

AN ORDINANCE PROVIDING RULES AND REGULATIONS FOR THE OPERATION OF THE CITY OF COBURG PUBLIC WORKS DEPARTMENT AND DEFINING THE RIGHTS AND OBLIGATIONS OF THE CITY AND ITS WATER CUSTOMERS IN CONNECTION THEREWITH, PROVIDING A PENALTY FOR VIOLATION THEREOF AND REPEALING ORDINANCE A-84.

The City of Coburg ordains as follows:

## 1. Rules and Regulations.

**1.1. Short Title.** This Code shall be known as “Rules and Regulations for the Provision of Water Services of the Public Works Department, of the City of Coburg, Oregon” and may be so cited and pleaded.

**1.2. Scope.** The Public Works Department and all customers receiving water service from the Public Works Department, whether inside or outside the City limits, are bound by these Rules and Regulations of the Public Works Department.

## 2. Definitions of General Terms.

**2.1. City.** Whenever the word “City” is used, it shall mean the legally constituted municipal government of the City of Coburg, Lane County, Oregon.

**2.2. Public Works Department.** Wherever the words “Public Works Department” are used, they shall mean the Public Works Department of the City of Coburg, Lane County Oregon.

**2.3. City Council.** Whenever the words “City Council” are used they shall mean the legally elected or appointed group of members composing the governing body of the City of Coburg, Lane County, Oregon.

**2.4. Superintendent.** Whenever the word “Superintendent” is used, it shall mean the person appointed by the City to manage the affairs of the Public Works Department.

**2.5 Applicant.** Whenever the word “Applicant” is used, it shall mean an applicant who has been accepted under the terms of these regulations and who receives water service from the Public Works Department

**2.6. Customer.** Whenever the word “Customer” is used, it shall mean an applicant who has been accepted under the terms of these regulations and who receives water service from the Public Works Department.

**2.7 Occupied Building or Structure.** Any building or structure which is equipped with a plumbing fixture and which is used or occupied by a person or persons is considered to be an occupied building.

### **3. Service Area**

The area served by the Public Works Department shall be that area included within the corporate limits of the City of Coburg, and such other contiguous or neighboring territory as the City Council shall, from time to time, determine to serve.

### **4. Description of Service.**

**4.1. Supply.** The Public Works Department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a proper pressure and avoid any shortage or interruption in delivery.

The Public Works Department shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the Public Works Department for improvements and repairs will occasionally be necessary. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.

**4.2. Quality.** The Public Works Department will exercise reasonable diligence to supply safe and potable water at all times.

**4.3. Ownership of System.** All water mains, valves, fittings, hydrants, and other appurtenance, except "customer services lines," as defined herein, shall be the property of the Public Works Department.

**4.4 Special Contracts.** When the applicant's requirements for water are unusually large, or necessitate considerable special or reserve equipment or capacity, the Public Works Department reserves the right to make special contract, the provisions of which are different from and have exceptions to the regularly published water rates, rules, and regulations. This special contract shall be in writing and signed by the applicant and the Superintendent. The Superintendent shall not sign a special contract until specific approval of the contract has been obtained from the City Council.

**4.5 Resale of Water.** Resale of water shall only be permitted under special contract, after approval by City Council.

**4.6 Service Preference.** In case of shortage of supply, the Public Works Department reserves the right to give preference in the matter of furnishing services to customers from the standpoint of public convenience or necessity. Water service to user outside the City limits shall, at all times, be subject to the prior and superior rights of the customers within the City.

**4.7 Connection Required.** When a city water main is made available and operative in a public right-of-way or easement abutting property within the city limits, all occupied buildings or structures shall connect with the city water within 90 days from notification of availability by the City.

**4.8 Failure to Connect.** Any property owner who is required to connect to the City water system who fails to connect to the city water system, within 90 days of notification of availability, shall be deemed guilty of a violation of this article, and shall, upon conviction, be fined \$500. Any property owner who disconnects from the city water system, once connected, shall likewise be deemed guilty of a violation of this article and shall, upon conviction, be fined \$500. Nothing contained in this section shall prohibit the city from seeking injunctive relief to compel the property owner to connect to the public water. If the action is initiated, the property owner shall be liable for all costs, including reasonable attorneys' fees, and that sum shall constitute a lien on the property. As provided elsewhere in this Ordinance, the City may discontinue service for reasons related to non-payment, waste, and other reasons. Discontinuing service shall not constitute permission to disconnect, and shall not excuse the property owner from any connection charges that may be due or become due.

**4.9.1 Enforcement** Access to safe water at flows adequate to support normal use and accommodate fire flows being a matter of public health and safety, any occupied building or structure that is not connected to the City water system after having received notice that a connection is possible is declared to be a nuisance. In addition to other enforcement actions authorized by this ordinance and other City ordinances, the owner of the occupied structure which has failed to conform to this ordinance's requirements concerning connecting to the City water system is subject to enforcement action under the City's Administrative Civil Penalty laws.

**4.9.2** The owner or operator of any well not subject to the regulation by the Water Resources Commission or the Water Resources Department under ORS 537.747 to 537.795 and 537.992 shall file a report with the City of Coburg, informing the City of (1) the existence of the well; (2) the average annual production of the well; and (3) the use of the water extracted from the well.

