

ORDINANCE NO. 170

AN ORDINANCE PROVIDING RULES AND REGULATIONS FOR THE OPERATION OF THE WATER DEPARTMENT OF THE CITY OF TROUTDALE, AND DEFINING THE RIGHTS AND OBLIGATIONS OF THE CITY AND ITS WATER DEPARTMENT CUSTOMERS IN CONNECTION THEREWITH, PROVIDING A PENALTY FOR VIOLATION THEREOF, AMENDING ORDINANCE 99, REPEALING ORDINANCES 120, 162 and 164 AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE:

Section 1. Ordinance 99 is hereby amended by the deletion of Chapter 2 of the ~~Town~~^{City} Water Code contained therein. Ordinances 120, 162 and 164 are hereby repealed.

Section 2.

1. RULES AND REGULATIONS

1.1. Short Title. This Code shall be known as "Rules and Regulations for the Operation of the Water Department of the City of Troutdale" and may be so cited and pleaded.

1.2. Scope. The Water Department and all customers receiving service from the Water Department, whether inside or outside the ~~city~~^{city} limits, are bound by these Rules and Regulations for the Operation of the Water Department of the City of Troutdale.

2. DEFINITIONS OF GENERAL TERMS

2.1. City. Whenever the word "City" is used, it shall mean the legally constituted municipal government of the City of Troutdale.

2.2. Water Department. Whenever the words "Water Department" are used, they shall mean the Water Department of the City of Troutdale.

2.3. Rules and Regulations. Whenever the words "Rules and Regulations" are used, they shall mean the Rules and Regulations for the operation of the Water Department of the City of Troutdale.

2.4. City Council. Whenever the words "City Council" are used, they shall mean the legally elected or appointed group of members composing the governing body of the City of Troutdale.

2.5. Superintendent. Whenever the word "Superintendent" is used, it shall mean the person appointed by the City Council to manage the affairs of the Water Department.

2.6. 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 rules and regulations.

2.7. Customer. Whenever the word "Customer" is used, it shall mean an applicant who has been accepted under the terms of these rules and regulations and who receives water service from the Water Department.

3. SERVICE AREA

The area served by the Water Department shall be that area included within the corporate limits of the City of Troutdale, and such other contiguous or neighboring territory as the City Council shall, from time to time, determine to serve.

4. DESCRIPTION OF SERVICE

4.1. Supply. The Water Department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a proper pressure and to avoid 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.

4.2. Quality. The Water Department will exercise reasonable diligence to supply a safe and potable water at all times and shall submit samples for bacteriological testing as required by the Oregon State Board of Health.

4.3. Ownership of System. All water mains, valves, fittings, hydrants, service connections, and other appurtenances, except "customer service lines," as defined herein, shall be the property of the Water Department.

4.4. Special Contracts. When the applicant's requirements for water are unusual or large, or necessitate considerable special or reserve equipment or capacity, the Water Department reserves the right to make special contracts, the provisions of which are different from and have exceptions to the regularly published water rates, rules, and regulations. These special contracts shall be in writing and signed by the applicant and the Superintendent. The Superintendent shall not sign a special contract until specific approval of the contract has been obtained from the City Council.

4.5. Resale of Water. Resale of water shall only be permitted under special contract.

4.6. 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 from the standpoint of public convenience or necessity. Water service to users outside the City limits shall, at all times, be subject to the prior and superior rights of the customers within the City.

5. APPLICATION FOR SERVICE

* 5.1. Application Form. Each applicant for water service shall sign an application form provided by the Water Department giving date of application, location of premises, whether they have been served before, the date on which applicant desires to have service begin, purpose for which service is to be used, the address for mailing or delivery of bills, the applicant's address (owner, tenant, or agent), the class and size of 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.

5.2. Deposits and Establishment of Credit. At the time application for service is made, the applicant shall establish his credit with the Water Department.

5.2.1. Establishment of Credit. The credit of the applicant will be deemed established:

a. If the applicant makes a cash deposit with the Water Department to secure payment of bills for service. The deposit shall be a sum equal to the estimated bill for two billing periods, but not less than Ten Dollars (\$10.00).

b. If the applicant has promptly paid all accounts due the Water Department for a period of twelve (12) consecutive billing periods.

c. If the applicant can otherwise convince the Water Department that all bills will be paid when due.

5.2.2. 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. The deposit will be returned to the customer when service to the customer is discontinued, provided all outstanding bills have been paid. The Water Department may, at its option, return the deposit without application, provided all bills have been paid promptly for twelve (12) consecutive billing periods. The Water Department will not pay interest on any deposit.

