

ORDINANCE NO. 686-A

Introduced by Robert L. May

AN ORDINANCE ESTABLISHING THE RULES AND REGULATIONS FOR THE WATER DEPARTMENT OF THE CITY OF WARRENTON, OREGON, AND ALL AREAS SERVED BY THE MUNICIPAL WATER DEPARTMENT OUTSIDE THE CITY LIMITS OF THE CITY OF WARRENTON; FIXING AND DETERMINING RATES TO BE CHARGED FOR SERVICES RENDERED BY THE WATER DEPARTMENT; REQUIRING THE INSTALLATION OF WATER METERS; REPEALING ALL ORDINANCES AND RESOLUTIONS OR PARTS OF ANY ORDINANCES OR RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING A PENALTY FOR THE VIOLATION OF ANY TERMS AND CONDITIONS HEREIN AND DECLARING AN EMERGENCY TO MAKE THE ORDINANCE EFFECTIVE MAY 1, 1980..

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

SECTION 1. APPLICATIONS.

Section 1a: Applications for the use of water must be made on printed forms to be furnished by the water office. 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 must pay for the water service, then this person must also complete and sign the water department application form.

Section 1b: Application for permits to connect premises with the city water system shall be in writing and signed by the owner or individual then currently responsible for payment. A new application must be made for each change in usage and ownership.

Section 1c: 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.

Section 1d: Anyone moving from, or selling the property, must indicate his release of responsibility by notifying the city prior to the date of leaving.

Section 1e: The property owner of record shall be 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.

Section 1f: Upon installation, each service will be assigned a tap account number and customers are requested to identify all contacts concerning service by this number.

Section 1g: "Residential Customer" is defined as one who uses water for normal family use, watering a lawn and for garden, not to exceed 1/2 acre, and domestic livestock not in excess of four head (excluding household pets). Any other use of water, such as a lawn and for garden in excess of 1/2 acre, watering more than four head of livestock (excluding household pets) shall require metered service.

SECTION 2. INSTALLATION & MAINTENANCE

Section 2a: Water installation - A new service may be installed upon application and payment of the current water tap fee. The water department, upon prepayment therefor, will furnish all labor and materials necessary for such installation.

Section 2b: Water service - All water users except for in-city residential with 3/4-inch service line shall be required to install water meters, the kind or make of said meters to be approved or designated by the water department.

Meters may be installed by the water department upon receiving receipt showing payment in full of both tap and meter charges currently in effect. Upon such prepayment, the water department will furnish all labor, etc. as noted in Section 2a, plus a meter and meter box. The department will attempt to make any and all installations as soon as possible, in the order received.

Section 2c: Master water meters will be installed to serve commercial multiple living units, such as duplexes, apartment houses, etc. unless the owner requests a separate service for each unit. If such a separate service is requested, each service will be charged the residential flat rate.

Section 2d: Accessibility of meters - the occupants of any property where a meter is located shall see that the meter is free from obstructions and conveniently accessible at all times for the purpose of reading, inspecting or repairing. Failure to do so may result in loss of service and payment of service calls. Meter shall be located 12 inches inside the street curb.

Section 2e: Float valve requirement - no water shall be used in open tanks, troughs or other continuously dripping containers for water without automatic float valves installed.

Section 2f: Cross-connections - no such 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 reduced-pressure device to prevent back-flow is mandatory.

Section 2g: Service-pipe - service pipe of all sizes between the main and the 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.

Section 2h: Repair and protection of service pipes- 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.

Section 2i: Meter repair - 5/8 x 3/4 inch 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 will be maintained at the expense of the property owner.

Section 2j: Private shut-off - a shut-off shall be maintained by the owner of each service and available for emergency use.

Section 2k: Tampering - no person shall connect, remove, repair or otherwise disturb any water meter or water service after once set; but, at the discretion of the city, a meter may be removed by the city for an unpaid account.

SECTION 3. CHARGES, PAYMENTS, PENALTIES.

