

ORDINANCE NO 1157-A

INTRODUCED BY ALL COMMISSIONERS

PROVIDING FOR 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 ORDINANCE NO. 1147-A AND 1152-A AND ANY OTHER ORDINANCES OR 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 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. A new application must be made for each change in use or ownership.

(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.

(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 location will be assigned reference numbers.

Section 3. INSTALLATION AND MAINTENANCE

(1) **Installation:** Section 3. INSTALLATION AND MAINTENANCE

1. Installation: A new service may be installed upon application and payment of the current water tap fee. Upon payment thereof, the water department will furnish all labor and materials necessary for such installation. All meters shall be installed only in the public right-of-way adjacent to: (1) the property to be served, or (2) a recorded easement which allows placement of utilities, which easement benefits the property to be served.

(2) **Service:** All water users with ¾ inch service lines shall be required to install water meters, the kind or make of said meter to be approved or designated by the Public Works department. Upon the applicant’s payment, in full, of both current tap and meter charges, meters may be installed by the Public Works department. 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 a double check testable back flow device is mandatory.

(7) **Canceling Accounts/Meter Removal:** A petition for cancellation shall only be allowed under the following conditions; existing accounts associated with properties that have no structure; structures that are not required to have water service per building codes and/or fire codes; or a dangerous building or structure that has been ordered abated by order of the Building Official or Fire Chief and will be removed under City Ordinance 852-A. Owners of buildings or structures that have been extensively damaged by fire, earthquake or other catastrophic event and will not be rebuilt may petition to have a meter removed upon review by the Building Official and/or Fire Chief. Utility base rates shall not apply to cancelled accounts. Once a petition is approved by the City Manager, the City will remove the water meter service associated with the account and the account will be cancelled. The fee for meter removal is set by resolution. The City will reinstall the water meter upon a successful application for a new service including all applicable fees, and a new account will be established.

(8) **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 Public Works 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 relief valve shall also be installed therein.

(9) **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.

(10) **Meter Repair:** The expense of maintaining meters will be borne by the City; provided, however, that where replacements, repairs, or adjustments of a meter are made necessary by the act, negligence, or carelessness of the owner or occupant of the premises, the expense to the City caused thereby may be charged and collected from the party that caused such act, negligence, or carelessness whether owner or occupant of the premises.

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

(12) **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.

(13) **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. Water services that have been “Locked Off,” and turned back on by anyone other than a city official shall be reported to the Police Department as “Theft of Service.”

(14) **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.

Section 4. CHARGES, PAYMENTS AND PENALTIES

(1) **Billing, Due Dates and Past Due Penalties:**

- a. Payments are due on a monthly basis. 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. Water charges for consumption in the previous month shall be billed at the beginning of the following month and are due and payable at Warrenton City Hall on the last business day of the same month in which the bill is issued. All payments on account shall reference the appropriate customer number.
- b. If payment in full is not received by 5:00 PM on the last business day of the month, a late charge penalty set by resolution will be added. If the account is still unpaid on the 1st of the month following the date the payment was due, a bill will be mailed to the person responsible showing all charges due with a past due notification.
- c. The city will send a reminder letter of these late charges to the property owner and tenant (if they are not the same) on or near the 7th of the month.
- d. A water turn-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 if the account remains unpaid. Once a water turn-off notice has been sent, payment must be made in full for the past due amount to avoid service termination. The customer will be charged a past due penalty for the water turn-off notice as set by resolution. A water turn-off notice will be hung on subject property and the

corresponding fee will be attached to the prior renter/owner's account even if the prior renter/owner no longer resides at the property.

- e. 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. If the past due amount on a closed account remains unpaid at shut-off day, the shut off/turn on penalty will be assessed to the previous renter/owner even though the water is not shut off. Water so shut off may not again be turned on until such time as compliance is made with all rules and regulations and all charges are paid in full.
- f. In the event the City is unable to physically terminate service to a customer for non-payment, the customer will still be charged a shut-off penalty. 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.
- g. 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.

