

AN ORDINANCE REGULATING THE USE OF THE PUBLIC WATER SYSTEM AND THE OPERATION OF THE WATER DIVISION OF THE CITY OF TROUTDALE; REQUIRING APPLICATION PERMITS AND FEES; PROVIDING PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING ORDINANCES NOS. 77, 170, 211.

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

SECTION 1. SHORT TITLE

This ordinance shall be known as the WATER REGULATIONS ORDINANCE.

SECTION 2. INTENT AND SCOPE OF AUTHORITY

- A. Pursuant to the statutes of the State of Oregon and the powers granted in the charter of the City of Troutdale the City does hereby declare and reaffirm its intention to acquire, own, construct, equip, operate, and maintain water lines and pumping storage and treatment facilities; to extend and expand the existing water system of the City; and to reconstruct such existing water lines, pumping, storage and treatment facilities as may be deemed proper by the Common Council of the City of Troutdale.
- B. The Water Division, Department of Public Works, and all users receiving service from the City whether inside or outside the City limits, shall be bound by this ordinance.

SECTION 3. DEFINITIONS

- A. "Building Water Service Line" or "User Water Service Line" shall be that part of the water piping on the user's property that connects the service connection to the user's distribution system.
- B. "City" shall mean the legally constituted municipal government of the City of Troutdale.
- C. "Commercial User" shall mean any premises used for commercial or business purposes which is not an industrial user as defined in this ordinance.
- D. "Connection Charge" or "Service Connection Charge" shall mean that charge necessary to provide for the purchase and installation of water meters, water taps, service corrections or any other water services provided by the City, and their associated costs.
- E. "Director" means the Director of Public Works of this City or his duly appointed deputy, agent or representative.
- F. "Equivalent Residential Unit" (ERU) shall mean a unit of water which incurs the same costs for production, storage and maintenance as the average volume of water used in a single-family residence in the water service area. In the City of Troutdale, one ERU shall be equivalent to 400 gallons per day of water used.
- G. "Industrial User" shall mean any non-governmental user of the public water system who uses water for industrial manufacturing, trade or business processes.

- H. "May" is permissive.
- I. "Operation and Maintenance" shall mean all activities, goods, and services which are necessary to maintain the proper capacity and performance of the water system for which such works were designed and constructed. The term "operation and maintenance" may include replacement as defined hereinafter.
- J. "Person" means any individual, firm, company, partnership, corporation, association, group or society, and includes the State of Oregon, and agencies, districts, commissions and political subdivisions created by or pursuant to State law.
- K. "Public Water System" (system) means any devices, facilities, structures, equipment or works owned or used by the City for the purpose of the acquisition, transmission, storage or treatment of potable water including, but not limited to, wells, pumps, water mains and laterals, pressure regulating equipment, storage tanks, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable water supply such as standby pumps, tanks and treatment facilities; and any works, including site acquisition of the land that will be an integral part of the water system.
- L. "Replacement" shall mean acquisition and installation of equipment, accessories, or appurtenances which are necessary during the service life of the water works to maintain the capacity and performance for which such works were designed and constructed.
- M. "Service Connection" shall be that part of the water distribution system which connects the water meter to the water main and shall normally consist of the corporation stop, service pipe, curb angle stop and box, meter, meter yoke, and meter box and which has been provided for the sole purpose of providing a connection for the building water service line.
- N. "Shall" is mandatory.
- O. "System Development Charge" (SDC) shall mean the charge levied to continue to provide adequate capacity and reserve capacity of the system to produce, store and transmit water as necessitated by added water users.
- P. "User" means any person who receives water service from the Water Division.
- Q. "Water Division" shall mean the division within the Department of Public Works of the City of Troutdale which is responsible for providing for the maintenance and operation of the public water system.

#### SECTION 4. SERVICE AREA

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

#### SECTION 5. PROHIBITIONS AND LIMITATIONS

- A. It shall be unlawful to take water from the public water system of the City

without prior authorization from the Director or without obtaining the proper permits and paying the appropriate fees and charges as set forth in this Ordinance or in the Water Rates Ordinance.