**4.9.3** Any person required by ORS 537.765 to file a well log with the Water Resources Commission for a well located within the city limits of the City of Coburg shall file a copy of the well log with City of Coburg within 30 days of filing the well log with the Water Resources Commission.

**4.9.4** The Superintendent is authorized to file public records requests to obtain well logs for wells in operation within the City limits of the City of Coburg.

## **5. Application for Service.**

**5.1. Application Form.** Each applicant for water service shall sign an application form provided by the Public Works Department giving date of application, location of premises, whether they have been served before, the date on which applicant desires to have service begin, purpose for which service is to be used, the address for mailing or delivery of bills, the applicant's address (owner, tenant, agent), the class and size of service, and such other

information as the Public Works Department may reasonably require. In signing the application, the customer agrees to abide by the regulations of the Public Works Department. The application is merely a written request for service and does not bind the Public Works Department to serve.

It is a violation of this ordinance for any person to receive water service at premises as an owner, tenant, occupant or otherwise without having first signed and delivered to the Public Works Department a completed application form as required by this subsection and having complied with subsection 5.2 below. The failure to do so shall, without limitation of other remedies provided in this ordinance for its violations, be cause for termination of water service.

**5.2. Deposits and Establishment of Credit.** At the time application for service is made, the applicant shall establish his or her credit with the Public Works Department.

**5.2.1 Establishment of Credit.** The credit of the applicant who is the owner of the premises for which water service is sought will be deemed established by any one of the following, while all other applicants must establish their credit by complying with subsection a. or b. below:

a. If the applicant makes a cash deposit with the Public Works Department to secure payment of bills for service. The deposit shall be a sum equal to the estimated bill for four billing periods, but not less than Fifty-Two Dollars (\$52.00).

b. If the applicant has promptly paid all accounts due the Public Works Department for a period of twelve (12) consecutive billing periods.

c. If the applicant can otherwise convince the Public Works Department that all bills will be paid when due.

**5.2.2 Deposits.** At the time the deposit is given to the Public Works Department, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. The deposit will be returned to the customer when service to the customer is discontinued, provided all outstanding bills have been paid. The Public Works Department may, at its option, return the deposit without application, provided all bills have been paid promptly for twelve (12) consecutive billing periods. The Public Works Department will not pay interest on any deposit.

**5.2.3 Forfeiture of Deposit.** If an account becomes delinquent and it is necessary to turn off the service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to that customer at the same or different premises, nor will water service be provided or restored to any premises against which a lien exists under section 11.7.6 of this ordinance, regardless of any change in owner(s) or tenant(s) at those premises, until all outstanding bills due the Public Works Department have been paid and the cash deposit replaced, or if no deposit was previously paid, then paid in full for the first time. In addition, after water service has been turned off for delinquent payments or other violations of this ordinance, water service will not be restored or provided to that customer or such premises until a restoration fee is paid in cash. Except as otherwise provided herein, the water service restoration fee shall be \$25.00 for the first time water service is restored for such reasons, and \$50.00 for each subsequent water service restoration.

**5.3 Application Amendments.** Customers desiring a material change in the size, character, or extent of equipment or operation which would result in a material change in the amount of water used, shall give the Public Works Department written notice of such change prior to the change and the application for service shall be amended.

Customers desiring a change in the size, location, or number of services shall fill out an amended application.

**5.4 Vacating Premises.** It shall be the duty of the person who is permanently vacating premises at which water service has been received, and the owner of the premises, if a different person, to give prior written notice to the City of the exact date on which the premises are to be vacated. Unless instructed otherwise, the City shall terminate water services to the premises on the next business day following the date stated in the notice. In addition to all other remedies provided herein, failure to give this notice, which shall be a violation of this ordinance, shall result in the person vacating the premises and the owner, if a different person, being jointly and severally liable for the continued water service provided to the vacated premises.

## **6. Main Extensions.**

**6.1. Within the City Limits.** Water main extensions to areas within the City limits not presently served with water shall be installed by the Public Works Department or by contractors approved by the Public Works Department. The cost of such extensions shall be borne by the adjacent properties along which the extensions are made, on a front-foot basis, except that the adjacent properties shall not be assessed in excess of the cost of installing a 12-inch main, including all fittings and valves. All costs in excess of installing a 12-inch main shall be borne by the Public Works Department.

In the event a water main is laid to serve property which has paid for a water service connection from another street, the Public Works Department will install a new service connection of like size to the property line or parking strip with out charge to the owner, provided that the property is assess for the new water main.

**6.2 Outside the City Limits.** Water mains outside the City limits shall be extended only at the expense of the customers served. The main extensions shall become the property of the Public Works Department at the time service is provided. The Public Works Department shall determine the size of the main extension. Extensions outside the City limits shall be installed by the Public Works Department or by contractors approved by the Public Works Department. The installation procedures and materials used shall be in accordance with the Public Works Department's standards.

Water main extensions outside the city limits shall be made only in compliance with the City's Comprehensive Plan and other ordinances and pursuant to the laws of the State of Oregon.

**6.3 Locations of Extensions.** The Public Works Department will make water main extensions only on public rights-of way, easements, or publicly-owned property. Easements or permits secured for main extension shall either be obtained in the name of City of Coburg or transferred to the City of Coburg, along with all rights and title to the main at service is provided to the customers paying for the extension.

