

ORDINANCE NO. 2355

AN ORDINANCE AMENDING CHAPTERS 51 AND 52 OF THE HERMISTON MUNICIPAL CODE BY INCREASING THE DUE AND PAYABLE DATE FOR SEWER, WATER, AND SOLID WASTE BILLS FROM WITHIN TEN DAYS TO TWENTY DAYS

WHEREAS, the City of Hermiston under §51.072, §51.073, and §52.09 require bills for sewer and water to be due and payable within ten days of issuance; and

WHEREAS, bills that are unpaid after ten days of issuance shall be considered delinquent and an additional charge imposed; and

WHEREAS, the delivery of bills for sewer, water, and solid waste services issued by the City through the United States Postal Service is taking longer for the bills to reach City customers and has thereby decreased the amount of time customers have to be able to return payment; and

WHEREAS, to assist City customers, it is proposed that §51.072, §51.073, and §52.09 be amended to make bills be due and payable within twenty days of issuance.

THE CITY OF HERMISTON ORDAINS AS FOLLOWS:

(New language is in red and underlined and repealed language has ~~a line through it~~.)

Section 1. Subsection 51.072(D) of the Hermiston Municipal Code is amended as follows:

51.072 BILLING PROCEDURES.

- (A) The users of the sewerage system shall be billed on a monthly basis for services after rendered in accordance with the rate schedule. The city may issue a combined bill for sewer, water, and solid waste management services.
- (B) The date of the billing shall be in accordance with the monthly cycle billing.
- (C) Notice of billing, delinquencies, and all other required information shall be deemed to have been given when notices are placed in the United States mail with postage prepaid and addressed as shown in the utility records. Failure to provide address change information will not cause notice to be defective. Notice of termination of sewer service may also be made by hand delivery or posting at the consumer's place of use.
- (D) Sewer user charges shall be due and payable to the city no later than twenty ~~ten~~ days after the date of billing.

Section 2. Section 51.073(B) and (C) of the Hermiston Municipal Code is amended as follows:

51.073 DELINQUENCIES AND SERVICE SHUTOFF.

(A) All bills for sewer service shall be rendered monthly at the same time that bills for water services and solid waste services are rendered and may be collected as a combined bill for water, sewage and solid waste services furnished to the consumer.

(B) All bills for water, sewage and solid waste services are due and payable within ~~ten~~ twenty days of issuance. All water, sewage, and solid waste bills unpaid, ~~ten~~ twenty days after the date of issuance, shall be considered delinquent and an additional charge shall be imposed on the gross amount of the billing.

(C) All other charges arising under this chapter and not required to be paid in advance shall be due ~~ten~~ twenty days from the date of issuance of a statement of the amount owed. All such amounts unpaid, ~~ten~~ twenty days after date of issuance, shall be considered delinquent and an additional charge imposed.

(D) The city shall send the initial notice of delinquency to the user. If the account remains delinquent, the city, prior to terminating service, shall provide a second notice of delinquency by first class mail or personal service to the user and to the property owner if the owner has provided to the city a mailing address for notification. It shall be the responsibility of the owner to ensure that the city has a current address. The notice shall state that failure to pay the amount due may result in one or all such services being discontinued on the date specified in the notice which shall not be less than ten days from issuance and that the city may impose a shutoff/reinstatement fee. It shall summarize the right to appeal provided in subsection (H) of this section.

(E) Unless other arrangements have been made, satisfactory to the city, discontinued services shall not be restored until all charges including but not limited to the delinquency and any shutoff/reinstatement fee have been paid.

(F) Sewer service, including water provision, may also be shut off if the consumer tampers or in any way interferes with any meter, connections, service pipes, valves or other appurtenances belonging to the city or for any violation by a consumer of the terms of this or any other applicable ordinance of the city or the statutes of the state relating to the sewer system. Notice and opportunity to appeal shall be provided in the same manner as a delinquency.

(G) Notwithstanding any other provision of this chapter, the city may immediately shut off services, remove or close a sewer connection if there is an immediate threat of substantial harm to public health or safety. Notice shall be provided as reasonably practicable. The consumer or property owner may appeal the shutoff within ten days of notice or shutoff as provided in subsection (H) of this section, which appeal shall be expedited.

