

ORDINANCE NO. 4867

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE 10.08.080, COLLECTION, RELATING TO THE COLLECTION OF SEWER USER FEES AND CHARGES.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Albany Municipal Code 10.08.080, Collection, is hereby amended to read as follows:

10.08.080 Collection. The City of Albany is hereby directed to collect the fees and charges provided in this chapter from each owner or tenant of property which disposes of wastewater, whether in the city system or otherwise and on the first day of each month each owner shall be charged the rates set forth in Sections 10.08.060 and 10.08.070 of this chapter. Furthermore, each user of the system shall be notified, at least annually, in conjunction with a regular bill, of the rate and portion of the user charges which are attributable to wastewater treatment services.

(1) Administrative costs. The administrative costs for collection of all fees and charges shall be paid from the Sewer Fund.

(2) Adjustments due to underground leaks. Where a water leak exists underground between the meter and the building during the monitoring period for wastewater flow charges, causing the total consumption to be greater than one-half the average amount which has been previously charged to the premise, and the same is repaired within 30 days after the premise has been notified of such leak, the utility may allow for an adjustment on the wastewater variable charges.

The variable charges will be adjusted back to past winter water consumption records for the property. Where past water consumption records are not available, the variable charges will be adjusted back to the residential average.

Adjustments shall not be permitted due to leaking plumbing fixtures or the apparent continued waste of water due to a negligent failure to repair.

~~(2)~~ (3) Delinquency. Such sewer use charges or sewer connection fees levied in accordance with this chapter shall be a debt due to the city and shall be a lien upon the property. If this debt is not paid within thirty days after it is due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person or both. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating the debt due.

~~(3)~~ (4) Means of Collection--Interest. Should the city find it necessary to collect any delinquent fees or charges for sewer connection or sewer use, it shall be entitled to use any means provided by the laws of the State or permitted by the Charter and ordinances of the city; or any delinquencies in payment of either sewer connection fees or sewer use charges may be certified to the Tax Assessor of Linn County for collection in the manner and as provided by ORS 454.225. Fees and charges which are delinquent shall draw interest in accordance with city council policy. If not paid after becoming due and payable, the interest charge is effective. Any interest charge due hereunder which is not paid when due may be recovered in an action at law by the City.

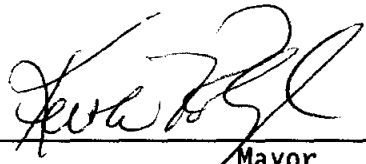
(4) (5) Penalty for Certification. In the event it becomes necessary to certify the service charges established because of the nonpayment therefore, there shall be added to the charges a penalty in the amount of ten percent thereof and the same shall bear, when certified, interest at the rate set by City Council policy from the date of such certificate.

(6) Hearing Rights. Customers shall have the opportunity, if they do not agree with the billing, to have a hearing on their account. The hearing shall be held by a hearings officer appointed by the Finance Director. The hearings officer's decision shall be binding. Notice to the utility by the customer of his/her request for a hearing must be given in writing with an explanation of why the customer feels that the bill is incorrect. If a hearing is held and the hearings officer finds in favor of the customer, any or all appropriate charges may be returned to the customer or customer's account based upon his/her findings.

Passed by Council: June 14, 1989

Approved by Mayor: June 15, 1989

Effective Date: July 14, 1989

  
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Mayor

ATTEST:

  
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Deputy City Recorder