

## City of Metolius Sewer and Irrigation Billing

With the new year beginning and the sewer rates increasing to \$40.00 per month, and the irrigation season coming in spring, we would like to make this page available for you to review.

### **13.04.020 Sewer Service Charges.**

- A. There is levied on all owners of property whose premises have connection with the sewerage system of such city, or are served thereby, a fee for such service as set by resolution of the Metolius City Council. (Ord. 257 § A, 2108)
  
- B. New users of the sewerage system shall pay for the first month of service proportionately to the time served during the first month. In addition, a deposit in an amount as set by Resolution of the Metolius City Council will be required on all new sewer accounts for those accounts not in the name of the property owner as listed in the County records before any utility service is provided. The deposit shall be held by the city to insure payment of the account. The deposit shall be returned, without interest, after twelve (12) months provided the account has been paid in full each of the prior twelve months. (Ord.199 § 1, 1996): (Ord. 238 § 1, 2007) (Ord.257 § B, 2018)

### **13.04.021 Sewer Service Overcharges/Undercharges.**

Notice of any potential sewer service billing overcharge or undercharge must be provided to the City or the customer within 12 months from the date the bill containing the potential error was mailed. There shall be no credit or charge for any billing errors beyond 12 months from the date of notice to the customer or the City. The notice must be in writing and include the dates of the billing containing the potential error. The City, upon verification of the amount overcharged or undercharged by the City, shall: (1) in the case of an overcharge, issue a sewer service credit to the customer's sewer service account in an amount equal to the overcharge divided over no more than the next 12 months or (2) in the case of an undercharge, issue a sewer service charge to the customer's sewer service account in an amount equal to the undercharge divided over no more than the next 12 months. If the customer is no longer receiving sewer service, the amount payable to the customer shall be paid within 30 days after verification by the City or the amount due from the customer shall be paid within 30 days after verification by the City. (Ord. 256 § 1, 2018)

### **13.04.040 Discount for Advance Payment.**

For property owners or users of sewer service who pay for six months or one full year of service in advance, there will be allowed to said users a five percent semiannual or ten (10) percent annual discount, respectively, from the current established sewer service charges. (Ord. 223 § 2, 2001): (Ord. 246 § 1, 2009)

### **13.04.050 Billing-Charges Payable When.**

- A. The monthly rates for sewerage system use shall be billed to each property owner by the recorder or such other person, or corporation as the council shall designate. The council by motion or resolution shall fix the date, after completion of the sewerage system, when such rates first become payable.
  
- B. Sewerage system charges shall become due and payable on the 1st day of each month or such day as the council may thereafter designate by resolution.
  
- C. Sewer Assessments
  - 1. The monthly sewerage system charges shall be assessed on both occupied and unoccupied properties. The sewerage system charges shall be a personal obligation of the property owner of record.
  - 2. User Billing. Upon the written request of the property owner and the signed agreement of the user, the recorder may bill the user of the property directly. Except as otherwise provided in this section, the City shall not be required to send copies of that bill or any other notices to the property owner. However, the property owner shall remain ultimately responsible for the sewerage system bill and any other charges associated with the use including but not limited to late fees, disconnect fees and reconnect fees. The City is not obligated to attempt to collect unpaid sewer bills from the user. (Ord. 223 § 2, 2001)
  - 3. User Requests for Service Discontinuance. A user who is authorized to receive and pay the sewer service billing may have sewer service discontinued in the user's name by notifying the city at least 30 days in advance of the desired date of discontinuance. The user shall pay all sewer charges until the date of such discontinuance. (Ord. 223 § 2, 2001); (Ord. 246 § 1, 2009)
  - 4. Temporary Discontinuance. A property owner may request a temporary discontinuance of the billing for sewer service during a period of repairs or maintenance to the property owner's sewer system. The city council, in its sole discretion, may agree to waive the sewer billing for such period of time that the city council deems appropriate. (Ord. 246 § 1, 2009)

### **13.04.070 When Charges Become Liens.**

Unless otherwise provided, each and every fee and service charge hereinabove fixed or established shall be due and payable within ten (10) days from the first day of the month next following the month or fractional month of service. If such fee or charge is not paid to the recorder within such period, such fee or charge shall become a lien in favor of the city against the property served or subject to service. The recorder shall make a record of such lien in a city lien book or docket. Such record shall show the amount of the lien, the date due, a description of the property affected or charged with the lien, and the name of the recorded owner, or contract owner of the property if

known. Such lien and delinquent sewer charges and fees shall draw interest at the rate of eighteen percent per annum until paid. (Ord. 223 § 2, 2001)

