

**ORDINANCE BILL NO. \_\_\_\_ FOR 2005**

**ORDINANCE NO. 1174**

AN ORDINANCE SETTING WATER SERVICE RATES, AND RELATED MATTERS; REPEALING ORDINANCE NO. 1100, ORDINANCE NO. 1168, AND DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

13.04.010 Definitions

“After hours” means any time other than that defined by “normal working hours” in definitions section.

“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.

“City” means the City of Sweet Home, Oregon, and the area within its boundaries including its boundaries as extended in the future and all property owned by the City, outside the City limits. It means all officers, employees, and representatives of the City of Sweet Home.

“City Engineer” means the City Engineer of the City of Sweet Home, or such person as may be designated by the Public Works Director for the administration of this Ordinance. Designated person includes Public Works Director and any qualified engineer.

“City Manager” or “Manager” means the City Manager of the City of Sweet Home, or such person as may be designated by the Manager for the administration of this Ordinance.

“Commodity Charge” is the sum of the following expense components as defined in the City Council Approved Rate study of April 2000; Base Expense; Maximum Day Expense and Maximum Hour Expense.

“Connection Fee” shall be the fee paid to the City by the owner for the direct cost of the City to provide a water service connection and meter from the public water mainline to the owner(s) property line. Cost shall be for the time, materials and equipment of inspection and connection by the City and shall be set by resolution.

“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).

“Customer Charge” also referred as “Monthly base charge” is a sum of the Billing Expense and the General Expense as identified in the Council Approved Rate Study of April 2000.

“Delinquent Account” means any billing and/or associated fee for service that is not paid by the fifteenth (15<sup>th</sup>) of the month following the month in which the service was provided and/or charges incurred.

“Direct Responsible Charge” also referred as “DRC” shall mean designation of certified operator, pursuant to applicable Oregon Administrative Rules (OAR), responsible for; supervising the technical operations of the water distribution system or wastewater collection system; establishing and executing specific practices and policies for operating the system in accordance with the policies and practices of the owner and the requirements of public water/wastewater system rules, and; are engaged in the actual day to day operation or supervision of the system.

“Double check detector assembly” means a backflow prevention device consisting of a line size double check assembly in parallel with a detector meter and meter size double check valve assembly. Each double check valve assembly is to be equipped with properly located test cocks and tightly closing shutoff valve at the end of the assembly. If it is necessary to put a double check detector assembly below the grade, upon the approval of the City Engineer it may be installed in a vault such that there is a minimum of twelve inches between the bottom of the vault and the bottom of the assembly so the top of the assembly is not more than a maximum of eight inches below grade, and there is a minimum of twenty

four inches of clearance between the side of the vault and the side of the assembly. There shall be a minimum of twelve inches clearance from the end of the assembly to the end wall surface of the vault. In vaults without a fully removable top, minimum headroom of 6 feet 0 inches is required. An access opening a minimum of twenty-four inches square is required on all vault lids. The vault must have adequate drainage to prevent flooding. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the assembly.

"Double check valve assembly" means a backflow prevention assembly composed of at least two independently acting check valves including tightly closing shutoff valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve. The assembly shall be located as close as practical to the user's connection and shall be installed horizontally above grade and in a manner where it is readily accessible for testing and maintenance. If it is necessary to put a double check valve assembly below the grade, upon the approval of the City Engineer it may be installed in a vault such that there is a minimum of twelve inches between the bottom of the vault and the bottom of the assembly so the top of the assembly is not more than a maximum of eight inches below grade, and there is a minimum of twenty four inches of clearance between the side of the vault and the side of the assembly. There shall be a minimum of twelve inches clearance from the end of the assembly to the end wall surface of the vault. In vaults without a fully removable top, minimum headroom of 6 feet 0 inches is required. An access opening a minimum of twenty-four inches square is required on all vault lids. The vault must have adequate drainage to prevent flooding. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the assembly.

"Fire service" is any service installed for the specific purpose of fire protection (hose connection or sprinklers).

"Hose Bib Vacuum Breaker" means a back-siphonage prevention device to be placed onto an existing water faucet consisting of a single check valve mechanism with an atmospheric vent. The hose bib vacuum breaker is not a backflow prevention device and cannot be tested.

