Town of Lakeview Water Conservation and Water Service Ordinance

Ordinance No. [____]

AN ORDINANCE OF THE TOWN OF LAKEVIEW, OREGON, ESTABLISHING WATER CONSERVATION REQUIREMENTS, PROHIBITING WASTEFUL WATER USE, AUTHORIZING STAGED WATER SHORTAGE RESPONSES, PROVIDING FOR ENFORCEMENT, AND APPEALS, AND DECLARING AN EFFECTIVE DATE. ALL CHANGES SUCH AS RATE INCREASES AND MODIFICATIONS TO FEES CHANGES TO LANGUAGE IN THE ORDINANCE SHALL BE MADE BY RESOLUTION BY THE TOWN OF LAKEVIEW COUNCIL.

WHEREAS, the Town Council of Lakeview ("Council") herewith establishes procedures regarding its municipal water services.

WHEREAS, the Council finds that reliable, safe, and efficient municipal water service is essential to public health, fire protection, sanitation, economic vitality, and environmental stewardship.

WHEREAS, the Council further finds that preventing water waste, promoting conservation, and responding promptly to drought, infrastructure constraints, contamination events, or other supply shortages are necessary to protect the public welfare.

WHEREAS, the Council intends this Ordinance to establish rules and conditions associated with the delivery of potable water to the citizens of Lakeview and also, to provide baseline water conservation standards applicable at all times, authorize additional restrictions during designated water shortage stages, provide fair procedures for notice and appeals, and authorize enforcement mechanisms proportionate to the severity and duration of violations.

WHEREAS, the Council intends this Ordinance to authorize its administrative authority permitting Council to adopt, via a resolution, and set necessary fees and rates, as required to carry out the procedures contained herein.

THE TOWN OF LAKEVIEW ORDAINS AS FOLLOWS:

SECTION 1. REPEAL AND REPLACE
Ordinance Number 761, the Town's "Water Ordinance," enacted on March 25, 1997, is repealed and replaced by this Ordinance. This ordinance shall go in effect immediately upon adoption by the Town Council of the Town of Lakeview.

SECTION 2. DEFINITIONS

For purposes of this Ordinance, the following terms have the meanings set forth below unless the context clearly requires otherwise.

A. TOWN means the Town of Lakeview, Oregon, including its municipal water utility and any department, officer, employee, or designee authorized to administer the utility.

B. CUSTOMER means any person, property owner, tenant, business, association, public agency, or other entity receiving water service from the Town.

C. MANAGER means the Town Manager, Public Works Manager, Utility Manager, or other official designated to administer this Ordinance.

D. WATER WASTE means the unreasonable, inefficient, or nonessential use of potable water, including uses expressly prohibited by this Ordinance.

E. WATER SHORTAGE means an actual or threatened condition in which available water supply, treatment capacity, distribution capacity, water quality, emergency conditions, or regulatory requirements may be insufficient to meet ordinary demand.

F. PUBLIC WORKS SUPERVISOR means the individual appointed and employed by the Town to supervise all operations of the Public Works Department.

G. UTILITY CLERKS DEPARTMENT means Personnel employed by the Town to oversee and established water and sewer accounts, distribute monthly billings, collects all fees, and charges and serves a point of contact for consumers receiving municipal services.

H. MINIMUM CHARGE means the minimum monthly fee charged for water and sewer services shall be established by the Council and established under the authority set forth in this Ordinance and may be amended periodically by resolution adopted by the Council.

I. WATER MAIN AND DISTRIBUTION LINES means a large diameter water pipe generally located within the streets and right of ways of the municipality; these lines and mains are the sole property of the municipality and shall not be accessed unless approved by the municipality and under the supervision of said municipality.

J. LATERAL means a water pipeline attached to a water main, main trunk line or other distribution lines owned and operated by the Town. The lateral lines shall be the sole responsibility of the Town up to and until this line connects to the water meter located in the Town right of way. The service line from the water meter to customer property shall be the sole responsibility of the property owner, not Town employees. Town employees are not authorized to work on lines located on private property; this is the sole responsibility of the property owner.