## **7. Services**

**7.1 Definition.** The “service connection” shall be that part of the water distribution system which connects the meter to the main and shall normally consist of corporation stop, service pipe, curb stop and box, meter, meter yoke, and meter box. The “customer service line” shall be that part of the piping on the customer’s property that connects the service to the customer’s property that connects the service to the customer’s distribution system.

**7.2 Ownership, Installation, and Maintenance.** The Public Works Department shall own, install, and maintain all services and installations, and maintenance shall only be performed by authorized employees of the Public Works Department. The customer shall own, install, and maintain the customer service line.

**7.3 Service Connection Charge.** At the time the applicant files for service where no service previously existed, or if he or she is filling for a change in service size or location, he or she shall submit with the application the service connection charge.

This Charge is to cover the actual cost to the Public Works Department to install the service from the main to and including the meter and the meter housing. The service connection charge shall be as determined by the Public Works Department in the current published water rate schedule.

**7.4 Size of Service.** The Public Works Department will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size requested is one that is listed by the Public Works Department. The minimum size of service pipe shall be  $\frac{3}{4}$  inch. The Public Works Department may refuse to install a service line which is undersized or oversized, as determined by a study and report of the Superintendent to the City Council.

**7.5 Changes in Service Size.** Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the Public Works Department for making the change.

**7.6 Length of Service.** Where the main is in a public right-of-way, the meter will be placed at the right-of way line nearest the property to be served for the standard connection fee, provided the length of service does not exceed the width of the right-of-way.

Where the main is on an easement of publicly owned property other than designated public rights-of way, the service shall be installed to the boundary of the easement or public property by the Public Works Department, provided the length of service does not exceed thirty (30) feet.

If, in either case cited above, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the Public Works Department for labor, materials, and equipment rental, plus 15% of the total cost.

**7.7 Joint Service Connections.** The Public Works Department may, at its option, serve two or more premises with one service connection. On new service connection, the inside diameter of such joint service lines shall be sufficient to provide a carrying capacity not less than the combined capacity of individual service lines of the same size as the meters installed.

Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted except under special consideration approved by the City Council.

In those cases where the City has permitted, allowed, or grants permission for more than one water user to be served by a single water meter then the appropriate basic water rate charge for water used in excess of the amount allowed with the basic rate shall be at the highest amount that would be charged to any of the users served by a single meter. Such charges shall be imposed for water quantities used in excess of the total amounts all such users are allowed under their respective base rates. These charges shall apply regardless of the users' classifications, whether the users are located on one or more parcels of land, whether the users are related or unrelated to one another, or whether the users are commonly or separately owned. The City shall in its discretion determine whether or not a single meter is serving more than one user. In exercising this discretion, each residential dwelling unit or space, and each business entity, shall be deemed separate water users.

**7.8 Number of Service Connections on Premises.** The owner of a single parcel of property may apply for and receive as many services as the owner and his or her tenants require, provided his application or applications meet the requirements of the Rules and Regulations of the Public Works Department.

### **7.9 Standby Fire Protection Service Connections.**

**7.9.1 Purpose.** Standby fire protection service connections of 2-inch size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The Public Works Department may require that a suitable detector check meter be installed in the standby fire protection service connections, to which hose lines or hydrants are connected. All piping on the customers' premises shall be installed in accordance with the plumbing code of the City of Coburg.

**7.9.2 Charges for Service.** Charges for standby fire protection service will be as stated in the published water rate schedule. There will be no charge to extinguish accidental fires or for routine testing of the fire protection system. The customers' shall pay the full cost

of the standby fire protection service connection, any required detector check meters and any required special water meter installed solely for the service to the standby connection.

**7.9.3 Violation of Regulations.** If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the Public Works Department. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of the regular water rates.

**7.10. Fire Service Connections Other Than Standby.** A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and shall be metered. All water used through that service regardless of its use, will be charged at the regular rates.

**7.11. Temporary Service Connections.** For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material owned and furnished by the Public Works Department. The applicant shall also pay the water bill in advance, based on an estimate of the quantity to be used or shall otherwise establish satisfactory credit. The customer and the City shall reconcile the account at the end of the temporary use, and the obligated party shall pay the other the difference between the estimated and actual usage. Construction use, or authorized hydrant use shall be treated in the same manner as for other temporary connections. If the customer has a meter that meets with the Superintendent's approval, there shall be no meter charge, but the customer shall pay for all water used, as recorded by the installed meter.

**7.11.1. Time Limit.** Temporary Service Connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the Public Works Department.

**7.11.2. Charge for Water Served.** Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.

**7.11.3 Installation Charge and Deposits.** The applicant for temporary service will be required:

- a. To pay the Public Works Department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service
- b. To deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used, or to otherwise establish credit approved by the Public Works Department.
- c. To deposit with the Public Works Department an amount equal to the value of any equipment loaned by the Public Works Department to such applicant for use on temporary service. This deposit is refundable under the terms hereinafter stipulated.

**7.11.4 Responsibility for Meters and Installation.** The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the Public Works Department. If the meter or other facilities are damaged, the cost of making repairs



shall be deducted from the deposit refund. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.

## **7.12 Customers Plumbing.**

**7.12.1 Plumbing Code.** The customer's plumbing, which shall include the customer's service line, and all plumbing, piping, fixtures, and other appurtenance carry or intended to carry water, sewage, or drainage, shall comply with the Plumbing Code of the City of Coburg, Oregon.

