

ORDINANCE NO. 980

Sewer System Users Charges

AN ORDINANCE DEFINING CERTAIN TERMS; ESTABLISHING SEWER USER CHARGES FOR THE USE OF THE SEWER FACILITIES OF THE CITY OF PRINEVILLE; PROVIDING FOR REVIEW AND REVISION OF USER CHARGES ON A PERIODIC BASIS; IDENTIFYING THOSE RESPONSIBLE FOR PAYMENT; PROVIDING FOR COLLECTION OF USER CHARGES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, THE DECLARATION OF AN EMERGENCY, PUBLICATION, AND EFFECTIVE DATE

WHEREAS, in order to protect the waters within and adjacent to the City of Prineville (City) from pollution and to promote the health, safety and welfare of the residents, a sewerage system has been developed to be operated and maintained by the City for the purpose of collection, treatment and disposal of wastewater attributed to said sewer system; and,

WHEREAS, in order to carry out its authorized function of sewage collection, treatment and disposal, it is necessary and in the public interest that the City establish charges for such services in amounts sufficient to pay the ongoing expenses of operating and maintaining the City sewer system facilities; to provide for replacement of facilities, and to provide a margin for reserve for unexpected events; and,

WHEREAS, the City has entered into a grant agreement with the Environmental Protection Agency for construction of sewage treatment facilities in which the City has agreed that the costs associated with the sewage treatment works shall be distributed among all of those who benefit from the treatment works in proportion to their use of the sewerage system; now, therefore,

THE PEOPLE OF THE CITY OF PRINEVILLE OF THE STATE OF OREGON ORDAIN THE FOLLOWING:

ARTICLE I

Definitions

Unless the context specifically indicated otherwise, the meaning of terms used in this Ordinance and other related ordinances shall be as follows:

Section 1. All definitions included in Article I of the City's SEWER REGULATIONS Ordinance(s) are incorporated herein by reference.

Section 2. "Commercial User" shall mean any premises used for commercial or business purposes which are not determined to be an industry as defined in this Ordinance.

Section 3. "Domestic Waste" shall mean any wastewater which would, under ordinary facts and circumstances, emanate from dwellings.

Section 4. "Equivalent Residential Unit (ERU)" shall mean a volume of wastewater emanating from an average residential dwelling unit in the City's sewer treatment works service area which is assumed to incur the same costs for operation and maintenance as such average volume of domestic waste. When ERU's are relied upon in establishing user charges, the City shall utilize the metered water use records of the residential dwelling units in the treatment works service area for purposes of making this determination.

Section 5. "Industrial User" shall mean any nongovernmental, nonresidential user of the public treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

- Division A - Agriculture, Forestry and Fishing
- Division B - Mining
- Division D - Manufacturing
- Division E - Transportation, Communications, Electric, Gas and Sanitary Services
- Division I - Services

As a general rule, any public treatment works user which discharges more than the equivalent of twenty-five thousand (25,000) gallons per day (gpd) of sanitary wastes will be considered an industrial user unless an exclusion is requested by the user, and as such is granted by the City.

Given the aforementioned, a user of the public treatment work system may be excluded from the industrial user category if it is determined by the City that such user will introduce primarily domestic waste and other waste from sanitary conveniences.

Section 6. "Operation and Maintenance" shall mean all activities required to ensure the continuous, dependable and economical functions of collection, treatment and discharge of the public treatment works sewage or user wastes. Such activities and attendant costs would include, but not be limited to: preventive and corrective maintenance; replacement of equipment; debt service costs; and, control of the unit processes and equipment that make

up the collection, treatment and discharge of the public treatment works such as keeping financial and personal management records, laboratory control, process control, safety, emergency operation planning, employment of attorneys and consultants and payment of court costs and fines.

Section 7. "Public Treatment Works" shall mean a collection, treatment and discharge sewerage system owned and operated by a public authority.

Section 8. "Replacement" shall mean obtaining and installing any equipment, accessories or appurtenances that are deemed necessary by the City to maintain the capacity and performance for which such collection and treatment works were designed and constructed. This process shall continue during the designed for or useful life, whichever is longer, of the collection and treatment works facilities.

Section 9. "Residential User" shall mean the user of a single family dwelling or such other dwelling units included in multiple unit buildings designed for such purposes.

Section 10. "Service Area" shall mean all of the area served by the collection and treatment works system for which there is one (1) uniform user charge system. The service area shall include the corporate limits of the City of Prineville and such other contiguous and neighboring territory as the City Council shall, from time to time, deem it necessary to service.

Section 11. "Treatment Works" shall mean all facilities used in any manner for the purpose of collecting, pumping, treating and the ultimate disposal of sewage. "Treatment System" and "Sewerage System" shall be equivalent terms for "Treatment Works".

Section 12. "User" shall mean every property owner and/or tenant of any property which is connected to, or required by City ordinance to be connected to, the treatment works system of the City of Prineville.

Section 13. "User Charge" shall mean the periodic or monthly charges levied on all users of the City's public treatment works.