K. WATER SERVICES PROVIDED OUTSIDE THE CORPORATE LIMITS OF THE TOWN means existing laterals outside the corporate limits of the Town are the sole

responsibility of the property owners. No service can be extended outside the corporate limits of the Town unless requested by the property owner and approved by the Council. All such requests must be accompanied by a signed voluntary consent to annex form into the Town as a condition of service.

L. WATER METER AND BACK FLOW DEVICE means all service line connections made to private property require an approved water meter between the lateral and the private property. The homeowner as a condition of connecting to town water must install a certified back flow device from the water meter to service connection to the private property. A back-flow device is an automatic valve that prevents water in a service line from forcing back into the lateral line potentially contaminating the Town water system. The back flow device will be required to be tested at regular intervals at the property owners' expense, as set forth by the Council to protect the municipal water system.

M. SERVICE CONNECTION LINE means a small diameter pipe (usually 1" pipe) running from the water meter to the property served by the municipal water system. This service line is owned and installed by the property owners consistently with municipal and uniform building codes. These lines are required to be installed below frost lines as determined by the Oregon building codes. It is recommended that a shut-off valve be installed on this service line to facilitate property owner's ability to maintain their water lines and shut off water to the property if needed.

N. OWNER means the actual owner of the subject property, whether fee simple owner, contract purchaser, mortgagor under a mortgage or any successor or assignee thereof. The sole relationship for all water and sewer services is between the Town and the Owner exclusively. Renters and temporary residents is a relationship between the property owner and the tenant only. Any delinquencies that occur for water and sewer services shall be resolved between the Town and the property owner, not temporary tenants of the property.

O. MULTI-FAMILY RESIDENTIAL SERVICE means 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 the water used, whichever is greater. The responsibility for dividing the cost of water used shall be the sole responsibility of the property owner and not the Town unless every consumer has a separate water meter.

P. SINGLE RESIDENTIAL SERVICE means where water service is provided to a single residential home. One water service minimum or an amount of water used as demonstrated by a water meter reading, whichever is greater will be charged to the water account each month.

Q. TEMPORARY RESIDENTIAL SERVICE means where residents reside on a daily, biweekly, or irregular basis such as recreational vehicle 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 customer will be charged for three water minimums or for the amount of water used, whichever is the greater each month.

R. GENERAL SERVICE means where water service is being provided via one lateral and one meter to one non-residential unit/property or one property/tax lot/owner that contains more than one non-residential unit/commercial units. This customer will be charged the water minimum per unit/use plus the amount of metered water used, whichever is the greater.

S. SPECIAL SERVICE means where un-metered bulk water service is provided for the convenience of the customer from Town owned hydrants or where is water is used by the Lakeview Volunteer Fire Department to extinguish a fire caused by criminal acts as determined by the Fire Chief, Sheriff, and/or State Fire Marshal's office.

1. The quantity of water used for the convenience of the customer shall be determined by actual measurement (i.e. truck tan capacity) at a rate pf twice the out-of-town rate plus a special service charge of an amount established by the Town Council.

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 Supervisor or an amount ordained separately, whichever 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.

T. WATER USER means any customer or entity occupying property who avails themselves or itself to water service provided by the Council either property owner or renter.

U. UTILITY SERVICE BOARD means the Council shall serve as the Utility Service Board ("Board") unless they elect to designate this authority to a public commission which shall assume the following duties on behalf of the Town. The Board has the sole discretion to adjust contested bills, adjust bill for water leaks and other excessive usage and or to forgive any part of a water meter billing based on special considerations and conditions.

V. REQUIRED RESIDENTIAL BACKFLOW DEVICES means that every property owner in Lakeview is required to have a working backflow device to protect Town potable water. As part of this requirement, each property owner must have the backflow device tested annually at their expense. Proof of a working backflow device is required, and the Town may request a copy of this test and verification that the device is working as designed must be provided upon request.

SECTION 3.1 BASELINE WATER CONSERVATION REQUIREMENTS
The following requirements always apply unless superseded by more restrictive requirements adopted under Section 5.

A. No customer may permit water to run off property into streets, sidewalks, gutters, storm drains, alleys, or adjoining property due to excessive irrigation, broken fixtures, or other preventable causes.

B. Leaks, broken sprinkler heads, malfunctioning irrigation controllers, and other defects causing water waste must be repaired within a reasonable time after discovery or notice from the Town.