"Pressure Vacuum Breaker" means a back-siphonage prevention device consisting of a single spring-loaded check valve and an independently operated, spring-loaded air inlet valve, two tightly closing gate or ball valves and two test cocks. It is not adequate protection in a situation where backpressure could occur; consequently, it is not approved for premise isolation.

"Reduced Pressure Principle Assembly" means a backflow prevention assembly which has three main components consisting of a #1 check valve, #2 check valve, and a pressure differential relief valve, and two tightly closing shutoff valves on each side of the assembly. The assembly shall be installed as close to the service connection as is practical. The device shall be installed a minimum of 12 inches above grade and no more that 36 inches above grade measured from the bottom of the device without a permanently installed testing platform approved by the City Engineer. The device shall be installed with a minimum of twelve inches side clearance. All test cocks shall be readily accessed and capped.

"Residence" or "Residences" means a building used as a home.

"Rule" shall mean any written standard, directive, interpretation, policy, regulation, procedure or other provision, adopted by the City Council as a Resolution to carry out the provisions of this ordinance.

"Normal working hours" for administrative purposes means any normal workday Monday through Friday (except holidays) between the hours of 8:00 a.m. and 5:00 p.m. Treatment Plant normal working hours are 7:00 A.M. to 3:30 P.M. everyday of the week.

"User" means any person, corporation, or other entity using water through an established service line.

"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 potable water to customers through service lines.

#### 13.04.020 Water Service - Responsibility

The person who owns the premises served by the water service shall be ultimately responsible for payment of the water user charge for that property notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay said charges. The

person(s) opening a water account and/or 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 within the City limits of Sweet Home, until such bill is paid.

The users of the water service shall be billed for services in accordance with the rate schedule set by resolution as authorized by this ordinance.

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. However, when more than one house or premises is permitted to connect to one water meter, the customer service lines shall be arranged so that the supply to each separate residence or premises shall be controlled by a separate valve. A previously designated person shall be responsible to pay for all the water used through such meter. Approval for such a connection is required by the City Engineer prior to connection.

#### 13.04.030 Billing, Payment Delinquencies and Penalties

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 City Hall. All bills are due when mailed and shall be considered delinquent if not paid by the fifteenth (15<sup>th</sup>) of the month following the month in which the service was provided and/or charges incurred.

If a bill is not paid by the time it becomes delinquent, a delinquent notice may, by rule, be mailed to the customer and/or property owner(s). If the bill is not paid by the date & time specified in the delinquent notice, or appropriate arrangements made at City Hall – water department, the City Manager shall, by rule, have the authority to deprive the property concerned of said water service by means of shut off, lockout, meter removal, and/or methods appropriate for discontinuance of water service until all delinquent user charges including interest accrued and the expense of removal, closing, and restoration have been fully paid. The expense of such discontinuance, removal, or closing, as well as the expense of restoring service shall be a debt due to the City and a lien upon the property and may be recovered by civil action in the name of the City against the property owner, the person, or both. Water service shall not be restored until all charges, including interest accrued and the expense of removal, closing, and restoration shall have been paid.

Interest at a rate set by resolution shall accrue on all accounts from the date of delinquency. In addition, a penalty shall be assessed at the rate of \$2.00 per month from the date of delinquency, which shall be added to the account and shall accrue interest in the same manner as all other delinquent charges beginning the following month. A service charge shall be paid to the City whenever service is reinstated after having been discontinued due to nonpayment.

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. Adjustment of utility bills when water pipes break on the customer's side of the water meter maybe adjusted upon customer request and upon proof the water pipe(s) have been repaired/replaced.

Changes of ownership or occupancy of premises found delinquent shall not be cause of reducing or eliminating these penalties.

Water user charges levied in accordance with this ordinance shall be a debt due to the City and a lien upon the property. If this debt is not paid within 30 days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both.

#### 13.04.040 Fees

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 13.04.030;
- b. Turning water service on that has been turned off without permit under Section 13.04.080 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;
- i. Special potable water usage fee;
- j. Water deposits;
- k. Temporary water service fee;
- l. Plan review fee for required backflow devices;
- m. Notifying user of delinquent bill by hanging said notice on door.
- n. Service Charge
- o. Interest Rate for delinquent accounts

#### 13.04.050 Rates

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

Costs for installing City service lines and water meters outside the City, but within the Urban Growth Boundary (UGB), shall be calculated on an individual basis. The City will own and maintain the water meter. NO NEW INSTALLATIONS ARE TO BE ALLOWED OUTSIDE THE UGB.