ARTICLE II

Sewer Use and User Charges

Section 1. Application for City sewage treatment works services shall be made in the following manner:

a) The application for City sewage treatment works services shall be considered to be the application for a permit to make a connection to the City's public sewer system. The application will state the purpose for which service is to be used, the address for mailing of the billings and such other information as the City may reasonably require. In signing the application, the property owner agrees to abide by the rules and regulations of the City's public sewer system.

b) Deposits and establishment of credit shall be performed at the time the application for service by the City's public sewer system is made. The credit of the applicant shall be established if: the applicant makes a cash deposit with the City to secure the payment of two months user charges for services, but not less than twenty dollars (\$20.00); or, should the applicant have a history of delinquency of payment for services provided by the City, as determined by the City, the minimum deposit shall be fifty dollars (\$50.00). At the time the deposit is given to the City, the applicant will be provided with a written receipt. The deposit is not to be considered as a payment on account. In the event that the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded to the property owner. Also, following twelve (12) consecutive non-delinquent payments for City public sewer system services, a property owner may request and receive a refund of such deposit.

c) Users desiring to make a material change in the type and/or quantity of sewage to be discharged into the City's sewerage system shall give the City written notice of such change prior to the change and the original application for service shall be amended.

Section 2. Sewer user charges shall be established on a monthly basis for the use of the City's sewage facilities. All user charges and service connection, disconnection and reconnection charges will result from a specific resolution of the City Council and the documentation of such charges for specific types of users will be attached as exhibits to this Ordinance.

Section 3. Applicability of user charges. All user charges and other fees and charges provided for in Article II, Section 1 of this Ordinance shall apply to and be the responsibility of each user of the City's sewerage system.

Section 4. The process of fixing responsibility for user charges shall be applied such that the property owner of record shall be responsible for the payment of all charges or surcharges for the City's provision of sewer services. The property owner, if such owner desires, will be notified of any delinquency in user charge or other associated billings rendered by the City.

Users charges shall be levied on all users of the City's public treatment works. Such charges shall cover the costs of operation and maintenance, replacement, and other administrative costs of such treatment works. The user charge system relied upon by the City shall distribute these costs in proportion to user responsibility for the wastewater loading of the treatment works.

Section 5. Assignment of user charges to a specific user of the City's treatment works shall be the responsibility of the City. If at any point it is determined by the City that a user's assigned user charge has been incorrectly assigned, the City shall reassign a more appropriate user charge and notify the user of such reassignment.

Section 6. Records which justify the basis used to assign wastewater contributions which formed the foundation for existing user charges shall be kept on file with the City Administrator and shall be available for public inspection.

Section 7. The beginning of sewer user charges for all occupied property shall be the day following when the sewer service became available or the day that the connection is made to the public treatment works, whichever occurs first. The sewer user charges for all unoccupied property shall commence on the day after the property is ready for occupancy or on the first day of occupancy, whichever occurs first. All unoccupied property which is ready for occupancy at the time the sewer service becomes available shall be treated as occupied property.

Section 8. Credit for vacancy, once the sewer user charge has been commenced, a user shall not be allowed a credit for vacancy unless the user can demonstrate that water service to such property from any and all sources has been discontinued. When a demonstration of such conditions can be made, the users charge shall be appropriately pro-rated based on the days of usage divided by thirty (30) days, which in no case shall exceed the total amount of the monthly user charge. Payment will be made by the City to the property owner for the calculated amount less any then outstanding user account balances owed to the City. The regular user charge shall be reinstated as soon as water service, from any source, has been reconnected to the users property.

ARTICLE III

Review and Revision of User Charges

Section 1. Review and revision of sewer user charges established in Article II of this Ordinance shall, as a minimum, be reviewed annually and if necessary be revised periodically to reflect the recovery of actual costs of operation, maintenance and replacement of the treatment works. Adjustments may also be made between specified types of applicable user charges to maintain the equitability of the user charges with respect to cost causation criteria. Cost causation charges will be determined on the basis of the proportional distribution of the costs of sewer service in proportion to each user groups contribution to the total wastewater loading of the treatment works.

Section 2. User notification of the need for revised user charges will be made, in conjunction with a regular bill or through other standard means of public announcement, at least one (1) month prior to the effective date of the revised user charges.

Section 3. Waiver of notification requirements will be allowed in case of emergency. In such instances, an emergency will be declared to exist when it is necessary for the health and safety of the people of the City for additional funds to be collected for the proper operation and maintenance of the public treatment works. In such cases an emergency may be declared to exist by the City Council and upon approval by the City Mayor, the revised user charges shall be placed into effect immediately. When such an emergency is declared, the user notification requirements relative to a change in user charges shall be waived.

Section 4. Cost of service notification shall be conducted by the City, with notification being made to each user no less frequently than on an annual basis. As such, each user shall be notified, in conjunction with a regular bill, of that portion of the user charges which are attributable to the operation, maintenance, and replacement of the wastewater collection, treatment and disposal system.

ARTICLE IV

Responsibility, Payments,
Delinquencies, and Penalties

Section 1. Responsibility for payment of sewer user charges shall be that of the person who owns the property. The responsibility for payment to the City does not pass to the tenant or other

occupants, notwithstanding the fact that tenants or other occupants may be required by the property owner to pay said charges.