C. Irrigation must be applied in a manner that avoids overspray onto paved surfaces and avoids watering during rainfall or when soil is saturated.

D. Use of potable water for washing sidewalks, driveways, parking lots, tennis courts, patios, or other hard surfaces is prohibited except where necessary for public health, safety, sanitation, construction activities authorized by the Council, or compliance with Oregon or federal health requirements.

E. Restaurants and other food service establishments may serve drinking water only upon request, unless otherwise required for health or safety reasons.

F. Hotels, motels, and lodging establishments must provide guests with the option to reuse linens and towels where practicable.

SECTION 3.2 WATER SHORTAGE STAGES
The Town Manager may recommend, and the Council may declare, one or more water shortage stages based on supply conditions, demand trends, infrastructure limitations, emergency conditions, regulatory directives, Oregon Water Resources Department requirements, Oregon Health Authority drinking water requirements, or other relevant factors. Stages may be declared, amended, or terminated by resolution, ordinance, or emergency order as authorized by the Town charter, this Ordinance, and applicable Oregon law.

Stage	Condition	Typical Measures
Stage 1: Advisory Conservation	Potential shortage or need for demand reduction.	Public notice, voluntary reductions, leak repair emphasis, conservation messaging.

Stage 2: Mandatory Conservation	Moderate shortage, supply risk, or capacity constraint.	Irrigation schedules, restrictions on decorative fountains, limits on hydrant flushing except as needed, enhanced enforcement.
Stage 3: Severe Shortage	Severe shortage, emergency supply condition, or significant infrastructure constraint.	Further irrigation limits, temporary suspension of nonessential potable water uses, construction water controls, possible usage allocations.
Stage 4: Emergency	Critical shortage, contamination event, disaster, system failure, or imminent threat to public health or safety.	Emergency orders, temporary service limitations, priority use for health and safety, and any other lawful measures necessary to protect the water system.

SECTION 3.3 AUTHORIZED RESTRICTIONS DURING DECLARED STAGES
Upon declaration of a water shortage stage, the Council may impose one or more of the following measures, tailored to the severity of the condition and applied in a manner consistent with the Town charter, applicable Oregon statutes, water rights, permit conditions, and state or federal public health requirements:

1. Limit outdoor irrigation to specified days, times, durations, methods, or customer classes.
2. Prohibit irrigation of ornamental turf or nonfunctional turf, except as necessary to preserve trees, public parks, school fields, active recreation areas, or other approved uses.
3. Restrict filling, refilling, or topping off swimming pools, spas, ponds, or decorative water features.
4. Restrict operation of fountains or water features that do not recirculate water.
5. Require use of shutoff nozzles for vehicle, equipment, or building washing.
6. Establish temporary water use allocations, budgets, targets, or percentage reduction requirements.
7. Limit new water service commitments or nonessential construction water uses where necessary to protect system reliability.
8. Authorize temporary rates, surcharges, penalties, drought response fees, or service charges if separately adopted in accordance with applicable Oregon law and the Council's rate-setting procedures.

SECTION 4: BILLING AND USAGE PROCEDURES
All applicants for existing water services, either in or out of the corporate Town limits of Lakeview, shall complete an application for water/sewer service giving all required information necessary for determination to be made by either the Public Works Supervisor and/or Council of eligibility. For those applicants residing outside the corporate limits of the Town, they must

submit an additional voluntary consent form to incorporate their property into the Town Lakeview as a necessary requirement to be eligible for Town water and sewer service. Accepting water service constitutes "implied consent" to being annexed into the Town Limits without exception. Furthermore, all water customers by accepting water from the Town agree to abide by the rules and conditions of water service delivery contained within this Ordinance. For those customers residing outside the Town limits who are receiving water service an "extra-territorial service agreement is required to be signed with the Town of Lakeview as a condition of receiving this service from the Town of Lakeview.

A. WATER METERS ARE REQUIRED. All water customers are required to have a working water meter installed as a condition of accepting potable water from the Town. Water meters shall be read and recorded monthly unless prevented by inclimate weather. Meters will still be recorded, and payment will be due when readings are updated. The actual usage for all water consumption shall be determined by official reading from Town water meters. The rate at which water billings shall be assessed shall be determined by Council and set forth by resolution at not less than every five years. Rates shall be determined by the Council to **cover all costs of service associated with the delivery of potable water** to its citizens and customers.

