

ORDINANCE NO. 190

AN ORDINANCE PROVIDING RATES TO BE CHARGED FOR WATER SERVICE BY THE CITY OF BROOKINGS, OREGON; PRESCRIBING THE RULES AND REGULATIONS FOR THE CONDUCT AND OPERATION OF THE WATER SYSTEM OF SAID CITY AND CONNECTION THEREWITH; REGULATING AND GOVERNING THE USE OF WATER FROM SAID SYSTEM; PROVIDING PENALTIES FOR NONPAYMENT OF WATER SERVICE AND FOR VIOLATION OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

The City of Brookings ordains as follows:

Section 1. Rules and Regulations.

(1) Short Title. This ordinance shall be known as "Rates, Rules and Regulations for the Operation of the Water Department of the City of Brookings, Curry County, Oregon," and may be so cited and pleaded.

(2) Scope. The Water Department and all customers receiving services from the Water Department, whether inside or outside the city limits, are bound by these rules and regulations of the Water Department.

Section 2. Definitions of General Terms.

(1) City. Whenever the word "City" is used, it shall mean the legally constituted municipal government of the City of Brookings, Curry County, Oregon.

(2) Water Department. Wherever the words "Water Department" are used, they shall mean the Water Department of the City of Brookings.

(3) City Council. Wherever the words "City Council" are used, they shall mean the legally elected group of members composing the City Council, including the Mayor, of the City of Brookings.

(4) Superintendent. Whenever the word "Superintendent" is used, it shall mean the person appointed by the City Council to superintend the affairs of the Water Department.

(5) Applicant. Whenever the word "applicant" is used, it shall mean the person or persons, firm or corporation making application for water service from the Water Department under the terms of these regulations.

(6) Customer or user. Whenever the words "customer" or "user" are used, it shall mean an applicant who has been accepted under the terms of these regulations and who receives water service from the Water Department.

Section 3. Service Area. The area served by the Water Department shall be all that area included within the corporate limits of the City of Brookings and such other contiguous and neighboring territory as the City Council shall, from time to time, deem necessary to serve.

Section 4. Description of Service.

(1) Supply. The Water Department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid so far as reasonably possible any shortage or interruption in delivery.

The Water Department shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the Water Department for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.

(2) Quality. The Water Department will exercise reasonable dilligence to supply safe and potable water at all times.

(3) Ownership of system. All water mains, valves, fittings, hydrants and other appurtenances, except "customer service lines," as defined in Section 7, subsection 1 herein, shall be the property of the Water Department.

(4) Classes of service. The classes of service shall be Residential, Commercial, Standby Fire and Contract as further qualified by the number after the class as follows:

1. Inside City Limits
2. Outside City Limits

(a) Residential service. Residential services shall consist of all services for domestic purposes, single family dwellings, homes and municipal purposes.

(b) Commercial service. Commercial services shall consist of those services where water is used for commercial services, such as businesses and multi-family dwellings.

(c) Standby Fire. Standby Fire services shall consist of those services where water is available or used for fire protection only.

(d) Contract service. Contract services shall consist of those services for industrial or independent water district purposes under contracts authorized by the City Council.

(5) Special contracts. When the applicant's requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment or capacity, the Water Department, by authorization of the City Council, reserves the right to make special contract, the provisions of which are different from and have exceptions to the regularly published water rates, rules and regulations. This special contract shall be in writing, signed by the applicant and approved by the City Council and City Attorney, and signed by the Mayor and City Recorder of the City of Brookings.

(6) Resale of water. Resale of water shall be permitted only under special contract, in writing between the City Council and the persons, parties or corporation selling the water.

(7) Service preference. In case of shortage of supply, the Water Department reserves the right to give preference in the matter of furnishing service to customers and interests of the Water Department from the standing of public convenience or necessity. Water service to users outside of the city limits shall, at all times, be subject to the prior and superior rights of the customers within the city limits.

