

ORDINANCE NO. 839

AN ORDINANCE AMENDING CHAPTER 12.03 OF THE TROUTDALE MUNICIPAL CODE, WATER SYSTEM.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City's Water Management and Conservation Plan (Plan) was prepared by GSI Water Solutions, Inc in August 2016 and approved by the Oregon Water Resources Department (OWRD) on August 11, 2016.
2. Section 4 of the Plan includes the City's water curtailment plan.
3. The water curtailment plan is intended to identify proactive measures the City may take to reduce demand during water supply shortages of varying intensity to ensure water supply for public health and safety.
4. In order to implement the water curtailment plan approved by OWRD, it is necessary to establish legal authority.


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

Section 1. Chapter 12.03 of the Troutdale Municipal Code, Water System, is hereby amended to read as set forth in Attachment A.

YEAS: 6

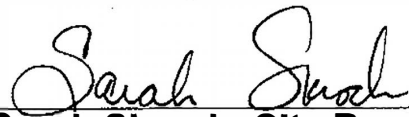
NAYS: 0

ABSTAINED: 0



Doug Daoust, Mayor
10/28/16

Date



Sarah Skroch, City Recorder
Adopted: October 25, 2016

Attachment "A" to Ordinance #839

Chapter 12.03 - WATER SYSTEM*

Sections:

12.03.010 - Title.

This chapter shall be entitled "Water System."

(Ord. 740 § 3 Att. B (part), 2003)

12.03.020 - Intent and scope.

- A. Pursuant to the statutes of the state of Oregon and the powers granted in the Charter of the city, the council declares its intent to acquire, own, construct, reconstruct, improve, equip, operate, maintain and repair a water system within the city limits, and outside the city limits when consistent with city policy, intergovernmental agreements, and state law.
- B. The council finds, determines and declares the necessity of providing for the city's water system by the formation of a water utility.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.025 - Requirements and prohibitions.

- A. Anytime a new or replacement structure that needs a source of running water, or an expansion of an existing structure, when either the existing or expanded structure needs a source of running water, is developed on property in the city, the owner of the property is required to connect such structure to the public water system at the owner's expense unless the property is more than one thousand feet from the nearest adequate public water main.
- B. It is unlawful for any person to take water from the public water system of the city without prior authorization or without obtaining the proper permits and payment of appropriate fees and charges.
- C. It is unlawful to allow waste of city water by knowingly or negligently causing, authorizing or permitting water in excess of the reasonable volume necessary for a beneficial use to escape from its intended beneficial use into any river, creek, natural watercourse, depression, storm sewer, street, highway, road, or ditch.
- D. For the purpose of this section: "beneficial use" means the lawful and reasonable efficient use of water.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.030 - Establishment of a water utility fee.

There is established a water utility fee to be paid by each account holder of the water system. Such fee may include charges for water consumption, standby fire service, installation of new or changed service, standpipe service, and hydrant meter usage. Such fees shall not be imposed in amounts greater than that which is necessary, in the judgment of the council, to provide sufficient funds to properly acquire, construct, reconstruct, improve, equip, operate, maintain and repair the city's water system. The council, by resolution, shall establish the amount of the fee and may, from time to time, by resolution change the amount of the fee.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.040 - Use of water utility fee.

There is established a water fund, and all water utility fees collected by the city shall be paid into the water fund. Such revenues shall be used for the acquisition, construction, operation, maintenance and repair (to include renewal, replacement and improvement) of the city's water system. To the extent that the fees collected may not be sufficient to properly meet the expenses of the water system, the cost of same may be paid from other city funds as may be determined by the council, but the council may order the reimbursement of such funds if additional water funds are collected thereafter. The fees collected by virtue of this chapter shall not be used for general or other governmental purposes of the city except to pay for the equitable share of the cost of accounting, management, and other administrative costs attributable to the water system.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.050 - Calculation of water utility fee.

The monthly water utility fee shall be the sum of the charges for water consumption, standby fire service, installation of new or changed services, standpipe service, and hydrant meter usage, as applicable.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.055 - Initiation of utility service.