B. WATER BILLINGS ARE DUE BY THE 2OTH OF EACH MONTH. Each water customer is required to pay their bill within 30 days receipt of the bill, no exception. Anyone failing to pay their bills as prescribed herein shall be assessed a 2.0% late fee for each month that this bill is not satisfied. No adjustment of any bill provided by the Town to its customers can be adjusted unless reviewed and approved by the Utility Service Board, which shall be the Council unless the Council elects to appoint a Special Utility Board Commission to perform this function on behalf of the municipality.

C. SPECIAL SERVICE CUSTOMERS. As defined previously in this Ordinance, Special Service customers shall pay for bulk usage of Town water monthly. If this water is not metered, then the rate assessed shall be twice the existing out-of-town rate and a special service fee set by the Utility Rate Board/Council.

D. CONTESTED BILLS AND REQUESTED ADJUSTMENTS. No individual Town employee of official body, other than the Utility Rate Board/Council shall have the power to adjust bills on behalf of any customer of the Town. The Utility Rate Board/Council will meet as necessary to consider and adjudicate contested bills. No bill can be adjusted by Town employees at their discretion.

E. FACILITATION OF ORDINANCE IMPLEMENTATION. The Town may, as part of facilitating this Ordinance, or as and aid toward enforcement hereof, require the owner or occupant of any parcel, lot, or tract lying outside of the corporate limits of the Town to file their written consent to, and acknowledgement of, the provisions of this Ordinance. Failure of any person or entity to agree to the provision hereof will be sufficient reason for termination of further water service until consent to the provisions of this Ordinance have been received.

F. COLLECTING AND MAINTAINING ADEQUATE RESERVES. The Town in collecting and enforcing water charges reserves and retains the right to pursue collection and enforcement against either the owner of the property or the customer if they are not the same person or entity.

G. ESTABLISHMENT OF SPECIAL ACCOUNT. The Council may at their sole discretion establish a special hardship fund to assist citizens with paying their water and sewer bills as a percentage of the water funds collected.

H. SEEKING LEGAL REMENDIES AGAINST DELINQUENT CUSTOMERS AND OWNERS. The Town 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 collection agency, or to pursue any other available legal remedies authorized by ORS 454.225 now in effect or any other applicable statue. This applies to both the customers and owners of any subject property being served by the Town.

I. RIGHT TO REFUSE SERVICE. The Town has the exclusive right to be able to refuse water service to any premises which have a delinquent water or sewer bill outstanding.

J. TEMPORARY TERMINATION OF SERVICE. A property owner may request a temporary termination of service at their sole discretion. This temporary termination shall result in a fee that as established via resolution, which shall be assessed at the time that this account is reactivated.

K. REQUEST FOR PERMANENT ABANDONMENT OF WATER/SEWER SERVICE. A permanent termination and request for abandonment of water service must be made by the property owner. The Town may remove or cap the connections to the subject parcel at their sole discretion. Upon payment of the final bill, the Town will complete the termination and remove this account from our inventory of current accounts. Should the property request reinstatement of this account, the Town shall treat this matter as if it is a new account with all associated fees assessed for new accounts.

L. REQUEST FOR BILLING ADJUSTMENTS. The Council serves as the Utility Service Board, unless said Board is appointed by the Council by resolution. In absence of appointing a three-member Utility Service Board, the Council shall retain the sole responsibility for reviewing and approving any adjustments to water or sewer bills. As a general rule, the Utility Service Board will not adjust these accounts by more than 10% unless there are extraordinary circumstances that warrant this adjustment. Leaks on owners property are the sole responsibility of the property owner and/or customers, NOT THE TOWN.

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

A. APPLICATIONS REQUIRED. All applicants for new water service shall complete an application form for new water service at a specified site in the application form and pay all associated fees prior to installation of this service.

B. IN-TOWN INSTALLATIONS. The cost for the installation of a new water service account within the Town including a lateral line not more than 60 feet in length nor greater than one inch in diameter measured from the water main to the meter yoke will pay an in-Town water connection fee as established via resolution, plus the cost of the water meter yoke. A back flow device if required will be installed and maintained on the property owner side of the water meter at no cost to the Town. If the lateral line is required to be larger than one inch in diameter then the Town will charge by the foot for this lateral line installation at a rate equal to the true cost per foot.