- B. It shall be unlawful for any user to resell water without first obtaining the authorization of the Director and signing a special contract as approved by the Common Council.
- C. No person shall make any cross connections of any kind to the public water system with any other water supply whether private or public without the written approval of the Director. Included in, but not limited to, this category are all pipe lines, appurtenances and facilities of the water 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. All plumbing within buildings served by the water system shall be so installed and all plumbing fixtures so constructed as to prevent pollution of water supply by back-siphonage or cross-connection.
- D. No person shall wastefully or negligently use water in such a manner as to adversely affect the service of the water system.
- E. It shall be unlawful for any person other than those designated and authorized by the Director, to operate adjust or in any manner tamper with any part of the public water system of the City of Troutdale. Violators will be subject to penalties provided by this Ordinance.
- F. It shall be unlawful for any person other than those designated and authorized by the Director to open any fire hydrant or standpipe belonging to the Water System, attempt to draw water from it or in any manner damage or tamper with it. 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 and meter will be provided by the Water Division to control the flow of water.

#### SECTION 6. DESCRIPTION OF SERVICE

- A. The City will exercise reasonable diligence and care to deliver a continuous and sufficient supply of potable water to the user at a proper pressure and to avoid any shortage or interruption in delivery.
- B. The City shall not be liable for damage resulting from the interruption in service, temporary changes in pressure, or from the lack of service. Temporary suspension of service by the Water Division for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all users affected will be notified prior to shutdowns.
- C. The City 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.
- D. In case of shortage of supply, the City reserves the right to give preference in the matter of furnishing service to users from the standpoint of public convenience or necessity. The City may establish such programs as needed for rationing water. Said programs will equitably ration water to

all users. Water service to users outside the City limits shall, at all times, be subject to the prior and superior rights of the users within the City.

- E. The City shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the user's line, plumbing, or equipment. The user shall be responsible for valves on his premises being turned off when the water service is turned on.
- F. Water Division equipment on the user's premises remains the property of the City and may be repaired, replaced, or removed by authorized City employees at any time without consent of the user. No payment will be made to the property owner for the right to install, maintain, replace, or remove Water Division equipment on his premises. The property owner must exercise reasonable care to prevent damages to equipment and must in no way interfere with its operation. The user must keep vicious dogs or other animals secure or confined to avoid interference with the utility operation and maintenance.
- G. The Water Division may, at its option, install pressure reducing valves which, if done, will be done at the expense of the City, and for the purposes of reducing pressures from the distribution mains only in order to protect the Water Division's meter. The installation of the pressure reducing valve is not designed nor intended to protect any property beyond the meter to the user's lines, and if any property of the user 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 user's property will be at the sole and exclusive expense of the user and shall not be a responsibility of the Water Division. Failure of Water Division control valves or devices will not in any way indicate negligence by the City or responsibility for damage caused therefrom.
- H. The user shall be liable for any damage to equipment owned by the Water Division which is caused by an act of the user, his tenants, agents, employees, contractors, licensees, or permittees. Damage to equipment shall include but not be limited to damage by hot water or steam, and damaged meter boxes, curb stops, meter stops, and other service appurtenances.

#### SECTION 7. USER APPLICATION AND ESTABLISHMENT OF CREDIT

- A. Each applicant for water service shall sign an application form provided by the City and at the time of submitting said application for service shall establish his credit with the City. In signing the application, the user agrees to abide by the rules and regulations established by this Ordinance. The application does not bind the City to provide water service contrary to the provisions of this Ordinance.
- B. The credit of the applicant shall be deemed established:
  - 1. if the applicant makes a cash deposit with the City 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).
  - 2. if the applicant has promptly paid all accounts due the City for a period of six (6) consecutive billing periods.