**7.12.2 Control Valves.** Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served.

**7.12.3** It shall be a violation of these Rules and Regulations for the customer to operate or cause unauthorized operation of the meter stop or any other appurtenances on the service connection.

## **8. Meters.**

**8.1 Ownership.** The Public Works Department will own and maintain all water meters. The Public Works Department will not pay rent or any other charge for a meter or other water facilities, including housing and connections, located on a customer's property. A request for installation of a water meter on private property shall constitute a grant of an easement for City personnel to come onto the property to install and inspect the City water facilities, perform any maintenance required and to read the meter on a regular basis.

**8.2 Installation.** Installation of Water meters shall be performed only by authorized employees of the Public Works Department at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

**8.3 Size and Type of Meter.** Applicant may request and receive any size meter regularly stocked or furnished by the Public Works Department, provided the request is reasonable and further provided that the meter is not greatly oversized or undersized, as determined by the Superintendent. The Public Works Department reserves the right to determine the type of meter to be installed.

**8.4 Location of Meters.** Meters shall normally be placed at the curb or property lines: the meter will be installed wherever the applicant desires within reason, but the location must be approved by the Public Works Department. The meters will not be located in driveways or other locations where damage to the meter or its related parts may occur.

**8.5 Joint Use Meters.** The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract.

**8.6 Changes in Size or Location.** If, for any reason, a change in size of a meter and service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

**9. Water Rates.** The Water Rates to be charged for each class of service, including minimum charges, charges for water used over the specified minimum, and service connections charges, shall be published in a separated schedule. This schedule shall be adopted by the City Council by Resolution and shall become effective as if a part of this section of these Rules and Regulations. These water rates or charges may be revised at any time without invalidating the remainder of these Rules and Regulations. The most recent water rates and charges set by the City Council are hereby adopted as the Rate Resolution, to remain in effect until replaced by other Council action.

## **10. Notices.**

**10.1. Notices to Customers.** Notices from the Public Works Department to the customer will normally be given in writing and either mailed or delivered to him or her at his or her last known address. Where conditions warrant and in emergencies, the Public Works Department may notify either by telephone or messenger.

**10.2. Notice from Customers.** Notices from customer to the Public Works Department may be given by the customer or his or her authorized representative orally or in writing at the office of the Public Works Department, or to an agent of the Public Works Department duly authorized to receive notices or complaints.

## **11. Billing and Payment.**

**11.1 Meter Readings.** Meters will be read and customers billed on the basis of the meter reading in units to be established as a part of the Rate Resolution. Fractional units will be rounded up or down to the nearest whole unit of measurement. The Public Works Department will keep an accurate account on its books of all readings of meters; and such account, so kept, shall be offered at all times, places, and courts as prima facie evidence of the use of water service by the customer.

**11.2 Flat Rates.** Where meters have not been installed, the customer will be billed on the basis of the minimum monthly charge for the size and class of service supplied to the customer.

### **11.3 Rendering of Bills.**

**11.3.1. Billing Period.** Meters shall be read and bills shall be rendered not less than once every two calendar months.

**11.3.2 Bills for Other Than Normal Billing Period.** Opening or Closing bills or bills that for any other reason cover a period containing 10 percent more days or 10 percent less days than in the normal billing period shall be prorated.

**11.3.3 Bills for More Than One Meter.** All meters supplying a customer's premises shall be billed separately, except that were the Public Works Department has, for operating purposes, Installed two or more meters in place of one, the readings may be combined for billing.

**11.4 Disputed Bills.** When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar matter. Failure of the customer to make such a deposit shall warrant discontinuance of service, as provided under these Rules and Regulations.

No interest shall be paid on any amounts of money so paid as a deposit pending the final settlement of a disputed bill or bills. In the event that any amounts so paid as a deposit, or portions thereof, are in the final settlement determined to be refundable to the customer, then the refund shall be paid in full within 30 days after the final settlement, or credited in full to the customer's account at the time of the next regular water service billing, whichever the city shall in its discretion decide.

Checks received by the City in payment of disputed water bills that are for less than the amount claimed to be due by the City and that are marked as "paid in full" or with similar words indicated that the drawer or customer is offering an accord and satisfaction to the City may be accepted and cashed by the City, but the City shall retain the right to recover in full the additional amounts it claims to still be due, and to take other enforcement action permitted by this ordinance, unless it has in writing expressly agreed to accept the lesser amount paid by the check in full satisfaction of the disputed water bill.

**11.5. Failure to Read Meters.** In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of 30 days per month, and the total water consumption for billing purposes for that period shall be estimated.

**11.6. Payment of Bills.** Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by that date, the account shall be considered delinquent unless other arrangements have been made with the City, in writing, that specify another due date. The legal or equitable property owner of record shall be responsible for payment of all rates and charges prescribed by this ordinance, even though the property is rented, inhabited, or otherwise used by another person or entity. Unless directed otherwise in writing by the property owner all bills shall be sent to the mailing address for the premises where water service is furnished.