C. OUT OF TOWN INSTALLATIONS. The installation of a new water service account outside of the corporate limits of the Town must be approved by the Public Works Supervisor and the Council and conditioned upon the property owner signing voluntary consent to annex into the Town. The Council shall establish an installation fee for all out-of-town water customers equal to a onetime fee, as established via resolution, per installation. The property owner will also be required to pay for the water meter and backflow device as an upfront cost. The lateral connection will only cover up to 60 feet of one inch line and any additional cost will be assessed at the true and actual cost for the lateral line requested. If a Town water main is not located in the area that the out-of-town installation is being requested, then the Town will not provide the requested service.

EXTRA COSTS FOR OUT-OF-TOWN INSTALLATIONS. If out-of-town installation are requested where Town does not exist, then the Town may refuse any request for service at its sole discretion. Development that requires Town infrastructure, which does not exist in the immediate area, will be required to annex into the Town and pay system development charges adequate to cover the cost of infrastructure construction adequate to service the development. All payments for the services requested shall be paid in advance of work being initiated and completed.

D. FUTURE DEVELOPMENT. 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 the entire distance of the depth or width of the property to be served depending upon the location of the exiting 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 plated 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 Engineer. Before backfilling any trench for any water MAIN, the installation must be inspected by the Town

Engineer. An inspection fee equal to 2% of the construction costs shall be paid to the Town before back-fill is completed and before water will be allowed in the MAIN.

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

F. VALVES. All valves in the Town right of way shall only be shut off or operated in any manner shall be the sole responsibility of the Town. No non-employee of the Town shall be allowed to adjust, turn on or turn off our water valve, meters or any other components of the municipal water system without the express approval of the Council and under Town supervision. Any violations of this requirement shall result in a fine of not less than $200 per incident, nor more than $1,000 for multiple violations. Each day of violation shall be a separate civil infraction and subject to the maximum penalty.

G. CONNECTION TO MAIN WATER LINE. All connections to the water main line shall be completed by the Town exclusively except in special circumstances under a special permit issued by the Town in advance of all work being initiated. In the event that the Town grants a developer a special permit granting the developer a limited authority to connect to this line, this work shall be completed by a licensed plumber with the Town x the installation and approving the final installation prior to back filling and repair the street to town standards and specifications.

H. EXTENSION OF WATER LINE OUTSIDE THE TOWN LIMITS. No water line extensions outside the Town limits may be made unless approved by the Council, Town Manager, and Public Work officials. All residents within the affected area must sign voluntary consent to annex into the Town as a condition of receiving water and sewer services from the Town. Furthermore, any extension of a water main must extend along the entire length of the request property to allow future connections to adjoining property owners. The extension of the water line shall meet all municipal standards and be installed at the sole expense of the landowner. All design specifications for the extension of the water and sewer lines shall be prepared by a licensed Oregon Engineer and filed with the Town for their approval prior to the work being initiated. Prior back-filling any trench for any water main installation, work shall be inspected by the Town, or the Town's official designated representative, and a fee shall be paid to the Town equal to two (2%) percent of the cost of the installation as determined by the state building official valuation as a Town inspection fee. After the line is installed, inspected and approved, the line shall become the sole property of the Town.

I. Should additional property owners wish to connect to this extended water main, then the Town shall assess for each subsequent property owner a proportionate fee to connect to this water main line equal to a shared cost of the installation. The original property owner shall then be eligible for up to eighty percent (80%) of this fee being applied to the original owner's cost for this water line extension. Each additional

property owner that wishes to connect to this water line extension shall be charged an equivalent fee of which the original owner will receive not more than eighty percent (80%) of the fee collected.

J. No person residing outside the Town limits may connect a LATERAL to an existing main line which is owned by the Town outside of the Town limits without paying the required fees set forth in this Ordinance and with the expressed approval of the Council and with the submission of a voluntary consent to annex. The Council may accept or decline this request at their sole discretion.

K. Any person who requests an installation of a connection LATERAL with lines up to sixty (60) feet from the main to the property line shall be charged a fee commensurate with the standardized cost for such installation established by the Council. Should the installation require additional piping or a specialize meter yoke, a charge sufficient to cover all costs associated with this installation shall be assessed to the property owner.

