

ORDINANCE BILL NO. 1 FOR 1991

ORDINANCE NO. 1025

AN ORDINANCE SETTING WATER SERVICE RATES, AND RELATED MATTERS;
REPEALING ORDINANCE NO. 941, 981, 988, 996, 1014 AND 1024, AND
DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

Section 1. Definitions.

- (1) Monthly Base Charge: "Monthly base charge" is the charge made to each user to cover fixed costs attributable to expenses other than production, distribution and sales costs.
- (2) After Hours: "After hours" means any time other than that defined by (6) "normal working hours" in definitions section.
- (3) Backflow Prevention Device: All "backflow prevention devices" required under this section shall be of a type and model approved by the Oregon Health Division, and the Division maintains a current list of backflow prevention devices approved for use in Oregon.
- (4) Cross-Connection: "Cross-connection" shall mean any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other service which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow (bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections).
- (5) Fire Service: "Fire service" is any service installed for the specific purpose of fire protection (hose connection or sprinklers).
- (6) Normal Working Hours: "Normal working hours" means any normal work day (Monday-Friday except holidays) between the hours of 8:00 a.m. and 5:00 p.m.
- (7) User: "User" means any person, corporation, or other entity using water through an established service line.
- (8) Water Main: "Water main" shall mean any pipe owned by the City of Sweet Home laid in a street, alley, easement, or on City property, and used or intended to be used for the distribution of water to customers through service lines.

Section 2. The person(s) opening the account and person(s) occupying the premises served shall be responsible for payment of all charges prescribed in this ordinance. Service may be denied to any person who has left an unpaid water bill at another address, until such bill is paid.

Where water is supplied through one service line to more than one user, the City may decline to furnish water until separate customer service lines are provided.

When more than one house or premises is permitted to connect to one water meter, customer service lines shall be arranged so that the supply to each separate residence or premises shall be controlled by a separate valve. One person shall pay for all the water used through such meter.

Section 3. Rates shall generally be charged for the use of the said water service using a monthly base charge established by meter size selection and a commodity charge based on the volume of water used, and the charges based upon said rates shall be payable at the City Hall. All bills are due when mailed and shall become delinquent if not paid within 15 days. If a bill is not paid by the time it becomes delinquent, a delinquent notice shall be mailed to the customer. If the bill is not paid by the date specified in the delinquent notice, the City Manager shall have the authority to deprive the property concerned of said water service for failure to pay the water service charges and fees, and the service shall not be resumed until satisfactory arrangements for payment have been made with the City. Service may be denied to any person until restitution has been made for any damage or loss of revenue resulting from tampering with or bypassing water meters or locking devices. The City Manager shall have authority to adjust or waive fees as appropriate.

Section 4. Fees shall be made as established by City Council Resolution for:

- a. Reinstating water service to any property deprived of such service under the foregoing Section 3;
- b. Turning water service on that has been turned off without permit by persons other than City employees under Section 9 of this ordinance.
- c. Turning off and turning on water service during regular and after hours;
- d. Re-reading the water meter at the request of the user, if the previous reading was correct;
- e. Calibration or re-installation of water meters at the request of the user if the previous meter was registering correctly.

- f. Lien search;
- g. Vacationer's water on/off;
- h. Tampering with water meter effecting register;

Section 5. The rates for water use shall be set by City Council Resolution.

There are no special water rates.

Costs for installing City service lines and water meters outside the City shall be calculated on an individual basis. The City will own and maintain the meter.

For water users outside the City limits, the rate charged shall be one and one-half times the rate charged to water users within the City limits.

All fire lines shall be metered by the City, within two years of the effective date of this ordinance, at the owner's expense, if the owner is found to be using the water for other than fire protection.

The City Manager shall cause a review of water rates to be made in January of each year to begin January 1, 1991, to determine what rate changes, if any, are to be considered by the City Council.

Section 6. Water Account Deposits

- a. A deposit of Fifty Dollars (\$50.00) in advance shall be required on each new water account and for each customer whose water service has been turned off for non-payment, before water service is commenced or resumed, except in the case of authorized rental property managers requiring temporary water service of 72 hours or less. The authorized rental property manager will pay a non-refundable service fee of Fifteen Dollars (\$15.00) in advance for each request for temporary service, plus actual water usage in excess of one hundred cubic feet. Temporary service for more than 72 hours shall require a deposit of Fifty Dollars (\$50.00) plus the non-refundable service fee of Fifteen Dollars (\$15.00), plus actual water usage in excess of one hundred cubic feet. The temporary service deposit will be refunded on the regularly scheduled billing date, less the dollar amount for actual water usage in excess of one hundred cubic feet. Temporary service in all cases is Thirty (30) Days or less. Minimum charge for temporary service shall be no less than Fifteen Dollars (\$15.00) plus actual water usage in excess of one hundred cubic feet.