#### Section 5. Application for Service.

(1) Application form. Each applicant for water service shall sign an application form provided by the Water Department giving the date of application, location of premises to be served, the date applicant desires services to begin, purpose for which service is to be used, the address for mailing of the billings, the class and the size of the meter service and such other information as the Water Department may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations of the Water Department. The application is merely a written request for service and does not bind the Water Department to serve.

(2) Deposits and establishment of credit. At the time application for service is made, the applicant shall establish his credit with the Water Department.

(a) Establishment of credit. The credit of the applicant will be deemed established:

1. If the applicant makes a cash deposit with the Water Department to secure the payment of bills for service. The deposit shall be a sum equal to the estimated bill for two months service but not less than \$15.00.

(b) Deposits. At the time the deposit is given to the Water Department, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded. The Water Department will not pay interest on any deposit.

(c) Forfeiture of deposit. If an account becomes delinquent and it is necessary to turn off the service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to that premises or that customer at different premises until all outstanding bills due the Water Department have been paid and the cash deposit replaced, together with a \$3.00 service charge as provided in Section 11, subsection 6 herein.

(3) Application amendments. Customers desiring a material change in the size, character or extent of equipment or operation which would result in a material change in the amount of water used shall give the Water Department written notice of such change prior to the change and the application for service shall be amended.

Customers desiring a change in the size, location or number of services shall fill out an amended application.

#### Section 6. Main Extensions.

(1) Within the city limits. Water main extensions to areas within the city limits not presently served with water shall be installed under procedures to be established by the City Council. Subdividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council.

(2) Outside the city limits. Water mains outside the city limits shall be extended only at the expense of the customers served. The main extensions shall become the property of the Water Department at the time installed. The City Council shall determine the size of the main extensions and all extensions shall be of a suitable material approved by the City Council. Extensions outside the city limits shall be installed by the Water Department or by contractors approved by the Water Department. The installation procedures and materials used shall be in accordance with the City and the State of Oregon standards.

(3) Locations of extensions. The Water Department will make water main extensions only on rights-of-way, easements or publicly owned property. Easements or permits secured for main extensions shall either be obtained in the name of the City of Brookings or transferred to the City of Brookings, along with all rights and title to the main at the time the service is provided to the customers paying for this extension.

#### Section 7. Services.

(1) Definition. The "service connection" shall be that part of the water distribution system which connects the meter to the main and shall normally consist of corporation stop, service pipe, curb stop and box, meter, meter yoke and meter box. The "customer service line" shall be that part of the piping on the customer's property that connects the service to the customer's distribution system.

(2) Ownership, installation and maintenance. The Water Department shall own, install and maintain all services and installation and maintenance shall only be performed by authorized employees of the Water Department. The customer shall own, install and maintain the customer service line.

(3) Service connection charge. At the time the applicant files for service where no service previously existed, or if he is filing for a change in service size or location, he shall submit with his application the service connection charge.

This charge is to cover the actual cost to the Water Department to install the service from the main to and including the meter and the meter housing. The service connection charge shall be as determined by the Water Department in the current published water rate schedule.

(4) Size of service. The Water Department will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size requested is one that is listed by the Water Department. The minimum size of service shall be three-fourths inch. The Water Department may refuse to install a service line which is undersized or oversized as determined by a study and report of the Superintendent to the City Council.

(5) Changes in service size. Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the Water Department for making the change.

(6) Length of service. Where the main is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served for the standard connection fee, provided the length of service line does not exceed the width of the right-of-way.

Where the main is on an easement or publicly owned property other than designated rights-of-way, the services shall be installed to the boundary of the easement or public property by the Water Department, provided the length of service does not exceed 30 feet.

If, in either case cited above, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the Water Department for labor, materials and equipment plus 15 per cent.

(7) Joint service connections. The Water Department may, at its option, serve two or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity not less than the combined capacity of individual service lines of the same size as the meters installed.

Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special considerations approved by the City Council.

(8) Number of service connections on premises. The owner of a single parcel of property may apply for and receive as many services as he and his tenants may require, provided his application or applications meet the requirements of the policies, rules and regulations.