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

Under no circumstances shall service be extended to persons or properties located outside of the City limits without the expressed permission of the City Council by resolution. The council may grant service outside the City only under the following circumstances:

- 1) As a temporary measure to alleviate a health hazard;
- 2) Under emergency

All private fire lines shall be metered by the City 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 each February of the year to determine what rate changes, if any are to be considered by the City Council.

#### 13.04.060 Water Account Deposits

A deposit as set by resolution shall be required in advance on each new water account and for each customer whose water service has been turned off for non-payment, before water service is to be 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 as set by resolution 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 full deposit plus actual water usage more than 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 more than 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 as set by resolution plus actual water usage more than one hundred cubic feet.

Upon any termination of the water service, the deposit shall be applied as payment on the account and the balance shall be refunded.

Deposits will be available for refund, or may be waived altogether based upon a showing of good credit. The determination of whether a customer has established "good credit" shall be made by rule. 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.

No person(s) 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 Sweet Home Public Works or Fire & Ambulance District. Violations of this sub-section will be prosecuted under the criminal laws of Sweet Home and the State of Oregon. **A State licensed and bonded professional plumber may receive a special annual permit from the City Engineer to operate residential service valves when making repairs. There shall be no fee for said permit.**

#### 13.04.070 Revenues

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.

#### 13.04.080 New Water Service.

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 City Engineer 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 said occupant 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.

#### 13.04.090 Authority

The City Manager may by rule establish any/all procedures as necessary for carrying out the provisions of this chapter.

#### 13.04.100 Yard Valves

All residences are required to have a yard valve on their water lateral line. The yard valve shall be installed on the owner's side of the meter according to City specifications, and be the property of the owner to have and forever maintain. .

#### 13.04.110 Backflow Prevention

The City is authorized by the "Safe Drinking Water Act" PL 93-523 and Oregon Administrative Rules Chapter 333 "Public Water System", to achieve compliance with any cross-connection control requirements set forth by the "U.S. Environmental Protection Agency". Cross-connections shall be prohibited and protection provided against such cross-connection. The City may require that all backflow assemblies installed on fire protection services be tested annually.

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.

An approved backflow device shall be installed to isolate the fire suppression pipe network from the potable water system. An additional backflow device shall be installed on the service line as near to the meter as possible for protection of the City water supply or as determined by the City Engineer.

Premises where there is an auxiliary water supply which can be connected to the City water supply piping, such as being hooked to City water and continuing to use a well for irrigation purposes, an approved backflow prevention device for protecting community water systems shall be installed on the service connection.

Approved backflow assemblies shall have at least the same cross sectional area as the water meter size or the line diameter if smaller. If a continuous water supply is necessary, two sets of approved backflow assemblies shall be installed in parallel. Where parallel assemblies are required, the sum of the cross sectional areas shall be equivalent to the cross sectional area of the meter.

There shall be no outlet, tee, tap, or connection of any sort between the water meter and the approved backflow assembly. A "Y" strainer and/or pressure reducing valve installed before the approved backflow assembly are the only exceptions.

Approved backflow assemblies shall not be bypassed, made inoperative or removed without specific written authorization from the City Engineer.

(1) Removal. The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the City Engineer to verify that a hazard no longer exists or is not likely to be created in the future;

(2) Relocation. An assembly may be relocated following confirmation by the City Engineer that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device;

(3) Repair. An assembly may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the City Engineer. A retest will be required following the repair of the assembly.

(4) Replacement. An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed. All replacement assemblies must be approved by the Oregon Health Division and commensurate with the degree of hazard.

Owners of any premises on which, or on account of which, backflow assemblies are installed, shall have the assemblies tested by a certified backflow prevention assembly tester licensed by the Oregon Health Department (Drinking Water Division). Backflow assemblies must be tested at a minimum of annually and immediately after installation, relocation, or repair. The City Engineer may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed in service unless it is functioning as required. A report form provided by the City must be filed with the Public Works Office each time the device is tested, relocated or repaired. These devices shall be serviced, overhauled or replaced whenever they are found defective and all costs of testing, repair and maintenance shall be born by the water user. The Public Works Department will supply affected water users with a list of persons Certified by the State of Oregon Health Department (Drinking Water Division) upon request.

