

*See Sect. 9^{1/2} for
X-Connections*

41-00904

AN ORDINANCE AMENDING ORDINANCE 4-1982 OF THE CITY OF WOOD VILLAGE ENTITLED "AN ORDINANCE PRESCRIBING RULES AND REGULATIONS FOR THE WOOD VILLAGE CITY WATER SUPPLY SYSTEM, CONNECTIONS THERETO AND THE USE OF WATER SUPPLIED BY THE CITY; PROVIDING FOR THE ESTABLISHMENT OF WATER RATE CHARGES, CONNECTION FEES, OTHER CHARGES; FIXING PENALTIES; OTHER PERTINENT PROVISIONS; REPEALING ORDINANCE 4-1972; AND DECLARING AN EMERGENCY" BY CHANGING THE DATE WATER SERVICE CHARGES BECOME DELINQUENT, PROVIDING FOR A LATE CHARGE, AND OTHER PERTINENT PROVISIONS.

THE CITY OF WOOD VILLAGE ORDAINS AS FOLLOWS:

Section 1. That Ordinance 4-1982 of the City of Wood Village be amended concerning billing and collection of water service charges in the following manner.

Section 2. That Section 23 of Ordinance 4-1982 be amended to read as follows:

"Section 23. Meter reading and billing: All consumers of water and all water customers of the water system of the City of Wood Village shall pay a monthly charge for the service and water furnished as fixed by City Council Resolution or Ordinance, which Resolution or Ordinance may in like manner, be amended or altered from time to time as conditions require.

Billings for water used by a consumer or customer of water service furnished by the City Water Department shall be computed by a reading of the concerned meter on a regular periodic basis as established by the City Council.

All charges for water service shall be due and payable on the date of billing. Any water account shall become delinquent if not paid on or before the 20th day following the date of billing. Water accounts of the City on special contract shall be due and payable as hereinabove provided unless otherwise stated in said contract. Water service customers may be required to maintain a deposit with the Water Department to apply upon said billings.

The minimum rate for a monthly water service as fixed by the City Council for the use of water from the municipal water system, shall be charged any person, each family dwelling unit or group of individuals maintaining separate and distinct living quarters, whether located in an individual residence or multiple dwelling facility or apartment, as well as any firm, association or corporation now using or making application in the future for use of such water. Each premise, business entity, group or organization not forming a living unit or family dwelling unit shall likewise be charged the minimum rate as fixed by the City for the type of service classification concerned, and in any event, where a present service connection exists for more than one dwelling, family living unit, premise or business, the Water Department may, at its discretion, decline to furnish water thereto unless the individual, firm or corporation upon whose premises the service connection is made from the City main, shall guarantee the payment of all water used through said service connection."

Section 3. That Section 24 of Ordinance 4-1982 be amended to read as follows:

"Section 24. Water account and charge delinquencies: All charges for water service furnished shall be due and payable on the date of billing and become delinquent following the 20th day thereafter. If payment in full is not received by the City on or before the 28th day following the date of billing, a late charge, as fixed by resolution of the City Council, shall be added to the delinquent account thereby increasing the amount due and payable. The bill for water service shall clearly state the last date on which full payment may be made to avoid delinquency and shall also state the increased amount due and payable if the account becomes delinquent. When a water account becomes delinquent as above defined, a written turn-off notice shall be sent to each delinquent account. In the event the customer and billing address is other than the premise address where the account has been incurred, a copy of such written notice shall also be furnished to the occupant of said premises.

The City Water Department's "turn-off" notice shall specifically advise that this is the final notice and that the concerned delinquent water service will be turned off by the City after a date specified in said "turn-off" notice, which date shall be not less than 5 days subsequent to the date of said "turn-off" notice.