(9) Standby fire protection service connections.

(a) Purpose. Standby fire protection service connections of two-inch size and larger will be installed only if adequate provisions are made to prevent the use of water from such

services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The Water Department may require that a suitable detector check meter be installed in the standby fire protection service connections, to which hose lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the plumbing code of the State of Oregon.

(b) Charges for service. Charges for standby fire protection service will be stated in the published water rate schedule. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system. The customers shall pay the full cost of the standby fire protection service connection, any required detector check meters, and any required special water meter installed for the service to the standby connection.

(c) Violations of regulations. If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the Water Department. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of the regular water rates.

(10) Fire service connections other than standby. A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the regular rates.

(11) Temporary service connections. For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material furnished by the Water Department. The applicant shall also pay his water bill in advance and based on an estimate of the quantity to be used, or he shall otherwise establish satisfactory credit.

(a) Time limit. Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the Water Department.

(b) Charge for water served. Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.

(c) Installation charge and deposits. The applicant for temporary service will be required:

1. To pay the Water Department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service.
2. To deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used, or to otherwise establish credit approved by the Water Department.
3. To deposit with the utility an amount equal to the value of any equipment loaned by the Water Department to such applicant under the terms of Section 7, subsection 11 (d) hereinafter.

(d) Responsibility for meters and installation. The customer shall use all possible care to prevent damage to the meter or

to any other loaned facilities of the Water Department. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit refund. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.

(12) Customer's plumbing.

(a) Plumbing code. The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the plumbing code of the State of Oregon.

(b) Control valves. Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this section.

It shall be a violation of these rules and regulations for the customer to operate, cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection.

#### Section 8. Meters.

(1) Ownership. The Water Department will own and maintain all water meters. The Water Department will not pay rent or any other charge for a meter or other water facilities, including housing and connections on a customer's premises.

(2) Installation. Installation of water meters shall be performed only by authorized employees of the Water Department. All meters shall be sealed by the Water Department at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

(3) The size and type of meter. Applicant may request and receive any size meter regularly stocked or furnished by the Water Department, provided the request is reasonable and further provided that the meter is not greatly oversized or undersized, as determined by the Water Superintendent. The Water Department reserves the right to determine the type of meter to be installed.

(4) Location of meters. Meters shall normally be placed at the curb or property lines; the meter will be installed wherever the applicant desires within reason, but the location must be approved by the Water Department. The meters will not be located in driveways or other location where damage to the meter or its related parts may occur.

(5) Joint use of meters. The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, with the City Council.

(6) Changes in size or location. If, for any reason, a change in the size of a meter and service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be so amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

Section 9. Water rates. The water rates to be charged for each class of service, including minimum charges, charges for

water used over the minimum and service connection charges, shall be as follows:

RESIDENTIAL SERVICE

Residential - 1 (inside city limits)

|  |        |
|--|--------|
| Minimum monthly charge, 4000 gallons       | \$5.00 |
| Next 1,000 gallons                         | 0.75   |
| Next 5,000 gallons, rate per thousand      | 0.35   |
| All over 10,000 gallons, rate per thousand | 0.25   |

Residential - 2 (outside city limits)

A surcharge of 25 percent will be added to all comparable inside city limit rates.

COMMERCIAL SERVICE

Commercial - 1 (inside city limits)

| <u>Meter size</u>                          | <u>Gallonge</u> | <u>Minimum service charge per month</u> |
|--|-----------------|---|
| 3/4 in.                                    | 4000            | \$ 5.25                                 |
| 1 in.                                      | 4000            | 6.00                                    |
| 1 1/2 in.                                  | 4000            | 7.50                                    |
| 2 in.                                      | 4000            | 12.00                                   |
| 3 in.                                      | 4000            | 22.50                                   |
| 4 in.                                      | 4000            | 42.50                                   |
| 6 in.                                      | 4000            | 80.00                                   |
| Next 10,000 gallons, rate per thousand     |                 | \$0.65                                  |
| Next 16,000 gallons, rate per thousand     |                 | 0.30                                    |
| All over 30,000 gallons, rate per thousand |                 | 0.20                                    |

Commercial - 2 (outside city limits)

A surcharge of 25 percent will be added to all comparable inside city limit rates.

