

ORDINANCE NO. 1029-A

INTRODUCED BY COMMISSIONER Lisa Lamping

ESTABLISHING RULES AND REGULATIONS FOR CITY OF WARRENTON WATER DEPARTMENT AND ALL AREAS SERVED BY THE MUNICIPAL WATER DEPARTMENT OUTSIDE WARRENTON'S CITY LIMITS; REQUIRING INSTALLATION OF WATER METERS; REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING A PENALTY FOR VIOLATION OF ANY TERMS AND CONDITIONS HEREIN

The City of Warrenton, Oregon, Ordains as follows:

Section 1. DEFINITIONS

“Single Family ” is defined as one who uses water for normal family use, watering a lawn and/or garden.

“Multi-Family” is defined as a building or portion thereof designed for occupancy of two or more families.

“Commercial” is defined as one who is engaged in commerce and uses water during the course of a business where profit is a chief aim.

“Industrial” is defined as a business involved in the commercial production and sale of goods.

“Institutional” is defined as an organization or foundation dedicated to education, public service, or culture, i.e., schools, rest homes, hospitals, jails.

“Wholesale” is defined as a business involved in selling goods in large quantities.

“Living Unit” is defined as any living quarters in which cooking or toilet facilities are provided. A recreational vehicle, trailer or mobile home which is attached to a private service line constitutes a living unit. An additional minimum monthly fee, flat rate or metered shall be charged against the account to which such connection is made.

Section 2. APPLICATIONS

- (1) Application for the use of water must be made on printed forms to be furnished by the City. The applicant must state fully and truly all purposes for which the water may be required and must agree to conform to the rules and regulations as a condition for the use of water. The **owner** of each property to be served must sign for such service; if the property is to be rented, leased or occupied by other than the owner, and if it is the stipulation of the owner that such occupant, hereafter referred to as “persons responsible,” must pay for the water service, then this person must also complete and sign the application form.
- (2) Application for permits to connect premises with the city water system shall be in writing and signed by the owner and the individual then currently responsible for payment. A new application must be made for each change in use or ownership.
- (3) Any person supplied with water from the City main will not be entitled to use it for any purpose other than that stated in the application, or to supply it in any way to other persons or families not mentioned in said application, including vacation trailers, mobile homes, boats, etc.
- (4) Anyone moving from or selling the property must indicate his release of responsibility by notifying the City prior to the date of leaving.
- (5) The property owner of record shall be ultimately responsible for the payment of all charges

prescribed in this ordinance. If the property is rented and the renter fails to pay the charges, the City shall submit the bill to the property owner.

(6) Upon installation, each service will be assigned a tap (account) numbers and customers are requested to identify all contacts concerning service by this number.

### Section 3. INSTALLATION AND MAINTENANCE

(1) **Installation:** A new service may be installed upon application and payment of the current water tap fee. Upon prepayment therefor, the water department will furnish all labor and materials necessary for such installation.

(2) **Service:** All water users with 3/4 inch service lines shall be required to install water meters, the kind or make of said meter to be approved or designated by the water department. Upon the applicant's payment, in full, of both current tap and meter charges, meters may be installed by the water department. Upon such prepayment, the water department will furnish all labor, etc., as noted in **Section 2(1)**, plus a meter and meter box. The department will attempt to make any and all installations as soon as possible, in the order received.

(3) **Water Meters:** Water meters will be installed to serve multiple living units, such as duplexes, apartment houses, etc., unless the owner requests a separate service for each unit. If a separate service is requested, each such service will be metered and charged the appropriate rate.

(4) **Accessibility of Meters:** The person responsible for any property where a meter is located shall see that said meter is free from obstructions and conveniently accessible at all times for the purpose of reading, inspecting or repairing. Failure to do so shall result in a letter of warning and may result in loss of service. Meters shall be located 12 inches inside the public or street right-of-way.

(5) **Float Valve:** No water shall be used in open tanks, troughs or other containers into which water drips continuously without the installation of automatic float valves.

(6) **Cross-Connections:** No cross-connection is allowable that may present any possibility of contaminants returning from a private system to the municipal system. Should a cross-connection be possible, installation of reduced-pressure device to prevent back-flow is mandatory.

(7) **Service Pipe:** Service pipe of any size between the main and building shall be of the type and material specified by state code. Service pipes between the main and meter or shut-off shall be installed and maintained by the City water department. The water service line from a meter or shut-off to the building shall be maintained by the property owner. If check valves restricting back flow are installed on a customer's service line, a proper safety relief valve shall also be installed therein.