ORDINANCE
(4-1982)

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS FOR THE WOOD VILLAGE CITY WATER SUPPLY SYSTEM, CONNECTIONS THERETO AND THE USE OF WATER SUPPLIED BY THE CITY; PROVIDING FOR THE ESTABLISHMENT OF WATER RATE CHARGES, CONNECTION FEES, OTHER CHARGES; FIXING PENALTIES; OTHER PERTINENT PROVISIONS; REPEALING ORDINANCE 4-1972; AND DECLARING AN EMERGENCY.

THE CITY OF WOOD VILLAGE ORDAINS AS FOLLOWS:

Section 1. Definitions:

"Council" shall mean the Common Council of the City of Wood Village, Oregon.

"Cross connection" is any connection or arrangement, physical or otherwise, between the City's water supply system and any other source, system or any plumbing fixture, tank, receptacle, equipment or device through which it may be possible for non-potable, used, unclean, polluted or contaminated water, or other water or substance, to enter into any part of the City's water system under any condition.

"Customer" shall mean any "person" granted water service by the City.

"Customer line" shall mean the pipe, valves and fittings leading from the water meter into the premises served.

"Dwelling" shall mean premises occupied or intended to be occupied by one "family" living unit.

"Main" or "Water Main" shall mean the pipe in the street, alley, right-of-way or easement owned and maintained by the City for the purpose of distributing water to customers and servicing fire hydrants.

"Meter" shall mean a device for measuring the flow of water to a particular service.

"Person" shall mean and include any natural person, firm, co-partnership, association or corporation.

"Premise" shall mean any building, structure, land area or other place to which water service, temporary or permanent, is supplied by the City.

"Service Line" or "Service Connection" shall mean the pipe, valves, stops and fittings, from a main to and including the meter and meter box.

"Superintendent" shall mean the Director of Municipal Services of the City or the one charged by the City with the responsibility of directing the over-all operation of the City's water system.

"System" shall mean all or any part of the water system owned and operated by the City and shall include all service lines to and including all meters.

"VAULT" shall mean an enclosure used to protect meters, valves or similar devices.

"Water Department" whenever used herein, shall mean the Water Department of the City of Wood Village, Oregon.

Section 2. Water service/application for use, connection or disconnection of service: Application for water service, for permit to connect a premise to the City water system or to restore or disconnect the water service at any premise, shall be made in writing to the City Recorder by the owner of the con-

cerned premises or the owner's duly authorized agent, on regular application forms furnished by the City. No service shall be rendered with respect to such application until the same is fully completed and approved, and if required, payment received. The application will be dated, indicate the location of the premises, the date applicant desires service to begin or cease, if applicable, purpose for which service is to be used, class and size of meter service desired, together with such other information as the Water Department shall deem reasonably necessary. Each applicant for service from the City Water Department must agree to conform to all City Ordinances, Rules and Regulations concerning the use of City water and the water system.

Application for service shall be considered merely as a request for service and shall not bind the City to provide such service. Charges for the installation of water services shall be paid in full and in advance of installation by the City.

Each dwelling or building or premise shall be provided with its own water service connection and meter. No person shall furnish water to any other building, property or premise without written approval of the City Council being first obtained, and then only in accordance with the specific terms of any such authorization which might be granted.

So-called "spider connections" which would provide service from one road or street to premises abutting or dwellings fronting on another road or street, shall not be permitted.

Section 3. Water service installations: If the application for water service is for premises not previously served or for a new additional service, the following requirements shall be met:

(a) Where water mains exist adjacent to the property or premises to be served, upon submission to the Water Department of information as to the location and nature of the premises to be served, applicant will be furnished with information as to the proposed location of the meter setting. If the customer service line has been installed prior to the application for service, it shall be the applicant's responsibility to clearly mark the location thereof. However, the Water Department shall have sole jurisdiction to determine the location of the street service line and the feasibility of a connection to the customer's service line. It shall be the applicant's responsibility at his own expense, to run his service line from the premises being served to the meter setting at or near the curb line in a manner consistent with City regulations and the State Plumbing Code. Service pipes and connections from the water main to and including the meter setting shall be installed at consumer's expense by the Water Department. No service connections less than three-quarter inch (3/4 in.) in size shall be installed. An advance payment of the estimated cost of the work by the City shall be made before a permit is granted for such installation; provided, however, if the estimated cost paid is not sufficient to cover the total expense for labor and material and overhead as established by the City's current charge schedule for such installation, the deficit shall be paid promptly upon billing and shall be a charge against the property for which such installation was made and the owner thereof until so paid; any excess estimate payment shall be returned to the person applying for the installation. Permanent water service shall not be furnished by the City until all charges as indicated have been fully paid.