(H) A person notified of a delinquency may appeal the determination, in writing, stating the reasons therefor as provided in Chapter [136](#). Except in case of an immediate threat of substantial harm to public health or safety, service will not be shut off pending the outcome of the appeal provided the appeal is received by the city prior to the discontinuance. The appeal authority may grant the appeal, deny the appeal or adjust the delinquency, as appropriate, including providing for a payment plan. If the appeal is denied or adjusted and the amount

established to be due is not paid within ten days of notice of the decision or as otherwise provided in the decision, service may be discontinued.

Section 3. Section 52.09(B) and (C) of the Hermiston Municipal Code is amended as follows:

52.09 BILLING; DELINQUENCY; SHUTOFF.

(A) All bills for water service shall be rendered monthly at the same time as bills for sewage services and solid waste services and may be collected as a combined bill for water, sewage and solid waste services furnished to the consumer.

(B) All bills for water, sewage and solid waste services are due and payable within twenty ~~ten~~ days of issuance. All water, sewage and solid waste bills unpaid twenty ~~ten~~ days after the date of issuance shall be considered delinquent and an additional charge shall be imposed on the gross amount of the billing.

(C) All other charges arising under this chapter, and not required to be paid in advance, shall be due twenty ~~ten~~ days from the date of issuance of a statement of the amount owed. All such amounts unpaid, twenty ~~ten~~ days after date of issuance, shall be considered delinquent and an additional charge imposed.

(D) The city shall send the initial notice of delinquency to the consumer. If the account remains delinquent prior to terminating service, the city shall provide notice of delinquency by first class mail or personal service to the consumer and to the property owner if the property owner has provided to the city a mailing address for notification. It shall be the responsibility of the owner to ensure that the city has a current address. The notice shall state that failure to pay the amount due may result in one or all such services being discontinued on the date specified in the notice which shall not be less than ten days from issuance and that the city may impose a shutoff/reinstatement fee. It shall summarize the right to appeal provided in subsection (H) of this section.

(E) Unless other arrangements have been made satisfactory to the city, discontinued services shall not be restored until all charges, including but not limited to the delinquency and any shutoff/reinstatement fee have been paid.

(F) Water service may also be shut off if the consumer tampers or in any way interferes with any meter, connections, service pipes, valves or other appurtenances belonging to the city or for any violation by a consumer of the terms of this or any other applicable ordinance of the city or the statutes of the state relating to the waterworks system. Notice and opportunity to appeal shall be provided in the same manner as a delinquency.

(G) Notwithstanding any other provision of this chapter, the city may immediately shut off services if there is an immediate threat of substantial harm to public health or safety. Notice shall be provided as reasonably practicable. The consumer or property owner may appeal the shut-off within ten days of notice or shutoff as provided in subsection (H) of this section, which appeal shall be expedited to the extent reasonably practicable.

(H) A person notified of a delinquency may appeal the determination in writing, stating the reasons therefor as provided in Chapter [136](#). Except in case of an immediate threat of substantial harm to public health or safety, service will not be shut off pending the outcome of the appeal provided the appeal is received by the city prior to the discontinuance. If the water has been shut off, the appeal shall be expedited to the extent reasonably practicable. The appeal authority may grant the appeal, deny the appeal or adjust the delinquency as appropriate, including providing for a payment plan. If the appeal is denied or adjusted and the amount established to be due is not paid within ten days of notice of the decision or as otherwise provided in the decision, service may be discontinued.

(I) No user may receive water service at any location if the user has outstanding unpaid water bills at any other location until all outstanding amounts owed by the user are paid in full.

(J) The city does not guarantee to maintain any specific water pressure for its service and no complaint concerning the pressure shall give any right of claim against the city, its officers, employees or agents.

Section 4. All other provisions of the Hermiston Municipal Code remain unchanged and in full effect.

Section 5. The City Recorder is hereby authorized to correct any scrivener's errors and to conform the revisions to the Hermiston Municipal Code with appropriate numbering.

Section 6. Effective Date. This ordinance shall take effect on the 30th day after its adoption.

ADOPTED by the Common Council this 12th day of February 2024.

SIGNED by the Mayor this 12th day of February 2024.

Dr. David Drotzmann, Mayor

ATTEST:

Lilly Alarcon-Strong, CMC City Recorder