(8) **Repair and Protection:** All service pipes except that portion between the tap in the City main and the curb stop or meter must be kept in repair and protected from freezing at the expense of the owner, lessee or agent, who must be responsible for all damages resulting from leaks or breaks. Failure to comply will result in discontinuance of service.

(9) **Meter Repair:** 5/8" x 3/4" meters will be maintained at City expense. Any damages other than normal wear through usage will be billed to the property owner. One-inch and larger meters shall be maintained at the expense of the property owner.

(10) **Private Shut-Off:** A shut-off shall be maintained by the owner or each service and made available for emergency use.

(11) **Tampering:** No person shall connect, remove, repair or otherwise disturb any water meter or service after once set; but, at the discretion of the City, a meter may be removed by the City for an unpaid account.

### Section 4. CHARGES, PAYMENTS AND PENALTIES

(1) **Flat Rate:** Water charges for residential customers on a 3/4 inch service, for the previous month, shall be due and payable at Warrenton City Hall before the last business day of the month immediately following billing.

(2) **Billing and Shut-Off Notices:** Payments are due on a monthly basis. If payment in full is not received by 5:00 PM on the last business day of the month, a late charge will be added. If the account is still unpaid on the 1st of the following month, a bill will be mailed to the person responsible showing all charges due with a past due notice. A shut-off notice will be hung on or near the 14th day of the month stating water service will be discontinued on, or a specified date near, the 20th of that month. Once a shut-off notice has been sent, payment must be in full for the past due amount. It is the responsibility of the person responsible or owner to make certain payment in full has been received by the city in a timely manner.

(2a) Owners and/or persons responsible shall be notified of and have the opportunity to be heard by the Finance Officer or employee empowered to resolve any valid objections to the billing prior to the disconnection.

(3) **Multi-Units:** Where two or more units are served through one master meter, the owner or authorized agent will be billed for the metered use, on a monthly basis. If separate units in a multi-unit complex have separate individual taps, the individual units will be billed at a flat rate on a monthly basis until the change over to meters is completed.

(5) **Late Payment Charge:** If payment is not received by 5:00 PM on the last business day of the month, a late charge is added to the billing, said late-payment fee to be added for each month for which payment in full has been delayed.

(6) **Service Charges:** A fee will be charged for any call to the premises made necessary by a customer, said fees being higher if the service call is necessary between the hours of 4:00 PM and 8:00 AM. Such calls would include turn-ons, turn-offs, service line locates, re-reads, etc. In the event the City is unable to terminate service to a customer for reason of non-payment, the customer will be charged a shut-off service call. If, upon making a service call, the City is unable to terminate service to a customer for reason of non-payment, said customer will be required to pay the fee for a service call.

(7) **Special Charges:** A fee will be charged for any non-negotiable checks.

(8) **Water Liens:** Unpaid service or usage charges shall be a lien against the premises served. Ledger and other records will be accessible for inspection by anyone interested in ascertaining the amount of such charges against the property. Until payment in full has been received, water may not be turned on for any new tenant or purpose where such a lien exists.

(9) **Damages:** The person responsible or owner shall be responsible for any damages to the locking device affixed at time of shut-off; or to any meter or meter box which gives evidence of having been damaged by carelessness or vandalism. These charges will be billed separately; however, failure to pay within 90 days shall result in discontinuance of water service.

(10) **Meter out of Order:** If a meter is out of order and not registering accurately, the charge shall be computed on the basis of a monthly average of the previous twelve months, such time sequence being necessary to encompass seasonal use. This monthly average shall be multiplied by two for the bi-monthly billing.

(12) **Billing Addresses:** Billings will be addressed exactly as the applicant has signed the bottom portion of the application form. Should the proper address not be supplied by the customer and/or owner, the City will attempt to solicit this information by delivery of a "door hanger," which form will list a date on which the water will be shut off if no reply is forthcoming.

(13) **Rates:** All rates, charges and fees will be designated by resolution and approved by the Warrenton City Commission.

## Section 5. UNLAWFUL USE

(1) **Unlawful Connection:** It shall be unlawful for any person to attach or detach from any water main or service pipe or other connection through which water is supplied by the City, or to interfere in any manner with such pipes or connections. It shall be unlawful for any private water supply (well, pump, etc.) to be connected with the municipal supply in any way. If such connection is found to exist, the city water service will be disconnected. It shall be unlawful for any unit, with the exception described for multi-units, temporary watchmen or security quarters, to be occupied or used, either as a residence or as a place of business, without an individual tap and meter if required.

