

AN ORDINANCE AMENDING TITLE 13)
OF THE LEBANON MUNICIPAL CODE,)
PROVIDING FOR THE ESTABLISHMENT AND)
AND ADMINISTRATION OF THE)
LEBANON WATER UTILITY, PROVIDING)
FOR THE ESTABLISHMENT OF CHARGES)
STANDARDS AND RULES GOVERNING)
SERVICE, AND DECLARING AN)
EMERGENCY.)

ORDINANCE BILL NO. 31
for 1984

ORDINANCE NO. 1955

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. Amendment. Title 13.0 of the Lebanon Municipal Code is hereby amended to include the following at the end of Section 13.16.030:

Chapter 13.20 WATER USE.

13.20.010 Definitions:

A. Applicant. The person, corporation, association or agency apply for water service.

B. City. The City of Lebanon, a municipal corporation in the State of Oregon.

C. Customer. An applicant whose application for service is accepted and to whom water service is provided.

D. Mains. Water distribution pipelines located in streets, highways, Right-of-ways, or easements which are used to serve the general public.

E. Normal Working Hours. The hours from 8:00 A.M. to 4:30 P.M., Monday through Friday, excluding holidays.

F. Property Owner. That person(s), corporation, company or organization, which is defined on the property tax rolls as owning the property.

G. Premises. The integral property or area, including improvements thereon to which water service is or will be provided.

H. Service Connection. The pipes, valves, and other facilities by means of which the City conducts water from its distribution mains to and through the meter but does not include the piping from the meter to the property served.

I. Water System. The pipes, valves, treatment facilities, reservoirs, and other facilities by means of which the City conducts water from the South Santiam River to its customers.

13.20.020 Creation and Administration. There is hereby created a Municipal Water Utility for the City of Lebanon. Administration of the Water Utility shall be under the direction of the City Administrator or his designated agent unless otherwise specified within this Code.

13.20.030 Application for Service. Each applicant for water service shall be required to sign a form provided by the Finance Department setting forth:

1. The date of application.
2. The location of premises to be served.
3. The date upon which applicant will be ready for service.
4. Whether the property has ever before been served by the Utility.
5. The purpose for which service is to be used.
6. The size of service.
7. The owner of the property to be served.
8. The address of the owner.
9. An agreement to abide by all rules, regulations and Ordinances of the Utility, as now existing or as hereafter changed or amended.
10. An acknowledgment that temporary service interruptions may occur and that pressures are not guaranteed.
11. An agreement to notify the City and request a final billing before terminating occupancy.
12. An agreement to be responsible for any unpaid balances incurred at the service location.
13. Such other information as the Utility may reasonably request.

Applications shall be accompanied by any fees or deposits required and shall only be signed by the property owner.

Tenants may be permitted to apply for water service, however the application must be cosigned by the property owner within 30 days from the date of application or the service will be terminated.

13.20.040 Denial of Application. The Finance Director shall deny any application under the following circumstances:

- A. The applicant has failed to satisfy any past due balance owed on a water or sewer bill.
- B. The water system will be unable to supply the demand created by the proposed use without the acquisition of new sources of water or capital improvement to the existing system.
- C. The applicant has been convicted on two or more occasions within the preceeding 48 months for violation of water or sewer ordinances, or rules, or for violation of water restrictions, or for trespass upon the water treatment plant or reservoir properties or for endangering the Water Utility water supply.
- D. The plumbing on the premises to be served does not meet the standards imposed by City, State, or Federal law.

Notice of denial shall be in writing and shall state the reasons for denial and the applicant's right of appeal. Notice shall be mailed to the applicant's address as shown on the application.

13.20.050 Termination of Service. Service to any customer may be terminated upon any of the following events:

- A. System capacity is no longer sufficient to provide adequate service.
- B. The purity of water in the system cannot be guaranteed.
- C. In case of emergency or damage by casualty to the system.
- D. The owner of the property has not filed a current service application with the department for all services to the property.
- E. The customer has been convicted on two or more occasions within the preceeding 48 months for violation of water or sewer ordinances or rules, or for violation of water

restrictions, or for trespass upon the treatment plant or reservoir properties or for endangering the Water Utility water supply, or for tampering with a service cock or meter.

- F. The customer account has become 30 days delinquent.
- G. Customer has failed or refused to allow Utility personnel to inspect plumbing, water lines, sewer lines and appurtenances located on his premises.
- H. Customer has served water to a dwelling, business or institution which lies upon a separate property.
- I. Customer has not removed an existing cross connection.
- J. Owner has requested termination of service. Service to non-owner-occupied property shall not be terminated without mutual consent of the owner and occupant.