3. if the applicant can otherwise convince the City that all bills will be paid when due.
- C. At the time the deposit is given to the City, 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 user when service to the user is discontinued, providing all bills have been paid promptly for six (6) consecutive billing periods.
- D. 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 user at the same or at different premises owned by the same user until all outstanding bills due the City have been paid and the cash deposit replaced.
- E. Users desiring a material change in size, character, or extend of equipment or operation which would result in a material change in the amount of water used, shall give the City written request for such change and the application for service shall be amended. Users desiring a change in the size, location, or number or services shall fill out an amended application.

SECTION 8. BILLING AND PAYMENT

- A. Meters will be read and users 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.
- B. The City shall keep an accurate account on its books of all readings of meters, and such account may be offered as prima facie evidence of the use of water service by the user.
- C. Rendering of Bills:
  1. Meters shall be read and bills shall be rendered bimonthly by the City.
  2. For opening bills the standard meter demand rate plus the standard meter commodity charge shall apply to those users receiving water service on or before the 15th of the month. Users receiving service after the 15th of the month shall pay one half the standard meter demand rate for the month in which the bill was opened and shall pay the standard meter commodity charge for the water used over one half that amount normally included in the standard meter demand rate.
  3. For closing bills the standard meter demand rate plus the standard meter commodity charge shall apply to those users terminating water service after the 15th of the month. Users terminating service on or before the 15th of the month shall pay one half the standard meter demand rate for that month and shall pay the standard meter commodity charge for the water used over one half that amount normally included in the standard meter demand rate.
  4. All meters supplying a user's premises shall be billed separately, except that where the Water Division has, for operating purposes, installed two or more meters in place of one, the readings may be combined for billing.

- D. When a user 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 user to make such a deposit shall warrant discontinuance of service, as provided by this Ordinance.
- E. In the event that it is impossible or impractical to read a meter on the regular reading date the total water consumption for billing purposes for the period shall be estimated based on previous billings to that user or on consumption by similar users in similar circumstances. The City shall not estimate a user's water consumption for billing purposes more than two consecutive times.
- F. Each bill rendered shall be due and payable on the date of the billing, as shown on the bill, and shall be paid within ten days of that date. If the bill is not paid within ten days of the date shown on the bill the account shall be considered delinquent unless other arrangements have been made with the City Recorder, in writing, that specify another due date.
- G. In all cases herein, the property owner shall be jointly liable with the Water User for all charges due under this Ordinance.

SECTION 9. DELINQUENT ACCOUNTS

- A. All water charges and sewer service charges, including those referred to the Water Rates Ordinance, whether within or without the City, shall be chargeable to the premises where water is supplied. Whenever any water charges or waste water service charges have not been paid within ten days after they become due and payable, the Director may discontinue the service of water to such premises. Whenever any water charges or waste water service charges have not been paid within forty five days after they become due and payable, the Director 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.
- B. 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.
- C. In cases of extreme hardship, the City 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.
- D. In the event any fee or charge for water service is not paid within ten (10) days of the due date thereof, a lien shall attach to the property served and the fees and charges shall be entered upon the lien docket of the City of Troutdale. The lien may be foreclosed and the charges collected by suit in equity for foreclosure by judicial sale. All delinquent fees and charges shall draw interest at the rate of eight (8) percent per annum from the respective due dates. If it is necessary to file a suit for the collection of any fees, the user or the property owner shall pay the charges, plus court costs and attorney's fees. However, if a fee or charge is disputed, no lien shall be entered upon the lien docket until a hearing has been held and a determination made by the hearing officer or body that the fee or charge is proper.

- E. In addition to the above mentioned lien procedures for collection, said City 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 the 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.

SECTION 10. NOTICES

- A. Notices from the City to the user 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 City may notify the user by telephone or messenger.
- B. Notices from users to the City may be given by the user or his authorized representative orally or in writing at the City Hall, or to a representative of the City duly authorized to receive notices or complaints.
- C. Users are responsible for notifying the City of address changes. The property owner is responsible for notifying the City of changes in ownership. If a premises is connected to the Public Water System the user or property owner is responsible for notifying the City if the bi-monthly bills are not being received.