(b) Installation of service pipes: Pipes of all sizes, for all purposes, laid from the property line to the stop and waste cock in the building must in no case be less than 3/4 in. in diameter of galvanized steel, iron, type K copper water tubing, or other material as approved by the State Plumbing Code, including approved plastic piping. Cast iron or steel pipes when properly dipped may, with the approval of the City Water Department be used for fire protection purposes. Services from the property line to the wall of the building to be served shall be laid with not less than 30 inches of cover below the surface of the graded ground. No pipes shall be laid in sewer ditches or culverts. Service pipes shall be so connected and maintained as to provide electrical continuity from within the building to the main.

(c) Unusual conditions: When in the judgment of the City Water Department, unusual conditions exist which require greater attention, extra fittings, meter boxes, vaults, backflow preventers, or other safeguards to assure adequate volume and pressure of water to an individual service and/or to minimize repair and maintenance problems inherent in the installation or to prevent cross-connections, the City may require the applicant to meet the cost of such additional fittings, meter vaults or other safeguards at customary City charges which will be taxed to the applicant and be in addition to the usual meter and service installation charges and considered a part thereof. Where meters are required to be installed in driveways or roadways or under other circumstances which in the opinion of the Water Department may give rise to unusual installation or maintenance problems, the City shall have the right in its discretion, to require concrete meter vaults or other devices to likewise be installed; the cost of such vault or other protective device shall be borne by the owner of the property requesting the service installation. Meters shall be set at property lines and the service pipe from the main to the meter, as well as the meter and meter box, shall be the property of the City and not the person owning the premises or paying for the installation.

(d) Services larger than 3/4 in. may, in the discretion of the Water Department, be installed when requested in writing, provided the system is able to adequately serve such larger connections without interfering with the water service of others. The charges made for the installation of larger services shall be sufficient to cover all costs thereof, and the minimum or "ready to serve" charge shall be higher than for standard 3/4 in. service connections.

(e) Installation, connection and service charges: The charges for installation of water services as hereinabove provided and connection fees therefor, shall be as fixed by the City Council by resolution or ordinance, which charges or fees may be amended or altered from time to time in like manner.

Section 4. Fire protection and other special services: Applications for special services shall be made in writing in the same manner as required for a standard service and shall in addition, conform to all requirements of applicable State and City Codes, including the Uniform Building Code, Electrical Code and Plumbing Code, and shall meet all requirements and regulations of the Fire Department; and it shall be applicant's responsibility to obtain written approval, as required, from the Fire Department. Application for private fire service and special service connections shall have attached a sketch showing sizing and material designations of all piping, valves, hydrants, standpipes, backflow prevention devices, tanks, openings

and appurtenances contemplated. All private fire service connections may be metered at the City's discretion. All fire service lines shall be used exclusively for extinguishment of fires and no connection from or for any other use may be attached thereto. The size of fire service connections shall in no case be smaller than 4 inches and in no case, attached or tapped to a water main of less than 6 inches. In the event a main extension is required for a private fire service or a special connection, the cost of the same shall be borne by the applicant and shall be computed in accordance with the City's current installation service charge schedules. Any customer requiring pressures higher than normally maintained in the system or abnormal quantities of water for fire protection or other special purposes, may, in the discretion of the City Water Department, be required to provide additional pumping and storage facilities within its property and pay for the same. Services of a special nature will be rendered only at the option of the City and under conditions which will not interfere with normal service to other customers. Special services provided by the City may, at the discretion of the City, be provided only under special contract specifying conditions and requirements felt necessary by the City, and in all instances, are subject to the approval of the City Council.