L. Any work associated with the establishment of a residential and/or commercial connection to the Town water main shall be completed by the property owner on their property prior to the connection to the water main line shall be completed at the sole expense of the property owner prior to applying for a connection to the Town water main. The Town shall collect the connection fee upon receiving an application for a water connection with the Town. The Town will facilitate a connection to the water main line within ten (10) days from receipt of payment and application form.

M. All work required on private property shall be the sole responsibility of the property owner and shall be completed at the owners sole expense. No work on private property shall be completed by Town Public Works employees unless, and only if, the site of the work is in a designated Town easement or right-of-way.

N. Water leaks within the Town water system shall be the responsibility of the Town and shall be repaired and maintained as determined by the Town.

O. Leaks identified by the Town Water department on private property shall be the sole responsibility of the property owner to repair within one (1) week from the date of notification from the Town of a probable leak. Leaks that continues on private property shall not be eligible for forgiveness after notification from the Town. The property owner is responsible for these repairs at the owner's sole expense. The Town public work employees are not responsible for repairs on private property and by this Ordinance are prohibited from fixing leaks, blockages, or other impediments to water delivery that occur on private property.

P. No non-authorized personnel (private citizens, contractors or other individuals) are permitted to adjust valves, dig in the public right-of-way, nor make any modifications to public property without receiving specific authorization from the Town. Should this permission be granted all work shall be reviewed and approved by Town

authorities prior to back filling or masking this work in any way. Any deliberate violations of this prohibition shall result in a fine of $250 per incident and liquidated damages sufficient to cover the cost of repairs necessary by the action of the unauthorized activity. The Town has the right to recover all expenses associated with criminal and civil proceedings instigated by the Town deemed necessary to correct and repair the unlawful activities which resulted from the perpetrator. Each day of violation shall be a separate civil infraction.

SECTION 6. WATER TREATMENT PLANT, WATER MAINS, METERS, VALVES, LATERALS, AND ACCESSORIES.

A. The Town has the sole responsibility for all actions associated with water meters, water mains, laterals to water meters, and all accessories associated with our potable water system in or on municipal property.

B. Meter yokes and meters are the property of the Town. Should a meter yoke need repair, the Town will replace the yoke and meter if necessary. If the repair is necessary due to the property owner damaging or attempting to modify these items than the cost of both the yoke and the meter will be assessed to the property owner for this replacement

C. Any requirement to enlarge a water line to a property must be requested in writing and submitted to Council, which has the sole authority to approve or reject the request. Council's decision shall be final.

D. The Town is the only authorized body with the right to shut off water within the Town. In the event of an emergency water shut-off, the Town and its designated officials are the only persons with the authority to shut off Town Water.

E. The Water Treatment Plant is a vital public health facility which is by this Ordinance is an essential public service facility and therefore protected from any unauthorized entrance to the water treatment plant. This facility is restricted space and prohibited from public trespassing. Individuals who violate this space will face legal consequences and the Town retains the right prosecute violators for any unauthorized entrance to the grounds and facility of the water treatment plant.

F. All persons are prohibited from operating a water valve on the public side of water meter or anywhere in the public right-a-way. Any person(s) found to have violated this prohibition shall be cited for criminal trespass and prosecuted to the full extent of the law.

SECTION 7. DELINQUENCIES, PAST DUE, TERMINATION OF SERVICE

A. PROPERTY OWNER RESPONSIBILITIES. The owners of all properties receiving water and sewer services from the Town are the parties responsible for satisfying any billings from the Town. The Town, as a courtesy, will provide direct billing to renters and tenants but this does not exempt the owner from ultimate responsibility for ensuring that all bills are paid. Upon a bill becoming past due the Town will notify the property owner of this delinquency. It is the owner's responsibility to collect these funds from their tenants and pay this bill — NOT THE TOWN.

B. DELINQUENCY. Water charges on all active accounts will be billed monthly. The bill shall be due and payable upon its receipt. If the bill is not paid by the processing date of the following month's billing (approximately thirty (30) days) the bill will be declared delinquent and a late fee of 1.5% will be assessed against the outstanding bill and continue to accrue on a month basis until this outstanding debt and interest are satisfied. "Days" mean calendar days unless otherwise specified.