SECTION 11. WATER USER RATES AND CHARGES

- A. Water user rates and charges including, but not limited to, water use rates, service charges, service connection charges, emergency stand by service charges and water systems development charge, shall be established by a separate ordinance to be known as Water Rates Ordinance.
- B. The water user rates and charges as established in the Water Rates Ordinance shall be reviewed and revised periodically to reflect actual costs of operation, maintenance, replacement, and financing of the water system and to maintain the equitability of the user charges with respect to proportional distribution of the costs of operation and maintenance in proportion to each user's contribution to the total loading of the water system.
- C. Water system development charge:
1. All houses, buildings or properties used for human occupancy, employment, recreation, or other purposes which connect to the public water system under the provisions of this ordinance shall pay a water system development charge as established in the Water Rates Ordinance. Such charges will be established to continue to provide adequate capacity and reserve capacity of the system, to produce, store and transmit water as necessitated by added water system users.
  2. For users not specifically identified in the Water Rates Ordinance the system development charge shall be equal to the amount set forth in the Water Rates Ordinance for single family units multiplied by the equivalent residential units as defined in this ordinance and as determined by the Director.

D. Water use rates:

1. A Standard Meter Demand Rate shall be established to provide for general maintenance and capital replacement for the water system and to maintain a minimum reserve capacity and availability of service whether or not that service is actually used.
2. A Standard Meter Commodity Charge shall be established which shall be the rate necessary to cover the costs of the actual amount of water consumed by the user.

E. Emergency standby service charge:

1. An Emergency Standby Service Charge shall be established to provide for that portion of the maintenance, capital investment and replacement, reserve capacity and available service capacity in order to make available to users in the City an emergency standby service.
2. No charge will be made for water used by standby fire protection services to extinguish accidental fires or for routine testing of of the fire protection system. The user 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 emergency standby connection.

F. Service connection charge:

A Service Connection Charge shall be established for the purchase and installation of standard water meters, to provide for the purchase and installation of non-standard water meters, and to provide for water taps, service connections or any other water system services, and their associated costs, which are provided by the City.

G. Construction standpipe connection and water use charge:

1. In order to facilitate construction of residential and multi-family units a temporary standpipe shall be provided to builders during the construction period before the permanent meter is installed.
2. A standpipe installation charge to provide for the installation and removal of the standpipe shall be established.
3. A water use rate shall be established which shall be the equivalent of six months at the minimum monthly meter demand rates. This shall be a flat charge and no further water use charge will be made for standpipes used in excess of six months and no rebate will be made for standpipes used less than six months.
4. The Director shall be authorized to establish fees and charges for standpipe installation and water use for commercial and industrial construction purposes.

H. Special contracts:

1. When a user's requirements for water are unusual, large, or necessitate considerable special or reserve equipment or capacity, the City



may make special contracts with that user, the provisions of which are different from and have exceptions to the regularly published water rates, as established by the Water Rates Ordinance, and the rules, and regulations as established by this Ordinance. These special contracts shall be in writing and signed by the user and the City Recorder. The City Recorder shall not sign a special contract until specific approval of the contract has been obtained from the City Council.

- I. Users of a temporary water service 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 Division. Users shall be required to place a cash deposit with the City for the equipment used and the estimated water useage. The user shall use all possible care to prevent damage to the meter or to any other loaned facilities of the Water Division. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit. 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 user at the termination of service.

#### SECTION 12. SERVICE CONNECTIONS

- A. The City shall own, install, and maintain all services and installations and maintenance shall only be performed by authorized employees of the City. The user shall own, install, and maintain the building water service line.
- B. At the time the user 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 charges established in the Water Rates Ordinance.
- C. The Water Division 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 approved by the Water Division. The minimum size of of service pipe shall be 3/4 inch. The Water Division may refuse to install a service line which is under-sized or oversized, as determined by the Director.
- D. Permanent changes in the sizes of the service line requested by the user shall be paid by the user on the basis of a new connection and the users application shall be amended.
- E. Where the water 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 Division, 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 user shall pay the extra cost of the line on the basis of actual cost to the Water Division for labor (salary and benefits), materials, and equipment rental, plus 30 percent of the total for City overhead.