Utility service will not be initiated for a new account, for a new account holder, or for the reinstatement of an existing account in which service has been terminated, without a written request from the account holder providing information deemed necessary by the finance director and the payment of a deposit, if any, in an amount and under terms and conditions determined by the council.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.060 - Billings and collection.

- A. The water utility fee shall be billed and collected with the monthly city utility bill. The bill shall be paid twenty calendar days after the end of the billing month.
- B. Partial payments on utility bills shall be allocated on a prorated basis to each utility balance due.
- C. If full payment for a utility bill is not received within forty-five days after the end of the billing month, a late fee in an amount determined by the council shall be charged. If a utility bill is not paid in full sixty days after the end of the billing month, the account becomes delinquent and water service to that account shall be terminated by the city after providing a fifteen-day written notice. It shall not be resumed until all fees and charges are brought current or until the account holder enters into a payment plan agreement with the finance director.
- D. Any charge due hereunder which is not paid may be recovered from the account holder in an action at law by the city.
- E. The water utility fee shall be due when the account holder receives water service. An unpaid water utility fee shall be a lien on the property of the owner and may be foreclosed in any manner provided by ORS 223.505 to 223.650 or other applicable laws.

(Ord. 740 § 3 Att. B (part), 2003)

12.03.061 – Water curtailment authority during water supply shortage

- A. When the director determines that a critical water supply shortage threatens the ability of the city to deliver essential water to its customers, the director may activate emergency measures in compliance with the City's "Water Management and Conservation Plan" adopted by Resolution. The Water Management and Conservation Plan describes two stages of water supply shortages, that may be declared by the director and a third stage that may be declared by the City Manager and City Council, under conditions set forth in that plan.
- B. Upon declaration of a stage 2 water supply shortage by the director:
 - 1. No watering or irrigation of lawns, grass, or turf shall occur unless it is in accordance with the City adopted irrigation schedule.
 - 2. No use of city-supplied water shall be allowed to clean, fill or maintain water levels in decorative streams, ponds, or fountains, except when they have a recirculating water system and/or support aquatic life.
 - 3. No use of city-supplied water shall be used to fill swimming pools or hot tubs, except for children's wading pools.
 - 4. No use of city-supplied water shall be allowed to wash down sidewalks, driveways, parking lot areas or similar exterior cleaning uses except when necessary for public health or safety.
 - 5. No use of city-supplied water shall be allowed to wash vehicles except facilities equipped with water re-circulation, or if required for public health/safety, or required by law.
 - 6. No hydrant or pipeline flushing shall occur except in emergencies.
 - 7. No hydrant meters shall be used.
- C. The City Manager shall have authority, under the conditions described in the Water Management and Conservation Plan to take actions described in that plan.

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 defined in Section 12.03.060(C).
 - 2. When the installation of an approved backflow device is required by OAR 333-061-0070 or the Oregon Specialty Plumbing Code and no such device is installed.
 - 3. When a test of a backflow device is required by OAR 333-061-0070 or the Oregon Specialty Plumbing Code and such test is not made or is made and fails.
 - 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 does not comply with the provisions of the city of Troutdale construction standards for public works facilities.
 6. When the facility served by the water service does not 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 does not 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 is improperly connected to the water or sewer system or is connected to the water or sewer system without obtaining the required approvals or without paying the required fees and charges.
 9. When an account receiving water service is terminated and a new account is not established.
- B. Water service may be terminated after providing the account holder with a fifteen-day written notice explaining the reason for the termination. An account holder who believes the termination notice is in error may submit a written appeal to the city manager 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 manager 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.

(Ord. 740 § 3 Att. B (part), 2003)

(Ord. No. 801, § 1, 1-11-2011)

12.03.070 - Administration.

- A. The public works director shall be responsible for the administration of this chapter (except for the billing and collection of funds), to include the development of administrative procedures, maintenance programs, capital improvements, operations and maintenance standards, and related activities.
- B. The finance director shall be responsible for the billing and collection of funds.

(Ord. 740 § 3 Att. B (part), 2003)