

WATER ORDINANCE

761

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3/23/97

LAKEVIEW ORDINANCES

Ordinance No. 761

AN ORDINANCE ESTABLISHING PROCEDURES REGARDING WATER SERVICES, INCLUDING THE (1) INSTALLATION, EXTENSION, AND CONNECTION OF WATER SERVICE, (2) MAINTENANCE, (3) REPAIR, TERMINATION THEREOF AND FOR THE (4) COLLECTION AND ENFORCEMENT OF CHARGES THEREFORE AND REPEALING ORDINANCES NO. 738, 740 AND 746 IN THEIR ENTIRETY.

WHEREAS, the Council of the Town of Lakeview, herewith establishes procedures regarding water services and the installation, maintenance, repair and termination thereof and for the collection and enforcement of water charges. Now, therefore:

THE COUNCIL OF THE TOWN OF LAKEVIEW ORDAINS AS FOLLOWS:

SECTION 1: REPEAL OF PREVIOUS ORDINANCES

Existing Town of Lakeview Ordinances No's. 738, 740 and 746 are hereby repealed in their entirety.

SECTION 2: WATER RATES

Water rates for water services, both within and without the Corporate Limits of the Town of Lakeview, are established pursuant to the provisions of Ordinance 736, as may be amended from time to time or it's successor ordinance.

SECTION 3: DEFINITIONS AND DESCRIPTIONS OF COMPONENTS

For the construction, interpretation and implementation of this Ordinance the following definitions and descriptions are hereby established:

A. PUBLIC WORKS SUPERVISOR - the individual appointed and employed by the Town of Lakeview to supervise all operations of the Public Works Department.

B. DEPUTY RECORDER'S OFFICE - Personnel employed in Town Hall who establishes accounts, mails monthly billings, collects all fees and charges, and explains questions that may develop.

C. MINIMUM CHARGE - The minimum monthly fee charged for water service as established by Ordinance 736, as may be amended from time to time or it's successor ordinance.

D. WATER MAIN - A large diameter water pipe, generally and usually located within a street or street right-of-way.

E. LATERAL - A water pipe line attached to a WATER MAIN, running to a WATER METER generally located in a Right-of-Way owned by the Town of Lakeview or Lake County. This LATERAL is the property of the Town of Lakeview when installed by the Town of Lakeview within it's corporate limits. Existing LATERALS outside

the limits of the Town of Lakeview are the owner's responsibility to maintain or replace. Following a repair or replacement, and before back-filling, inspection by the Public Works Supervisor is mandatory. It is understood that this LATERAL is buried at a depth to prevent freezing and a RISER pipe is generally used to connect the LATERAL to the WATER METER.

F. WATER METER, RISER and BACK-FLOW DEVICE ALSO REFERRED TO AS THE "METER YOKE" - The Meter is a measuring device utilized for the purpose of measuring in Cubic Feet the quantity of water used. A RISER pipe attached to LATERAL is considered a part of the WATER METER. A similar RISER pipe from the meter for attachment to the property's SERVICE line is also a part of the METER. These components (LATERAL shut-off valve, RISER to METER, the METER itself, the RISER to a shut-off valve for the SERVICE line) is referred to as the "METER YOKE". The METER YOKE is normally 3/4", and the shut-off valves are normally 1" diameter and are the property of the Town. A METER YOKE larger than 1 inch IN diameter will be charged by the Town at current market cost (See Section 5-B). At the time of approval of this Ordinance, all new services may utilize the aforementioned METER YOKE. Previous LATERAL to Service configurations were individual units, i.e., Lateral Shut-Off valve, Riser to meter, Meter, Riser to Service shut-off valve. A METER YOKE has these parts in one integrated unit. A sketch showing this configuration is included with this Ordinance for clarity, titled "Exhibit A".

G. BACK FLOW DEVICE A BACK-FLOW device is an automatic valve that prevents water in a SERVICE line from being forced back into the LATERAL line potentially contaminating the Town owned water (SECTION 5-B). If a BACK-FLOW device is required it will be charged to the User/Owner at current Market Price (See Section 5-C) and mounted near the outlet of the WATER METER.