- F. The Water Division 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 as approved by the Director.

- G. 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 established by this ordinance.

H. Emergency standby service connections:

1. Emergency 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 other than emergency purposes. Sealed fire sprinkler systems with water-operated alarm shall be considered as having such provisions. The City may require that a suitable detector-check meter be installed in the emergency standby service connections to which hose lines or hydrants are connected. All piping on the user's premises shall be installed in accordance with the plumbing code of the City of Troutdale.
2. 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 Director. The user 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 shall be rendered on the basis of the emergency standby service charges as provided in the Water Rates Ordinance.

- I. 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.

J. User's plumbing:

1. The user's plumbing, which shall include the user'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.
2. Users shall install a suitable gate and check valve in the user water service 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 water system. The user shall install such additional pressure reducing valves, pressure relief valves, check valves, pop-off valves, or other control valves as the user may desire or the Water Division may deem necessary to protect the user's piping from abnormal high or low pressure or from interruptions of service. Repair and replacement of said control valves shall be the responsibility of the user.

3. Where pumping is required to serve a user at an elevation too high to be served by gravity, the Water Division may, at its option, require the user to provide a suitable pump as a condition of service. The installation shall be subject to approval by the Director.

SECTION 13. WATER METERS

- A. The City will own and maintain all water meters. The City will not pay rent or any other charge for a meter or other water facilities, including housing and connections, located on a user's premises. No water shall be taken from the Water System until a meter has been installed for the specific dwelling unit, commercial establishment or other place of use of the water, or without specific authorization from the Director.
- B. Installation of water meters shall be performed only by authorized employees of the City. All meters shall be sealed by the Water Division at the time of installation, and no seal shall be altered or broken except by one of the authorized City employees.
- C. A user may request and receive any size meter regularly stocked or furnished by the Water Division, provided the request is reasonable, and further provided that the meter is not greatly oversized or undersized, as determined by the Director. The Director will determine the type of meter to be installed.
- D. 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 Division. The meters will not be located in driveways or other locations where damage to the meter or its related parts may occur.
- E. The joining of several users to take advantage of the single minimum charges shall be prohibited, except under special conditions.
- F. 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 user's application shall be amended. Meters or services moved for the convenience of the user will be relocated only at the user's expense. If the Water Division performs such a service the user will be charged labor (salary and benefits) plus the cost of all materials and services, plus 30 percent of that total for City overhead.
- G. The City may require multi-family units, up to and including four-plexes, to have separate water meters for each unit.
- H. No permanent water meter shall be installed and no permanent connection to the City water supply shall be made or authorized prior to the issuance of a Certificate of Occupancy by the City Building Inspector and the full payment of all utility fees and charges required.

SECTION 14. WATER METER ERROR

- A. 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.
- B. Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.
- C. A user may, giving not less than 7 days' notice, request the City to test the meter serving his premises. The City will require the customer to deposit a testing fee. This fee shall be \$20 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 Director. The deposit will be returned to the user 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 City. Users may, at their option, witness any meter tests which they request.
- D. If, upon comparison of past water useage, it appears that a meter is not registering properly, the Water Divison 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 user for the test under these conditions.
- E. When, upon testing, a meter is found to be overregistering more than 3 percent under normal operating conditions, the Citywill refund to the user the full amount of the overcharge, based on corrected meter readings, not exceeding two regular billing periods that the meter was in use.
- F. When, upon testing, a meter is found to be underregistering more than 10 percent the City may bill the user for the amount of the undercharge, based upon corrected meter readings, not exceeding two regular billing periods that the meter was in use.
- G. The City will bill the user for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption basedupon the user's prior use during the same season of the previous year, or upon a reasonable comparison with the use of other users and under similar circumstances and conditions, or both as determined by the Director.