(2) **Meter Reads:** Water meters shall be read monthly on a regularly scheduled basis. The charge for each meter shall be made from one reading to the next on a monthly basis. In the event it is not reasonable to read the meter on a monthly basis due to inclement weather or city emergency, the monthly charge may be estimated based on the prior month's read.

(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 individually on a monthly basis.

(4) **Service Calls:** A fee set by resolution will be assessed to a customer requesting a service call to their address. Final reads are considered a service call. For the protection of the account holder's property, residents may request to have their water turned off for a fee, as set by resolution. Upon request, the City will then turn the service back on for an additional fee. Base rates, including water, sewer, and storm drain, will apply regardless of whether or not the water meter is on or off.

(5) **Notice for Service:** The Public Works department requests 48 hours notice be given in order to schedule service calls; however, whenever possible, requests for service will be handled as promptly as possible.

(6) **Refunds:** Customers who have finalized their utility accounts with the City and have credit - account balances equal to or greater than \$3.00 will receive refunds. No refunds will be issued for accounts with less than \$3.00. Refund checks that have not cleared the City's bank within 30 days of issuance will be cancelled and will be referred to the State

of Oregon Unclaimed Property Division. Customers who have an active account at a different address with the City will have their credit balance applied to their active account unless the customer requests otherwise.

(7) Adjustment for Leaks: When a leak occurs on the customer's side of the meter, it is the responsibility of the owner to have the leak repaired within ten days of the discovery of the leak. If the leak has caused the monthly charge to be excessive, the responsible person may submit a written request for an adjustment. If the excessive charge exceeds the average monthly charge by 300% or more, the responsible person may be granted a reduced payment equal to the average monthly charge plus 20% of the excessive charge. In order to receive the reduced payment option, the responsible person must submit a completed leak adjustment request form attesting to the repair of the leak and with all available substantiating documents and receipts attached. All others will be responsible for the total charge while the leak adjustment is in process. A completed leak adjustment request form with the substantiating documents and receipts is required for all leak adjustments. Leak adjustments will be processed once the water consumption has returned to a normal level based on the pre-leak period. The formula for the leak adjustment is: $1/12$ the yearly total plus 20% of the excessive charge. Leak adjustments will be made for a maximum of the six months prior to the repair of the leak that demonstrate leak consumption. Adjustments will not be made for leak consumption occurring outside the most recent six month period. Only two separate adjustments may be made per account per calendar year.

(8) Special Charges: A fee will be charged for any returned payments. Customers have ten business days to make returned payments good. The returned transaction is only made good with cash including the NSF fee of \$25.00.

- a. The city will immediately contact the customer to notify them of the NSF, or returned payment. If direct contact is not made, then the City will leave messages at the phone numbers of record. If no phone contact is made, City will post notice on customer's residence. This will suffice to give notice to customer that the payment must be made good and advise them of the policy of the City.
- b. The ten business days begins the day the City receives notice from the bank and ends on the tenth business day at 5:00 p.m. (counting the day of notice to the city).
- c. The City will assess the status of the account and if the NSF transaction is not made good within the ten business days, then City will enforce all collection policies as per section 4.(1) of the City ordinance.
- d. NSF fees attach to all returned payment transactions including checks, auto-pay and online payments.
- e. Any account that has 3 returned payments will be placed on a "Cash Only" payment requirement for 12 calendar months from the date of the last returned transaction.

(9) **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 with the submission and approval of a public records request if applicable.

(10) **Billing Addresses:** Billings will be addressed exactly as the applicant has directed on the application for service. 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 will list a date on which the water will be shut off if no reply is forthcoming.