- b. The City shall pay interest at the rate of six percent (6%) per annum on said deposit, which shall be credited annually on the water account and applied or paid on any termination of the account.
- c. Upon any termination of the water service, the deposit and any accrued interest shall be applied as payment on the account and the balance shall be refunded.
- d. When an owner resides on his property, has paid the water deposit, and has maintained a good payment record on his water bills continuously for one year, then upon request by the owner, the City shall refund the deposit, plus accrued interest to the owner.
- e. Fees for special portable metered, or estimated, water usage, i.e., swimming pool fills, tanker fills and street sweeper fills, and other usage as required, shall be established by Council resolution. Such usage must be with permit as approved by the City Engineer.
- f. No person may cut, change, remove, disconnect, connect, operate, repair, interfere or tamper in any manner with a fire hydrant owned by the City unless a permit has been issued. This section does not apply to the Public Works or Fire Departments of the City. Violations of this sub-section will be prosecuted under the criminal laws of Sweet Home and the State of Oregon.

Section 7. All revenues received by the City from such waterworks system shall be separately kept by the Treasurer of the City of Sweet Home from all other funds and shall show all receipts in, and disbursements from, said fund, and the purposes to which the disbursements have been applied.

Section 8. No new water service shall be installed by the City until the potential customer has installed a cutoff, or "yard valve", between the meter and the outlet. The City of Sweet Home reserves the right to refuse or discontinue water service to any premises where the Public Works Director of the City of Sweet Home has determined that the plumbing facilities, appliances, and/or equipment using water are not installed and/or operating in accordance with the Oregon State Health rules and plumbing code of the City of Sweet Home and endanger the public health. Water service may be refused to any premises as long as said conditions exist. However, water service that is being furnished to an occupied premises may be discontinued only after notice of the condition of the plumbing that endangers the public health has been mailed by certified or registered mail to the owner of record, and said notice also has been given to the occupant of

the premises, either personally by posting the notice on the premises or by mailing the notice to him by certified or registered mail at least 7 days prior to the time that the water service is terminated unless immediate emergency action is required.

If shortage of water exists, the City may restrict the use of water as determined by the City.

Section 9. Unless the cut-off valve is on the user's side of the water meter, it shall be unlawful for any person to turn on or off any cut-off valve controlling water service to any property, or to not obtain a permit from the City Engineer prior to taking water from the City water system. Violations of this ordinance constitute an infraction and may be prosecuted under the provisions of Ordinance 876 as now enacted or hereafter amended, except for Section 6(f) of this ordinance, in addition to any other legal remedies available to the City

Section 10. The City Manager may prescribe such rules and regulations as necessary for carrying out the provision of this ordinance.

Section 11. A yard valve will be installed by the City on all services by July 1, 1994. The yard valve shall be on the owners side of the meter. Installation will require notification of the owner. Upon installation the valve becomes the property of the owner to have and forever maintain.

Section 12. Cross-Connections are Prohibited.

Cross-connections shall be prohibited and protection provided against such cross-connection, as specified in Oregon Administrative Rules, Chapter 333.

No person shall connect, unless an approved backflow prevention device is used, any pump or other apparatus to any water main or service connection connected to the City of Sweet Home water system which is capable of introducing any foreign liquid or material into said system. The existence of any cross-connection, whether open or not, shall be found cause for the water to be turned off and/or completely disconnected from the City service line.

The City may, in order to achieve compliance with any cross-connection control requirements set forth by the "U.S. Environmental Protection Agency" as authorized by the "State Drinking Water Act" PL 93-523 and Oregon Administrative Rules, Chapter 333, "Public Water System", require that all approved backflow prevention devices installed in existing services be tested annually, in an approved manner by a certified inspector, to assure proper operation.

The City may require that all backflow assemblies installed on fire protection services be tested annually as provided for in Oregon Administrative Rules, Chapter 333.

For use of private water and city water, approved backflow prevention devices for protecting community water systems shall be installed on the service connection to premises where there is an auxiliary water supply which is or can be connected to the water piping.

Section 13. Any person designated by the City may inspect, at reasonable hours of the day, the exterior parts of the building and premises in which water is delivered from the City mains to determine the condition of the pipes and fixtures and the manner in which the water is used, or interior portions as allowed by law. Such designated representative will present proper identification, if requested.

Water may be turned off from the mains without notice for repair or other necessary purposes. The City is not responsible for any consequent damages.

Water for steam boilers shall not be furnished by direct pressure from the City mains.

Any damage to the City water system or service line as a result of faulty customer equipment or backflow, shall be the responsibility of the customer or user.

Section 14. Reserved for expansion.

Section 15. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 16. Ordinance No. 941, 981, 988, 996, 1014, 1024, and all ordinances amending Ordinance No. 941 are hereby repealed. The repeal of an ordinance, or part thereof, shall not preclude action against a person or property that is in violation of said ordinance before the effective date of the repeal.

Section 17. Emergency Clause. The City Council hereby determines that existing conditions are such that this ordinance

is immediately necessary for the protection of the present health, safety and good of the City of Sweet Home and the property owners and citizens thereof and, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately after its passage by the Council and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 9th day of April, 1991.

Craig A Fenteman
Mayor

ATTEST:

Jeri L Chenelle
City Manager - Ex Officio City Recorder