(2) **Supply to Vessel:** It shall be unlawful for any person operating a vessel to obtain water for its use from city mains except through a meter and from persons duly authorized to supply such water.

(3) **Electrical Connections:** It shall be unlawful to ground any electrical appliance to any pipe connected to the water system.

(4) **Use of Fire Hydrant:** It shall be unlawful for any person to cut, alter, change, remove, disconnect or connect with, or in any manner interfere, meddle or tamper with any hydrant owned or used by the City of Warrenton; provided, however, that the provisions of this section shall not apply to the fire department of this City and provided further that all other departments of said City be allowed to connect on said hydrants, but must use a spanner or regulation wrench in connection therewith.

(5) **Prohibited or Restricted Use:** The City may prohibit the use of water for any purpose, such regulation being within the police power and a precaution to promote the health and safety of the inhabitants of the City. If a shortage shall exist, the City Manager shall have authority at any time to restrict the use of water.

#### Section 6. MISCELLANEOUS

(1) **Inspection:** For the purpose of inspecting the condition of the pipes and fixtures, and the manner in which water is used, the City Manager or designate shall have free access, at proper hours of the day, to all parts of any building or premises in which water is delivered from City mains.

(2) **Repairs:** The water may be shut off from the mains, without notice at any time, for repairs or other necessary purposes, and the Warrenton Water Department shall not be responsible for any consequent damages.

(3) **Surplus Water:** The water department may furnish surplus water which would not affect the City's supply to areas outside City boundaries, and charge the rates currently in force. Furnishing of water shall be conditioned by terms of a contract drawn for this service.

(4) **Use of Private Water:** Buildings supplied with water other than that furnished by the City may obtain City water at regular rates, provided no physical connection shall in any way, directly or indirectly, exist between the private and municipal systems. Should such connection be found to exist, the City water will be shut off.

(5) **Refunds:** Refunds may be made to persons who have paid in advance but no longer desire service.

(6) **Adjustment for Leaks:** When a leak occurs on a metered account, it is the responsibility of the owner to see that repairs are made as quickly as possible. If the leak has caused the monthly charge to be excessive, the responsible person may request an adjustment **in writing**, with said request attesting that the leak has been repaired. The formula for adjustment is: 1/12 the yearly average, **plus** 20% of the excessive charge, using the nearest rounded figure. Only two separate adjustments may be made per account per calendar year.

(7) **Notice for Service:** The water department requests that 48 hours' notice be given in order to schedule service calls; however, whenever possible, requests for service will be handled as

promptly as possible.

(8) **Turn-On/Off by other than City Crew:** It is in violation of this ordinance for any unauthorized person to tamper with the City's shut-off valve; however, in case of emergency, City personnel may grant permission to the owner or person responsible to turn the water off or on, but only upon making notation of the tap number, name of permittee, date and whether or not the shut-off is to be temporary or permanent. Such information must be provided to a water clerk for entry into the records within 48 hours of granting permission.

(9) **Shut-offs:** Water may be shut off on failure to comply with the rules and regulations established as a condition to the use of water, or to pay any charges in the time and manner herein provided. Water so shut off may not again be turned on until such time as compliance is made with all rules and regulations or all charges are paid in full.

(10) **Liability:** Any person violating any provision of this ordinance, causing the City to bring civil action against that person, shall be liable for court costs and reasonable attorney fees to be set by the court, including any appellate court fees, in the event the City is successful.

(11) **Penalty:** Any person violating any of the provisions of this ordinance may, upon conviction thereof, be punished by a fine not exceeding \$1,000.

(12) **Validity:** In case any portion or provisions of this ordinance should be held to be invalid for any reason whatsoever by any court, then all other provisions shall be held and considered to be independent of, and separable from, such invalid portions and shall not be affected or rendered void by the invalidity of such other portions.

(13) **Ordinances Repealed:** Ordinance No. 855-A, adopted June 7, 1989, is hereby repealed as well as all other ordinances and resolutions that are in conflict herewith.

PASSED by the City Commission of the City of Warrenton, Oregon, this 18th day of August, 1999.

APPROVED by the Mayor of the City of Warrenton, Oregon, this 18th day of August, 1999.

  
Barbara Balensifer, Mayor

ATTEST:

  
Gilbert Gramson, City Manager

First Reading: July 21, 1999

Second Reading: August 18, 1999