**STANDBY FIRE SERVICE**

(standby fire protection only)

| <u>Size of Service Pipe</u> | <u>Monthly Service Charge</u> |
|-----------------------------|-------------------------------|
| 2 inch                      | \$ 3.00                       |
| 3 inch                      | 5.00                          |
| 4 inch                      | 7.00                          |
| 6 inch                      | 11.00                         |
| 8 inch                      | 14.50                         |

**CONTRACT SERVICE**

(Industrial, independent water district and all other special contract authorized by the City Council)

**SERVICE CONNECTION CHARGES**

The charge for installing a new service which includes excavation and back-fill, tapping the main, laying the pipe, installing the meter, yoke and meter box, and replacement of surfacing materials shall be as follows:

| <u>Meter Size Inches</u> | <u>Service Connection Charge</u>                     |
|--------------------------|--|
| 3/4 or less              | \$100.00   |
| 1                        | 180.00   |
| 1 1/2                    | 280.00   |
| over 1 1/2               | Actual cost to the Water Department plus 20 per cent |

These water rates may be revised at any time without invalidating the remainder of these rules and regulations.

(1) Effective date. The rates herein provided to be paid and collected shall be effective for all collection periods beginning on and after the date of this ordinance.

**Section 10. Notices.**

(1) Notices to customers. Notices from the Water Department to the customer will normally be given in writing and either mailed or delivered to him at his last known address. Where conditions warrant and in emergencies, the Water Department may notify either by telephone or messenger.

(2) Notices from customers. Notices from the customer to the Water Department may be given by the customer or his authorized representative orally or in writing at the office of the Water Department in the City Hall or to an agent of the Water Department duly authorized to receive notices or complaints.

Section 11. Billing and Payment.

(1) Meter readings. Meters will be read and customers billed on the basis of the meter reading to the nearest 100 gallons; that is, no charge will be made for amounts from 1 to 49 gallons, and the charge for amounts from 50 to 99 gallons will be for 100 gallons.

The Water Department will keep an accurate account on its books of all readings of meters and such account, so kept, shall be offered at all times, places and courts as prima facie evidence of the use of water service by the customer.

(2) Rendering of bills.

(a) Billing period. All meters shall be read and bills rendered therefor monthly.

(b) Bills for other than normal billing period. Opening or closing bills, or bills that for any other reason cover a period containing 10 per cent more days or 10 per cent less days than in the normal billing period, shall be prorated.

(c) Bills for more than one meter. All meters supplying a customer's premises shall be billed separately, except that where the Water Department has, for operating purposes, installed two or more meters in place of one, the reading may be combined for billing.

(3) Disputed bills. When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service, as provided under Section 11, subsection 6 of these rules and regulations.

(4) Failure to read meters. In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of 30 days per month and the total water consumption for billing purposes for that period shall be estimated.

(5) Payment of bills. Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by that date, the account shall be considered delinquent unless other arrangements have been made with the Water Commission in writing that specify another due date.

(6) Delinquent accounts.

(a) Delinquent notice. A reminder of account delinquency may be sent, at the discretion of the City Recorder, to each delinquent account on or about 20 days after the account becomes delinquent.

(b) Turn-off notice. On or about 30 days after an account becomes delinquent, a turn-off notice may be sent to the customer. Said notice shall state a date on which water will be turned off if delinquent account is not paid in full prior thereto.

(c) Service turn-off. On the turn-off date, the meter reader or other agent of the City of Brookings shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts have been paid. The meter reader or other agent of the City shall immediately thereafter turn off the service. A delivery to the premises served by the meter shall be considered a delivery to the customer.

(d) Service charge. In all instances where water has been turned off because of delinquent accounts, a \$3.00 service

charge shall be made for the restoration of services and replacement of the cash deposit, as stated in Section 5, subsection 2 herein, will be required.

