

**CITY OF BURNS  
ORDINANCE NO. 888**

**AN ORDINANCE OF CITY OF BURNS AMENDING CHAPTER 13 OF THE BURNS MUNICIPAL CODE CONCERNING SEWER AND WATER SERVICE RATES AND CHARGES.**

WHEREAS, City of Burns ("City") has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

WHEREAS, Section 13.10.030 of the Burns Municipal Code (the "Code") provides City the authority to assess and collect a monthly service charge for use of City's sewer system; and

WHEREAS, Section 13.15.090 of the Code provides City the authority to assess and collect certain water rates for use of City's water system; and

WHEREAS, the Code does not expressly provide City authority to assess and collect applicable water and/or sewer fees whether or not services are used (i.e., services to unoccupied buildings/property); and

WHEREAS, the Burns City Council (the "Council") finds it necessary and appropriate to amend Code Sections 13.10 and 13.15 to authorize City to charge and collect applicable water and/or sewer fees whether or not the service(s) are used.

NOW, THEREFORE, the City of Burns ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Purpose. The purpose of this Ordinance No. 888 (this "Ordinance") is to amend the Code to authorize City to charge and collect applicable water and/or sewer fees whether or not such service is used.
3. Amendment No. 1. Code Section 13.10.030 concerning monthly sewer services charges is amended and restated to read in its entirety as follows:

**"13.10.30 Monthly Service Charge.**

Each user (person, firm, or corporation) having a service connection to the city's sewer system will pay the monthly service charge established by council resolution from time to time. The monthly service charge will be assessed, and will be paid by each user, whether or not the user actually uses the sewer service. A deposit established by council resolution from time to time will be required on all new accounts."

4. Amendment No. 2. Code Section 13.15.090 concerning water rates is amended and restated to read in its entirety as follows:

**"13.15.090 Water Rates.**

Except as provided under Section 13.15.130 of this chapter, each user (person, firm, or corporation) having a water connection to the city's water system will pay the monthly service charge established by council resolution from time to time. The monthly service charge will be assessed, and will be paid by each user, whether or not the user actually uses the water service. The water rates to be charged, including the monthly service charge, the charges for water used over the specified minimum, fire hydrant rates, service connection charges, and any other water service-related rates or charges will be established by council resolution from time to time. All water used, with the exception of that used for fighting fires, will be metered and a charge made according to the established water rates or charges."

5. Miscellaneous. This Ordinance is hereby made part of the Code. The provisions of the Code that are not amended or modified by this Ordinance remain unchanged and in full force and effect. All pronouns

contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions.

APPROVED AND ADOPTED by the City Council of the City of Burns and signed by the mayor this \_\_\_\_ day of \_\_\_\_\_, 2023.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Vacancies: \_\_\_\_\_

\_\_\_\_\_  
Jerry Woodfin, Mayor

ATTEST:

\_\_\_\_\_  
Tiffany Leffler, City Clerk