

Chapter 13.02

UTILITY SERVICE ADMINISTRATION

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13.02.010 Definitions.

(1) “~~Bimonthly~~~~M~~monthly” means the designated account is billed once ~~every two~~every months.

(2) “City” means the city of St. Helens.

(3) “Customer” means the owner ~~or renter~~ of property which is served by the city water, sanitary/wastewater sewer, and/or stormwater sewer system. A person, corporation, association or agency which rents or leases premises shall be considered an agent of the property owner.

(4) “Service connection” means the pipe, valves and other equipment by means of which the city conducts water, sanitary/wastewater sewer, and/or stormwater sewer services to or from the ~~property, but~~property but does not include piping from the property line and/or meter to the premises served.

(5) “**Utility** service” means water service, sanitary/wastewater sewer service (hereinafter “wastewater or wastewater service”), stormwater sewer service (hereinafter “stormwater or stormwater service”), or any combination of services, provided by the city to customers.

~~(6) “Water equivalent dwelling unit (EDU)” means for domestic wastewater service, one EDU shall be equivalent to a three-fourths-inch meter and is considered to be equivalent to 591 cubic feet (cf) of water per month for planning purposes.~~

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~~(7) “Wastewater equivalent dwelling unit (EDU)” means for wastewater service, one EDU shall be 476 cubic feet (cf) per month of residential strength wastewater defined as having a maximum concentration of 220 milligrams per liter (mg/l) biochemical oxygen demand (BOD5) and 220 milligrams per liter (mg/l) total suspended solids (TSS). (Ord. 3284 §§ 1, 2, 2022; Ord. 3275 §§ 1, 2, 2021; Ord. 3195 § 1 (Att. A), 2015)~~

~~(6) “Equivalent dwelling unit (EDU)” means the number of living units, office spaces or connections to a single meter. Examples include but are not limited to, a single-family residence is one EDU, a duplex with one meter, is two EDUs, an apartment complex EDU is per total the number of apartment units, RV park EDU is per hook up.~~

~~(7) “Fixed rates” include the price the customer pays as a base charge to help cover fixed costs associated with maintaining existing infrastructure, repaying debt used to build that infrastructure, the costs associated with maintaining/reading meters, and the costs associated with billing. Fixed rates are charged for the connections to the water, wastewater systems and for the public safety fee and are applied based on combination of connection and Equivalent Dwelling Units (EDU) associated with the service~~

~~(8) “Volume rates” are based on the customer class for each 100 cubic feet (CCF) of water.~~

~~(9) “Winter Averaging” for residential sewer accounts is the Volume will be based on a 2-month winter averaging of water consumption. The winter average period will be defined as the 2-month period starting with the first full billing cycle starting on or after January 15 of each year.~~

~~Accounts with an average usage of less than one CCF of water consumption are billed for actual usage for sewer instead of a winter average.~~

~~Customers may request to have the sewer based on actual usage if the property is vacant or consistently averages below one CCF per billing cycle over a 12-month period.~~

13.02.020 Application for utility service – Condition of service.

(1) An applicant for **utility** service shall provide the following information on the Utility Service Form in making application for service:

(a) The date of application;

(b) The name of applicant;

(c) The location of premises to be served;

~~(d) Whether the premises has ever been supplied **utility** service by the city;~~

~~(e) The type of **utility** service being sought, and, if water service will be provided, the intended use of water;~~

~~(f) The size of the service;~~

(g) The date on which the applicant wishes the services to begin;

(h) Whether or not the applicant is the owner of the property;

(i) If the applicant is not the owner of the property, the name, phone number and mailing address of the owner or the owner's agent along with owner or owner's agent approval signature;

(j) The name, phone number and mailing address for sending **utility** bills; and

(k) Copy of Personal identifying information~~identification~~, property information, or any other information deemed necessary to establish an account or to ensure the identity of the account holder and payment for service. Personal identifying information shall not be disclosed, except as is otherwise required by law and as set forth in council resolution.

(2) Deposits. ~~An application deposit as established by council resolution shall be required in order to initiate **utility** service. Deposits may be refunded in whole or in part to the customer upon request if customer's account demonstrates compliance with the regulations governing refund of deposits as set forth in council resolution. Any deposit remaining at the time of closure of the customer account shall be applied to the unpaid balance of the account. There is no deposit required to start service. Water service will not be turned on until an application is reviewed and approved by the Utility Billing staff. A renter is required to receive a signature from the property owner/property manager approving the renter to begin service. With the owner's signature, the owner is acknowledging responsibility for any unpaid bill that is remaining on the account when service ends.~~

(3) As a condition of receiving **utility** service, each successful applicant shall agree to comply with all ordinances, rules and regulations related to such service.