(7) Installment payments of delinquent accounts. In cases of extreme hardship, the City Recorder shall have the descretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount, installment period not to exceed the period of time the account was delinquent.

#### Section 12. Meter Error.

(1) Meter accuracy. All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of 2 per cent under conditions of normal operation.

(2) Meter test.

(a) Standard test. Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.

(b) On customer request. A customer may, giving not less than seven days' notice, request the Water Department to test the meter serving his premises. The Water Department will require the customer to deposit the testing fee. This fee shall be \$5.00 for meters 3/4 inch and smaller and for meters larger than 3/4 inch shall be an estimate of the cost of testing the meter as determined by the Water Superintendent. The deposit will be returned to the customer if the test reveals the meter to overregister more than 2 per cent under conditions of normal operation. If the meter is operating satisfactorily or if the meter underregisters more than 2 per cent under the standard test conditions, the deposit shall be retained by the Water Department. Customers may, at their option, witness any meter tests which they request.

(c) On Water Department request. If, upon comparison of past water usage, it appears that a meter is not registering properly, the Water Department may, at its option, test the meter and adjust the charges accordingly if the meter either overregisters or underregisters. No charge for meter testing will be made to the customer for the meter test under these conditions.

(3) Adjustment of bills for meter error.

(a) No credits or debits will be borne by the City or the customer should the tested meter show variance high or low, from the accuracy defined in Section 12, subsection 1.

(b) Nonregistering meters. The Water Department will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions.

#### Section 13. Discontinuance of Service.

(1) On customer request. Each customer about to vacate any premises supplied with water service by the Water Department shall give the Water Department written notice of his intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all water supplied to

such premises until the Water Department shall receive notice of such removal.

At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desires to be discontinued, the meter will be read and a bill rendered which is payable immediately. In no case will the bill be less than the monthly minimum specified in the schedule applying to the class or classes of service furnished.

(2) Nonpayment of bills. A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in Section 11, subsection 6 of these rules and regulations.

(3) Nonpayment of sewer service charges. If said sewer service charges are not paid when due by any such person, firm or corporation whose premises are served or who are subject to the charges herein provided, water service provided to that customer by the City of Brookings Water Department may be discontinued because of the default in the payment of the sewer service charges. As an additional alternative method, if such rates and charges are not paid when due by any such person, firm or corporation, the amounts so unpaid may be certified by the City Recorder to the County Assessor of Curry County, Oregon, and shall be by him assessed against the premises served as provided by law and shall be collected and paid over to the City in the same manner as other taxes are assessed, collected and paid over, with interest. Interest on unpaid bills shall run from the due date thereof at the rate of 8 per cent per annum. Such unpaid charges may also be recovered in an action at law in the name of the City, with interest as aforesaid.

(4) Improper customer facilities.

(a) Unsafe facilities. The Water Department may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with the plumbing code of the State of Oregon.

(b) Cross connections. A cross connection is defined as any physical connection between the Water Department's system and another source.

The Oregon State Board of Health and the U. S. Public Health Service prohibit cross connections.

The Water Department will not permit any cross connection and will discontinue service to any premises where a cross connection exists. Service will not be restored until the cross connection is eliminated. Customers using water from one or more sources in addition to receiving water from the Water Department on the same premises shall maintain separate systems for each; and the Water Department's water supply facilities shall be separated from any and all other systems by an air gap of not less than one foot or, if in the ground, by not less than five feet.

(5) Water waste. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the Water Department may discontinue service if such conditions are not corrected after due notice by the Water Department.

(6) Service detrimental to others. The Water Department may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

(7) Fraud or abuse. The Water Department will refuse or discontinue service to any premises where it is deemed necessary to protect the Water Department from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the Water Department that the condition or conditions exist.

(8) Unauthorized turn-on. Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be computed at actual cost to the Water Department plus 15 per cent overhead, but not less than \$5.00. These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such charges are paid and the Water Department has reasonable assurance that the violation will not reoccur.