5.2.3. 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 customer at the same or different premises until all outstanding bills due the Water Department have been paid and the cash deposit replaced.

5.3. Application of 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.

6. MAIN EXTENSIONS

6.1. Within the City Limits. Water main extensions to areas within the City limits not presently served with water shall be installed by the Water Department or by contractors approved by the Water Department. The

cost of such extensions shall be borne by the adjacent properties along which the extensions are made, on a front-foot basis, except that the adjacent properties shall not be assessed in excess of the cost of installing a 6-inch main, including all fittings and valves.

In the event a water main is laid to serve property which has paid for a water service connection from another street, the Water Department will install a new service connection of like size to the property line or parking strip without charge to the owner, provided that the property is assessed for the new water main.

6.2. Outside the City Limits. Water mains outside the City limits shall be extended only at the expense of the customers served. The Water Department shall determine the size of the main extension. 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 Water Department's standards. The main extensions shall become the property of the Water Department at the time water from the City water system is turned into the main extension.

6.3. Locations of Extensions. The Water Department will make water main extensions only on public 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 Troutdale or transferred to the City of Troutdale, along with all rights and title to the main prior to the time service is provided to the customers paying for the extension.

7. SERVICES

7.1. 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 connection to the customer's distribution system.

7.2. Ownership, Installation, and Maintenance. The Water Department shall own, install, and maintain all services and installations and maintenance shall only be performed by authorized employees of the Water Department. The customer shall own, install, and maintain the customer service line.

7.3. 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.

The 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. In addition to the cost of the installation, the service connection charge shall include a system improvement fee based on the size of the meter. The service connection charge shall be as determined by the Water Department in the current published water rate schedule.

7.4. 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 pipe shall be 3/4-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.

7.5. 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 a new connection and the customers application shall be amended.

7.6. 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 does not exceed the width of the right-of-way.

Where the main is on an easement or publicly owned property other than designated public rights-of-way, the service shall be installed to the boundary of the easement or public property by the Water Department, provided the length of service does not exceed thirty (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 rental, plus 20 percent of the total.

7.7. Joint Service Connections. The Water Department may, at its option, serve two or more premises with one service connection. On new service connections, the inside diameter of such joint service 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 occupancies or ownerships other than that for which the existing service was intended shall not be permitted except under special considerations approved by the City Council.

7.8. 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 require, provided his application or applications meet the requirements of the rules and regulations.

7.9. Standby Fire Protection Service Connections.

7.9.1. Purpose. Standby fire protection service connections of 2-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 customers' premises shall be installed in accordance with the plumbing code of the City of Troutdale.

7.9.2. Charges for Service. Charges for standby fire protection service will be as 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 customer shall pay the full cost of the standby fire protection service connection, any required detector-check meters, and any required special water meter or other device installed solely for the service to the standby connection.

7.9.3 Violation of Regulations. If water is used from a standby 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.

7.10 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 shall be metered. All water used through that service, regardless of its use, will be charged at the regular rates.

7.11. 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 owned and furnished by the Water Department. The applicant shall also pay his water bill in advance, based on an estimate of the quantity to be used, or he shall otherwise establish satisfactory credit.

7.11.1. 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.

7.11.2. 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.

7.11.3. Installation Charge and Deposits. The applicant for temporary service will be required:

- a. To pay the Water Department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service.
- b. 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.
- c. To deposit with the Water Department an amount equal to the value of any equipment loaned by the Water Department to such applicant

for use on temporary service. This deposit is refundable under the terms hereinafter stipulated.

7.11.4. 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.

7.12. Customers' Plumbing.

7.12.1 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, sewage, or drainage, shall comply with the Plumbing Code of the State of Oregon.

7.12.2. Control Valves. Customers shall install a suitable gate and check 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 and to prevent the backflow of water into the City mains. The customer shall install such additional pressure reducing valves, pressure relief valves, check valves, pop-off valves, or other control valves as the customer may desire or the Water Department may deem necessary to protect the customer's piping from abnormal high or low pressures or from interruptions of service. Repair and replacement of said control valves shall be the responsibility of the customer.

It shall be a violation of these Rules and Regulations for the customer to operate or cause unauthorized operation of the meter stop or any other appurtenances on the service connection.

7.12.3. Pumps. Where pumping is required to serve a customer at too high an elevation to be served by gravity, the Water Department may, at its

option, require the customer to provide a suitable pump as a condition of service. The installation shall be subject to approval by the Superintendent.