Section 3a: Flat Rate - Water charges for residential customers on a 3/4 inch service shall be due and payable at the city hall, in advance, for two months, before the 15th of the first month. Bi-monthly bills will be sent out only for accounts in arrears.

Section 3b: Discounted payments - flat-rate customers may receive a 10% discount for payment in advance for a 12-month period, provided said payment is received before the 15th of the current month, with all water service-related charges paid in full.

Section 3c: Billing and shut-off notice for non-payment - on flat-rate accounts, payments will be due, in advance, on a bi-monthly basis. If payment in full is not received by 5:00 PM on the 15th, a bill will be sent on the second month, showing the amount due, including the late charge. If the account is still unpaid, a bill will be mailed on the third month, showing all charges due including a second late charge and a shut-off notice advising service will be discontinued on the 15th of the third month. Once a shut-off notice has been sent, payment must be IN FULL, including all charges against that account.

Section 3d: Metered accounts -- served by 3/4" meters will be due and payable bi-monthly on the first of the month immediately following billing. If not paid by the 15th of the month in which payment is due, the 50¢ late charge shall be added. These meters will be read, and billed, on a bi-monthly basis; all meters larger than 3/4" will be read and billed monthly. Computation of bi-monthly charges will be made as though on a one-month basis; i.e., gallonage will be divided by two and the current charge made for each month. Shut-off notices for non-payment of metered accounts will be mailed, with a second billing, and a second late charge 30 days after the first billing. The service will be discontinued on the 15th day of that month if payment IN FULL is not received.

Section 3e: Multi-units - where two or more units are served through one master meter, the owner or authorized agent will be billed for the meter rate.

Section 3f: Late payment charge - if payment is not received by 5:00 PM on the 15th of the month, a 50¢ charge is added to the billing, said late payment fee to be added for each month for which payment in full has been delayed. Should the 15th of the month fall on Saturday, Sunday or a holiday, the late charge shall not be affixed until after 5:00 PM the following workday.

Section 3g: Service charges - a fee of \$3.00 will be charged for any call to the premises made necessary by a customer. This would include turn-on, turn-off, location of service line, etc.

Section 3h: Special charges - a fee of \$5.00 will be charged for any non-negotiable checks.

Section 3i: Water liens - unpaid service charges shall be alien 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. Water may not be turned on for any new tenant or purpose where such a lien exists until payment in full has been received.

Section 3j: Damages - the customer and/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 3k: Meter reading time lapse - it shall be the policy of the water department to allow an additional 300 gallon usage above each meter charge to compensate for reading dates by an additional weekend.

Section 3l: Meters out of order - if a meter is found to be 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 seasonable use. This monthly average shall be multiplied by two for the bi-monthly billing.

Section 3m: Address on billings - 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 yellow inquiry slip (Form WD-2), which form will list a shut-off date if no reply is forthcoming.

Section 3n: Rates:

Residential flat fee - inside city	\$	6.35
minimum meter fee - inside city		4.30
minimum meter fee - outside city		5.00
discounted rate on in-city flat rate only		
12 x 6.35 = \$76.20 less 10% for advance pay		68.60

SERVICE LINE AND TAP CHARGES:

complete installation (tap & meter)	200.00
installation of tap only	150.00

Service lines greater than 3/4 inch will be at actual cost, plus 10% for administrative overhead. A payment of 80% of the estimated cost must be made in advance of any such work.

SCHEDULE OF WATER METER RATES

U.S. Gallons	Total	inside		outside	
		City	Total	City	Total
First unit 2,000 or part		\$ 4.30	\$ 4.30	\$ 5.00	\$ 5.00
Second 2,000 or part	4,000	1.80	6.10	2.15	7.15
Third 2,000 or part	6,000	1.45	7.55	1.80	8.95

Per thousand:

next 4,000	10,000	1.10	11.95	1.55	15.15
next 30,000	40,000	1.00	41.95	1.45	58.65
next 20,000	60,000	.95	60.95	1.30	84.65
next 15,000	75,000	.85	73.70	1.15	101.90
next 10,000	85,000	.80	81.70	.85	110.40
next 5,000	90,000	.75	85.45	.80	114.00
next 5,000	95,000	.55	88.20	.75	117.75
next 5,000	100,000	.50	90.70	.70	121.25

over 100,000	within city	\$.21 per thousand
over 100,000	outside city	.30 per thousand

SECTION 4. ILLEGAL USAGES.

