

ORDINANCE NO. 99

AN ORDINANCE RELATING TO THE TOWN WATER SUPPLY; PROVIDING PENALTIES AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE TOWN OF TROUTDALE DO ORDAIN:

ORDINANCE SECTION 1. Ordinances no. 58 adopted October 13, 1959, no. 61 adopted October 11, 1960, no. 65 adopted July 18, 1961 and no. 77 adopted July 9, 1963 are repealed.

ORDINANCE SECTION 2. There is hereby adopted a Water Supply Code which shall hereinafter be referred to as Water Code.

TOWN WATER CODE.

Chapter 1.

DEFINING AND PROHIBITING OFFENSES AGAINST THE PURITY OF THE TOWN WATER SUPPLY, PROVIDING PENALTIES, and ASSIGNING DUTIES.

SECTION 1. As used in this Ordinance, the term "water supply property" shall mean all land, water, springs, area, structures, pipes, tanks, reservoirs, pumps and other facilities owned by the City and used or held for use by it in connection with supplying water to the city water system, and specifically includes but is not limited to the following described real property:

Commencing at the corner of Sections 23, 24, 25 and 26, Township 1, North of Range 3, East of W.M.; thence North 89 degrees 57 minutes East along the North line of the D. F. Buxton D.L.C. in said Township and Range, 748 feet to the Northeast corner of the property shown on Multnomah County Assessor's 1945 Tax Roll as Tax Lot No. 7 of said Section 25; thence following the boundary line of said Tax Lot No. 7 South 0 degrees 23 minutes West 2690.23 feet to the South line of Sandy Road; thence South 89 degrees, 37 minutes, 50 seconds East along the South line of said Sandy Road, 100 feet to an 1½ inch iron pipe; thence South 0 degrees 23 minutes West 750.64 feet to an 1½ inch iron pipe; thence leaving the boundary line of said Tax Lot No. 7, and running South 0 degrees 23 minutes West 100 feet to the point of beginning of the land to be described. From said beginning point thence North 89 degrees 37 minutes West 100 feet; thence North 0 degrees 23 minutes East 40 feet; thence North 89 degrees 37 minutes West 190 feet; South 0 degrees 23 minutes West 745.6 feet, more or less, to the South line of said Tax Lot No. 7; thence South 89 degrees, 19 minutes East, along the South line of said Tax Lot No. 7 680 feet to the West line of Willamette Street, a street on the West boundary of the Town of Troutdale, Oregon; thence North along the West line of said Willamette Street 30 feet; thence North 89 degrees 19 minutes West parallel with the South line of said Tax Lot No. 7, 390 feet, more or less, to a point which is South 0 degrees, 23 minutes West from the point of beginning; thence North 0 degrees, 23 minutes East 677 feet, more or less, to the point of beginning. Containing 5.28 acres, more or less.

Also commencing at the corner of Sections 23, 24, 25 and 26 Township 1 North of Range 3, East of W.M.; thence North 89 degrees, 57 minutes East along the North line of the D. F. Buxton D.L.C. in said Township and Range, 228 feet to the Northwest corner of property shown on Multnomah County Assessor's Tax Roll as Tax Lot No. 7 of said Section 25; thence South 0 degrees, 23 minutes West 2688.33 feet to a point 30 feet South of the center line of Sandy Road; thence South 89 degrees, 37 minutes, 50 seconds East parallel with the center

line of said Sandy Road, 400 feet to the Northeast corner of property shown on Multnomah County Assessor's Tax Roll as Tax Lot No. 47 of said Section 25; thence South 0 degrees, 23 minutes West 440 feet to the point of beginning of land to be described. From said beginning point thence South 0 degrees, 23 minutes West 16 feet; thence North 89 degrees, 37 minutes West, 40 feet; thence North 0 degrees, 23 minutes East, 16 feet; thence South 89 degrees, 37 minutes East, 40 feet, to the point of beginning. Containing 640 square feet.

All that part of the tract of land in Section 25, Township 1 North, Range 3 East of W.M. conveyed to James R. Spence and Mary Spence, Husband and wife, by Deed dated April 1, 1950, as recorded in Book 1402 page 24, Deed Records of Multnomah County, Oregon on May 5th 1950, which lies South of the North line of Everett Street extended to the West line of said tract, more particularly described as follows: Beginning at a shot-gun barrel monument in the West line of Willamette Street, westerly from the Southwest corner of Block 24, Town of Troutdale, and running thence North 89° 37' West 230 feet to a point marked by an iron pipe 1½ inches in diameter;