SECTION 15. WATER MAIN EXTENSIONS

- A. Water main extensions to areas within the City limits not presently served with water shall be installed by the Water Division or by contractors approved by the City. The cost of such extensions shall be borne by the adjacent properties along whichthe extensions are made, on an equitable basis as determined by the City Engineer and in accordance with the ordinance governing local improvement districts within the City.

In the event a water main is laid to serve property which has paid for a water service connection from another street, the Water Division 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.

- B. Water mains outside the City limits shall be extended only at the expense of the users served. The Director shall determine the size of the main extension. Extensions outside the City limits shall be installed by the Water Division or by contractors approved by the Water Division. The installation procedures and materials used shall be in accordance with the Water Division's standards. The main extensions shall become the property of the City when the City Council has accepted such extensions.

The City 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 users paying for the extension.

SECTION 16. DISCONTINUANCE OF WATER SERVICE

- A. Each user about to vacate any premises supplied with water service by the City or any user requesting discontinuance of service for the user's convenience shall give the City written notice of his intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, the user will be responsible for all water supplied to such premises until the City shall receive notice of such removal.

At the time specified by the user 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.

- B. A user's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in this Ordinance.
- C. The City 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 applicable in the City of Troutdale, or which potentially may affect the health, safety and welfare of the users of the water system.
- D. The City may refuse to furnish water and may discontinue service to any premises where excessive demand by one user will result in inadequate service to others.
- E. The City will refuse or discontinue service to any premises where it is deemed necessary to protect the City 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 Division that the condition or conditions exist.
- F. Where water service has been discontinued for any reason and the water is turned on by the user 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 Division plus 30 percent City overhead, but not less than \$25. These charges shall be billed to the offending user and water shall not be furnished to the premises until such charges are paid and the Water Division has reasonable assurances that the violation will not reoccur. Users or unauthorized persons, turning on water shall be considered in violation of this ordinance and shall be subject to the penalties stated in Section 22.

- G. The City may, upon five (5) days' notice, discontinue service to a user's premises for failure to comply with any of the provisions of this Ordinance.

SECTION 17. RESTORATION OF SERVICE

- A. Restoration of service after discontinuance for non-payment 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 required by Section 7, B, 1.
- B. Restoration of service after discontinuance of service for unsafe facilities, water waste fraud, abuse, or for non-compliance with any of the Rules and Regulations established by this Ordinance will only be made after adjustments have been made to insure that the irregularity will not reoccur. The restoration charge shall be twenty five dollars (\$25) plus any other charges, due or past due, that the City may have incurred to correct the irregularity.
- C. Restoration of service after discontinuance of service for the convenience of the user shall be made after payment of a restoration charge equal to two times the minimum bi-monthly standard meter demand rates as established in the Water Rates Ordinance, for the appropriate size of meter, plus any other charges due, or past due, the City. This charge is primarily intended for, but not limited to, those users requesting discontinuance of service for prolonged periods.

SECTION 18. UNUSUAL DEMANDS

When an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the Water Division prior to taking such water.

Permission to take water in inusual quantities may be granted by the Director if the Water Division facilities and other consumers are not inconvenienced.

SECTION 19. MOVING A FIRE HYDRANT

When a fire hydrant has been installed in the locations specified by the proper authority, the City 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 Director.

SECTION 20. ACCESS TO PROPERTY

The duly appointed employees of the City, under the direction of the Director, shall have free access at all reasonable hours of the day as determined by the City Council, to any and all parts of structures and premises in which water is or may be delivered for the purpose of inspecting connections, the condition of conduits and fixtures, reading, installing, removing or repairing water meters and determining the manner and extent in which the water is being used. In the event that a public health and safety hazard exists or there is cause to believe that such hazards exist duly appointed employees shall have reasonable access to said premises as necessary to correct and eliminate such hazards. The Water Division does not, however, assume the duty of inspecting the user line, plumbing, and equipment, and shall not be responsible therefor.