H. SERVICE LINE - A small diameter pipe (usually 1 inch) running to the property served and attached to a shut-off valve which is a portion of the METER YOKE outlet of the WATER METER. This SERVICE LINE is owned and installed by the property owner. Generally and usually, the SERVICE LINE is installed at a depth below the frost line. Maintenance and repair of this SERVICE LINE is the sole responsibility of the Owner. It is recommended that the Owner install a convenient water shut-off valve in close proximity to the structure or termination point served.

I. OWNER - The actual owner of property, whether a fee simple owner, contract purchaser, grantor under a trust deed, mortgagor under a mortgage, or any successor or assignee thereof.

J-1. SINGLE RESIDENTIAL SERVICE - Where water service is being provided to a single residential home. One water minimum or amount of water used as shown by the meter, which ever is the greater,

will be charged to the account each month. See Ordinance 736 or successor Ordinance.

J-2. MULTI-RESIDENTIAL SERVICE

When water service is being supplied to a property that has a structure containing two or more separate living spaces or units such as apartments, cabins or trailer parks, that are to be served by one water meter, each living space or unit will be charged one minimum or a pro-rated share of water used, whichever is the greater. See Ordinance 736 or successor Ordinance.

J-3 TEMPORARY RESIDENTIAL SERVICE

Where residents reside on a daily, bi-weekly, or irregular basis such as RV trailer parks and motels served by one water METER and one SERVICE line, a charge of one minimum will be made for each of the following:

1. Office/Residence
2. Laundry Room/Shower Room
3. Temporary units whether occupied or not

This means the Owner-User will be charged for three water minimums or for the amount of water used, whichever is the greater each month. See Ordinance 736 or successor Ordinance.

K. GENERAL SERVICE - Where water service is being provided via one Lateral and one Meter to one non-residential unit/property or where water service is being provided via one Lateral and Meter to one property/tax-lot/owner that contains more than one non-residential/commercial units or combination of residential and non-residential units. This Owner/User will be charged one water minimum per unit/use or for the amount of water used, whichever is the greater. See Ordinance 736 or successor Ordinance.

L. SPECIAL SERVICE - Where un-metered bulk water service is provided for the convenience of the user from Town owned Hydrants or where water is used by the Lakeview Volunteer Fire Department to extinguish a fire caused by a criminal act as determined by the Fire Chief, Police Chief and/or the State Fire Marshal's Office.

- 1: The quantity of water used for the convenience of the User shall be determined by actual measurement (i.e., truck tank capacity) at a rate of twice the existing out-of-town rate plus a Special Service charge of an amount established by the PW Board.
- 2: The quantity of water used in event of a determined criminal act fire suppression, shall be by estimation by the Fire Chief or determined by the Public Works Board or an amount Ordained separately, which ever is greater.
- 3: If a property is served with an un-metered water service that is to be used only in the event of a fire (i.e. a built-in Fire sprinkler system) this service will

be charged one water minimum per month. If in the event of an actual fire, no additional charges will be made for water used in fire suppression.

M. WATER USER - Any person or entity occupying property who avails them-self or it's self to water service provided by the Town of Lakeview either Property Owner or Renter.

SECTION 4: BILLING AND USAGE PROCEDURES - RESIDENTIAL, SPECIAL AND GENERAL SERVICE

All applicants for existing water service, either in or out of the Lakeview Town limits, shall complete an application for service giving the information needed on an Application Form provided and available at the Town Hall. This includes, but is not limited to, Single and Multiple Residential service; Temporary service; General service; Special service.

A: Water meters shall be read and recorded monthly. The actual usage for the month shall be determined by the Deputy Recorder's Office (current reading less the previous month's reading). Water Meters show water usage in increments of 100 cubic feet. Billing statements will show the current reading less the previous reading multiplied by 100. This monthly water charge will be based on the cost schedule shown in Ordinance No. 736 or a successor Ordinance. A copy of the current rate schedule may be obtained at the Town Hall. Water billings will be shown on the same statement on which Sewer billings are shown. In the event a meter is not read because of inclement weather or any other reason, the Deputy Recorder's Office will estimate the use based on prior billings.

B: Water use as defined in Section 3-L, Special Service, shall be paid to the Deputy Recorder's Office upon receipt of the water or the Water Bill. This payable amount shall be twice the existing out-of-town water rate plus a special service charge of an amount determined by the Public Works Board or Ordinance.

C: Monthly billings for water shall be due and payable upon receipt of billing. Billings will be sent to the User designated at the time of application for water and as provided in Section 3-M.