Section 5. Access to premises: Employees and agents of the City Water Department shall have free access, at reasonable and proper times and upon due notice, to all parts of buildings and premises for the purposes of installing, inspecting, repairing, testing or removing any or all of its apparatus used in connection with the supply and metering of water, and for the purpose of inspecting the condition of the pipes and fixtures and the manner in which water is being used. By making application for water service or by using water service supplied by the City, every applicant, customer or user does hereby grant and give to the City Water Department, its duly authorized agents and employees, the right to enter upon the concerned premises to which water is furnished, at all reasonable times for the purposes of inspection for compliance with the applicable City and State Rules, Regulations and Codes.

Section 6. Connection of service: It shall be the expense of the customer to install and maintain connections to the City meter box. Installation shall be so constructed that all water used by the customer shall pass through the meter. It shall be required that the customer install a shut-off valve on his line somewhere outside the meter box. Under no circumstances will a customer be permitted to sell, trade, bargain or extend water service to any other person or premise. No plumber or other person shall make any connection with the mains or pipes of the City, make alterations in any conduit, pipe or fixture connected therewith, connect pipes when they have been disconnected therewith or turn on water from the City mains or pipes without written permission from the City Water Superintendent. Plumbers doing any work by which water may be drawn from the City mains or pipes shall do so only after written permit is obtained from the City Water Superintendent. All water pipes must extend into the building; no faucets shall be allowed on the outside of any building except hose connections which must be controlled with a separate stop and waste cock. No hose connections for domestic use will be allowed.

Section 7. Separate service to each house or premise: Upon advance payment of the charges and fees herein prescribed, the City Water Department shall install a separate service from the City water main to the property or curb line of each house or other premise to be supplied with water. Each and every prem-

ise, business, or place of business shall be on a separate service and meter. Where water is now supplied through one service to several houses, families, stores, persons or businesses, the City Water Department may, at its discretion, either decline to furnish water until separate services are provided or may continue the supply on the condition that water may be shut off from all in case of non-payment of charges or the violation of the rules and regulations of the City Water or Sewer Departments by any one thereof. No new joint services shall be allowed without specific written permission of the City Council.

Section 8. Temporary service: Application for temporary service shall be made in writing on forms furnished by the Water Department. Applicant shall pay the established charge for installation of the service connections requested, plus any additional charge that may be required by the Water Department for the removal or resetting of the service following the termination of the temporary use. Applicant or customer shall also pay in advance, one month's anticipated or estimated water service charge and shall continue to do so each month thereafter so long as the temporary service is maintained.

No temporary service may be continued in excess of a six-months' period of time without the consent of the City Council and may be terminated at any time upon 30-days' written notice to the owner or occupant of the premises so served. Temporary service shall impart no special privilege or provide any vested right to water service to the premise receiving the same, and shall not under any circumstance, alleviate said premise and/or occupant or owner thereof, as the case may be, from being required to pay proper or proportionate share of any charges incurred for line or main extensions, or assessments otherwise rendered for the provision of permanent service or facilities for permanent service to the area of concern.

Section 9. Cross-connections or physical connections with other water supplies or systems: Cross-connections or physical connections of any kind to any other water supply, whether public or private, without the written approval and consent of the City Council and the written approval of the Oregon Board of Health or other appropriate agency, are prohibited. Included in this category are all pipe lines, appurtenances, pumps, tanks, storage reservoirs, facilities, equipment, appliances, etc., of other systems, whether located within or on public or private property, or the premises of a water user. At all times, all pertinent requirements of the Plumbing Code of the State of Oregon will be followed with respect to any request for approval in the manner above indicated.

The Water Superintendent or other authorized representative of the City shall have the right, without being guilty of trespassing or unlawful act, to check the premises of customers and users for physical connections with other water supplies at any reasonable time. Any such connection as set forth above shall be removed by the customer, user or premise owner immediately or the City Water Department will discontinue service without further notice. Service discontinued for such cause shall not be reestablished until satisfactory proof is furnished that the prohibited connection has been completely and permanently severed.