**11.6.1 Late Payments.** All charges for water furnished by the City, and for other charges included on the water bill, shall be due and payable within 20 days after said bill is mailed. If not so paid, it shall become delinquent and service may then be discontinued. In addition to all other amounts of money charged directly or indirectly by this ordinance for delinquent payment of bills or water service shut-off and turn-on, there shall also be charged a late payment fee of \$5.00 for each billing period, or part thereof, to cover reasonable administrative expenses caused by the delinquent payment. When a water bill becomes

delinquent, a shut-off notice shall be mailed prior to discontinuation of service. By this shut-off notice the customer shall have 10 days from the date of this notice to pay the outstanding bill in full, including late payment fees and any other charges due under this ordinance, or enter into signed written payment plan as provided in subsection 11.6.2 of this ordinance. If the City does not receive this full amount or a payment plan within said 10 days, the City shall post notice of water service shut-off on the customer's property. If the City does not either receive full payment of the outstanding bill, or if the customer fails to enter into a payment plan under subsection 11.6.2. of this ordinance by 5:00 PM of the next business day after the posting of the shut-off notice, then water service shall be shut off until such payment or plan has been received, including the water turn on charge. After receiving full payment or a payment plan, water service shall be restored by no later than 5:00 PM of the next business day.

**11.6.2 Payment Plan.** Customers with current late charges as of the date of this ordinance shall have their accumulated late charges permanently discharged, provided that within sixty (60) days of the effective date of this ordinance, they make and thereafter strictly perform a payment plan agreement satisfactory to the City as conforming to the policies set forth in this subsection. Customers incurring late charges after the effective date of this ordinance may also avoid water service shut-off by making and strictly performing such a payment plan agreement. Payment plan agreements under this section shall contain such terms as the City shall determine are reasonably necessary to protect the public interest and the financial viability of the water system, and shall further provide for the following:

- a. Owners shall consent to a city lien interest on their real property and improvements for all unpaid water charges and fees and other charges included on the water bill;
- b. Customers shall not become delinquent in paying charges for future billing periods;
- c. Customers shall not be delinquent in making payments pursuant to the payment plan for accumulated past due water fees and other charges;
- d. The total accumulated delinquent charges shall be paid in full in not more than 24 months;
- e. The total accumulated delinquent charges shall be subject to a finance charge of six percent (6%) per annum until paid in full;
- f. Failure to comply with the Payment Plan in all particulars shall immediately make the account delinquent for all amounts not paid.

## **11.7. Delinquent Accounts.**

**11.7.1. Delinquent Notice.** A reminder of account delinquency shall be sent, at the discretion of the Superintendent, to each delinquent account on or about 10 days after the account becomes delinquent. Unless the property owner has requested in writing that this notice be sent to another address it shall be sent to the mailing address for the premises where water service is furnished.

**11.7.2. Turnoff Notice.** On or about 20 days after an account becomes delinquent, a turnoff notice shall be sent to the customer. Said notice shall state that water service will be turned off if the delinquent account is not paid in full, together with all other charges or fees due under this ordinance, after 10 days from the date of this notice, and shall also state that a water service restoration fee and replacement or payment of the cash deposit, as required by Section 5.2.3., will have to be paid in full in order to have water service

restored after it has been turned off. Unless the property owner has requested in writing that this notice be sent to another address it shall be sent to the mailing address for the premises where water service is furnished. This notice shall also state that customers have the opportunity, upon written request filed with the City Recorder, to be heard by the City Council, or other city official empowered by it to resolve any valid objections to the billing, prior to the disconnection of water service, provided that all provisions of these Rules and Regulations, including section 11.4, have been observed.

**11.7.3. Service Turnoff.** On the turnoff date, the meter reader or other agent of the Public Works Department shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts have been paid. The meter reader or other agent of the Public Works Department shall immediately thereafter turn off the service. A delivery to any person residing at the address served by the meter shall be considered a delivery to the customer. If there is no person present at the address served, then the notice may be left on the premises stating that the water service has been turned off until all delinquent accounts have been paid.

Each notice required by this subsection shall also state that in addition to the amount of the delinquent account, after water service has been turned off, the cash deposit and water service restoration fee, as required by subsection 5.2.3., must be paid in full in cash before water service will be restored.

**11.7.4 Water Service Restoration Charge.** In all instances not otherwise provided for herein where water has been turned off under this ordinance, water service shall not be restored until the delinquent account is paid in full and the cash deposit is replaced or paid in full in cash, as well as the water service restoration fee, as required by Section 5.2.3. above.

**11.7.5. Installment Payments of Delinquent Accounts.** In cases of extreme hardship, the superintendent shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount.

**11.7.6. Lien Against Real Property.** In the event any water bill or charge provided for by these Rules and Regulations shall not be paid within 45 days after the water bill or charge becomes due, the City Recorder shall notify either the legal or equitable owner of the real property where the water was used or charge incurred, by registered mail, the amount of the water bill or charge, the description of the real property involved, and a statement that if the water bill or charge is not paid within fifteen days from the date said notice is mailed, that the real property involved will be subject to a municipal lien in the amount of delinquent water bill or charge plus all expenses related to collection of the delinquent water bill or charge. If payment is not made within the fifteen-day period the City Recorder shall enter in the Lien Docket of the City of Coburg a municipal lien against real property. At any time after sixty days from the date the lien was docketed, if the lien is still unpaid and unsatisfied the City of Coburg shall proceed to foreclose the lien against the real property therein described in the manner provided by the laws of the State of Oregon, or take other legal action to collect the amount due, including assignment of the account for collection.