8. METERS.

8.1. 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, located on a customer's premises. 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.

8.2. 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.

8.3. 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 Superintendent. The Water Department reserves the right to determine the type of meter to be installed.

8.4. 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 locations where damage to the meter or its related parts may occur.

8.5. Joint Use 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.

8.6. Changes in Size or Location. If, for any reason, a change in 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 amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

9. WATER RATES

The water rates to be charged, including minimum charges, charges for water used over the specified minimum, and service connection charges, shall be published in a separate water rate schedule. The water rate schedule approved by the City Council shall become a part of this section of these Rules and Regulations. The water rates schedule may be revised at any time without invalidating the remainder of these Rules and Regulations. All water used, with the exception of that used for fighting fires, shall be metered and a charge made according to the schedule of water rates.

10. NOTICES

10.1 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 by telephone or messenger.

10.2. Notices from Customers. Notices from customers 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, or to an agent of the Water Department duly authorized to receive notices or complaints.

11. BILLING AND PAYMENT

11.1. Meter Readings. Meters will be read and customers billed on the basis of the meter reading to the nearest gallon. A charge will then be made based on the rates established by the City Council.

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
/

11.2. Flat Rates. Where meters have not been installed, the customer will be billed on the basis of the minimum monthly charge for the size and class of service supplied to the customer.

11.3. Rendering of Bills.

11.3.1. Billing Period. Meters shall be read and bills shall be rendered bi-monthly.

11.3.2. Bills for Other Than Normal Billing Period. Opening or closing bills or bills that for any other reason cover a period containing 10 percent more days or 10 percent less days than in the normal billing period shall be prorated.

11.3.3. 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 readings may be combined for billing.

11.4. 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 these Rules and Regulations.

11.5. 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 the period shall be estimated.

11.6. 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 City Council, in writing, that specify another due date.

In all cases herein, the property owner shall be jointly liable with the Water User for all charges due under this Ordinance.

11.7. Delinquent Accounts.

11.7.1. All water charges and sewer service charges, including those referred to in Ordinance No. 147, whether within or without Troutdale, shall be chargeable to the premises where water is supplied. Whenever any water charges or sewer service charges shall not be paid within ten (10) days after it becomes due and payable, the ~~Marshal~~^{Superintendent} shall discontinue the service of water to such premises. Water shall not again be furnished thereto until all outstanding obligations for water and sewer service charges to said premises shall have been paid in full.

11.7.2. Service Charge. In all instances where water has been turned off because of delinquent accounts, a \$10 service charge shall be made for the restoration of service, and replacement of the cash deposit will be required.

11.7.3. Installment Payments of Delinquent Accounts. In cases of extreme hardship, the Superintendent shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount.

11.7.4. Lien against Real Property. 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~~^{City} of Troutdale and such liens shall be foreclosed and charges collected in the manner required by the charter and ordinances of said ~~Town~~^{City} 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~~^{City} 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.

12. METER ERROR.

12.1. 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 3 percent under conditions of normal operation.

12.2. Meter Test.

12.2.1. Standard Test. Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.

12.2.2. On Customer Request. A customer may, giving not less than 7 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 \$10 for meters 1-inch and smaller, and for meters larger than 1-inch shall be an estimate of the cost of testing the meter as determined by the Superintendent. The deposit will be returned to the customer if the test reveals the meter to overregister more than 3 percent under conditions

of normal operation. If the meter is operating satisfactorily, or if the meter underregisters more than 3 percent under the standard test conditions, the deposit shall be forfeited to the Water Department. Customers may, at their option, witness any meter tests which they request.

12.2.3. 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.

12.3. Adjustment of Bills for Meter Error

12.3.1. Fast Meters. When, upon test, a meter is found to be over-registering more than 3 percent under normal operating conditions, the Water Department will refund to the customer the full amount of the overcharge, based on corrected meter readings, not exceeding two regular billing periods that the meter was in use.

12.3.2. Slow Meters. When, upon test, a meter is found to be under-registering more than 10 percent, the Water Department may bill the customer for the amount of the undercharge, based upon corrected meter readings, not exceeding two regular billing periods that the meter was in use.

12.3.3. 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 upon the customer's prior use during the same season of the previous 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, or both.

13. DISCONTINUANCE OF SERVICE.

13.1. 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 proportionate share of the monthly minimum specified in the water rate schedule applying to the size and class of service furnished.

13.2. 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 these Rules and Regulations.

13.3. Improper Customer Facilities.

13.3.1. Unsafe Facilities. The Water Department may refuse to furnish water and may discontinue service 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 City of Troutdale.