Section 10. Plumbing - back siphonage: All plumbing within buildings or to premises served by the City water system shall be so installed and all plumbing fixtures so constructed and maintained as to prevent pollution or contamination of the City's water supply, mains, lines and system by back siphonage or cross-

connections. Water service to any premise or building known or found to have such defects and hazards shall be disconnected and not restored until such defects and hazards have been eliminated.

Section 11. Turning on or off water service or meters:
No customer, user or person other than an employee of the Water Department shall turn on or off any of the services or meters. Customers or owners of premises desiring either discontinuance or restoration of service or a new or modified service, shall make written arrangements therefor with the City Water Department upon forms provided therefor.

Section 12. Maintenance and repair of customer lines:
Customers shall install, maintain and repair all piping between meters and premises and buildings served thereby, and shall install the same at a depth sufficient to protect the same from damage and freezing.

Section 13. Leakage within premises/damages thereto: The City shall not be liable for any damages or injury whatsoever for leaking or the running of water on premises or buildings from pipe lines, plumbing fixtures, open faucets, valves, fixtures and hoses beyond the City's service meters, or for any damage or injury whatsoever for the malfunction or improper maintenance or installation of customer's system.

All leakage occurring beyond the meter installation shall be at the expense of the customer, who shall be responsible for the proper maintenance and repair of their own lines, stop and waste valves, gate valves, pressure regulators, plumbing fixtures, etc., within their own premises.

As previously indicated, customers shall install, maintain and repair all piping between meters and premises served in accordance with good engineering practice. Pipes must be laid not less than 30 inches deep and provided with stop and waste drainage; all standpipes or fittings of any kind must be so located, anchored and installed as to not interfere with or endanger the meter. All pipe must be well protected from freezing.

Section 14. Pressure regulation: Insofar as is reasonably possible, feasible and economical, the City will furnish water at desirable pressures. In locations in which service pressures are higher than needed or desired by users, it shall be customer's responsibility to install and maintain within their premises, any pressure regulators as may be required.

The City shall not be responsible for damages or difficulties experienced by reason of variations in pressure within the system.

Section 15. Service interruptions: The City from time to time, must interrupt service for repairing mains, making extensions, repairing valves, pumps, and control devices, etc., and for cleaning, maintaining and reconditioning reservoirs and storage tanks. The City shall not be responsible for any damages caused by such interruptions of service or fluctuations in pressure, but shall, whenever feasible to do so, give customers advance notice whenever it is known that service is to be interrupted for any appreciable length of time; however, failure to give such notice shall in no manner cause the City to become liable for loss or damage caused by service interruptions, such as bursting of boilers, the breakage of any pipes or fixtures, stoppage or interruption of water supply, water heater damage,

or any other damage resulting from such service interruptions.

Section 16. Maintenance, repair and testing of meters: Normal maintenance and repairs of meters shall be carried on by the City at its expense. Should a customer wish to have his meter tested, the City will make such test, but should the meter so tested be found accurate within 4% of true delivery, the customer requesting such testing shall pay the cost thereof, provided, however, that should such meter be found to under-register in excess of 4%, the City shall bear the cost thereof.

Customer deposits required for meter testing shall be paid in advance and shall be as shown in the current City charge schedules. The deposit shall be refunded if such meter testing be found to over-register in excess of 4% of true flow.

Whenever a meter has been found to over-register more than 4%, an adjustment in reasonable amount may be made to the customer for past billings, but in no case shall such adjustment exceed a period of six months.

A customer may request of the Water Department that his meter be reread if he feels that his current billing is in error.