C. DELINQUENCY AND SHUT-OFF PROCEDURES. Each water customer account shall be subject to the following procedures as a consequent of a billing delinquency. By accepting Town water, the customer by implied consent agrees to accepting the following delinquency procedures and associated costs. For this section, "days" mean calendar days unless otherwise specified.

1. Any bill which is past due by thirty-one (31) days shall be declared delinquent and subject to a 2% overdue assessment on the balance due. PAST DUE NOTICE WILL BE SENT VIA FIRST CLASS MAIL TO THE ADDRESS OF RECORD. "Days" mean calendar days unless otherwise specified.

2. Upon issuing the past due notice, if the outstanding bill (including overdue assessment charges) is not paid, a second past-due notice will be mailed thirty-four (38) days after original due date, via first class mail to the address of record. The second past-due notice provides notification to the customer that the total bill, including past due assessments, must be paid by the fifty-first (45) day from the date initially due.

3. At the forty-fifth (45) day past-due, if the bill is not paid, a third notice of the outstanding bill shall be mailed via first class mail to the address of record and the water/sewer utility will be shut-off and the customer will no longer receive the Town's potable water. The Town's Public Works Department will lock out water delivery to the water customer, and no potable water will be provided until the entire outstanding bill, including past-due charges, interest, and fees, as established by resolution, is fully satisfied.

4. Any appeals to the Utility Rate Board/Council, which only meets once a month, shall continue to accrue penalties and fees to this outstanding bill until the adjudication is processed by the Board. Fees accrued as part of this shut-off process are not eligible for adjustment under the Utility Service Board.

D. REPEATED DELINQUENCIES. Repeated delinquency, such as three (3) delinquencies in a single twelve (12) month period, shall result where the customer will receive a single written notice by U.S. mail which, if not satisfied within seven (7) days from the date of the notice, will result in an immediate shut-off from receiving Town water until the bill is fully satisfied, including the highest reconnection fee allowed under this Ordinance.

E. PAST DUE – 90 DAYS. Any accounts which are delinquent for more than ninety (90) days after they are closed may be turned over to collections at the sole discretion of the Town. "Days" mean calendar days unless otherwise specified.

F. RELOCATION. If an owner or customer moves to another address within the Town, with a past due account on the Town's books, the following steps shall occur.

1. A new application signed by the owner or customer will be required, but does not require the Town to provide services unless:

    a. Any unpaid balance from the previous account is fully satisfied, along with any required reconnect fee paid in full, prior to a new account is established; and

    b. The closing bill on the existing/outstanding account will be mailed on the normal billing cycle. If the bill is not paid by the end of the month following billing, the amount owed will be transferred to the new account and begin to assess past due charges are set forth in this Ordinance.

2. The Town may refuse to provide water and sewer services based on past delinquencies and may require a security deposit equal to the last billing at the previous address to ensure payment coverage at the sole discretion of the Public Works Department.

SECTION 8. MULTIPLE USE OF A SINGLE METER

A. One parcel or property, owned by a single owner or single legal entity encompassing multiple owners but recognized as a single legal entity under the laws of the state of Oregon, shall be eligible for a single meter service. If the property contained multiple rentals or multiple commercial uses, then the property may be eligible for multiple meters subject to the approval of the Town. The owner is responsible for all consumed water on the property unless multiple meters are requested and installed at the owners sole expense. The Town will only recognize a single responsible party unless and if separate meters are installed in accordance with the Town rules for multiple meter activities. If multiple meters are installed, then each tenant or owner shall be responsible for the minimum billable rate and all usage associated with each meter.

B. The Town will not divide or split out billings for multiple uses on a single property unless and if separate meters are established and registered with the Town as independent consumers. Multiple meters will not exempt the owner from ultimate responsibility for all consummation that occurs on their respective property. That means if a tenant consumer does not pay their respective bill, it is the owner's responsibility to collect for the consumed water usage and pay the outstanding balance to the Town.

C. No water meters will be allowed unless an appropriate permit is sought by the owner, or their representative, and all fees are paid in advance of the placement of a new water meter. Multiple water meters do not constitute land-use approval for multiple uses on the property. Multiple uses on any property is subject to land use approval consistent with all zoning requirements.

