

ORDINANCE BILL NO. 4 FOR 1998

ORDINANCE NO. 1120

**AN ORDINANCE REQUIRING CONNECTION TO CITY WATER IN MIDWAY CONTAMINATED GROUNDWATER AREA.**

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. Definitions

- A. Critically Affected Area: For the purposes of this Ordinance, the Critically Affected Area means the geographic area within the Sweet Home City Limits generally enclosed within the area east to west from 42nd Avenue to 46th Avenue on the south side of Highway 20 and 45th Avenue to 47th Avenue on the north side of Highway 20; and the area north to south from the northern side of Highway 20 to the south extent of 45th Avenue, the south extent of 46th Avenue, and approximately three-quarters of the distance south on 44th Avenue. This area is demonstrated on a map which is attached hereto and by this reference is made a part hereof.
- B. Premises means the integral property or area, including improvements thereon, to which water service is or will be provided.

Section 2. Connection Required. All existing commercial and residential establishments, homes, buildings, lots or premises concurrently located within the boundaries of the Critically Affected Area which utilize water for purposes other than agriculture or irrigation shall connect to and utilize the City water system as City water becomes available to the property. All future development shall be required to connect to the City system, even if water service is not currently near the property.

Section 3. Changes of Critically Affected Areas. As changes to the Critically Affected Areas occur, as determined by the Department of Environmental Quality's monitoring wells and sampling of private wells, the connection requirements of this ordinance will continue to be in effect for that newly determined Critically Affected Area.

Section 4. Disconnection of Private Supply. Property owners in the Critically Affected Area shall disconnect, to the satisfaction of the City or its agent, all private water supply connections at their premises except those used exclusively for agriculture and/or irrigation. Property owners shall demonstrate disconnection of these private supplies prior to connecting to the City system.

Section 5. Use of City and Private Water. As required by Sweet Home Municipal Code Chapter 13.04, use of both City water supply and a supply of water other than that furnished by the City requires installation of approved backflow prevention devices on the service connection to the premises. Customers desiring to use both the City water supply and a supply of water other than that furnished by the City shall under no circumstances allow a physical connection, direct or indirect, to exist or be made in manner, even temporarily, between water lines carrying City water and any non-City water source. Where such connection is found to exist, or where provision is made to connect the two systems, the City shall shut water off to the premises without notice. In case of such discontinuance, service shall not be re-established until satisfactory proof is furnished that the cross connection has been completely and permanently severed.

Section 6. Connection to City Water System - Liens. Property owners in the Critically Affected Area failing to connect shall be connected to the City water by City staff or other authorized personnel and have a lien placed against their property to cover the cost of connections. The lien can be collected and foreclosed against the property by following the procedures set out in SHMC Chapter 8.04 Sections 8.04.220 through 8.04.250, as now enacted or hereafter amended. The property owners are jointly and severally personally liable for the cost of the connection.

Section 7. Violation - Penalty. Violation of this ordinance constitutes an infraction and may be prosecuted under the provisions of SHMC Chapter 9.36 and any amendments thereto. The remedies, which include penalties herein are cumulative, and not exclusive, and shall be in addition to any and all other remedies available to the City. If access is not granted to a property for inspection, the City may obtain an inspection warrant from the Municipal Court. Any person interfering physically with individuals carrying out the provisions of this Ordinance shall be prosecuted under applicable criminal laws as they apply to the situation.

Section 8. Effective Date. This ordinance shall be effective 30 days following its passage and approval.

PASSED by the Council and approved by the Mayor this 22nd day of September, 1998.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Manager - Ex Officio City Recorder