D: Whether water services are provided within or without the Town limits, the same may be billed and collected from either the owner of the premises being served, or the user of the water service. The Owner's or the User's acknowledgement of service responsibility will be incorporated into the application for water service.

E: Water charges on all active accounts will be billed monthly. The bill shall be due and payable upon it's receipt. If not so paid by the processing date of the following month's billing

it will be declared delinquent and charged a late fee. Water billing amounts and policies will be established by Ordinance 736 or a successor Ordinance.

F. Any closed account which is delinquent for more than 90 days after it is closed may be referred for collection at which time the additional late charge will cease to accrue.

G: Any active water account which is delinquent in excess of 60 days shall be served with a disconnect notice clearly and succinctly stating that if the Account is not paid within 15 days of the date of notice, that any water service will be disconnected pursuant to the provisions of SECTION 4-C above.

H: If an owner or user moves to another address within the Town, the following will occur:

(1) A new application signed by the owner or user will be required.

(2) Any unpaid balance from the previous account shall be paid in full, along with any required installation or connect fees before the new service is established.

(3) The closing bill on the existing account will be mailed on the normal billing cycle. If the billing is not paid by the end of the month following billing, the amount owed will be transferred to the new account.

I: The Town may, as part of facilitating this Ordinance, or as aid toward enforcement hereof, require the owner or occupant of any parcel, lot, or tract lying outside of the corporate limits of the Town of Lakeview to file his, her or its written consent to, and the acknowledgement of, the provisions of this Ordinance. Failure of any person or entity to agree to the provisions hereof shall be sufficient reason for termination of further water service until consent to the provisions of this Ordinance has been received.

J: The Town, in collecting or enforcing water charges reserves and retains the right to pursue collection and enforcement against either the owner of the property or the user in the event they are not the same person or entity.

K: The Town also reserves the right at any time, by the adoption of an appropriate resolution, to institute legal action to collect any delinquent water charges, to assign the account to a collection agency, or to pursue any other available legal remedies authorized by ORS 454.225 now in effect or as amended from time to time, or any other applicable statute.

L: The Town may be able to refuse water service to any premises which has delinquent water or sewer service outstanding.

M: A temporary termination of water service may be done at the

request of the Property Owner or User. Accounts with a temporary termination will be charged the existing water minimum each month as long as the WATER METER remains in place. A fee shall be paid for this temporary water termination if requested after normal working hours. Similarly a fee will be charged to restore service after normal working hours. If the Temporary termination of the Service is done for the convenience of the Town, no charge will be imposed.

The amount of the foregoing fees in this section shall be determined in Ordinance 736 or a successor Ordinance.

N: A permanent termination and request for abandonment of Water Service and final billing will be done at the request of the Property Owner or User if the User has written permission from the Property Owner. The LATERAL to the METER may remain in place and capped. The Water METER will be read and removed. The owner owned SERVICE Line may be capped by the owner or abandoned. Upon payment of the final monthly billing, determined by the ending METER reading, this account will be closed and removed from the billing records. If in the future, service is requested at this property, it will be treated as a new account and require a new application for water service on form PW101-1 or PW102-1 and payment of applicable fees.

O: Any questions, perceived errors, complaints, requests for adjustments, etc. will be addressed to the Town Hall. If the Deputy Recorder and Public Works Supervisor are not able to resolve the issue it shall be referred to the Public Works Board for resolution. If the Public Works Board is unable to satisfactorily resolve the issue it shall be referred to the Town Council who's decision shall be final. Records will be open for question for a period of six (6) years.

SECTION 5: INSTALLATION AND CONNECTION OF WATER SERVICE AND THE CHARGES THEREFORE.

A: All applicants for new water service shall complete an application form, PW102-1 or PW101-1, available at the Deputy Recorder's Office.

B: The cost for the installation of a new water service account within the Town of Lakeview including a LATERAL Line not exceeding 60 feet or 1 inch in diameter, measured from the Water MAIN to the METER YOKE will pay an in-Town water connection fee as established in Ordinance 736, plus the cost of the METER YOKE and BACK FLOW prevention device if required by Ordinance No. 684. If the requested LATERAL Line is greater than 1 inch in diameter the additional cost for the LATERAL and METER YOKE will be determined by the Public Works Supervisor.