Section 4a: Unlawful connection - It shall be illegal 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 connect with the municipal supply in any way. If such connection is found to exist, the city water service will be disconnected.

Section 4b: Supply to vessel - it shall be unlawful for any person to obtain water for its use from city mains except through a meter and from persons duly authorized to supply such water.

Section 4c: Electrical connections - it shall be illegal to ground any electrical appliance to any pipe connected to the water system.

Section 4d: 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.

Section 4e: Prohibited or restricted use - the city may prohibit the use of water for any purpose, such regulation being within the police power and a precautionary 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 5. MISCELLANEOUS

Section 5a: Inspection - the city manager and public works superintendent 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, for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used.

Section 5b: 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.

Section 5c: Surplus water - the water department may furnish surplus water to areas outside city boundaries which would not affect the city's supply, and charge the rates currently in force. Furnishing of water shall be conditioned by terms of a contract drawn for this service.

Section 5d: 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 water will be shut off.

Section 5e: Definition - "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, must be charged against the account to which such connection is made.

Section 5f: Vacancy credit - on flat-rate accounts if it is desired to discontinue the use of all water to the premises for a period of one month or more, notice must be given in advance, with all charges paid to date, and the monthly fee will be waived. No waiver of charges may be made for a period of less than one-half month. On yearly advance payments, vacancies should be declared when they occur and the due date will be extended accordingly at the end of the year. No credit may be made retroactively.

Section 5g: Refunds - refunds may be made to persons who have paid in advance but no longer desire service. On yearly accounts the refunds shall be based on the monthly flat rate charge and not on the discounted rate, i.e., the refund shall be made after charging the account on the basis of the normal, monthly rate with the difference between that and what the customer has paid being refunded.

Section 5h: 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 excess, the consumer responsible for payment may request an adjustment, in writing, with such request attesting that the leak has been repaired. The formula for such an adjustment is:

	\$00.00	excessive charge
less	0.00	1/12 the <u>yearly</u> average
	\$00.00	multiplied by 20% and added to the average, using nearest rounded figure. Only two adjustments may be made per account per calendar year.

Section 5i: 48-hour notice - the water department request that 48-hour notice be given in order to schedule service calls; however, whenever possible, requests for service will be handled as promptly as possible.

Section 5j: Turn-on and turn-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 occupant 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; and such information must be provided to a water clerk for entry into the records within 48 hours of granting the permission.

Section 5k: 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 water rates 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 payment of all charges.

Section 5l: 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.

Section 5m: Penalty- any person violating any of the provisions of this ordinance may, upon conviction thereof, be punished by a fine not exceeding \$100.00 or imprisonment in jail for a period of not exceeding five days, or by both fine and imprisonment.

Section 5n: 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.

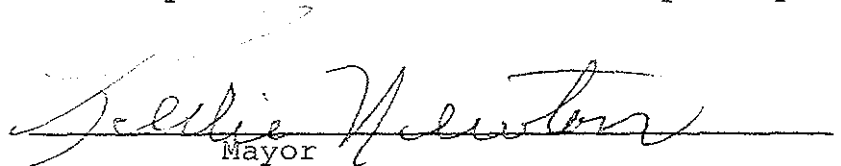
Section 5o: Inasmuch as these rules and regulations are of paramount importance to the operation of the Warrenton Water Department from a standpoint of accounting and for the records of the city, and such operation is imperative for the health, welfare and best interests of the citizens of the city of Warrenton, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the Warrenton City Commission and approval by the Mayor of the City of Warrenton.

First Reading: March 19, 1980.

Second Reading: April 2, 1980.

Passed by the Warrenton City Commission this 2nd day of April, 1980.

Approved by the Mayor of the City of Warrenton this 2nd day of April, 1980.


Mayor

ATTEST:


Auditor and Police Judge