(9) Noncompliance with regulations. The Water Department may, upon five days' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of these regulations.

Section 14. Restoration of Service. Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past-due charges plus \$3.00 for restoration charge and posting a deposit as hereinbefore provided.

Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse or for noncompliance with any of the policies, rules or regulations will only be made after the irregularity has been corrected and the Water Department has been assured that the irregularity will not reoccur. The restoration charge shall be \$3.00 plus any other charges due or past-due that the Water Department may have incurred to correct the irregularity.

Section 15. Unusual Demands. When an abnormally large quantity of water is desired for filling a swimming pool, log pond or for other purposes, arrangements must be made with the utility prior to taking such water.

Permission to take water in unusual quantities will be given only if the Water Department facilities and other consumers are not inconvenienced.

Section 16. Access to Property. All duly appointed employees of the Water Department, under the direction of the Water Superintendent, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The Water Department does not, however, assume the duty of inspecting the customer's line, plumbing and equipment, and shall not be responsible therefor.

Section 17. Responsibility for Equipment.

(1) Responsibility for customer equipment. The Water Department shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing or equipment, nor shall the Water Department be liable for loss or damage due to interruption of service or temporary changes in pressure.

The customer shall be responsible for valves on his premises being turned off when the water service is turned on.

(2) Responsibility for Water Department equipment. Water Department equipment on the customer's premises remains the property of the Water Department and may be repaired, replaced or removed by the Water Department employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or remove Water Department equipment on his premises. The property owner must exercise reasonable care to prevent damage to equipment and must in no way interfere with its operation. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.

(3) Damage to Water Department equipment. The customer shall be liable for any damage to equipment owned by the Water Department which is caused by an act of the customer, his tenants, agents, employees, contractors, licensees or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damages by hot water or steam, and damaged meter boxes, curb stops, meter stops and other service appurtenances.

#### Section 18. Fire Hydrants.

(1) Operation. No person or persons other than those designated and authorized by the Water Department shall open any fire hydrant belonging to the Water Department, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and receives water through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.

(2) Moving a fire hydrant. When a fire hydrant has been installed in the locations specified by the proper authority, the Water Department has fulfilled its obligation. If a property owner or other party desires to change the size, type or location of the hydrant, he shall bear all costs of such changes. Any change in the location of a fire hydrant must be approved by the Water Department and the Fire Department.

Section 19. Penalties. Any person violating any of the provisions of these rules and regulations, shall, upon conviction thereof, be punished by a fine not exceeding \$500.00 or by imprisonment in the City Jail for a period not exceeding six months, or by both such fine and imprisonment.

Section 20. Suspension of Rules. No employee of the Water Department is authorized to suspend or alter any of the policies, rules and regulations cited herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy.


Section 21. Constitutionality, Saving Clause. If any clause, sentence, paragraph, section or portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section or portion of this ordinance directly involved in the controversy in which the judgment is rendered.

Section 22. Easement. Each applicant and user gives and grants to the City of Brookings an easement and right-of-way on and across his property for the installation of water mains and the necessary valves and equipment in connection therewith.

Section 23. WHEREAS, the City of Brookings is in the process of making arrangements for providing a municipal water system and plant and in connection with this, it is necessary that customers of the system be made aware of the rates to be charged and the rules and regulations under which the system will operate and that the same should be put in effect without further delay, an emergency is hereby declared to exist in the interest of the public peace, health and safety of the City of Brookings and the inhabitants thereof, and this ordinance may be introduced and placed upon all of its readings at any one meeting of the Council and shall be in full force and effect from and after its passage by the Council and approval by the Mayor.

PASSED by the Council of the City of Brookings, Oregon this 30<sup>th</sup> day of December, 1966.

SUBMITTED to and approved by the Mayor of the City of Brookings this 30<sup>th</sup> day of December, 1966.

  
Bruce J. Harley  
Mayor

ATTEST:

Robert O. Dimmick Jr.  
City Recorder