C: The installation of a new water service account outside of the Town of Lakeview, must be recommended by the Town's Public

Works Board and approved by the Town Council. If this installation is approved based on a completed Form PW-101-1, an annexation agreement and recording fee, and payment of a filing fee established by the Public Works Board or Ordinance 736, a one-inch Water LATERAL beginning at a water MAIN selected by the Public Works Supervisor will be provided by the Town Public Works Department up to a length of 60 feet. The out-of-Town connection fee for the installation will be as established by the Public Works Board or Ordinance 736, plus the cost of the WATER METER and BACK-FLOW prevention device (if required by Ordinance No. 684). If a LATERAL larger than one-inch is desired, the additional cost for the LATERAL and Water METER will be determined by the Public Works Supervisor.

D: If water service is approved by the Town Council and the LATERAL connects to a Water MAIN which is owned and has been maintained by the Town of Lakeview and located outside the limits of the Town of Lakeview, the Applicant shall reimburse the Town for the Water MAIN installation cost in an amount determined by the Public Works Board or Ordinance 736 on a per foot of frontage that the Water MAIN parallels the applicant's property to be served by the LATERAL. If the Water MAIN is not owned by the Town, the Applicant shall pay the owner or owners the amount they require per frontage foot and present a receipt for same at the time of application. IMPORTANT! If there is no Water MAIN within a reasonable distance as determined by the Public Works Supervisor from the proposed connection point the Town has no responsibility to extend or install a new Water MAIN.

E: Any LATERAL installation outside the Town of Lakeview limits which exceeds 60 feet in length must be recommended by the Public Works Supervisor and approved by the Public Works Board. If approved by the Public Works Board the additional cost will be established by the Public Works Board upon recommendation of the Public Works Supervisor.

F: All installation charges, as established in the foregoing, shall require an advance payment to the Town of Lakeview as determined by the Public Works Supervisor.

G: In addition to any other fees or payments, the Town may require the Owner or User to pay a non-refundable account set up fee prior to providing water service. This fee may be established by the Public Works Board or the Council by Ordinance.

H: Notwithstanding any provision in this Ordinance to the contrary, all new water service located outside of the Town, whether connection to an existing Water MAIN or the extension of an existing Water LATERAL, shall be subject to the prior approval by the Public Works Board and the Town Council. This approval may be based upon water availability, suitability of an existing MAIN, length of the LATERAL Line and the non-impairment of existing water

services.

I. In the event, through separate agreements between the Town and Others, a new Water MAIN outside the limits of the Town is agreed to be installed or an existing MAIN outside the Town limits is to be extended said MAIN shall be installed or extended the entire distance of the depth or width of the property to be served, depending on the location of an existing MAIN. Specifically, an extended MAIN cannot be stopped at the point where the proposed LATERAL serving the property will be located but shall extend to the next platted street or intersection, whether or not the intersecting street is constructed. The extension cost of a MAIN or installation of a new MAIN shall be the sole expense of the Owner of the property to be served using plans developed by an Oregon licensed engineer and approved by the Town of Lakeview Engineer. Before back-filling any trench for any water MAIN, the installation thereof must be inspected by the Town Engineer. An inspection fee equal to 2% of the construction costs or an amount shown in Ordinance 736, whichever is greater, shall be paid to the Town of Lakeview before back-fill is completed and before water will be allowed in the MAIN.

J. After completion and acceptance of the water MAIN extension, the Town shall become the sole owner of the MAIN and shall be responsible for all future repairs and maintenance costs required of the MAIN.

K. An Owner, or his successor in interest, who installs a MAIN in conformance with Paragraphs I and J, immediately above, may be reimbursed by the Town for the costs thereof subject to the following conditions:

- (1) The owner shall present to the Town Public Works Board an affidavit setting forth all construction costs required by the MAIN extension as well as a scaled map of the all property adjacent to the water MAIN. This map shall show individual property ownership as on file with the Lake County Assessor's Office. The affidavit setting forth construction costs shall be supported as much as possible by bills, statements or other written memoranda setting forth material and labor costs.
- (2) Any person who subsequently desires to connect a LATERAL to the extended MAIN shall pay his proportionate share of the MAIN costs as computed by the Town Engineer, which costs shall be based upon then current construction costs.
- (3) Any reimbursement by the Town to the Owner, or successor in interest to the Owner, who incurred the initial MAIN extension costs shall occur following receipt of payment by the person or persons connecting a

LATERAL to the MAIN. The reimbursement shall be based on the actual amount collected from the person connecting the LATERAL to the MAIN, less an administrative fee as shown in Ordinance 736 which shall be retained by the Town for each transaction. This reimbursement policy and obligation to reimburse by the Town to the person who bore the MAIN extension costs shall be valid for a period of fifteen (15) years following the date of acceptance of the MAIN by the Town.