thence North 0° 23' East 740 feet, more or less, to a point in the South line of Everett Street; thence West along said South line of Everett Street 160 feet to an iron pipe; thence North 0° 23' East to a point in the North line of Everett Street; thence West along the said North line of Everett Street extended to the West line of the hereinbefore mentioned Spence Tract; thence South 0° 23' West along the West line of said Spence Tract to the Southwest corner thereof; thence South 89° 19' East along the South line of said Spence Tract which is also the South line of the Tract conveyed to D. F. Buxton by John Herlow by Deed dated April 30, 1880, and recorded in Book 41, page 212, Deed Records of Multnomah County, to a point in the West line of Willamette Street; thence North 0° 21' East 59.16 feet to the place of beginning, EXCEPTING therefrom the following described Tract: Beginning at a point in the West line of Willamette Street 29.16 feet South of a shot-gun barrel in the said West line of Willamette Street West of the Southwest corner of Block 24, Town of Troutdale, and running thence North 89° 19' West 390 feet; thence North 0° 23' East 677 feet to a point; thence North 89° 37' West 100 feet; thence North 0° 23' East 40 feet; thence North 89° 37' West 190 feet; thence South 0° 23' West 745.6 feet; more or less, to the South line of the Spence Tract hereinbefore described; thence South 89° 19' East along said South line 680 feet to a point in the West line of Willamette Street; thence North along the West line of Willamette Street 30 feet to the place of beginning, containing 5.28 acres, more or less, and FURTHER EXCEPTING therefrom that portion of a 12 foot right of way that runs over the North portion of said property, the West line of said driveway being described as follows: Beginning at a point on the South line of Sandy Road, which is South 0° 23' West 25 feet from the center line of said Sandy Road, and North 0° 23' East 5 feet from the Northeast corner of Tax Lot No. 47; thence South 0° 23' West 462 feet to the Southeast corner of the herein above described 640 square foot Tract; thence Southerly 100 feet to a point on the top of the slope of creek bank; thence southerly to a point on the North line of the above described 5.28 acre Tract, which is North 89° 37' West 96 feet from the most northerly Northeast corner of said 5.28 acre Tract, the South line of said 12 foot strip is described as following the North line of the above described 5.28 acre Tract for a distance of 12 feet, the East line of said 12 foot strip is described as being a line parallel with

and 12 feet East of the above described West line. The North line of said 12 foot strip is described as following a line 25 feet South of and 25 feet from the center line of said Sandy Road; ALSO EXCEPTING the following described Tract: Beginning at a shot-gun barrel monument in the West line of Willamette Street, westerly from the Southwest corner of Block 24, Town of Troutdale, and running thence North

89° 37' West 230 feet to a point marked by an iron pipe 1½ inches in diameter; thence North 0° 23' East 740 feet, more or less, to a point in the South line of Everett Street and the point of beginning of the Tract to be described; thence West along the South line of said Everett Street and the extension thereof 260 feet to an iron pipe; thence South 0° 23' West 92.16 feet to an iron pipe at the re-entrant corner at the West end of the first East and West line of the first parcel described in the Deed from W. C. Spence to the Town of Troutdale, recorded in Deed Book 982 at page 517 in the Records of Multnomah County on October 31, 1945; thence East along the said East West line and the extension thereof, 260 feet, more or less, to an iron pipe which is South 0° 23' West 92.16 feet from the place of beginning; thence North 0° 23' East 92.16 feet to the point of beginning.

**SECTION 2.** No person shall trespass upon, loiter around, place or propel debris or material upon, suffer animals to run upon or occupy, or tamper with any water supply property of the City.

**SECTION 3.** No person shall do any act or allow any condition to exist on any water supply property of the City or so close thereto as to affect the same, which act or condition reasonably endangers the purity of the water supply of the City.

**SECTION 4.** The offenses described in Sections 2 and 3 hereof are hereby declared to constitute offenses against the purity of the water supply of the City.

**SECTION 5.** Violation of any provision of this Ordinance shall be punishable upon conviction by a fine not to exceed \$100 or imprisonment for not to exceed 30 days, or both such fine and imprisonment.

**SECTION 6.** The City Marshall is hereby designated and appointed a special policeman for the purpose of enforcing this Ordinance. This duty shall be in addition to his other duties but with no additional compensation in addition to his regular compensation. His oath as Marshall shall be a sufficient oath for the assumption of said duty. As such special policeman he shall be empowered with the powers of a constable, and may arrest with or without warrant any person committing, within the real property described in Section 1 hereof, any offense against the purity of the water supply under state law or this Ordinance, or any violation of any rule or regulation of the State Board of Health made for the protection of the purity of the water supply. Upon any such arrest, he shall forthwith take the person so arrested before the tribunal or court having jurisdiction of the offense. While on duty as such special policeman, he shall wear in plain view a badge or shield bearing the words "Special Police, Troutdale".

**SECTION 7.** If any part of this Ordinance is declared invalid, such judgment shall not affect any of the other provisions hereof.

Chapter 2.