13.20.060 Appeals . Any person who is aggrieved by refusal of an application for water service, by denial of an application for service, by termination of water service, or who disputes the amount of billing may appeal as follows:

A. Informal Appeal - Step 1. Within ten (10) calendar days of receipt of a disputed billing or ten (10) days of notice of an adverse action on an application or ten (10) days of termination or notice of impending termination of service, a person aggrieved thereby may appeal informally by presenting himself to the City Finance Director at City Hall and presenting such matters as the customer or applicant believes entitle him to relief, and the relief requested.

B. Formal Appeal - Step 2. Within five (5) calendar days of completion of Step 1, an aggrieved person not satisfied with the decision of the Finance Director may appeal to the City Administrator in writing. The City Administrator shall consider the matters presented and shall issue a decision in writing.

C. Formal Appeal - Step 3. Within five (5) calendar days of the completion of Step 2 an aggrieved person not satisfied with the decision of the City Administrator may appeal to the City Council by requesting in writing to the City Administrator that the matter be placed on the next available City Council agenda. The decision of City Council will be final.

13.20.070 System Standards. All parts of the water system and all service pipes, appurtenances, fixtures and devices attached to the system by any means shall be of a size, quality and construction acceptable to the Public Works Director and/or City Engineer. Fixtures and devices shall conform to the Uniform Plumbing Code as adopted by the State of Oregon and the City of Lebanon on the date of connection and such other standards as the Director of Public Works and/or City Engineer may impose. When imposing standards the Public Works Director and/or City Engineer shall be guided by the operating restrictions imposed by the system design, good engineering practice, consideration of standardization, and industrial practice.

13.20.080 Service Standards. The Utility may furnish and install a service of such size and at such location as the applicant requests; provided, such requests are reasonable. The service will be installed from its water distribution main to the curbline or property line of the premises which may abut on the street, on other thoroughfares, or on the Utility right-of-way or easement. Service connections shall not be made to those properties which do not lie adjacent to water mains or for water mains which do not extend the full width of the property until such time as the water main is extended. The City Engineer may waive this requirement in cases where the main extension would serve no useful purpose.

A separate service connection will be required for each dwelling, place of business, and institution served which lie on separate parcels of land. Separate dwellings, places of business or institutions on the same parcel and under single control or management may be served, at the option of the property owner, through separate service connections to each unit or through a single service connection.

No Utility user shall furnish water to any family, business or institution other than those occupied and operated by himself.

13.20.090 Changes in Service. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense. Change in the size of service shall be accomplished on the basis of a new connection. Where the service connection to any premises has been abandoned or not used for a period of one year or longer, the Utility may remove such service connection. New service shall be placed only upon the owner's making an application and paying for a new connection in the regular manner.

13.20.100 System Ownership. All pumps, mains, laterals, valves and other devices and appurtenances up to and including the meter shall be considered City property. In the event that a meter is not installed as in the case of private fire services then a valve at or near the property line shall constitute the end of the City's property. The City shall be responsible for maintenance and repair of all City property. The customer will be responsible for maintenance and repair of all property beyond the City's responsibility.

13.20.110 Liability. The customer shall be liable for any damage to a meter or other equipment or property owned by the City which is caused by an act of the customer, his tenants or agents. The Utility shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

The City shall not be liable for damage resulting from interruption of service, shortage or insufficient supply or pressure, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war or any cause not within its control.

13.20.120 Service Area Limits. Under no circumstances shall water service be extended to persons or properties located outside of the City limits of the City of Lebanon without the expressed permission of the City Council by Resolution. The Council may grant service outside the City only under the following circumstances:

- A. As a temporary measure to alleviate a health hazard.
- B. Under emergency circumstances to alleviate human suffering, but, only for the duration of the emergency.
- C. In return for right-of-way, service is to grantor only.
- D. To an industrial or commercial customer when the grant of service can be shown to be of significant benefit to the economy of the City and the grantee consents to annexation of the property upon request of the City.

This provision shall not be deemed to affect existing services to property located outside the City limits as of November 15, 1984. Except that extensions or enlargements of their services shall not be allowed unless either circumstances A,B,C, or D exist.

13.20.130 Tampering with the Water Utility Property.

No person shall trespass upon, mark, destroy or tamper with any property or equipment of the Water Utility unless authorized by an employee of the City.

No person except an authorized employee of the Community Development or Public Works Departments, a member of the Police Department or County Sheriff acting in the line of duty, a member of the Fire Department acting in the line of duty, a contractor employed by the City to work on the water system or a licensed plumber with permission of the City, shall open or close a service cock, fire hydrant, or other system valve, or operate, remove or open a meter anywhere within the system.