L. No person shall connect a LATERAL to an existing MAIN which is owned and has been installed by the Town and is located outside the Town Limits, without an express, written agreement to do so, with reimbursement costs determined. The reimbursement costs shall be based upon a current per-foot cost for the construction.

M. Any person who installs a LATERAL with lines up to 60 feet from the MAIN to the property line to be served, if installed by the Town, will be charged a fee established in Ordinance 736 or it's successor Ordinance, plus the cost of the METER YOKE and a BACK-FLOW DEVICE if required by Ordinance 684. Installations of a LATERAL over 60 feet in length require the recommendation by the Public Works Supervisor and approval by the Public Works Board. An additional per foot charge for the extra length shall be imposed as determined by the Town. In addition to the foregoing costs, any person connecting a LATERAL to an existing MAIN may be subject to "MAIN reimbursement costs" as forth in Section K. 2 above.

N. The installation and repair of any LATERAL shall be accomplished by a licensed and bonded contractor as approved by the Town's Public Works Board or Supervisor, at a cost established by the Public Works Supervisor based on current costs for time and materials. In either event all necessary work that has to be accomplished within any road or road right-of-way owned by Lake County, shall be completed in full compliance with that certain easement referred to in SECTION 8, below. All such work shall be inspected by the Town Engineer during and after completion of the same. After installation, the LATERAL shall become the sole property of the Owner. Following the installation of the LATERAL, the Town will install a METER YOKE, at the owners expense, at a point determined by the Town Public Works Supervisor to be appropriate. The METER YOKE shall remain the property of the Town of Lakeview. No LATERAL may exceed 1 inch size unless approved by the Public Works Board upon recommendation of the Public Works Supervisor. No more than one property may be served by any installed LATERAL. The Public Works Supervisor shall inspect any LATERAL before back-filling and METER YOKE installation.

O. Any future repair or maintenance costs that are necessary to a LATERAL extending from a MAIN to the property service point shall be the responsibility of the Owner.

P. All cost associated with the installation of a METER YOKE and BACK-FLOW device if required shall be the responsibility of the Owner. All future repair and maintenance costs that are necessary to a METER YOKE or BACK-FLOW device, unless the necessity therefor has been caused or contributed to by the Owner, shall be the Town's responsibility.

Q. At the time of enactment of this Ordinance the Town's practice is to install a METER YOKE which consists of a incoming water shut-off valve, a meter, and an outgoing shut-off valve. This METER YOKE is the sole property of the Town. The property owner is required to install a separate shut-off valve at a convenient point on the SERVICE line when installed.

R. At the time of enactment of this Ordinance, any existing LATERALS located outside the limits of the Town of Lakeview shall conform to all standards and installation procedures by Town Ordinance or Policy or as now required by Oregon Statute. Any costs incurred or that may be expended to conform to this provision shall be borne by the Owner.

S. Any water leakage emanating from a MAIN which has been approved and accepted by the Town, shall be repaired by the Town within three (3) working days of the discovery of the leak. If the MAIN is approved by the Town, but not owned by the Town, the leakage shall be repaired by the actual owner(s) within 3 working days after discovery.

SECTION 6: WATER MAIN EXTENSION

Any extension of a water MAIN to other than a residence or a business, for example: a sub-division, shall occur by way of a separate agreement between the developer of the property, the Town, and if appropriate, the Suburban Sanitary District. This separate agreement shall not only comply with the provisions of this ordinance where relevant, but shall also comply with property development standards that may have been enacted by Lake County, the Town of Lakeview, or by State law.

SECTION 7: RESPONSIBILITY FOR COSTS

Any Owner costs as imposed, established, incurred or billed pursuant to the terms and provisions of this Ordinance which are not timely paid by any owner, may be added by the Town to Owner's utility bill and enforcement and collection pursued accordingly.

