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## CHAPTER 3 UTILITIES

### WATER SUPPLY

#### Protection of Water Supply

- 3.000** Water Supply System. In sections 3.000 to 3.015 of this Code the words "water supply system" means all property, works, reservoirs, systems, springs, branches, pipes, lakes, streams or creeks owned, occupied or acquired by the city of Astoria and from which the city receives its water supply.
- 3.005** Permission to Enter Water Supply System. Except for persons engaged in logging operations pursuant to contract agreement with the city, no person may enter upon the water supply system of the city without first obtaining permission of the city manager.
- 3.010** Pollution of Water Supply System. ORS 448.265, as now enacted or hereafter amended, is adopted as part of the Code and shall be enforced by city officers. *[Section 3.010 amended by Ordinance No. 80-11, Section 1, passed November 17, 1980.]*
- 3.015** Special Policemen. The city manager may appoint one or more special police officers to police the water supply system as provided in ORS 448.315. *[Section 3.015 amended by Ordinance No. 80-11, Section 2, passed November 17, 1980.]*

### IRRIGATION WATER

#### Regulation of Summer Irrigation

- 3.025** *[Section 3.025 repealed by Ordinance no. 76-04, passed April 19, 1976.]*

#### Sewer Service Regulations

- 3.040** Adoption of Rules and Regulations.
- (1) The city manager shall make and enforce rules and regulations for the proper use, care, control, management, restriction and protection of the municipal sewer system. The city manager may amend, revise or modify such rules and regulations.
  - (2) All rules and regulations for sewer service shall be approved by the city council before becoming effective.

- (3) The rules and regulations shall be printed or typewritten and maintained, subject to inspection, in the office of the city manager and such other places as the city manager may designate. All rules, regulations and amendments shall be filed with the city council at its next regular meeting following publication by the city manager.
- (4) The use of sewer services shall be subject to the provisions of Code sections 3.110 through 3.117.
- (5) No person may violate the provisions of sewer service rules and regulations adopted pursuant to this section. *[Section 3.040 amended by Ordinance No. 67-07, passed June 5, 1967; Ordinance No. 68-06, passed July 1, 1968; and Ordinance No. 85-15, passed August 19, 1985.]*

*[Sections 3.045 to 3.075 repealed by Ordinance No. 68-08, passed July 1, 1968.]*

## **WATER SERVICE**

### **Water Service Regulations**

#### **3.100 Adoption of Rules and Regulations.**

- (1) The city manager shall make and enforce rules and regulations for the proper use, care, control, management, restriction and protection of the municipal water system. The city manager may amend, revise or modify such rules and regulations.
- (2) All rules and regulations for water service shall be approved by the city council before becoming effective.
- (3) The rules and regulations shall be printed or typewritten and maintained, subject to inspection, in the office of the city manager and such other places as the city manager may designate. All rules, regulations and amendments shall be filed with the city council at its next regular meeting following publication by the city manager.
- (4) The use of water services shall be subject to the provisions of Code sections 3.110 through 3.117.
- (5) No person may violate the provisions of water service rules and regulations adopted pursuant to this section. *[Section 3.100 amended by Ordinance No. 85-15, passed August 19, 1985; amended by Ordinance 11-12, adopted December 19, 2011.]*

**GENERAL UTILITIES****General Utility Rules and Regulations**

**3.105 Definitions.** In sections 3.111 through 3.119 of this Code, the following mean:

- (1) **City.** The City of Astoria, its staff and/or designee (authorized agent).
- (2) **City Service Line.** Any pipe and fitting which connect a water main to water meter.
- (3) **Owner.** The owner of record of a parcel of land and its improvements, as evidenced by the last recorded deed in the Clatsop County Assessor's office.
- (4) **Owner's Agent.** Any person, including a land sales contract vendee, who has written authority from the owner to represent the owner regarding utility services to the subject real property.
- (5) **Person.** Any individual, corporation, association, firm, partnership, trust, joint stock company, municipal corporation, state or federal government or political subdivisions or agencies thereof.
- (6) **Tenant.** A person, including a vendee under a land sales agreement, lawfully occupying a property to which utility services are provided pursuant to an agreement with the owner.
- (7) **User.** Any person directly or indirectly utilizing utilities provided by the City through an established City service line regardless as to whether that person is a tenant or an owner.
- (8) **Utility Services.** Water and sewer services provided by the City.