13.20.140 Right of Utility Personnel to Enter Premises.

Community Development and Public Works Departments and persons assigned to read meters shall be authorized to enter upon customer premises without prior notice for the purposes of reading meters, inspecting customer equipment or investigating possible violations of the Ordinance. Employees and meter readers shall attempt to locate the person in charge of premises before entering any building or enclosure. Presence of an unrestrained domestic animal, dog or vicious animal upon the part of the premises to be inspected shall be deemed refusal of entry and may result in termination of service under Section 13.20.050.

13.20.150 Declaration of Water Emergency. The City Administrator of the City of Lebanon shall upon receiving reliable information that the system function, capacity or water purity is about to be impaired or has been impaired, declare an emergency. Upon declaration of such an emergency the City Administrator shall impose such restrictions upon the use of water as he deems necessary to protect the health, safety, and welfare of the citizens of the effected area. The City Administrator shall use reasonable means to notify the public of the restrictions imposed. The City Council may at any meeting subsequent to the emergency by Resolution confirm, alter, amend or terminate the restriction imposed by the City Administrator.

No person shall violate the terms of any restriction or condition placed upon the use of a meter by the City Administrator or the City Council pursuant to the provision. It shall be no defense to a charge of violation that the person cited had no knowledge of the terms of the restriction.

13.20.160 Rates, Fees, and Charges. All rates, fees, and charges shall be set by City Council by Resolution.

All rates, fees, and charges shall be the ultimate responsibility of the owner of the property upon which the benefit of the water service is received.

13.20.170 Service Charge. A service charge shall be levied against each metered or unmetered account on a monthly basis. Service charges shall be charged according to account classes as defined below:

a) Domestic Users. All single family and individual apartments or flats where service is furnished through a separate meter for each individual apartment.

Changes for this class will consist of a basic charge for each size of meter installed and assessed independently of water use, and a commodity charge with a higher rate establish for the first 600 cubic feet of water used per month and a lower rate established for water use above 600 cubic feet.

b) Commercial and Industrial Users. All industries, stores, offices, hospitals, schools, churches mercantile establishments, and apartments except those in which service to each apartment is metered separately.

Charges for this class will consist of a different minimum charge for each size of meter installed and a commodity charge with a set rate for the first 1,200 cubic feet per inch of meter size, a lower rate for the next 1,200 cubic foot per inch of meter size, and a still lower rate for all additional cubic feet. For the purposes of computing the commodity rate all 3/4-inch and smaller size meters will be considered to be 3/4-inch meters.

c) Municipal Users. City Hall, Senior Center, Library, Fire Hall, Sewage Treatment Plant, Water Treatment Plant, City Shops, City Parks and any other City of Lebanon service connection, other than fire hydrants.

Charges for this class shall be based upon the cost to the City of raw water.

13.20.180 Private Fire Protection Service. A service charge shall be levied against each private fire protection service account on a monthly basis. The charge for this service will be based upon the size of service connection and the rates shall distinguish between privately owned and maintained hydrants and City owned and maintained hydrants installed on private property at the request of the property owner.

For the purposes of this Chapter, private fire protection service will not only include fire hydrants as stated, but also stand pipes and connections for automatic sprinkler system.

Private fire protection services are to be used only to extinguish fires and for flushing necessary to maintain fire protection equipment. When used in this manner a commodity charge will not be applied to water used. In case of surreptitious or improper use of water, the consumption may be estimated or a meter installed and the water used shall be billed at Commercial and Industrial users rates.

13.20.190 Connection of Service. New service connections to existing water mains shall be installed by the City in accordance with the fee adopted by Resolution of City Council for those services from 3/4-inch to 2-inch size. Services larger than 2-inch shall be installed at actual cost plus 15 percent overhead.

An advance payment of the estimated cost of the work shall be made before installation of a service connection. When the estimated cost is not sufficient to cover the total charge, the deficit shall be charged to the applicant. Any excess payment shall be refunded to the applicant.

13.20.300 Extension of Water Utility. Water mains may be extended either by the efforts of a private individual or corporation through the Local Improvement District process, or by the direction of the City Council. All system extensions shall be designed and stamped by an Engineer registered as a Civil Engineer in the State of Oregon and approved by the City Engineer. All system extensions shall be located and sized as directed by the City Engineer and designed and constructed according to the standards set forth by the Public Works Director and/or City Engineer.

An application for construction of system improvements shall be filled out and application fees paid when that extension is made through the efforts of a private individual or corporation.

