

ORDINANCE NO. 192

AN ORDINANCE REPEALING ORDINANCE 185 AND PROVIDING FOR PENALTIES FOR FAILURE TO PAY ANNUAL ADMINISTRATIVE WATER PERMIT FEES OR REPORT WATER METER READINGS IN A TIMELY MANNER

WHEREAS, Dunes City has a domestic water right (Permit No. #S33923; Application No. 45456) on Woahink Lake granted by the Oregon Water Resources Department; and

WHEREAS, the City Council of Dunes City adopted Ordinance 165 on November 13, 2003, authorizing the sharing of its domestic water right and establishing the right to adopt administrative fees; and

WHEREAS, Dunes City adopted Resolution No. 01-08-04 on January 8, 2004 to establish application and administrative fees for property owners and community water systems that utilize the City's Woahink Lake domestic water right. Resolution No. 01-08-04 did not contain penalties for permit holders who do not pay their annual administrative fee or who do not report their water meter readings in a timely manner; and

WHEREAS, the Oregon Water Resources Department requires that property owners sharing Dunes City domestic water right monitor their water usage through the use of a water meter and that water usage be reported on a monthly basis; and

WHEREAS, the cost of enforcing city regulations regarding water meter reporting and the timely payment of annual administrative fees has become a burden on staff and a significant expense to the City.

NOW THEREFORE, Dunes City ordains as follows:

Section 1. Repeal. Ordinance 185 is hereby repealed upon the effective date of this Ordinance.

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Section 2. Administrative Fee. Payment of the annual Dunes City domestic water permit fee established by Resolution 01-08-04 shall be received by the City within 30 days of the mailing of invoice. The annual fee shall be increased \$1 for each calendar day that the payment is not received after its due date. Failure to pay the annual administrative fee within 90 days after its due date may result in ~~termination of the property owner's water right~~ the imposition of additional penalties and a lien against the property or properties benefiting from the water permit.

Section 3. Water Usage Reporting. Property owners sharing Dunes City's domestic water right are

responsible for reporting water usage on a monthly basis, or at intervals otherwise designated by the City. Reporting may be by telephone, personal contact, electronic message or by mail. If a property owner has not reported a meter reading within 60 days of the month that it is due, the City may contract to have the meter read and the property owner billed for that service and may levy a penalty against the property owner.

Section 4. Penalties. The city council may authorize a penalty of up to \$150 per occurrence for failure to pay the annual administrative fee within 90 days after its due date or for failure to report a meter reading within 60 days of the month that it is due. Prior to assessing a penalty against a property owner, the City Recorder shall send to the owner, by registered or certified mail, a notice stating (1) the amount of the penalty and the administrative fee owed; (2) that the cost will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice; and (3) that if the property owner objects to the penalty and or administrative fee, he or she may file a written notice of objection with the Recorder not more than ten days from the date of the notice and request a hearing before the City Council. The City Council shall consider and determine the written objection at its next regularly scheduled council meeting.

Section 5. Lien. If the penalty and administrative fee are not paid within 30 days from the date of the notice or from the assessment of the cost stated or determined by the Council, the cost of the penalty and fee shall be made by resolution and entered in the docket of city liens and with the Lane County Department of Deeds and Records and shall constitute a lien on the property.

The lien may be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the legal rate of interest. The interest shall commence to run from the date of the entry of the lien in the lien docket.

An error in the name of the property owner or a failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

ADOPTED BY THE DUNES CITY COUNCIL THIS 12th DAY OF APRIL, 2007.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____

Sheldon Meyer Mayor

ATTEST:

Joanne Hickey, City Recorder