(4) Two or more parties who join to make application for service shall be jointly and severally liable for the costs of the **utility** service. Regardless of the number of parties who are liable for the costs of service, each account shall be sent a single billing.

(5) The obligation to pay for stormwater service arises whenever the premises contain impervious surfaces, whether or not any application for such services has been submitted.

(6) In addition to the application ~~and deposit~~, a contract, promissory note, bond or other legal instrument designed to insure payment for services may be required prior to service when special circumstances exist. Special circumstances which may require additional security and examples of security which may be required are set forth in the council resolution governing deposits.

(7) No premises shall be connected to the city water, wastewater and/or stormwater system without an approved application. Any premises found to be connected without an approved application will be disconnected ~~and subject to back billing once service is restored-~~

(8) No service connection or main extension for service connections shall be tapped into water, wastewater and/or stormwater infrastructure without an approved application.

(9) Application for new service connection outside the city limits for surplus city water and/or utilization of the wastewater or stormwater collection system shall be reviewed by the city engineer and the council for facilities planning. Such applications shall not be approved by the council unless the necessary size of main is extended to serve anticipated growth in the relevant area of the city's urban growth boundary.

(10) No connection for new service outside the city limits for city water, wastewater or stormwater services shall be installed unless a signed consent to annex form has been received by the planning department and a signed outside city **utility** user agreement has been received by the building department. (Ord. 3195 § 1 (Att. A), 2015; Ord. 2613, 1991; Ord. 2510, 1986; Ord. 2285 § 8, 1978. Formerly 13.04.080)

13.02.030 Turn on fee.

There are no fees for turning on services for new customer accounts performed during regularly scheduled work hours. If a customer requests service to be turned on outside the regularly scheduled work hours, ~~or after being disconnected for non-payment~~, a fee as set by council resolution will be charged. (Ord. 3195 § 1 (Att. A), 2015; Ord. 2285 § 14, 1978. Formerly 13.04.140)

13.02.040 Utility service rates, fees and charges.

Rates, fees and other charges for **utility** services, including, but not limited to, delinquent fees, reinstatement fees, and any other account fees, shall be set or amended by council in a public forum after considering a staff report to provide an overview and allowing for public comments and testimony. Council shall pass a rate resolution after the forum. (Ord. 3195 § 1 (Att. A), 2015; Ord. 2541, 1988; Ord. 2459 § 1, 1984; Ord. 2453 § 1, 1983; Ord. 2420 § 2, 1983; Ord. 2408 § 1, 1982; Ord. 2393 § 1, 1982; Ord. 2377 § 1, 1981; Ord. 2359 § 1, 1981; Ord. 2285 § 17, 1978. Formerly 13.04.170)

13.02.050 Billing.

(1) All billings for **utility** service ~~shall be made due monthly on the 10th or bimonthly, based upon customer classification and usage~~ as defined by council resolution.

(2) Administrative services charges, which include, but not limited to, activation fees, reactivation fees, suspension fees, fees for tampering with or bypassing water meters, locking devices, or otherwise interfering with any city equipment, or any other fees and charges may be charged to the customer's account and included in the billing.

(3) Regular monthly ~~bimonthly meter readings billings~~ are read on or before the fifteenth of the month; ~~billed and~~ mailed no later than the twenty-eighth of the month; due ~~upon receipt on the tenth of the subsequent month~~; late if not paid in full on or before the ~~fifteenth-twentieth of the subsequent month month due~~; and placed on potential shutoff status if not paid in full on or before the ~~twenty-fifth of the subsequent~~ last day of the month due.

(4) Prior to discontinuance of service, the city shall advise the customer and the owner of the premises if the customer is not the owner by a written or emailed notice that **utilities** will be disconnected unless the delinquent amounts are paid immediately. If full payment is not made, the city shall immediately thereafter turn off the service and charge a disconnection fee set by resolution. The notice shall be sufficient if mailed or emailed to the addresses listed on the application for service.

(5) Final/closing billings are calculated as of the day the customer designates as being their last day of service or when the City receives an account closing notification, whichever is the later. The full amount of the invoice is due and payable in full after 15 days of account closing ~~minus any applicable deposit~~.

(6) Billings may include non-**utility** services items as designated by ordinance or separately contracted with individual customers, such as loan repayments for SDC fees, sewer lateral low income loans, past due balances, etc.