#### **13.04.080 Collection of Liens, Rates, Charges and Fees.**

The city may use such means of collection of sewer liens, or rates, charges or sewer connection fees as are provided by the laws of the state of Oregon or are authorized by the charter and ordinances of the city. Any overdue sewer charge or fee further may be collected, at the option of the city, by an action at law in the name of the city. (Ord. 223 § 2, 2001)

#### **13.04.170 Discontinuance of Sewer Service.**

A. On the failure of any owner or user to comply with the rules and regulations provided in this chapter, or upon violation of any of the provisions of this chapter by any owner or consumer or sewer system user, or on the failure to pay the charges established for the use of the sewer system required by any applicable city ordinance or resolution, the city sewer service of any such owner, or sewer system user may be discontinued by the authorized representative or any other person designated by the common council of the city, subject to the rules and regulations set out in subsection B of this section.

#### **B. Failure to Pay Sewer Bill.**

1. A sewer account is delinquent when it is not paid within fifteen (15) days following the due date as determined pursuant to 13.04.050.
2. At the City's discretion, a second notice shall be mailed to the owner and any user on or about fifteen (15) days after the account becomes delinquent. The second notice shall state that sewer service will be discontinued after the fifteenth day following the date of the second notice if the account balance is not paid prior to that date.
3. At least twenty-four (24) hours prior to the discontinuance of sewer service for delinquency, a disconnect notice shall be left at the premises receiving sewer service and shall be mailed to the property owner and the user. The notice shall state when sewer services shall be turned off unless all delinquent amounts and charges are paid. An administrative charge set by city council resolution shall be added to the account if the account has not been paid and a disconnect notice has been mailed to the customer or left at the premises receiving sewer services.
4. In all instances where sewer service has been discontinued because of a delinquency, a restoration fee set by council resolution shall be collected in addition to the delinquent amount prior to restoration of service.

5. The city recorder or agent in the case of extreme hardship or by prior arrangement with the customer, shall have the discretion not to discontinue service to a delinquent account upon acceptance of a valid plan for payment of all past due charges.
  
6. If the customer disputes the amount due on the account, the customer shall have fifteen (15) days from the date of the second notice within which to file a written request to have the account reviewed by the city recorder or the city council. The request shall state the reasons why the customer believes the amount to be in error.
  - a. Any customer seeking timely review of a sewer bill in writing shall be heard before discontinuation of sewer service. The hearing shall be held by the city recorder or other person so designated by the city council and may include a hearing in front of the city council. The decision by the city recorder, the person designated by the city council, or the city council itself, shall be final.
  - b. After the hearing, if the city recorder or the city council's designate, or the city council finds in favor of the customer, any or all of the appropriate charges may be returned to the customer or credited to the customer's account based upon the findings that made at the hearing. If the city finds that the customer owes the city any money, the customer shall pay the amount due within the time ordered by the city. If the amount is not paid, sewer service shall be discontinued pursuant to the fifteen (15) day notice set out in subsection (B)(2) of this section.

7. Final bills are due and payable upon receipt. After thirty (30) days the account shall be rebilled. If the account is not paid after an additional sixty (60) days, the account shall be turned over to a collection agency or, at its option, the city may file, perfect and foreclose upon a lien filed against the real property for which the service was furnished pursuant to ORS 223.505 through 223.650. In addition, the city may seek a personal judgment against the property owner and/or the user.

#### C. Notices

1. Notices required to be given by the city will normally be given in writing and may be delivered personally or mailed to the address for which the sewer service is rendered and to the last known address for the property owner.
2. Notice from a customer or customer's agent shall be given to the city in writing presented at city hall.

D. Discontinuance of Service. Service may be discontinued for the following reasons.

1. Nonpayment of bill Assessments: Sewer service may be discontinued if sewer assessments are not paid as required or if there is a failure to make payments as required under a repayment agreement;
2. Nonpayment of Bill: Sewer service may be discontinued if the sewer bill is not paid in accordance with procedures as listed in subsection A of this section;
3. Noncompliance. The city may, unless otherwise provided, discontinue sewer service for noncompliance with any of these regulations any time after five days of giving of written notice to the user and the property owner of the city's intention to discontinue service. If such noncompliance affects matters of health or safety or other conditions that warrant such action, the city may discontinue sewer service immediately;(Ord. 69 § 3 (part), 1974: ; Ord. 69 B § 1, 1976:) (Ord. 69-C § 2, 1980) (Ord. 183 §§ 1-4, 1995) (Ord. 223 § 2, 2001)(Ord. 246 § 1, 2009)

We appreciate you taking time to read these sections. Feel free to call us or come by the office if you have any questions.

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