Section 17. Maintenance and repair of service lines - meter damage: The City shall maintain or repair service piping between mains and meters at its expense. Service lines shall be installed at such depth that pipes shall be protected from traffic and other overhead uses, as well as freezing. Owners and customers shall take all reasonable precautions to protect service lines and meter installations from damage of any kind whatsoever. Failure of an owner or customer to take such precautions or make such repairs required by the City shall be cause for the City to stop or interrupt such service until said precautions or repairs are completed to the City's satisfaction.

Whenever a City-owned meter is burned out by hot water or damaged by carelessness or negligence or other improper practice or activity of the owner or occupant of the premises, the City will repair the meter and charge the billing against the property served. The cost of such repairs shall be as prescribed by applicable City charge schedules.

Section 18. Use of fire hydrants: It shall be unlawful for any person to operate, alter, change, remove, disconnect, connect with, or interfere in any manner with any fire hydrant owned, operated or maintained by the City without first obtaining written permission from the City Water Department. The provisions of this Section shall not apply to Multnomah County Rural Fire Protection District No. 10.

Section 19. Stop and waste cocks: A stop and waste cock of approved pattern, by means of which pipes in a building may be drained, must in all cases be placed just inside the basement wall in a convenient location. If the building or premise is not provided with a basement, such stop and waste cock must be placed near the outside wall thereof and protected by a suitable box. Variations to the above regulation will be permitted only when approved, in writing, by the City Water Department.

Section 20. Services outside City limits: Water services may be provided by the City to individual persons, firms, co-partnerships, associations, corporations or governmental agencies outside the City boundaries under such rates, charges and conditions as the City Council may from time to time prescribe,

or as outlined under special contract approved by the Council. All regulations in effect for customers within the City shall apply to outside users and customers except as otherwise provided by the Council by Resolution or contract. Service and water supply to customers outside the City shall at all times be subject to the prior and superior rights of the people of the City of Wood Village to said water, and all contracts with outside users shall so state that if the City does not have sufficient surplus water over and above the requirements of its customers, users, residents and properties within the City, such outside water service may be discontinued at any time if the interests and needs of the City so require.

Section 21. Contracts/special use requirements: Whenever an applicant or customer's requirements for water service are unusual, large or subject to rate fluctuation or variation, the City may require a special contract and may require reasonable security satisfactory to the City, sufficient to protect the City against loss and to guarantee performance under the terms thereof.

Section 22. Water rates and charges: The City shall adopt and maintain appropriate rate charge schedules for water furnished and services rendered within and without the City. These schedules shall be reviewed and amended from time to time by the City Council as required. Rates charged may be fixed and classified according to the type of use and according to the amount of water used. In the event a particular service is not specified, a rate will be established upon request by the City Council.

Current rate and charge schedules of the City will be maintained on file by the City at the office of the City Recorder and City Water Department, and will be available for viewing by the public.

Charges for installation of service pipe and meters from main to property line, various materials furnished by the City and such other services rendered shall likewise be set forth in the City's current rate and charge schedules, and may be amended from time to time to meet the needs of the City and current economic conditions. In determining appropriate service and installation schedules, the City shall consider and include therein appropriate charge for City overhead.

In addition to current rate and charge schedules, the City Council may from time to time by appropriate Resolution or Ordinance, adopt appropriate connection, system development and general surcharges as the needs of the City may require after due public hearing thereupon; provided that all such charges and schedules of the City presently in effect as of the date of adoption of these revised Rules and Regulations, shall remain in full force and effect until further amended or revised by the City.

Section 23. Meter reading and billing: All consumers of water and all water customers of the water system of the City of Wood Village shall pay a monthly charge for the service and water furnished as fixed by City Council Resolution or Ordinance, which Resolution or Ordinance may in like manner, be amended or altered from time to time as conditions require.

Billings for water used by a consumer or customer or water service furnished by the City Water Department shall be computed bi-monthly by a reading of the concerned meter.

All charges for water service shall be due and payable on the date of billing. Any water account shall become delinquent if not paid on or before the 10th day following the date of the mailing of a statement of said account, or the date of presentation of said account, as the case may be. Water accounts of the City on special contract shall be due and payable as hereinabove provided unless otherwise stated in said contract. Water service customers may maintain a deposit with the Water Department to apply upon said billings if they so desire.