(7) Each meter on a customer's premises shall be billed separately, and the readings of two or more meters shall not be combined unless the city's operating convenience requires. (Ord. 3195 § 1 (Att. A), 2015; Ord. 2613, 1991; Ord. 2445, 1983; Ord. 2285 §§ 18, 20, 23, 1978. Formerly 13.04.180, 13.04.200, 13.04.230)

13.02.060 Application of payments received.

(1) For customers receiving only one **utility** service, payments made by the customer to the city shall be credited first against any administrative services charges and then to the customer's **utility** account.

(2) For customers receiving two or more **utility** services, payments made to the city will be credited in the following manner: first to administrative services charges; second to the non-**utility** charges (i.e., loan agreements); third to stormwater service charges; fourth to wastewater service charges; and finally to water service charges. (Ord. 3195 § 1 (Att. A), 2015)

13.02.070 Billing errors – Adjustment to bills.

Council shall adopt by resolution rules governing adjustments, refunds, or waivers to adjust for billing errors. (Ord. 3195 § 1 (Att. A), 2015; Ord. 2285 § 19, 1978. Formerly 13.04.190)

13.02.080 Restoration charge.

A customer shall pay for restoration of **utility** service ~~that is billed at the time of disconnection when service has been discontinued~~ under the provisions of this chapter. The costs will be set by resolution. This charge shall not apply to new **utility** service applicants. (Ord. 3195 § 1 (Att. A), 2015; Ord. 2613, 1991; Ord. 2285 § 16, 1978. Formerly 13.04.160)

13.02.090 Denial of utility service.

(1) **Utility** service may be denied to any person for one or more of the following reasons:

- (a) The person has an unpaid **utility** bill or account fees at the current or another address within the city;
- (b) The person caused damage or loss of revenue by tampering with or bypassing water meters, locking devices, or otherwise interfering with city equipment; or
- (c) The person fails to provide adequate personally identifying information to establish a new account or to resume **utility** service where service has been disconnected.

(2) **Utility** service may be denied to any property owner and subsequent tenant of the property owner, if a former tenant at the property has an unpaid **utility** bill or account fee, or caused damage or loss of revenue resulting from tampering with or bypassing water meters, locking devices, or otherwise interfering with any city equipment. A person aggrieved by this section may request a hearing before council if such request is filed with the city recorder within 30 days of the denial of service.

(3) Upon rectification of the cause of the denial of service by the person or property owner and paying any account fees, service may be commenced or reinstated. (Ord. 3195 § 1 (Att. A), 2015)

13.02.100 Responsibility for payment of bills.

The property owner of record shall be responsible for the payment of all charges prescribed in this chapter. If the property is rented and the renter fails to pay the charges, the city shall notify the owner of the premises of account delinquencies by mailing **or emailing** a copy of notices of delinquency by first class mail **or email** to the last address of the owner or owner's agent that is on file with the city, at the time the notice was sent to the renter. (Ord. 3195 § 1 (Att. A), 2015; Ord. 2285 § 21, 1978. Formerly 13.04.210)

13.02.110 Utility charge liens **and collection process.**

Unpaid **utility** service charges and fees shall be a lien against the premises served from and after the date of billing and entry on the ledger or other records of the city pertaining to its **utility** system until paid, and such ledger record or other record of unpaid charges and fees shall be made accessible for inspection by anyone interested in ascertaining the amount of such lien against the property. Whenever a bill for **utility** service and fees remains unpaid 60 days after it has been rendered, the lien thereby created may be foreclosed in the manner provided for by ORS **223.610**, or in any other manner provided by law or city ordinance. (Ord. 3195 § 1 (Att. A), 2015; Ord. 2285 § 22, 1978. Formerly 13.04.220)

In circumstances that past due utility bills are not held as a lien, non-compliance to pay the debt could result in the account being transferred to a collection agency. If the account is transferred to a collection agency, as provided for in ORS 697.105, billed customer will be responsible for a collection fee of up to 25% that will be added to the principal balance and interest may be accrued. Also be advised that the account may be reported to the credit bureaus as a delinquent account.

13.02.120 In-lieu franchise fee.

In exchange for the right and privilege to place, lay, maintain and operate in, upon and under the streets, alleys, public highways, and other public places a water, wastewater and/or stormwater drainage system, the person or entity desiring to establish or continue such system shall pay an annual franchise fee representing a percentage of gross revenues derived from **utility** service charges collected. The franchise fee rate shall be set by council resolution. (Ord. 3195 § 1 (Att. A), 2015)