The City Engineer shall review all requests for new services to determine if backflow protection is required. Plans and specifications must be submitted to the City Engineer upon request for review of possible cross connection hazards as a condition of service. No review fee will be required if no hazard or potential hazard exists. If it is determined that a backflow prevention assembly is necessary to protect the public water system, a review fee as set by resolution will be required for each device installed. The required device must be installed before service will be granted.

#### 13.04.120 Customer Notification for Cross Connection Program Inspection

The City Engineer may require an on-premises inspection to evaluate cross connection hazards. Any customer who cannot or will not allow on-premises inspection of their piping system shall be required to install the backflow prevention assembly that the City Engineer considers necessary.

The City Engineer may require a re-inspection for cross connection hazards of any premises to which water is serviced by the water department. Any customer who cannot or will not allow on-premises inspection of their piping system shall be required to install the backflow prevention assembly that the City Engineer considers necessary.

1. The City Engineer shall notify the water user of the cross connection inspection findings, listing corrective action to be taken if required. A period of 30 days shall be given to complete all corrective actions required including installation of backflow prevention assemblies.
2. A second notice shall be sent to each water user that does not take the required corrective action prescribed in the first notice within the thirty-day period allowed. The second notice shall give the water user a two-week period to take the required corrective action. If no action is taken within the two-week period, the water service to the affected water user shall be terminated until the required corrective actions are taken.
3. The City Engineer shall notify each affected water user when it is time for the backflow prevention assembly installed on their service connection to be tested. This written notice shall give the water user thirty days to have the device tested and supply the Public Works Department with the necessary form documenting the test.
4. A second notice shall be sent to each water user who does not have a backflow prevention device tested as prescribed in the first notice within the thirty-day period allowed. The second notice shall give the water user a two-week period to have the backflow prevention assembly tested. If no action is taken within the two-week period, the City Engineer will terminate water service to the affected water user until the subject device is tested.
5. When the City Engineer encounters water use(s) that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the City Engineer shall institute the procedure for terminating the water service. Conditions or water uses that create a basis for immediate water termination are as follows;
  - a. Refusal to install the required backflow prevention assembly.
  - b. Refusal to test a backflow prevention assembly.
  - c. Refusal to repair a faulty backflow prevention assembly.
  - d. Refusal to replace a faulty backflow prevention assembly.
  - e. Removal and/or bypassing without prior approval of a backflow assembly where required.
  - f. Direct or indirect connection between the public water system and a sewer line.
  - g. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.
  - h. Unprotected direct or indirect connection between the public water system and an auxiliary water system.
  - i. A situation that presents an immediate health hazard to the public water system.
  - j. Non-submission of records of tests, repairs and maintenance to the department upon a second letter request of their submission.

#### 13.04.130 Inspections

The City Engineer 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.

#### 13.04.140 Water turnoff from mains

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

#### 13.04.150 Provision of water for steam boilers

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

#### 13.04.160 Damage to water system

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

13.04.170 Fluoridation

The city is authorized and directed to provide for the fluoride supplementation of its public water supplies. Such supplementation is to be made in conformance with the regulations of the Oregon State Board of Health controlling fluoridation of public water supplies.

13.04.180 Violation – Penalty

Unless the cut-off valve is on the user's side of the water meter, it is 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 may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36 and any amendments thereto and Sweet Home Ordinance Number 1128 in addition to any other legal remedies available to the City. Each day that a violation exists is a separate offense.

13.04.190 Severability.

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. It is hereby declared to be the City Council's intent that this ordinance would have been adopted had such an unconstitutional provision not been included herein.

13.04.200 Classification.

The City Council determines that any fee, rates or charges imposed by this ordinance are not a tax subject to the property tax limitations of Article XI, section 11(b) of the Oregon Constitution.

13.04.210 Repeal/Savings

Ordinance No. 1100 and all ordinances amending Ordinance No. 1100 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. 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.

13.04.220 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 Sweet Home City Council and approved by the Mayor this \_\_\_ day of \_\_ 2005.

\_\_\_\_\_  
Mayor

ATTEST:

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