D. Each water meter is subject to a minimum use fee for each meter or the consumption rate for water use, whichever is greater.

SECTION 9. EXEMPTIONS AND VARIANCES

The Council have the sole authority to grant a written exemption or variance when strict application of this Ordinance would create an undue hardship, conflict with public health or safety requirements, prevent compliance with another legal obligation, or fail to account for site-specific conditions. Variances may include reasonable conditions, time limits, reporting requirements, or alternative conservation measures to align with the purpose and limitations set forth in this Ordinance. The Council shall meet once a month as the Utility Services Board for the purpose of considering requests for exemptions and variances to the requirement of this Ordinance. No exemption or variance shall be granted unless extraordinary conditions exist which prevent compliance with the requirements set forth herein. Convenience alone is not considered sufficient to warrant the granting of any exemption or variance to the rules set forth.

SECTION 10. ENFORCEMENT

Violations of this Ordinance may be enforced through education, written warnings, notices of violation, administrative citations, civil penalties, service flow restrictors, temporary suspension of non-essential service, recovery of unpaid charges or costs, court proceedings where authorized, or any other remedy authorized by the Town charter, Town code, or Oregon law. The Town should use progressive enforcement where appropriate, while retaining discretion to take immediate action when necessary to protect public health, safety, water quality, fire protection, or system reliability.

SECTION 11. NOTICE AND APPEALS

Except for emergencies, the Town will provide reasonable notice of alleged violations and an opportunity to correct or appeal in accordance with administrative procedures adopted by the Council. Appeals must be submitted in writing, within seven (7) days of the notice or citation, and must state the basis for appeal. In order to avoid the accrual of past-due interest rates, the customer must pay their bill while awaiting an appeal hearing date which is only scheduled one

time per month. Should the appellate prevail in their request before the Utility Board/Council, the Town Finance Manager will issue a refund sufficient to satisfy the decision of the Board within ten (10) days of such approval. The decision of the Council is final unless further review is provided for by the Town code, Town charter, or Oregon law.

SECTION 12. EMERGENCY AUTHORITY
When immediate action is required to protect public health, safety, water quality, fire protection, critical infrastructure, or system reliability, the Mayor, Town Manager and/or the Board/Council may issue temporary emergency orders consistent with this Ordinance, the Town charter, and as practicable.

SECTION 13. SEVERABILITY
If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unenforceable, that decision does not affect the validity of the remaining portions. The Council declares that it would have adopted this Ordinance, and each portion thereof, irrespective of the fact that any one or more portions may be declared invalid.

SECTION 14. MUNICIPAL AUTHORITIES WITH WATER INCOME.
At the sole discretion of the Council, up to twenty-five percent (25%) of all water service revenue may be placed into a Capital Improvement Project Fund and a portion thereof may placed in a Capital Replacement fund. Should the Council elect to do so, these funds will be restricted for the sole purpose identified by the fund and require official Council approval to be used on a case-by-case basis. Any fiscal year lending that is made from these funds must be repaid by the end of the same fiscal year in which they were temporarily lent.

A. All notices provided to customers shall be by first-class mail unless other methodologies are specifically allowed by this Ordinance, or another method is specifically approved by the Council, in advance of the notification.

B. Nothing in this Ordinance shall limit the authority of the Council to pursue all legal recourse available to the Town to collect past due accounts.

C. At the beginning of each fiscal year, the Council may elect to publish all outstanding water and sewer bills that are over thirty days past due. This publishing includes the official Town website and in the newspaper of record at the sole discretion of the Town. Delinquencies shall be listed in order of the largest outstanding bills by property owner's name and address of the delinquent account.

SECTION 15. EFFECTIVE DATE AND PUBLICATION
The enactment of this Ordinance being necessary for the protection of the peace, health, safety, and general welfare of the Town and of its citizens, an emergency shall become effective immediately upon its enactment. The Town Recorder or Clerk is directed to publish, post, or otherwise make this Ordinance available as required by the Town charter, Town code, and

Oregon law immediately upon being approved, and in effect by the action of the duly elected body for the Town.

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

Ordinance ____ was therefore passed by the Council and adopted this 24 day of November..

Yes _____

No _____

_____

Mayor Marc O'Brien

_____

Town Recorder