**11.7.7. Other Enforcement Actions.** The actions authorized in this ordinance for enforcement and collection are not exclusive of other lawful means. The City of Coburg is hereby authorized to enforce this ordinance and collect any amounts due by action or suit, assignment for collection, or any other lawful means. The City of Coburg's enforcement and collection powers under this ordinance shall be liberally construed to allow the effective, efficient and fiscally responsible operation of its water systems.

## **11.8 Water Rate Relief**

**11.8.1 Purposes.** Safe, reliable water for human consumption is a necessity of human life. The debt service costs for expanding, improving and replacing the City of Coburg's municipal water system has required substantial increases in water user fees which are composed of a monthly basic rate, plus a volume consumption charge. These increases have caused significant financial hardships to certain low-income residential water users. This ordinance establishes basic monthly rate charge relief for some low-income residential users.

**11.8.2 Water Rate Relief.** Basic monthly water rate charge relief for residential water users certified as eligible to receive the same is hereby established by this ordinance. This relief shall be effective only in those fiscal years of the City of Coburg in which funds therefor have been budgeted and appropriated to implement the provisions of this ordinance. This water rate relief shall be provided only for that number of water billing periods for which such funds remain unexpended during any given fiscal year. All residential water users certified as eligible for water rate relief under this ordinance in any water billing period shall receive an equal amount of relief. No person who has been certified as eligible for water rate relief under this ordinance shall be entitled to any prior notice before the amount of relief to be provided is changed. If the City projects that budgeted funds for the water rate relief established herein shall be insufficient to provide relief to eligible persons for all water billing periods during a fiscal year, then the City shall make reasonable efforts to give prior notice to eligible persons of approximately when this relief will no longer be provided.

**11.8.3 Amount of Relief.** The basic monthly water rate charge relief provided under this ordinance to any eligible water user shall be \$15.00 per water billing period. The actual amount of relief may be less than this amount in any billing period for which the funds budgeted in a fiscal year will be fully expended. Eligible water users shall receive a credit against their basic monthly water rate charge and shall remain fully liable for all remaining amounts of their water bill.

**11.8.4 Eligible Persons.** Residential water users must be certified each fiscal year by the City Recorder as eligible for the rate relief provided by this ordinance. To apply for this water rate relief a water user must file a written application obtained from the City Recorder's office and such other written evidence as is necessary to reasonably prove that the person meets the requirements of eligibility for such relief. To be eligible for water rate relief an applicant must personally or by authorized agent provide to the City Recorder a completed application form and copies of written evidence reasonably proving that the applicant is a residential water user of the City and that the total adjusted gross income for federal individual income taxes of all persons residing permanently at the applicant's address does not or is not expected to exceed \$9,000 per calendar year. The application form shall require an applicant to expressly affirm to the best of his or her knowledge the truth and accuracy of all information

submitted to the City under penalty of law. The City Recorder shall decide whether an applicant can be certified as eligible for water rate relief under this ordinance based upon the application and information submitted. Written notice of this decision shall be mailed to the applicant within 10 working days from the date a complete application is received. Denials of eligibility by the Recorder shall be accompanied by a written explanation of the reasons therefor. Any person whose application is initially denied may submit an amended application together with new or additional information to correct or overcome the deficiencies noticed by the Recorder. The Recorder shall mail notice of the final decision on an amended application within 10 working days after its receipt in completed form. Applications for water rate relief for the next fiscal year will not be accepted sooner than May 1 of each year. However, applications for the 2001-2002 fiscal year will be accepted at any time and those certified shall be effective for the 2002-2003 fiscal year.

**11.8.5 Appeals.** An applicant may appeal a final denial of an application for water rate relief, or a revocation of eligibility for such relief, to the City Administrator by providing written notice of the appeal that explains specifically the alleged errors made by the Recorder. This written notice of appeal must be filed with the city no later than 10 days after the denial or revocation was mailed. The City Administrator's decision of an appeal shall be made and written notice thereof mailed within 10 working days from receipt of the appeal notice. This decision shall be final.

**11.8.6 Eligibility.** A person may complete the application process only once each fiscal year of the city. An applicant granted the water rate relief provided by this ordinance becomes eligible thereafter starting no later than the second water billing period following the one in which eligibility was certified and shall remain eligible for the remainder of that fiscal year of the City, provided that the remaining balance of their monthly water bills are paid when due. If a person receiving water rate relief under this ordinance during a fiscal year later comes to have reason to know that he or she no longer qualifies for such relief, then he or she shall immediately provide written notice to the City Recorder and thereafter shall receive no further rate relief in that fiscal year.

**11.8.7 Administration.** The City Administrator is hereby delegated the authority to take all reasonable actions necessary to implement this ordinance. This authority shall include developing application forms, lists of recommended financial documents applicants may submit to prove their income eligibility, approval and denial notices, promotions to citizens of this water rate relief ordinance, procedures to process applications and maintain their confidentiality to the extent allowed by law, the financial systems and records to provide water relief in the form of credits to users certified as eligible and comply with city and state local budget laws and policies, and programs to encourage, receive and expend private voluntary financial donations to supplement this relief program.

**11.8.8 Ineligibility.** Any person who knowingly receives financial benefits under this ordinance when ineligible to receive the same shall thereafter receive no further water rate relief. Any person receiving water rate relief under this ordinance who becomes in arrears in paying the remaining balance of their monthly water bills shall thereafter be ineligible for future relief until their water bills are again fully paid and current. Persons who become ineligible for water rate relief under this section shall receive written notice of this loss of eligibility and such notice shall state the reasons for the loss of eligibility. A person who receives notice of the

loss of eligibility under this section may appeal that decision in accordance with the provisions of Section 5.