The minimum rate for a monthly water service as fixed by the City Council from time to time for the use of water from the municipal water system, shall be charged any person, each family dwelling unit or group of individuals maintaining separate and distinct living quarters, whether located in an individual residence or multiple dwelling facility or apartment, as well as any firm, association or corporation now using or making application in the future for the use of such water. Each premise, business entity, group or organization not forming a living unit or family dwelling unit shall likewise be charged the minimum rate as fixed by the City for the type of service classification concerned, and in any event, where a present service connection exists for more than one dwelling, family living unit, premise or business, the Water Department may, at its discretion, decline to furnish water thereto unless the individual, firm or corporation upon whose premises the service connection is made from the City main, shall guarantee the payment of all water used through said service connection and provide further, that each individual family or group of individuals maintaining a separate and distinct abode or separate business entity or association shall each pay the minimum charge for an individual user as prescribed by the City, together with a proportionate share of any water supplied through said service in excess of the minimum for the current month as shown by the meter reading at said service connection.

Section 24. Water account and charge delinquencies: All charges for water service furnished shall be due and payable on the date of billing and become delinquent following the 10th day thereafter. When a water account becomes delinquent as above defined, a written reminder thereof shall be sent to each delinquent account. In the event the customer and billing address is other than the premise address where the account has been incurred, a copy of such written reminder shall also be furnished to the occupant of said premises. If the account delinquency is not corrected by payment or other satisfactory arrangement with the City Water Department within 15 days following the date the "reminder" notice of delinquency is mailed, a turn-off notice shall be sent to such account, and in the event the address of the customer is different from the premises to which the water service is furnished, a duplicate copy shall be mailed to those premises, as well as the customer address. The City Water Department's "turn-off" notice shall specifically advise that the concerned delinquent water service will be turned off by the City after a date specified in said "turn-off" notice, which date shall be not less than 5 days subsequent to the date of said "turn-off" notice.

If the delinquent water account of concern is not paid in full or other satisfactory arrangement made specifically in writing with the Water Department of the City for payment thereof prior to the specific date set forth in the "turn-off" notice, an employee or agent of the City Water Department shall thereafter turn off the water service to the premises concerned at the earliest convenient time following the expiration of the time specified in said "turn-off" notice; provided, further, that the City Water Department employee or agent effecting the actual water

turn-off shall immediately prior thereto, advise an occupant of the premises concerned, if any be present, that such turn-off is being made at that time. However, in the event no occupant is present upon the premises or none responds to the Water Department's notification of such turn-off, this shall not in any way cause the City to delay the premise water turn-off in accordance with notice previously given, but in such event, a notice shall be placed conspicuously upon the premises, advising that such turn-off has occurred.

In all instances where a water service has been turned off because of a delinquent account or charges, a service charge shall be made for the restoration thereof in accordance with the current City rate and charge schedule.

A premise water service terminated or disconnected for lack of payment of water bills due the City and/or other water charges relating to the concerned premises, shall not be restored until all such past due water bills and charges are paid, and this requirement shall not be avoided by change in user, customer or owner of said building or premise.

In addition to the City's right to discontinue or "turn-off" water service for delinquencies in water service accounts and/or charges as hereinabove set forth, the City shall have the further right, upon due and reasonable notice, to discontinue or "turn-off" a customer's premise water service in the event a delinquency occurs in the sewer account to said premises and said delinquency is not corrected within the time set forth therefor in appropriate City sewer Ordinance or regulation.

The failure of the City to discontinue water service for any reason, including the non-payment of water service charges due, shall not relieve the owner of the premises or customer from the obligation and duty to pay for all of said services, whether said owner or customer does or does not have knowledge of any delinquencies for water uses or charges.