SECTION 21. ENFORCEMENT PROCEDURES

- A. Whenever the Director finds that any person has violated or is violating this Ordinance, or any prohibition, limitation or requirement contained herein, he may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof.
- B. In the event a person fails to comply with this Ordinance within a reasonable time as stated in the Notice given pursuant to paragraph A of this SECTION, the Director may set a time for a hearing for said person to show cause why he should not be required to comply with this Ordinance. In the event of such a hearing, the following procedure shall be followed:
1. A Notice shall be served on the person in violation of the Ordinance.
  2. The Notice shall specify the time, date and place of the hearing.
  3. The Notice shall direct the person in violation of the Ordinance to show cause why he should not be required to comply with the Ordinance.
  4. The Notice shall also inform the person in violation of the Ordinance of any other action which may be taken by the Common Council or other hearing officer.
  5. The Notice shall be served upon the person personally or by certified mail not less than ten (10) days prior to the hearing. In the event such service is not possible after diligent efforts, service may be effected by publication in a newspaper of general circulation in the City of Troutdale by publishing said Notice not less than twice on different dates within thirty (30) days of the date of the hearing, but not less than ten (10) days before the date of hearing.
  6. The hearing shall be conducted by the Common Council or a hearings officer designated by the Common Council.
  7. The Common Council or the Director may request the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.
  8. Evidence shall be given and received at the public hearing under oath and shall be recorded either electronically or stenographically.
  9. The Common Council or hearings officer shall make findings of fact upon the conclusion of the hearing. Pursuant thereto, the Common Council or hearings officer may issue an order to the person requiring compliance and may make such other orders and directives as are necessary and appropriate requiring the Director to take such action as may be reasonable to enforce this Ordinance.
- C. In the event a person fails to pay for water service such service may be discontinued as set forth in SECTION 16, B. The procedure set forth in SECTION 21, B above shall not be required prior to the discontinuance of water service. However, any person may make a deposit in accordance with SECTION 8, D, to avoid the discontinuance of water service and may request a hearing to determine the accuracy and validity of the water bill. Such hearing shall be conducted in accordance with SECTION 21, B.

- D. Any person disputing the interpretation of this Ordinance by any member of the City Administration or any person who disputes the amount of charges or fees to be levied or assessed under this Ordinance may appeal to the Common Council or hearings officer. In such event, the Director shall set a date, time and place of hearings as set forth above. The aggrieved party shall make such appeal to the Director or the Common Council in writing and shall set forth therein all issues relevant to the Ordinance which he wishes to be heard.
- E. Any violation of this Ordinance or an order of the Common Council may be enforced through appropriate legal action. Upon authorization by the Common Council, the City may seek legal or equitable relief to enforce the provisions hereof. In the event a health hazard exists or other emergency, judicial relief may be sought prior to the hearing as set forth above.

SECTION 22. PENALTY: COSTS

- A. Any person who is found to have violated an order of the Common Council or who willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules and regulations issued hereunder, shall be fined not more than one thousand dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules and regulations issued hereunder.
- B. Any person or persons who, as the result of violating any of the provisions of this Ordinance, cause any expenses, loss or damage to the City of Troutdale shall immediately become liable to the City for the full sum of such expense, loss or damage. The Council may, at its discretion, instruct the City Attorney to proceed against any such person or persons, in any court of competent jurisdiction, in a civil action to be brought in the name of the City of Troutdale, for the recovery of the full sum of any such expense, loss, or damage sustained by the City.

SECTION 23. SEVERABILITY CLAUSE

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

SECTION 24. EFFECTIVE DATE

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.

SECTION 25. REPEALING CERTAIN ORDINANCES

The following Ordinances are hereby repealed:

Ordinance No. 77 passed July 9, 1963



Ordinance No. 170 passed November 2, 1971

Ordinance No. 211 passed April 9, 1975

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 13th  
DAY OF February, 1979.

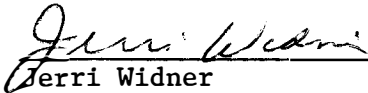
YEAS: 6

NAYS: 0



R. M. STURGES, MAYOR

ATTEST:



Terri Widner  
Finance Director/  
City Recorder