SECTION 1. The following charges shall be paid to the Town of Troutdale for each water connection to the water system of Troutdale for each month or fraction thereof except for the months of July, August and September:

|  |        |
|--|--------|
| Minimum rate per month or fraction, for<br>up to 2250 gallons. . . . .                       | \$2.00 |
| From 2251 gallons to 6750 gallons, at the<br>rate per 750 gallons or fraction thereof. . . . | .35    |
| From 6751 gallons and above, at the rate<br>per 750 gallons or fraction thereof. . . . .     | .25    |

SECTION 2. That the water rates charged by the Town of Troutdale for water used during the months of July, August and September of each year shall be reduced so that for the minimum charge of \$2.00 the water user shall be entitled to 4500 gallons. All water used in excess of 4500 gallons shall be charged at the rates above set forth.

SECTION 3. In addition thereto, there shall be charged for each such water connection where the primary use of the water is located outside the boundaries of Troutdale the sum of \$1.00 per month or fraction thereof.

SECTION 4. All bills for water shall be due and payable on the first day of each month and shall be considered delinquent if not paid by the tenth of the same month.

SECTION 5. All water charges, whether within or without Troutdale, shall be chargeable to the premises where water is supplied. Whenever any water charge shall not be paid within ten days after it becomes due and payable, the Marshall shall discontinue the service of water to such premises. Water shall not again be furnished thereto until all outstanding obligations for water supplied to such premises shall have been paid in full.

~~SECTION 6. The Marshall may require a deposit by any applicant for water service in a sum equal to the estimated water charges to be made against the applicant for two months. Such estimate shall be made by the Marshall. If such a deposit is required, it shall be paid before water to the applicant's premises is turned on. No part of any such deposit shall be refunded unless all water charges against the applicant shall have been paid in full. Deposits not refundable for any reason within 90 days after termination of water use shall be treated as other income of the water system.~~

SECTION 7. No water shall be taken from the Troutdale Water System until a meter has been installed for the specific dwelling unit, commercial establishment or other place of use of the water. The meter and installation thereof shall conform to the requirements set forth by the Common Council and be under the direction of the Marshall and Maintenance Man.

SECTION 8. The meter shall be installed at or near the property line. The cost of the meter and installation shall be paid by the property owner to the Town, on the basis of the following schedule, based upon inside diameter size of intake pipe of meter:

| Size       | Cost          |
|------------|---------------|
| 3/4 inch   | \$75. 135.00  |
| 1 inch     | \$100. 150.00 |
| 1 1/4 inch | \$125. 175.00 |

The charge so calculated shall be the total charge and shall include installation and laying of pipe from street to property line. If laying of pipe is necessary to bring a water line to a point in the street in front of the pro-

perty, the cost thereof shall be an additional charge to the owner.

SECTION 9. All water meters shall remain the property of the Town.

SECTION 10. Any person tampering with, or turning on or off, any water meter, or connection thereof, of the Troutdale Water System, without authority from the Town, shall be subject to fine of not to exceed \$25.00 or imprisonment of not to exceed 10 days, or both.

SECTION 11. The fees and charges herein provided for are made liens upon respective properties served, and in the event the fees and charges are not paid within a period of 45 days from the due date thereof, the same may be entered upon the lien docket of the Town of Troutdale and such liens shall be foreclosed and charges collected in the manner required by the charter and ordinances of said town for the collection of liens upon real property. All delinquent fees and charges shall draw interest at the rate of 6 per cent per annum from the respective due dates. If it is necessary to file a suit for collection of any fees, the property owner shall pay the charges plus court costs and attorney's fees required for collection.

In addition to the above mentioned lien procedures for collection, said town shall also have the right to recover said fees and charges in any court of competent jurisdiction in an action at law and in addition thereto said town shall have the right to certify to the tax assessor of Multnomah County, Oregon, the amount or amounts of any delinquent fees or charges and, when so certified, the same shall be assessed against the premises so serviced in the same manner as other taxes are certified, assessed, collected, and paid over.

ORDINANCE SECTION 3. Inasmuch as this Ordinance is necessary for the immediate preservation of the public health, peace and safety of the people of the Town of Troutdale in the judgment of the Common Council, now, therefore, an emergency is hereby declared to exist and this Ordinance shall be in force and effect from and after its passage by the Common Council of the Town of Troutdale and its signing by the Mayor.

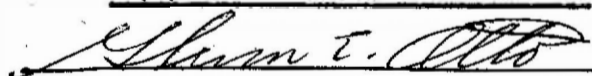
Passed by the Common Council of the Town of Troutdale this 9 day of January, 1968.

YEAS: 6.

NAYS: 0.

Signed by the Mayor this 9 day of January, 1968.

(s) Glenn E. Otto



ATTEST:

Recorder: (s) Truly V. Wright

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