

TIGARD MUNICIPAL CODE

Chapter 12.01 UTILITY SERVICES RULES AND REGULATIONS.

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“City” means the City of Tigard.

“City manager” means the city manager of the City of Tigard or the city manager’s designee.

“Clean Water Services” is a county service agency organized under ORS 451 with managing authority for the sanitary sewer and surface water management systems within the City of Tigard boundary.

“Customer” means the person in whose name service is rendered, as evidenced by a request for service, receipt of service, signature on an application for service or by receipt and payment of bills for service.

“Managing authority” means the entity assigned authority to manage, set fees and charges, and adopt and enforce practices and procedures. In areas where two or more entities exist with authority to manage, set fees and charges, and adopt and enforce practices and procedures, the managing authority shall be

designated by agreement between such entities.

“Permit” means the national pollutant discharge elimination permit issued to Clean Water Services.

“Person” means any individual, group or legal entity.

“Responsible party” means the person responsible for curing or remedying a violation of this title and includes:

1. The owner of the property, or the owner’s manager or agent or other person in control of the property on behalf of the owner.
2. The person occupying the property, including lessee, tenant or other person having possession.
3. The person who is alleged to have committed unauthorized or illegal acts or omissions, or created or allowed an unauthorized or illegal condition to exist.

“Tigard Water Service Area” means the territory within the boundaries of the City of Durham, City of King City, Tigard Water District and the portion of the City of Tigard not served by the Tualatin Valley Water District.

“Utility” means sewer, water and surface water management services provided by the City of Tigard. (Ord. 11-09 §1).

12.01.020 Purpose.

This chapter provides provisions, rules, and regulations applicable to all other sections within Title 12, Water and Sewer. (Ord. 11-09 §1).

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12.01.030 Clean Water Services— Authority.

Clean Water Services as the permit holder is responsible for the management and operation of the public sanitary sewer and the public storm and surface water systems within its boundaries. The city has certain responsibilities for the operation and maintenance of the public sanitary sewer and the public storm and surface water systems within the city limits, as provided through intergovernmental agreement with Clean Water Services. Clean Water Services, as the managing authority may adopt orders, standards, specifications, work programs, reporting requirements, and performance criteria for the proper and effective operation of the sanitary sewer and storm and surface water systems and to meet or comply with state and federal permits, laws and regulation. (Ord. 11-09 §1).

12.01.035 Tigard Water Service Area— Authority.

A. The city is the managing authority to provide water service to the Tigard Water Service Area through the adoption of intergovernmental agreements.

B. All city provisions, rules, regulations, standards, fees, and charges regarding water service provided by the city as managing authority shall also apply to all customers and persons within the Tigard Water Service Area. (Ord. 11-09 §1).

12.01.040 Amendments.

With regard to water facilities and service, the city may at any time amend, change or modify any rule, rate or charge, or make any special rule, rate or contract. (Ord. 11-09 §1).

12.01.050 Utility Fees and Charges.

A. Utility fees and charges shall be applied to all persons who use property in a manner which requires city utility facilities or services. If a customer does not put property to a use which requires one or more of the utility facilities or services, the customer shall not be charged for such service.

B. Utility fees and charges shall be established by resolution of the City Council in an amount reasonable and necessary to fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair, and debt service and other revenue requirements as required by bond covenants of the city's utility systems. The charges shall be based on use of the utility service. (Ord. 11-09 §1).

12.01.060 Application for Utility Services.

Application to use the utility system shall be made to the city. The application will be made in the format required by the city. The city will require such application to be in writing, or may allow application by telephone or other method. All persons receiving utility service but for whom no account exists to pay for such services shall be deemed to be applicants for such service and shall be billed for such service. (Ord. 11-09 §1).

12.01.070 Responsibilities of Property Owners and Tenants.

A. Owners of property served by city utility facilities and services who are not the customer shall not be responsible for any delinquent utility charges which the customer fails to pay. If service is terminated because of delinquent non-payment, and the customer vacates the premises leaving an outstanding bill, service shall be restored at the request of the property owner or new tenant without requiring the property owner or new

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tenant to pay the outstanding bill.

B. A customer who is a tenant shall continue to be responsible for delinquent utility charges until paid regardless of relocation to a premises different from the premises at which the delinquent charges were accrued. The city may refuse to provide service to such tenant at any new address, may add the delinquent charge to the tenant's utility bill, and/or may terminate water service until the delinquent bill is paid. The city may also pursue any action available under the laws of the city or state of Oregon to recover payment. (Ord. 11-09 §1).

12.01.080 Utility Services Administrative Rules.

The city manager is authorized to approve administrative rules related to the provisions of utility services and consistent with the provisions within Title 12, Water and Sewer. Such rules shall be approved pursuant to TMC Chapter 2.04. (Ord. 11-09 §1). ■