SECTION 8: EASEMENT BETWEEN TOWN OF LAKEVIEW AND LAKE COUNTY

This Ordinance recognizes that certain easement entered into by and between the Town of Lakeview and Lake County dated April 4, 1979, which establishes and permits excavation and back-fill within dedicated County right-of-ways. All Town repairs within any such right-of-way shall be in full compliance with the provisions of that easement and specifically the right-of-way, after completion of the excavation and back-fill and must be returned to it's

original condition.

SECTION 9: REPAIR AND REPLACEMENT OF WATER MAINS, LATERALS, METERS AND ACCESSORIES THERETO

A: Since the Town is responsible for the purity of the water system, both In-Town or Out-of-Town, all necessary repair to, or replacement of, any Water MAIN, LATERAL, METER YOKE or BACK-FLOW device will be done either by the Town, if within the Town, or under the supervision of the Public Works Supervisor or Town Engineer if out of Town. The necessity of such repair or replacement being within the sole discretion of the Supervisor or the Engineer. All repair work of MAINS or LATERALS out of Town shall be paid by the owner or owners of the MAIN or LATERAL if for any reason the ownership has not been transferred to the Town as set forth in Section 5-J. These repairs may be done by the Town or by Contract/Agreement with others, approved by the Town, if outside the Town. If a repair or replacement of any part or parts, aforementioned in this paragraph, are needed as a result of negligence or a wilful damaging act of any owner or user, the cost for repair or replacement shall be the sole responsibility of said owner or user.

B: Since METER YOKES are the property of the Town, wherever located, if found to be defective it will be replaced by the Town. If any component of the METER YOKE is found to be damaged by the User, Owner or Others, the METER YOKE or component will be replaced and the cost therefore will be charged to the Owner, User or Other as determined by the Public Works Supervisor.

C: Any request by any out of Town property owner or user to enlarge a MAIN or extend an existing MAIN shall be referred to the Public Works Board. If approved by the Public Works Board, final approval shall be obtained by the Town Council.

D: If the Town is requested to shut off a water service in the event of a bono fide emergency deemed beyond the control of the property owner such shut off will be done by order of the Public Works Supervisor, for example: Sudden damage to the structure served by accident, fire or other. No charge will be made for this shut-off.

E: If an In-Town owner-user or Out-of-Town owner-user reports decreased or diminished water supply and upon inspection found to be due to an undersized LATERAL pipe or due to age or corrosion, the Town will only be obligated to replace or repair the effected LATERAL line to the Water METER if simultaneously therewith, the owner or user replaces or repairs the SERVICE Line running from the METER to the Structure served or the existing termination point of the SERVICE Line. The need to repair or replace a LATERAL line

(Main to Water Meter) shall be within the sole discretion of the Town based on inspection and measured water pressure at the METER.

F: All new Water MAINS located or installed after the effective date of this Ordinance, whether located within the Town or outside the Town shall have a minimum diameter of eight (8) inches unless otherwise approved by the Public Works Supervisor and the Town Engineer.

SECTION 10: TERMINATION OR DISCONTINUANCE OF WATER SERVICE

A: If water service is temporarily terminated by the Town for the non-payment of water services, a re-connect fee as established in Ordinance 736 or a successor Ordinance will be charged by the Town upon re-connection. If the Town temporarily disconnects water service for the convenience of the Town, no re-connection fee will be charged.

B: The Water METER YOKE is the property of the Town. Under no circumstances is the Owner permitted to operate the shut-off valve on the Town side of the METER YOKE, unless in the event of an emergency. If an emergency is perceived by the Owner he/she may operate the shut-off valve and promptly notify the Public Works Department of this action. It is recommended that the property owner install a shut off valve in the owner's SERVICE Line near the Water METER YOKE for this purpose if not already installed. See SECTION 5-Q.

C: In the event a water METER is discovered that was not removed at the time of termination of an account, the METER will be replaced if in the judgement of the Public Works Supervisor it is ancient or defective. In any event, this will not relieve the new User of the costs as set forth in SECTION 5-B.

SECTION 11: MULTIPLE USE OF ONE METER

A: If one parcel or property, although owned by one owner or owners and served by one LATERAL and one Water METER, is subject to multiple uses or other enterprises through rental agreements, lease agreements or otherwise then, in such event, separate water charges shall be imposed for each separate use or enterprise as conducted in or upon such property upon request by the Owner. Said water charge shall be the minimum fee pursuant to Ordinance 736. In the event the water usage exceeds the minimum volume, the excess will be billed to each separate use or enterprise evenly. If not paid timely by the User, the billing will be transferred to the Owner.

