

ORDINANCE NO. 656

AN ORDINANCE ESTABLISHING CONDITIONS AND PROCEDURES FOR TERMINATION OF CITY WATER SERVICE AND AMENDING CHAPTER 12.03 OF THE TROUTDALE MUNICIPAL CODE.

WHEREAS, the Troutdale Municipal Code currently has a provision for the termination of City water service when a utility bill is delinquent; and

WHEREAS, Oregon Administrative Rules require water suppliers to have a local ordinance or other enabling authority which authorizes discontinuing water service to premises for failure to install an approved backflow device or conduct a required annual test on a backflow device; and

WHEREAS, other situations also arise for which discontinuing water service may be an appropriate remedy, including occupancy prior to a Certificate of Occupancy being issued, failure to comply with provisions of the City's Construction Standards for Public Works Facilities, failure to comply with a Condition of Approval, failure to comply with the City's Pretreatment Program, and connection to the water or sewer system improperly or without obtaining required approvals or without paying required fees and charges; and

WHEREAS, the proposed ordinance would allow termination of water service in these situations following a 15-day written notice and other procedural safeguards.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE:

THAT CHAPTER 12.03 OF THE TROUTDALE MUNICIPAL CODE IS AMENDED TO ADD THE FOLLOWING:

Section 12.03.065 Termination of Water Service

A. The public works director may terminate water service in accordance with subsection B of this section under any of the following circumstances:

1. When the utility bill for the water service is delinquent as stipulated in Section 12.03.060.
2. When the water service requires the installation of an approved backflow device and no such device is installed as required by OAR 333-061-0070.
3. When the water service requires the annual test of a backflow device and such test is not made (or is made and fails) as required by OAR 333-061-0070.

4. When the facility served by the water service is occupied prior to a Certificate of Occupancy being issued.
5. When the facility served by the water service fails to comply with the provisions of the City of Troutdale Construction Standards for Public Works Facilities.
6. When the facility served by the water service fails to comply with a Condition of Approval as issued by the City Council, Planning Commission, or Site and Design Review Committee.
7. When the facility served by the water service fails to comply with the City's Pretreatment Program as described in Chapter 12.07 or with the provisions of a wastewater discharge permit issued thereunder.
8. When the facility served by the water service improperly connects to the water or sewer system or connects to the water or sewer system without obtaining the required approvals or without paying the required fees and charges.

B. Water service may be terminated after providing the account holder with fifteen-day written notice explaining the reason for the termination. An account holder who believes the termination notice is in error for any reason other than delinquent payment may submit a written appeal to the City Administrator at least five days prior to the noticed termination date. The appeal must clearly state the location of the water service, the alleged reason water service is being terminated, and why the reason for termination is in error. The City Administrator shall issue a written decision within five days after receipt of the appeal or, if a more thorough investigation is warranted or a policy issue must be referred to the City Council, suspend the termination action until a decision is rendered. If water service is terminated, it shall not be resumed until the reason for termination is cured and any applicable administrative fees are paid.

YEAS:	<u>7</u>
NAYS:	<u>0</u>
ABSTAINED:	<u>0</u>


 Paul A. Thayer, Mayor

Dated: 10-30-97


 George Martinez, City Recorder
 Adopted: 10-28-97