13.3.2. Cross Connections or Physical Connections with Other Water Supplies or Systems.

a. Neither cross connections nor physical connections of any kind shall be made to any other water supply, whether private or public, without the written approval of the Water Department. Included in this category are all pipe lines, appurtenances and facilities of the Water Department's

system and all pipes, appurtenances, pumps, tanks, storage reservoirs, facilities, equipment, appliances, etc. of other systems, whether located within or on public or private property or the premises of a water user.

b. The Superintendent or other authorized representative shall have the right, without being deemed guilty of trespass or unlawful act, to check the premises of users for physical connections with other water supplies. Any such connection shall be removed immediately by the customer, otherwise the Water Department shall discontinue any connection which it may have for the serving of water to the premises.

c. All plumbing within the building served by the Water Department shall be so installed and all plumbing fixtures so constructed as to prevent pollution of water supply by back-siphonage or cross-connections. Water service to any premises known or found to have such defects and hazards shall be disconnected and not restored until such defects and hazards have been eliminated.

13.4. 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.

13.5. Service Detrimental to Others. The Water Department may refuse to furnish water and may discontinue service to any premises where excessive demand by one customer will result in inadequate service to others.

13.6. 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.

13.7. 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 percent overhead, but not less than \$10. These charges shall be billed to the offending customer and water shall not be furnished to the premises until such charges are paid and the Water Department has reasonable assurances that the violation will not reoccur.

13.8. Noncompliance With Rules and Regulations. The Water Department may, upon five (5) days' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of these Rules and Regulations.

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 Ten Dollars (\$10) for restoration charge, and posting a deposit as previously stated.

Restoration of service after discontinuance of service for the customer's convenience, or for unsafe facilities, water waste, fraud, abuse, or for non-compliance with any of the Rules and Regulations will only be made after adjustments have been made to insure that the irregularity will not reoccur. The restoration charge shall be Ten Dollars (\$10) plus any other charges, due or past due, that the Water Department may have incurred to correct the irregularity.

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 Water Department 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.

16. ACCESS TO PROPERTY

The duly appointed employees of the Water Department, under the direction of the 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 purpose 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.

17. RESPONSIBILITY FOR EQUIPMENT

17.1. 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.

17.2. 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 secure or confined to avoid interference with the utility operation and maintenance.

The Water Department may, at its option, install pressure reducing valves which, if done, will be done at the expense of the Water Department, and for the purposes of reducing pressures from the distribution mains only in order to protect the Water Department's meter. The installation of the pressure reducing valve is not designed nor intended to protect any property beyond the meter to the customer's lines, and if any property of the customer after water passes through the meter is subject to damage by reason of water pressure or changes thereof the loss or damage that may result to the customer's property will be at the sole and exclusive expense of the customer and shall not be a responsibility of the Water Department. Failure of Water Department control valves or devices will not in any way indicate negligence by the Water Department or responsibility for damage caused therefrom.

17.3. 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 damage by hot water or steam, and damaged meter boxes, curb stops, meter stops, and other service appurtenances.

18. FIRE HYDRANTS

18.1. Operation. No person or persons other than those designated and authorized by the Water Department shall open any fire hydrant or standpipe 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 water is received through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.

18.2. 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.

19. TAMPERING WITH WATER SYSTEM

No person or persons other than those designated and authorized by the Water Department shall operate, adjust or in any manner tamper with any part of the water system of the City of Troutdale. Violators will be subject to penalties stated in Section 20 of these Rules and Regulations.

20. PENALTIES

Any person violating any of the provisions of these Rules and Regulations shall, upon conviction thereof, be punished by a fine of not more than \$500, or by imprisonment in the City Jail for a period not exceeding 6 months, or by both such fine and imprisonment.

21. AMENDMENTS

21.1. City Council. The City Council shall have the power to establish water rates and charges and amend these Rules and Regulations as may be necessary for the efficient operation of the Water Department.

21.2. Suspension of Rules. No employee of the Water Department is authorized to suspend or alter any of the 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.

22. 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.

23. EMERGENCY CLAUSE

Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the people of the City 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 City of Troutdale, and its signing by the Mayor.

Passed by the Common Council of the ^{city} ~~City~~ of Troutdale this 2nd day of ~~October~~ ^{November}, 1971.

YEAS: 3

NAYS: 0

Signed by the Mayor this 2nd day of ~~October~~ ^{November}, 1971.

Sharon E. Otto
Mayor

Attest:

Judy V. Wright
City Recorder

Ordinance No. 170