

ORDINANCE NO. 87-O-419

AN ORDINANCE ESTABLISHING SYSTEMS REPLACEMENT CHARGES FOR WATER, SEWER AND STREET UTILITIES, DECLARING A PURPOSE, PROVIDING FOR BILLING, COLLECTION, DEPOSIT, ACCOUNTING, APPROPRIATION AND EXPENDITURE OF FUNDS, AUTHORIZING SPECIAL CONTRACTS, REQUIRING SHUT-OFF OF UTILITY SERVICES, ESTABLISHING PENALTIES AND DECLARING AN EMERGENCY. [August 11, 1987]

## Sections:

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The City of Brookings ordains as follows:

Section 1.            Creation of Utility Systems Replacement Fund. There is hereby created a Utility Systems Replacement Fund within the Reserve Fund of the city as provided by Ordinance No. 358, to receive funds to be collected under Section 2 of this ordinance. The purpose of the fund shall be to finance the capital replacement, extension and expansion of municipal utility facilities for water, sewer and street services, including the acquisition of land or rights-of-way thereto.

Section 2.            Monthly Charges. As of the date of enactment hereof, the following monthly charges are to be collected from all persons, firms or corporations receiving utility service or services from the city of Brookings or its contractors for each service provided or used for the capital replacement of each utility:

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| Water System Replacement Charge  | - \$2.50 per month |
| Sewer System Replacement Charge  | - \$2.50 per month |
| Street System Replacement Charge | - \$2.50 per month |

Section 3.            Depositing of Monies Received. All monies collected from the charges established herein shall be received by the city recorder and shall be deposited into the appropriate accounts within the Utility Systems Replacement Fund according to the purpose for which collected and shall not be otherwise appropriated or expended by the City.

Section 4.            Responsibility for payment. The Utility Systems Replacement Charge shall be entered upon the monthly bills of all customers of the city or of its contractors for each service received whether or not such customers shall be residents of the city. Every dwelling unit, commercial, industrial, manufacturing, agricultural or other unit receiving and paying a bill for service shall be responsible for paying the monthly Utility

System Replacement Charge whether service is provided directly or by contract through a third party.

Section 5.                    Payment and non-payment of bills, contracts.

A.        At the end of each month the city shall mail or deliver bills to all consumers for Utility Systems Replacement Fund charges accruing to such consumers during the month, together with the regular utility service billing. All such bills are payable to the city on the date of such mailing or delivering and become delinquent ten days thereafter, except in cases where specific contracts in writing specify the monthly payment date.

B.        The city shall discontinue utilities services to all consumers whose bills for Utility Systems Replacement Fund charges become delinquent. Such service shall not be again furnished at the same premises or to the same consumer, or to any member of his household, at any other premises, until all of said charges to such consumer shall be paid in full, and in such case each applicant for water service shall pay, in advance, a turn-on charge of \$10.00.

C.        The city reserves the right to make special contracts, the provisions and conditions of which are different from or have exceptions to the regular published schedules. Special contracts shall be in writing and signed by the proper customer and the mayor, after a resolution authorizing such contract shall have been passed by a majority vote of the city council; provided however, that temporary contracts may be entered into by the city subject to the approval of the city council at its next council meeting.

D.        Except for special contracts which specify the length of time to which the contract rate shall be extended, all rates, rules and regulations are subject to change or modification by the city without notice.

Section 6.                    Fees and charges consolidated; liens.

A.        The city manager and the city recorder are authorized and directed to consolidate all fees and charges for all utilities and/or city services into one account against each property or person served, or for which property or person such services are made and kept available.

B.        All fees and service charges of any kind and character, and for whatsoever purpose the same may be levied, shall constitute a perpetual lien upon any lots, lands, buildings or premises served, or for which the service may be made and kept available. Payment of the charges may be enforced by any remedy or means provided by the statutes of the state of Oregon or by the ordinances of the city of Brookings, in such case made and provided. All such remedies are declared to be cumulative.

Section 7.                    Violations; penalties.

A.        It shall be a violation of these rules and regulations for any person or persons to make connections with the city water or sewer mains or service lines; or to make alterations in any conduit pipe, meters or other fixtures connected therewith; or to connect

pipes when they have been disconnected; or to turn water off or on to any premises without first having paid appropriate Systems Development Charges and obtaining the written consent of the city.

B. It shall be a violation of these rules and regulations for any person or persons to use or tamper with any valve, curb stop, hydrant, meter or other portion of the municipal water system.

C. Upon any violation of any of the provisions of this ordinance by any owner or consumer, the water supply and sewer service to any such owner or consumer may be shut off by the city without notice until any and all rates, fees and charges for all utility services due and owing to the city shall have been paid for.

D. Each and every violation of any of the provisions of this ordinance is hereby declared an unlawful act. Any person, firm or corporation who shall violate, disobey or shall neglect or refuse to comply with, or shall resist or oppose the execution of any of the provisions of this ordinance, shall upon conviction thereof before the municipal court, be fined not to exceed \$300.00 or be imprisoned in jail for not to exceed 30 days, or may be both fined and imprisoned not to exceed the amount and the time above prescribed. Such fine and/or imprisonment may be in addition to the penalty provided in subsection (C) hereof.

Section 8.            Construction. The rules of statutory construction provided in ORS 174.010-174.110 are adopted and by this reference made a part of this ordinance.

Section 9.            Emergency clause.

[Adopted August 11, 1987]