

ORDINANCE NO. 1895  
MILWAUKIE, OREGON

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON AMENDING SECTIONS 13.04.110, 13.04.120, 13.12.070 AND 13.14.060 OF THE MILWAUKIE MUNICIPAL CODE RELATING TO UTILITY FEES AND WATER SERVICE SHUTOFF.

WHEREAS, the City Council wishes to provide greater notice for water service shutoff for nonpayment of fees; and

WHEREAS, changes in the Milwaukie Municipal Code are needed to provide greater notice;

NOW, THEREFORE THE CITY OF MILWAUKIE, OREGON ORDAINS AS FOLLOWS:

Section 1: Section 13.04.110 of the Milwaukie Municipal Code shall be amended to read as follows:

**Water charges—When delinquent.**

- A. The City shall prepare and mail billings for water service on the last business day of each month. Payment is due by the fifteenth of the month following the billing date. An account is delinquent if the City does not receive full payment by five p.m. on the last business day of the month immediately following the billing date.
- B. The City shall send a past due notice to all water customers who have not paid in full within one month of billing. The past due notice shall be sent on the first business day after the account becomes delinquent. The past due notice shall state the overdue amount and shall state the amount of delinquent fees. The past due notice shall also provide a deadline for payment. The deadline for payment shall be the Monday before the third Thursday of the month in which the past due notice is sent.
- C. If payment has not been received by the date specified in the past due notice, the City shall on the following day provide notice of water service termination to the consumer by providing written notice left at the property where the service is provided. The written notice shall state that water service will be discontinued unless full payment is made by five p.m. on the next day. If full payment, including delinquent fees, is not made as required in the notice, the City shall shut off water service on the third Thursday of the month in which the past due notice was sent.
- D. The city council may by resolution establish one or more delinquent fees to be charged on past due accounts.

- E. The finance director (or designee) is authorized to determine what constitutes a de minimis account balance and to waive the penalties in subsections B and C of this section in de minimis or extenuating circumstances.
- F. The City shall not shut off water service as provided in subsection C if the City has been provided written notice that shutting off service creates a health or welfare risk. The written notice must specify the circumstances creating the risk.

Section 2: Section 13.04.120 (B) of the Milwaukie Municipal Code shall be amended to read as follows:

- B. When the water service has been discontinued pursuant to this chapter and thereafter turned on again at the request of the consumer, a restoration fee shall be charged. The amount of the restoration fee shall be set by City Council resolution.

Section 3: Section 13.12.070 of the Milwaukie Municipal Code shall be amended to read as follows:

**Sewer service charges.**

- A. Users of sanitary sewer service shall be charged such fees as are established by resolution of the City Council.
- B. When a sewer system user has industrial or commercial waste of unusual strength or character, the City reserves the right to reject the application for service, to require certain pretreatment of such waste or require the sewer system user to pay such charges as may be fixed by the City for such waste disposal.
- C.
  - 1. The City shall prepare and mail billings for sanitary sewer services on the last business day of each month. Payment is due by the fifteenth of the month following the billing date. An account is delinquent if the City does not receive full payment by five p.m. on the last business day of the month immediately following the billing date.
  - 2. A delinquent fee in an amount established by resolution of the City Council shall be added to all delinquent accounts.
  - 3. The City shall charge a fee of ten percent per year on all accounts that remain delinquent for more than three months to cover interest and collection costs.
  - 4. The finance director (or designee) is authorized to determine what constitutes a de minimis account balance and to waive the penalties in paragraphs 2 and 3 of this subsection in de minimis or extenuating circumstances.

5. The City may require deposits prior to providing sanitary sewer service or in lieu of a deposit, obtain a signed agreement from the property owner, whether the user of the system or not, that they will be ultimately liable for the user charges and that the City may use a lien as one method to secure payment if the charges are not paid. However, the City may not require a property owner to sign such an agreement. The lien attaches to real property and may be enforced pursuant to Section 13.04.130.
6. In addition to other lawful remedies, the finance director may enforce the collection of charges authorized by this chapter by withholding delivery of water to any premises where the sanitary sewer service fees are delinquent or unpaid, following the procedures and standards for shutting off water service for non-payment of water bills as provided in Chapter 13.04. However, the finance director shall not deny or shut off water service to any subsequent tenant based upon an unpaid claim for services furnished to a previous tenant who has vacated the premises.

Section 4: Section 13.14.060 of the Milwaukie Municipal Code shall be amended to read as follows:

**Stormwater charges--When delinquent.**

- A. The City shall prepare and mail billings for stormwater fees and charges on the last business day of each month. Payment is due on the fifteenth of the month following the billing date. Accounts are delinquent if the City does not receive full payment by five p.m. on the last business day of the month immediately following the billing date.
- B. A delinquent fee, in an amount established by resolution of the City Council, shall be added to all delinquent accounts.
- C. The finance director (or designee) is authorized to determine what constitutes a de minimis account balance and to waive the penalties in subsections B and D of this section in de minimis or extenuating circumstances.
- D. In addition to other lawful remedies, the finance director may enforce the collection of charges authorized by this chapter by withholding delivery of water to any premises where the stormwater service fees and charges are delinquent or unpaid, following the procedures and standards for shutting off water service for non-payment of water bills as provided in Chapter 13.04. However, the finance director shall not deny or shut off water service to any subsequent tenant based upon an unpaid claim for services furnished to a previous tenant who has vacated the premises.

Section 5: The City Council determines that the fees authorized by this Ordinance are not taxes subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

PASSED AND APPROVED this 18th day of September, 2001

  
James Bernard, Mayor

ATTEST:

Pat DuVal  
Pat DuVal, City Recorder

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