## **12. Meter Error.**

**12.1 Meter Accuracy.** All meters will be tested prior to installation. No meter will be placed in service or all owed to remain in service which is known to have an error in registration in excess of 2 percent under conditions of normal operation.

### **12.2. Meter Test.**

**12.2.1 Standard Test.** Meter tests will be conducted in accordance with standards of practice established by that American Water Works Association.

**12.2.2 On Customer Request.** A customer may, giving not less than 7 days' notice, request the Public Works Department to test the meter serving his or her premises. The Public Works Department will require the customer to deposit the testing fee. This fee shall be \$5.00 for meters 1 inch and smaller, and for meters larger than 1 inch shall be an estimate of the cost of testing the meter as determined by the Superintendent. The deposit will be returned to the customer if the test reveals the meter to over register.

**12.2.3 On Public Works Department Request.** If, upon comparison of past of past water usage, it appears that a meter is not registering properly, the Public Works Department may at its option, test the meter and adjust the charges accordingly if the meter either overregisters or underregisters. No charge for meter testing will be made to the customer for the meter test under these conditions.

### **12.3. Adjustment of Bills for Meter Error**

**12.3.1. Fast Meters.** When, upon test, a meter is found to be registering more than 3 percent fast under normal operating conditions, the Public Works Department will refund to the customer the full amount of the overcharge, based on corrected meter readings, not exceeding two regular billing periods that the meter was in use.

**12.3.2. Slow meters.** When, upon test, a meter is found to be registering more than 10 percent slow, the Public Works Department may bill the customer for the amount of the undercharge, based upon corrected meter readings, not exceeding two regular billing periods that the meter was in use.

**12.3.3. Nonregistering Meters.** The Public Works Department will bill the customer for water consumed upon an estimate of consumption based either upon the customer's prior use during the same season of the previous year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions, or both.

## **13. Discontinuance of Service**



**13.1 On Customer Request.** Each customer about to vacate any premises supplied with water service by the Public Works Department shall give the Public Works Department written notice of his intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise he will be responsible for all water supplied to such premises until the Public Works Department shall receive notice of such removal.

At the time specified by the customer that he or she expects to vacate the premises where service is supplied or that she or he desires to be discontinued, the meter will be read and a bill rendered which is payable immediately. In no case will the bill be less than the proportionate share of the monthly minimum specified in the schedule applying to the size and class of service furnished.

**13.2 Nonpayment of Bills.** A customer's water service may be discontinued if the water bill or other amounts owed the City and presented to the customer as a part of the water bill are not paid in accordance with the procedures listed in these Rules and Regulations.

### **13.3. Improper Customer Facilities.**

**13.3.1 Unsafe Facilities.** The Public Works Department may refuse to furnish water and may discontinue service to any premises without prior notice where plumbing facilities, appliances, or equipment using water are dangerous, unsafe, or not in conformity with the Plumbing Code of the City of Coburg, Oregon. The Public Works Department will provide notice to the property owner of the deficiencies that the Public Works Department is aware of, along with a reasonable time to correct the deficiencies.

**13.3.2 Cross Connections.** A cross connection is defined as any physical connection between the Public Works Department's system and another source.

The owner of property where a cross connection has the potential of occurring shall notify the City of that possibility when connecting to the City system.

**13.3.3 Backflow Device.** Any property owner who has access to any source of water in addition to City water must install a City approved back flow prevention device adjacent to the City water meter (on the property owner's side of the meter) and have it inspected and approved by the City. Failure to install such a device when required, and failure to maintain the device in good working order shall be a violation, subject to a fine of up to \$500 and is declared to be a nuisance. If at any time the City discovers that a required device has not been installed, or that an installed device is not functioning properly, the Superintendent may turn off water to the property with less than 24 hours' notice.

**13.4. Water Waste.** Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the Public Works Department may discontinue service if such conditions are not corrected after due notice by the Public Works Department.

**13.5. Service Detrimental to Others.** The Public Works Department may refuse to furnish water and may discontinue service to any premises where excessive demand by one customer will result in inadequate service to others.

**13.6. Fraud or Abuse.** The Public Works Department will refuse or discontinue service to any premises where it is deemed necessary to protect the Public Works Department from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the Public Works Department that the condition or conditions exist.

**13.7. Unauthorized Turn-On.** Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter sealed to prevent use. The charges for shutting off the water at the main or sealing the meter shall be computed at actual cost to the Public Works Department plus 15 percent overhead, but no less than \$50.00. These charges shall be billed to the offending customer and water shall not be furnished to the premises until such charges, all fines, the cash deposit and water restoration fee as required by subsection 5.2.3 above or Section 14, and to the premises until such charges, all fines, the cash deposit and water restoration fee as required by subsection 5.2.3 above or Section 14, and amounts due for water service provided are all paid in full in cash, and the Public Works Department has reasonable assurances that the violations will not reoccur.

**13.8. Noncompliance with Rules and Regulations.** The Public Works Department may, except as otherwise required or allowed in this ordinance, upon 5 day's notice discontinue service to a customer's premises for failure to comply with any of the provisions of these Rules and Regulations.