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

(12) **Vacancy/Vacation:** Because the City’s water, sewer, and storm water user rates are based on the cost of maintaining and operating the City’s public utilities, the City shall charge the minimum base rate, as defined by resolution, for water consumption, even if no water is consumed. Residents will be billed for utility consumption over the base rate when consumption exceeds the designated gallons for the base rate.

(13) **Construction Rates:** All service accounts associated with construction projects, also referred to as “Contractor’s Rates,” shall be subject to the minimum base water rate. Upon water meter installation, rates for all other services will apply upon issuance of occupancy permit.

(14) **Use of a Collection Agency:** Past due amounts from prior renters or owners may be sent to collection after the City has attempted to collect for 90-days. The owner of the property is the responsible party and therefore, the owner will be sent to collection for renter’s past due charges. The City will not shut off water on a new tenant but will send past due amounts to collection. The city will shut off water on a new property owner if prior owner left any outstanding balance (the new property owner assumes any liens on the property). A collection fee of 50% of the principal amount owing will be added to the balance at the time of referral to the collection agency.

(15) **New Service:** The City will not allow new service to customers with a prior past due amount that remains uncollected at a former residence/property until the entire past due amount that has accrued to the former account is paid.

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. Any unlawful connection found shall be reported to Police Department for "Theft of Service".

(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.

(6) **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 the City for entry into the records within 48 hours of granting permission.

Section 6. MISCELLANEOUS

(1) **Water Availability Statements:** New water service can be applied for through the Public Works Department. Water availability will be determined available if a water main is within 100 feet of the property line where the meter would be placed. These applications will expire after 60 days from the date of issuance if the appropriate connection fees listed on the statement are not paid in full. Applicant has the right to reapply if the previous application has expired.

(2) **Paid Meter Connection Charges:** Meter connection charges that have been paid for but not installed after 12 months from the date of payment for connection charges will be refunded in full and water availability statement will be void. Applicant has the right to reapply for a water availability statement.

(3) **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 designee 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.

(4) **Realtor Inspections:** A licensed realtor who wishes to have a property's water turned on and then off, for a house inspection, may pay an advance fee as set forth by City resolution (disconnect/reconnect), for a maximum of 24-hours.

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

(6) **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.

(7) **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.

(8) **Hydrant Meters:** The Public Works department may issue hydrant meters to persons, contractors or others for short term (90days) construction needs. A \$250.00 deposit is required for the hydrant meter to be issued and customer must leave a new \$250.00 deposit if renting the hydrant meter for an additional 90-day term. Hydrant address where water is being used shall be the service address. Hydrant meters will be issued for a maximum of 90 days. Users will be billed at the in city commercial rate for a 2" meter (base rate includes the 1st 2000 gallons). The Public Works department will submit readings to the Finance department upon the return of the meter. A refund, if owing, will be issued by check within 30 days of read. If consumption fees exceed \$250.00, an invoice will be issued for the difference.

(9) **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.

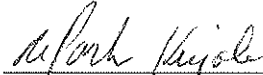
(10) **Penalty:** Any person violating any of the provisions of this ordinance may, upon conviction thereof, be punished by a fine not exceeding \$1,000.

(11) **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.

(12) **Ordinances Repealed:** Ordinance No. 1147-A, adopted July 27, 2011, and Ordinance No. 1152-A, adopted December 14, 2010, are hereby repealed as well as all other ordinances and resolutions that are in conflict herewith.

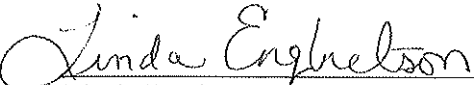
(13) **Effective Date:** Being necessary to protect the public health, safety and welfare of the citizens of Warrenton, an emergency is declared to exist and this Ordinance shall take effect immediately upon adoption.

ADOPTED by the City Commission of the City of Warrenton, Oregon, this 11th day of October 2011.



Mark Kujala, Mayor

ATTEST:



Linda Engbretson, City Recorder

First Reading: Sept. 13, 2011
Second Reading: October 11, 2011