

**CITY OF BINGEN**

**ORDINANCE NO. 2012-06-603**

**AN ORDINANCE ADOPTING BINGEN MUNICIPAL CODE 13.40.300, LEAK  
ADJUSTMENT POLICY**

**WHEREAS**, the City Council has determined that a leak adjustment policy is necessary;  
and

**NOW, THEREFORE**, the City Council of the City of Bingen do ordain as follows:

**Section 1.** Bingen Municipal Code 13.40.300, Leak Adjustment Policy is adopted as follows:

**13.40.300 Leak adjustment policy.**

- A. The property owner, or their agent, may request an adjustment to a utility billing in writing by completing a request form obtained from City Hall. The request must be made within ten (10) business days of the leak's discovery by the owner, or the tenant or resident, depending on who first discovers the leak, or within ten (10) business days of the city notifying the owner, or the tenant or resident if the building is occupied by one other than the owner, of a probable leak, whichever occurs sooner. Required information shall include:
1. Name, service address where leak occurred and account number
  2. Description of leak and date repaired
  3. Copy of repair bill or materials receipts
  4. Signature of customer
- B. Upon receipt of the completed request form, a representative of the City Public Works department will confirm, through visual inspection, that the leak has been repaired.

- C. Following confirmation of the repair, the Mayor or the Mayor's designee will authorize an adjustment for one billing cycle (1 month). Residential accounts will have water usage costs only adjusted. Non-residential accounts, where the customer's sewer bill is based on water consumption, will be allowed an adjustment to water usage and sewer overage costs provided it can be confirmed to the satisfaction of the Mayor or the Mayor's designee that the additional water volume was due to a leak and did not enter the wastewater system.
- D. The consumption used to determine the leak adjustment amount will be the actual consumption from the same bill cycle of the previous year if the current resident/tenants also occupied the space during the same period in the prior year.
- E. For property owners who have been owners for less than one year, or in situations where the current tenant did not occupy the same space in the previous year, the consumption used to determine the leak adjustment shall be one of the following:
1. An average of the water consumption in the three-complete billing cycles immediately proceeding the bill cycle in which the leak began.
  2. In the absence of three complete prior billing cycles, water consumption for three complete billing cycles after the leak repair is completed can be used to estimate consumption during the leak period.
- F. Only one (1) leak adjustment per 12-month period per account will be authorized.
- G. Residential property owners will be eligible for a leak adjustment only if the total dollar amount of the adjustment is greater than \$25.00. Non-residential property owners with both water and sewer will be eligible for a leak adjustment only if the total dollar amount of the adjustment is greater than \$50.00. Adjustments for water only are limited to no

more than \$500.00. Adjustments for non-residential accounts with a combination of water and sewer charges are limited to no more than \$5,000.00.

H. If the property owner disputes the adjustment decision by the Mayor or the Mayor's designee, the property owner may submit a written request to the City of Bingen for a review of the adjustment by the City Council. The written request for review must be received within 15 days from the date the City posted the adjustment to the account. Pending the decision on review, the customer must continue to pay the disputed charge as billed until a written decision of the City Council is provided. A decision of the review shall be provided within 30 days of receipt of the written request for review. Upon the written decision of the City Council, if an account has been incorrectly charged, the account will be adjusted accordingly.

I. Water and sewer charges will not be adjusted for:

1. Fixtures, faucets and hose bibs left running;
2. Toilets left running;
3. Leaks not repaired within seven (7) calendar days of notification by the City or discovery by resident, tenant or owner as case may be;
4. Pipes which are in poor condition evidenced by persistent breaks and leaks.

J. The public works department is authorized to shut off a customer's water when the property owner or tenant cannot be notified of a large leak which could damage the property or the City of Bingen's property or jeopardize water service to other customers. No charge will be made for this unrequested service.

**Section 2.** This Ordinance shall take effect and be in force five (5) days after its publication according to law.

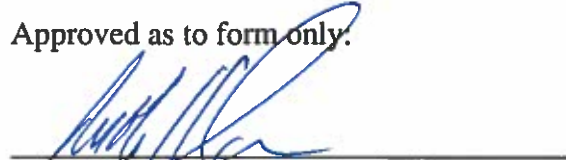
**PASSED BY THE CITY COUNCIL OF THE CITY OF BINGEN, at a regular meeting thereof and approved by the Mayor the 19<sup>th</sup> day of June, 2012,**

**ATTEST:**

  
\_\_\_\_\_  
Mayor Betty J. Barnes

  
\_\_\_\_\_  
Jan Brending, City Clerk

Approved as to form only.

  
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Anthony H. Connors  
City Attorney