Section 25. Water charges and user charges as liens: All water charges due the City by a customer or for services rendered any premise shall, when appropriate under Oregon law, be deemed a lien against the real property concerned, and be subject to foreclosure in the manner provided by Oregon Revised Statutes, particularly ORS 223,510-650, and such rights shall be in addition to any and all other methods by law available to the City to collect such accounts or water charges. When permitted by applicable Oregon law, said water charges shall become a lien upon and against the property where such water service is furnished and charges incurred from and after the date of billing and entry upon the ledger or other records of the City pertaining to its municipal water system, and such ledger record or other records shall be accessible for inspection by any interested person in accordance with Oregon public records law.

Whenever a charge for water service remains unpaid for more than 60 days after it has been rendered, the lien thereby created, if any, may be foreclosed in the manner provided by Oregon law, and specifically ORS Chapter 223.505-650, or in any other manner provided by law or City Ordinance for the collection of municipal and public liens upon properties within the corporate limits of the City of Wood Village. The City shall also have available as means of enforcement and collection of all water and user charges herein defined, any and all other methods provided by law, including the institution of civil suit, for payment thereof.

Section 26. Discontinuance of service or change of occupancy: A customer occupying premises served with water, may have the water service to such premises temporarily or indefinitely terminated by giving the City written notice four days in advance of the effective termination date. A customer who is about to vacate any premises supplied with water service by the City shall be required to give written notice four days in advance of the specified "move-out" date to the City Water Department. Until the City shall have such notice, the customer or water user shall be held responsible for all services rendered at the location concerned.

Whenever a water service is discontinued for such reason as hereinabove defined, the City may require a payment for the particular service rendered in addition to a reconnection or turn-on charge, as set forth in the City's rate and charge schedules. In the event water has been disconnected or shut off to a particular premise due to a delinquency in a premise account, the water shall not be turned on or reconnected until all existing charges against said premises have been duly paid and satisfied.

Should a water service be turned off or on by any water customer or user or other person without authority from the City Water Department, the water may then be shut off at the main or the meter removed, at the discretion of the Water Superintendent. The charge for shutting water off at the City main or removal of the meter shall be as set forth in applicable City rate schedules as adopted from time to time by the City Council. All such charges shall be billed to the premises where the water was supplied and water shall not again be furnished to such premises until said charges are paid.

Section 27. Miscellaneous rates and charges: Rates and charges for services performed by the City Water Department for water users, customers and other persons or incident thereto and not herein provided, shall be as established in appropriate rate and charge schedules adopted by Resolution of the Wood Village City Council, which schedules may be amended by the Council in the same manner.

Section 28. Constitutionality, savings clause: If any clause, sentence, paragraph, section or portion of this Ordinance shall for any reason whatsoever be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the clause, sentence, paragraph, section or portion of this Ordinance directly involved in the controversy in which judgment is rendered, which judgment shall be limited to the particular clause, sentence, paragraph, section or portion of this Ordinance concerned.

Section 29. Penalty clause: Any person violating any of the provisions of this Ordinance shall, upon conviction thereof in the municipal court of the City of Wood Village, be punished by a fine not exceeding \$200.00, or by imprisonment in the City or County Jail for a period not to exceed 30 days, or by both such fine and imprisonment; each day such violation shall continue shall be deemed to constitute a separate offense.

Section 30. Ordinance repeal: That Ordinance 4-1972 of the City of Wood Village, passed and adopted by the City on the 10th day of May, 1972, be, and it hereby is specifically repealed, and all other Ordinances or parts of Ordinances in conflict with the provisions herewith shall be, and the same hereby are repealed.

READ BY TITLE AND IN FULL THIS 10th day of November, 1982.

READ A SECOND TIME BY TITLE ONLY, with the unanimous consent of the Common Council, there being a quorum present, this 10th day of November, 1982.

PASSED BY THE COMMON COUNCIL OF THE CITY OF WOOD VILLAGE, OREGON, this 10th day of November, 1982.

YEAS: — 3 —

NAYS: — 0 —

Gene B. Galt
Mayor - City of Wood Village

ATTEST:
Kay Lewis
Wood Village City Recorder