Section 2. The billing process will be conducted in the following manner:

a) The users of the public treatment works system shall be billed no more frequently than on a monthly basis for services provided by the City in accordance with the sewer user charge schedule as set forth as user charge incorporated in the exhibits attached to this Ordinance.

b) The sewer user charges shall be due and payable to the City no later than thirty (30) days after the date of billing. If not paid on or before thirty (30) days after the billing date, said sewer user charges shall be deemed to be delinquent.

c) Delinquent accounts shall be charged interest at a rate of one (1) percent per month from the date of delinquency. In addition, a service charge shall be assessed at a rate of five dollars (\$5.00) per month from the date of delinquency in order to allow for the recover of the City's administrative costs relative to the delinquent account. The service charge payment shall be added to the account balance and shall accrue interest in the same manner as all other delinquent charges beginning with the month following the month of delinquency.

Section 3. Disconnection/reconnection in the event of extended delinquencies, shall be conducted in the following manner:

a) When and if any delinquent charges, including interest and service charges, for furnishing sewerage service to any user is not paid within sixty (60) days, after date of delinquency, then not less than seven (7) days after written notice has been given to the property owner, at the owner's last address as shown on the Crook County Tax Collector's records, the Superintendent may disconnect the service of the water system to such premises. When such action is taken, the water services will be withheld until all outstanding obligations for sewer services supplied to such premises have been paid in full, together with a reconnection fee for the water services. The amount of the reconnection fee for the water service is specified in the City's Water System Ordinances and incorporated herein by reference.

b) In some instances, in the event of failure to pay sewer charges after they have become delinquent, the City shall have the right to remove or close sewer connection. The same

delinquency and notification period as detailed in Section 3 a) above would also apply. In these cases, the City shall be allowed the right of entry upon the property owners property for accomplishing such purposes. The total expense of such discontinuance, removal, or closing, as well as the expense of restoring service, shall be a debt due to the City and be represented by a lien upon the property. In such cases the amount owed the City, as represented by the lien on the property, may be recovered by civil action in the name of the City against the property owner, the person, or both. Also, the City may enforce the collection of such charges by any means that may be provided by the laws of the State of Oregon or permitted by the charter and ordinances of the City. This would include certification to the tax assessor of Crook County, Oregon, for collection in the manner provided for under ORS 224.220.

Section 4. Change in ownership or occupancy of premises, for which the sewer user charge account is found to be delinquent, shall not be cause of reducing or eliminating any of the aforementioned penalties.

ARTICLE V

Handling of Funds

Section 1. The billings address for City sewer user charges shall be the address specified in the application for the permit to make the connection. This will continue until a different owner or user of the property, and a corresponding change in billing address, is reported in written form to the City's Department of Public Works.

Section 2. All collections of sewer user charges and other specified fees and charges shall be made by the City's Administrator. Sewer user charges and other fees and charges shall be computed as provided in the sewer user charge and service charge exhibits attached to this Ordinance and shall be payable as provided in Article IV.

Section 3. The City Administrator is hereby directed to deposit in the City of Prineville Sewer Fund all of the gross revenues received from charges, rates, and penalties collected for the use of the sewerage system as herein provided. As such, the funds deposited in the City's Sewer Fund shall be used for the operation and maintenance and replacement of the public treatment works system; administration costs; expenses of collection of charges resulting from this Ordinance; and, the payment of the principle

and interest on any debts which are directly or indirectly related to the public treatment works system of the City.

ARTICLE VI

Appeals

Appeals of the sewer user charges established by the City shall be made in writing to the City Administrator within ten (10) days of the billing of said sewer user charges. The City Administrator shall respond in writing within ten (10) days of receipt of any such appeal. If the user wishes to appeal further, they shall request in writing that the City Administrator place their specific appeal on the agenda of the next scheduled regular City Council Session. The decision of the City Council at such session shall be final.

ARTICLE VII

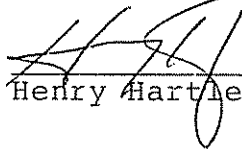
Validity

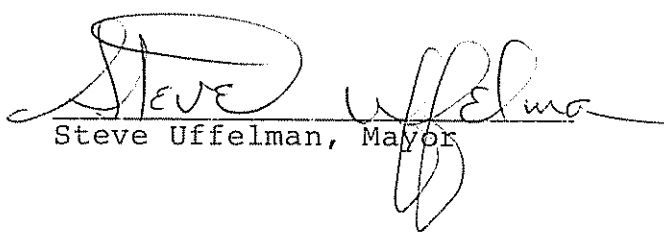
Section 1. All ordinances or parts of any ordinance in conflict herewith are hereby repealed.

Section 2. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Passed by the City Council and approved by the Mayor, on the 28th day of the month of January, and the year of 1992.

Last amended and/or modified on the 28th day of the month of January, and the year of 1992, as passed by the City Council and approved by the Mayor.


Henry Hartley, City Administrator
Recorder


Steve Uffelman, Mayor