#### **14. Restoration of service.**

Restoration of service after discontinuance for nonpayment of bills shall be made only after payment in full in cash of all current and past due charges, plus the restoration fee and cash deposit as required herein above, or the acceptance of a payment plan as set forth herein above..

Restoration of service after discontinuance of service for the customer's convenience, or for unsafe facilities, water waste, fraud, abuse, or for noncompliance with any of the Rules and Regulations will only be made after the irregularity has been corrected and the Public Works Department has been assured that the irregularity will not reoccur. The water service restoration fee in any of these events shall be \$50.00, plus any other amounts due or past due that the Public Works Department may have incurred to correct the irregularity, which such other amounts shall be in addition to all other sums due under this ordinance that must be paid prior to the restoration of water service.

Restoration of service after discontinuance for nonpayment of bills, the customer's convenience, unsafe facilities, water waste, fraud, abuse or for noncompliance with any of the Rules and Regulations herein, regardless of when payment of the delinquent account or correction of any irregularity has occurred, will only be made between the hours of 8:00 a.m. and 4:30 p.m. on Monday through Friday, excluding legal holidays. The exact time for the

restoration of service shall be determined by the Public Works Department, provided that service shall be restored not later than during the first working day for the Public Works Department following the day on which the delinquent account is paid or the irregularity is corrected.

## **15. Unusual Demands**

When an abnormally large quantity of water is desired for filling a swimming pool, log pond, or for other purposes, arrangements must be made with the Public Works Department prior to taking such water.

Permission to take water in unusual quantities will be given only if the Public Works Department facilities and other consumers are not inconvenienced.

## **16. Access to property**

The duly appointed employees of the Public Works Department, under the direction of the Superintendent, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purpose of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The Public Works Department does not, however, assume the duty of inspecting the customer's line, plumbing, and equipment, and shall not be responsible therefore.

## **17. Responsibility for Equipment.**

**17.1. Responsibility for Customer Equipment.** The Public Works Department shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing, or equipment, nor shall the Public Works Department be liable for loss or damage due to interruption of service or temporary changes in pressure.

When given notice by the City of the work, the customer shall be responsible for valves on his or her premises being turned off when the water service is changed or there are or temporary changes in pressure.

**17.2. Responsibility for Public Works Department Equipment.** Public Works Department equipment on the customer's premises remains the property of the Public Works Department and may be repaired, replaced or removed by the Public Works Department employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace, or remove Public Works Department equipment on his or her premises. The property owner must exercise reasonable care to prevent damage to equipment and must in no way interfere with its operation.

**17.3 Damage to Public Works Department Equipment.** The customer shall be liable for any damage to equipment owned by the Public Works Department which is caused by an

act of the customer, or the customer's tenants, agents, employees, contractors, licensees, or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damage by hot water or steam, and damaged meter boxes, curb stops, meter stops, and other service appurtenances.

## **18. Fire Hydrants.**

**18.1 Operation.** No person or persons other than those designated and authorized by the Public Works Department shall open any fire hydrant belonging to the Public Works Department, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve will be provided to control the flow of water.

**18.2 Moving a Fire Hydrant.** When a fire hydrant has been installed in the locations specified by the proper authority, the Public Works Department has fulfilled its obligation. If a property owner or other party desires to change the size, type, or location of the hydrant, he shall bear all costs of such changes. Any change in the location of the hydrant, must be approved by the Public Works Department.

## **19. Penalties.**

Any person violating any of the provisions of these Rules and Regulations shall, upon conviction thereof, and in addition to any other charges or rights provided by this ordinance or the laws of the State of Oregon, be punished by a fine of not more than \$500 for every day that each violation has existed or continues.

Failure to comply with any requirement of this ordinance that creates a danger to public health and safety, or damages or has the potential of damaging City property is declared to be a nuisance. When such conditions are found to exist, the City Administrator may take all enforcement actions allowed by law, including the imposition of civil penalties and the abatement of the nuisance.

## **20. Amendments.**

**20.1 City Council.** The City Council shall have the power to establish water rates and charges and amend these Rules and Regulations as may be necessary for the efficient operation of the Public Works Department.

**20.2. Suspension of Rules.** No employee of the Public Works Department is authorized to suspend or alter any of the Rules and Regulations cited herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy.

## **21. Constitutionality, Saving Clause.**

If any clause, sentence, paragraph, section, or portion of this Code for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this Code, but shall be confined in its operation to the clause, sentence, paragraph, section, or portion of the Code directly involved in the controversy in which the judgment is rendered.

## 22. Repeal

This ordinance being an update and combination of previous versions of Ordinance A-84, all previous versions of Ordinance A-84 are hereby repealed. All actions by the City taken pursuant to any version of Ordinance A-84, including water rate charges, water rate collections, and other actions by the Public Works Department and the City Council, including establishing water rates, remain valid and in effect and are authorized to continue as if taken pursuant to this Ordinance.

The foregoing ordinance was, by City Council consent, after public notice and Council deliberations, read by title only in accordance with the City Charter on the April 10, 2012 and May 8, 2012, whereupon it was put to a vote, the results of which were:

YES: 3

NO: 0

ABSTAIN: None

PASSED: Yes

REJECTED: ----

SIGNED AND APPROVED this 8th day of May, 2012

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Jae Pudewell, Acting Mayor

ATTEST:

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Sammy L. Egbert, City Recorder