13.20.310 Bills and Payment. Meters will be read at regular monthly intervals for the preparation of bills and as required for the proportion of opening, closing and special bills. Bills will be rendered monthly and are due and payable prior to the due date shown on each bill. Bills will be considered delinquent when payment is not received prior to 5:00 P.M. on the due date. Delinquent accounts are subject to termination of service and/or collection by any lawful manner including methods described in ORS 223.505 to 223.650.

13.20.320 Responsibility for Payment. The property owner is ultimately responsible for all bills, charges, fees, deposits, or damage to the water system in conjunction with water services to the property. Bills shall automatically be mailed to the property owners address unless the property owner files an application for an alternative billing at the Finance Department. This application shall contain the following:

1. The date of application.
2. The location of property served.
3. The property owner's name and address.
4. The name and address which the property owner requests the bill be sent to.
5. The relationship of the property owner to the person(s) to be billed.
6. A statement acknowledging that the property owner continues to be responsible for all bills, charges, fee, or deposits.
7. A statement acknowledging that the City is not responsible for informing the property owner of any overdue or delinquent bills, charges, fees, or deposits.

Any application for alternative billing shall affect both water use and sewer use charges. The bills for water use and sewer use for one account shall not be mailed to separate addresses.

13.20.330 Special Service Fees. A special service fee shall be deposited with the City when:

- a) The City is requested to perform an accuracy check on a meter.

When a meter is found to register more than 2% fast, the City shall refund the deposit and refund to the property owner the overcharge based on the corrected meter readings for a period not to exceed six (6) months.

When a meter is found to be within two (2) percent of being accurate, the City shall retain the deposit.

When a meter is found to register more than 2% slow, the City shall retain the deposit and render a bill for water consumed but not covered by bills previously rendered based on the corrected meter readings for a period not to exceed six (6) months.

In no case shall the six (6) month adjustment period extend any time prior to November 15, 1984.

b) The City is requested to perform a system pressure check.

When the results of the pressure test show an abnormally large pressure drop and that pressure drop is occurring in the City's maintained system then the deposit will be refunded.

When the results of the pressure test show an abnormally large pressure drop and that pressure drop is occurring in the customers maintained system or if the pressure drop is not abnormal then the deposit will be retained by the City.

13.20.340 Temporary Service Fees. Temporary water service as herein considered refers to water for fairs, circuses, bazaars, temporary restaurants and other establishments not of a permanent nature and water for construction purposes. Temporary water service also refers to any water service connection which is likely to be removed or relocated in the future. This rule shall apply to temporary and permanent installations alike if the water use is temporary.

Where it is practical to furnish water through an existing service, the charge will be a standard turn-on charge, plus a payment for water used at the same fee schedule charged to Commercial and Industrial accounts.

Where a new service or a substantial revision of an existing service is needed to provide the temporary service, the charge shall be that adopted for a new service, plus a standard turn-on charge, and payment for water used at the same fee schedule charged to Commercial and Industrial accounts.

Where it is impractical to furnish water through a service connection, water may be withdrawn from a fire hydrant through a fire hydrant meter which is furnished by the Department upon payment of a deposit and a standard turn-on fee. Installation and removal of the fire hydrant meter shall be made by City personnel only. If the City is requested to move the fire hydrant meter then a standard turn-on fee shall be charged for each move.

Return of the deposit is subject to the payment for water used at the same fee schedule charged to Commercial and Industrial accounts, and the return of the meter in satisfactory condition. A deduction from the deposit shall be made to cover the cost of necessary repairs or replacements to the meter.


13.20.350 Violations. No person shall violate any of the provisions of this chapter. Any person who violates this chapter shall be fined a sum not to exceed twenty-five (25) dollars upon the first violation within a twenty-four month period, fifty (50) dollars upon the second violation, and one thousand (1,000) dollars upon the third violation and each violation subsequent to the third. If the violation is of a continuing nature each day upon which the violation continues shall be deemed a separate offense. In addition to the above fine, any person violating any provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

13.20.360 Severability. Each sentence, paragraph and section of this Ordinance shall be deemed severable. A declaration by a competent court that any provision of this Ordinance is invalid shall have no effect upon the portions remaining.

Section 2. Emergency Clause. Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of

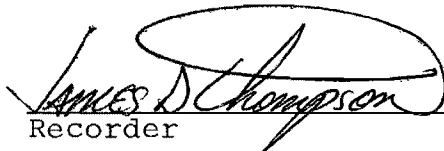
Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council by a vote of 5 for and 0 against, and approved by the Mayor this 14th day of November, 1984.



Mayor

ATTEST:



Recorder