**3.111 Utility Bills.** Utility bills are both the responsibility of the user and the owner. Failure to pay a utility bill in a timely manner will result in the City taking enforcement action to collect all unpaid charges, costs and fees attributable to the account in addition to termination of service and placement of a lien on the property.

**3.112 Starting and Stopping Utility Service.**

- (1) Except in the case of an emergency, water meters may only be turned on or off by the City.

- (2) Except in the case of delinquent payments, water meters will be turned on or off only at the written request of the owner, owner's agent or a tenant. Turn-off notices shall be sent to the owner or owner's agent in addition to the user.
- (3) No utility services may be provided if the applicant for services has an unpaid utility bill unless the City receives payment or has agreed to a plan for payment of the bill.

**3.113 Billings for Services.** Billings for utility services will be mailed to a tenant or owner at the address provided to the City upon application for service. The City may, at the written request of the tenant or owner, mail the bill to any person designated in writing by the person obligated to pay the bill. If the obligated person is a tenant, any notice of delinquency shall be mailed to the last address of the owner or owner's agent within 30 days from the time the payment is due on the account.

**3.115 Deposit.** Except when the owner has agreed in writing to allow utility bills as a lien against the property to which utility services are to be extended, an applicant for services must pay a deposit for unpaid charges, costs and fees attributable to the account. The deposit shall be in cash or cashier's check and in an amount determined by a schedule adopted by the City Manager. The deposit shall be retained by the City and shall not bear interest. The City Manager may adopt rules providing for deposits in other cases and allowing a refund or reinstatement of the deposit prior to termination of service.

**3.116 Delinquent Bills.** Delinquent bills for utility services shall be charged interest at the rate of 1% per month, but not less than fifty (50) cents, on the total amount due. This interest charge shall be in addition to any action by the City, such as turning off the water or charging turn on/off fees. Bills not paid by the fifteenth (15th) of the month following the month of billing shall be considered delinquent.

**3.117 Service Fee.** A service fee for administrative processing, set by the City Manager, shall be assessed for each service start. The service fee shall be included on the utility bill.

*[Sections 3.110 to 3.117 added by Ordinance No. 85-15, passed August 19, 1985.]*

*[Sections 3.000 to 3.117 amended by Ordinance No. 91-16, passed June 17, 1991.]*

*[Sections 3.105 to 3.117 amended by Ordinance No. 11-12, passed December 19, 2011.]*

**3.118 Property Liens.**

- (1) If an owner has consented to the imposition of a lien or has requested service, all unpaid charges costs and fees attributable to an account shall be a lien upon the property served from the date of delinquency. In the case of a closing bill when property is being sold or transferred, a lien for any closing bill shall attach as of the day preceding the sale or transfer.
- (2) If a bill for service remains unpaid for 60 days after it is due and a lien has been recorded in the City's lien record, the City's lien may be foreclosed pursuant to ORS 223.505 to 223.650 or otherwise provided by law.

**3.119 Termination of Service.**

- (1) If a utility bill remains unpaid after the date indicated on the shutoff notice the City may terminate service. In no case will the shut off occur less than 20 days from the original due date for unpaid utility bills.
- (2) If any notice required by 3.113 has been sent, service may not resume at any address at which service was terminated while any bill for services at that address remains unpaid"

*[Sections 3.118 and 3.119 added by Ordinance No. 11-12, passed December 19, 2011.]*