

ORDINANCE NO. 5472

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE TITLE 11 TO ADD NEW LANGUAGE REGARDING THE ADJUSTMENT OF WATER BILLS AND FEES AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Albany wants to clarify how and when water bills will be adjusted and make the adjustment process more consistent among customer classes; and

WHEREAS, the Council of the City of Albany desires a fair and equitable system for administering fees and charges in the water system.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Title 11 of the Albany Municipal Code is hereby amended to incorporate the changes noted herein:

11.01.090 Meter ~~error~~ Testing.

~~(2) Adjustment of Bills for Meter Error.~~

~~(a) Fast Meters. When, upon test, a meter is found to be registering more than two percent fast under conditions of normal operation, the utility may adjust the account or refund to the customer the full amount of the overcharge based upon averaging on corrected meter readings for a period not to exceed a three-year period that the meter was in error and in use.~~

~~(b) Slow Meters.~~

~~(i) When, upon test, a meter used for domestic or residential service is found to be registering more than 25 percent slow, the utility may bill the customer for the amount of the undercharge, based upon averaging corrected meter readings for a period not exceeding one year that the meter was in use.~~

~~(ii) When, upon test, a meter used for other than domestic or residential service is found to be registering more than five percent slow, the utility may bill the customer for the amount of the undercharge based upon correct meter readings for a period not exceeding two billing periods that the meter was in use.~~

~~(c) Nonregistering Meters. The utility may bill the customer for water consumed while the meter was not registering. The bill will be calculated using an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions.~~

~~(d) Adjustments on Account of Underground Leaks. Where it can be demonstrated that an existing underground leak between the meter and the building has been repaired, the utility may allow an adjustment of up to 50 percent of the estimated excess consumption due to leakage, for no more than the last billing period. Adjustments shall not be permitted due to leaking plumbing fixtures or the apparent continued waste of water due to a negligent failure to repair.~~

11.01.095 Adjustments and Refunds.

**(1) The Utility may make adjustments, pay refunds, or waive fees and charges in accordance with City Council policy. If no Council policy exists, the Utility may make adjustments where it is deemed necessary for the proper conduct of the business of the Utility. A full explanation of the reason for the adjustment or refund must be filed with the office records and will be made available upon request. Refunds are to be made to the party that made the payment.**

**When the Utility determines that a customer has been charged too much for water services, the refund shall be based on the date the error first occurred or as best determined by the Utility from available records. If the date cannot be reasonably determined, the Utility will estimate the amount of the refund based on a period not to exceed three years.**

When the Utility determines that a customer has not been charged or has not been charged enough for water services, the Utility will adjust the bill based on the date the error first occurred, the date the current customer became responsible for the bill, or a period not to exceed three years, whichever is less. If the date cannot be reasonably determined, the Utility will estimate the bill for a period not to exceed one year. Customers who receive such a delayed bill will be offered the opportunity to make arrangements for installment payments.

(2) **Non-registering Meters.** The utility may bill the customer for water consumed while the meter was not registering. The bill will be calculated using an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions.

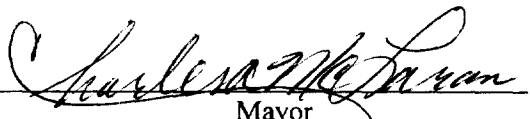
(3) **Adjustments on Account of Leaks.** Where it can be demonstrated that an existing leak on the customer's side of the meter has been repaired, the utility may allow an adjustment of up to 50 percent of the estimated excess consumption due to leakage, for no more than the last two billing periods. Adjustments shall not be permitted when the excess consumption is due to the apparent continued waste of water due to a negligent failure to repair the leak.

Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, safety, and health of the citizens of the City of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.


Passed by Council: January 24, 2001

Approved by the Mayor: January 24, 2001

Effective Date: January 24, 2001

  
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Mayor

ATTEST:

  
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City Recorder