B: The Town reserves the right, in it's sole discretion, to compute water charges based upon actual meter readings or to impose a standard monthly charge in lieu of such meter readings.

SECTION 12: MISCELLANEOUS RULES

A: No permit to install a new water service shall be issued until the advance payment is made as provided in SECTION 5-F.

B: At the discretion of the Town Council, twenty five percent (25%) of all water service revenues may be placed in a Capital Improvement Fund account, and five percent (5%) in a Capital Replacement Fund.

C: All notices to any property owner or user of water services, regarding any matters pertaining to this Ordinance, including billing and delinquent notices, or any other official notice from the Town regarding water service shall be sent by United States Mail, first class, postage pre-paid. The postmark date shall be the effective date of mailing. The delinquency of accounts shall be established by the postmark date of such notice.

D. In the event of a water shortage, interrupted water flow or service, or other water supply difficulties, the order of priority for water service and water availability is hereby established as follows:

1. Existing Town properties presently being provided with water service.
2. New water service applicants within the Town limits.
3. Properties which have been previously served and are presently being served with water service lying outside of the limits of the Town of Lakeview.
4. Properties lying outside the limits of the Town of Lakeview which are in the process of being annexed or have filed an agreement to be annexed pursuant to the Town "Water Supply and Annexation Agreement".
5. Notwithstanding the priorities established above, due to drought conditions, or a catastrophic situation, the Town Council reserves the right to declare an emergency and impose any necessary restrictions to limit water to all or any portion of the above identified classifications. Public Health and Safety shall be the first consideration.

Nothing in this Ordinance shall limit the authority of the Town of Lakeview to pursue any or all legal recourses available to collect past due accounts or discontinue Water Service at delinquent locations as may be recommended to the Town Council by the Public Works Board or by independent action of the Town Council. Page 13 of this Ordinance is a descriptive drawing showing components described in the Ordinance for clarity of understanding.

This Ordinance and it's purpose being necessary for the preservation of the public peace, health and safety of the Town of

Lakeview and it's inhabitants, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect after its passage by the Lakeview Town Council.

This Ordinance was read by title only and no council member requested the Ordinance to be read in full.

It was therefore passed unanimously by the Council and adopted on the date shown. Month: MARCH Day: 25, 1997.

Ann Echavarria
Ann Echavarria, Recorder

(SUGGESTION ONLY)

TOWN OF LAKEVIEW, OREGON

525 NO. 4TH ST.
TEL: 541-947-2020

PROPERTY OWNER STATEMENT OF AGREEMENT
PAYMENT OF WATER BILLINGS

I, _____ am the owner of the property

described as _____ in
Lake County, Oregon. I have rented-leased (strike out one) this
property to:

_____ who will be the Water User.
All water billings by the Town of Lakeview should be sent to
him/her.

I, the owner and _____ the user have agreed, and by
this instrument do agree, that this User shall be responsible for
payment of all water billings. Should the above mentioned User
fail to pay water billings timely, as described in Ord. _____
Section 4,C. I, the Owner agree to pay this billing upon receipt
of an appropriate statement from the Town of Lakeview.

AGREED AND DATED ON THIS

_____(DAY)_____(MONTH)_____(YEAR).

PROPERTY OWNER: _____(Signature)

ADDRESS: _____

WATER USER: _____(Signature)

(SUGGESTION ONLY)

TOWN OF LAKEVIEW, OREGON
525 NO. 4TH ST.
TEL: 541-947-2020

NOTICE TO PROPERTY OWNER

Date: _____

From: Town of Lakeview Public Works Department

You are the Owner of the Property described

as _____.

Our records show that you have assigned water billings charges for
this property to _____.

These billings have not been paid as follows:

_____.

Therefore in accordance with an AGREEMENT you have filed with the
Town of Lakeview, you are responsible for payment. If you fail to
make this payment within 15 days of the postmarked date of this
NOTICE, the collection of said payment will be turned over to a
Collection Agency and water service to the above mentioned property
will be terminated as set forth in Section 9-C of Ordinance
No. _____.

Deputy Recorder