's billing.

(C) Adjustments to User's Fee.

i. If a waterline serving the user's premises is broken, resulting in a water consumption use fee which is materially greater than the user's average monthly water consumption use fee, recalculated at the existing consumption use fee rates, the user may apply to the City Administrator for an adjustment. In order for an adjustment to be made, application for an adjustment must be made within 3 months of the billing in question, or within 3 months of the effective date of this section, whichever is later.

ii. The user shall present evidence to the City Administrator of the break, and the user's average monthly water consumption use fee. Upon satisfaction that break has occurred, been repaired, and that the water fee was materially greater than the user's average monthly water consumption use fee, the City Administrator shall credit an amount, calculated in subsection iii to the user, through a credit to a future month's billing. As used in this subsection, a water consumption use fee is "materially greater" if the water consumption use fee is at least 200% of the water consumption use fee at the same time the previous year. For purposes of this section, all water consumption use fees will be recalculated at the consumption use rate in effect at the time of the leak.

iii. If the water consumption fee charged meets the test in Section (C) ii., the credit due the customer will be calculated as follows. The water consumption for the same billing period the previous year will be considered to be the actual use of the customer, and no relief will be granted on that portion. All usage over that amount will be charged according to the following formula: cost for 5000 gallons of water, divided by 5. The average consumption is 5000 gallons. Further there shall be a cap on the amount that may be charged to the customer equal to the amount of the total of the customer's previous 12 months water bills, including the base rate, recalculated to current rates in effect at the time of the leak.(ORD #300 § 8; (ORD 2008-07 § 8, 2008)

(D) Failure to Pay. —Disconnection

(1) Failure to Pay.

User fees are debts to the City. Any user fee, which is unpaid when due, is a lien on and against the property connected to the water system, and may be foreclosed according to law. In lieu of foreclosure, user fees which are more than thirty (30) days delinquent may be recovered by civil action against the user.

(2) Disconnection-Hearing on Contested Disconnection.

i. Service may be discontinued if the user fails to pay user fees which are delinquent for more than thirty (30) days past the due date.

ii. Prior to discontinuation of service, the user, if different, shall be served with written notice of intent to discontinue service. If the property served by the water system is rental property, the notice shall be served on the tenants and the property owner, regardless of which party is the actual user.

iii. The notice shall state that the user has failed to pay user fees, that the user's account is more than thirty (30) days delinquent, and that the user's service may be discontinued if the user fails to pay all delinquent fees within fifteen (15) days from the date of service of notice. The notice shall inform the user that the user may file a request for hearing within fifteen (15) days from the date of the service of notice.

iv. The request for hearing must be filed by the user with the city administrator by the user within fifteen (15) days of service of the notice of intent to discontinue service. The request must be in Writing, and shall state with particularity the basis of the user's objection to discontinuation of service. Failure to timely file a request for hearing shall be a waiver of right to hearing.

v. If no request for hearing is timely filed, the city shall serve upon the user a notice of date of discontinuation of service. The notice shall state the date upon which service will be discontinued.

vi. The hearing shall be held before the City Administrator four calendar days of a timely filed

request, excluding Saturdays, Sundays, and legal holidays.

vii. If the City Administrator finds no good

cause why service should not be discontinued, service shall be immediately discontinued, and no new service allowed for the user until all delinquent charges are paid in full, along with interest at the legal rate from the date of delinquency.

viii. Appeal of the decision by the city administrator shall be by *Writ of Review* under *ORS 34.010-34.100*. (*Ord 99-01 § 1, 1998; Ord. 2002-08, §§ 1,2,2001*)