

*"Making a difference through excellence of service"*



**CITY OF WARRENTON**

## **WORK SESSION**

### **AGENDA**

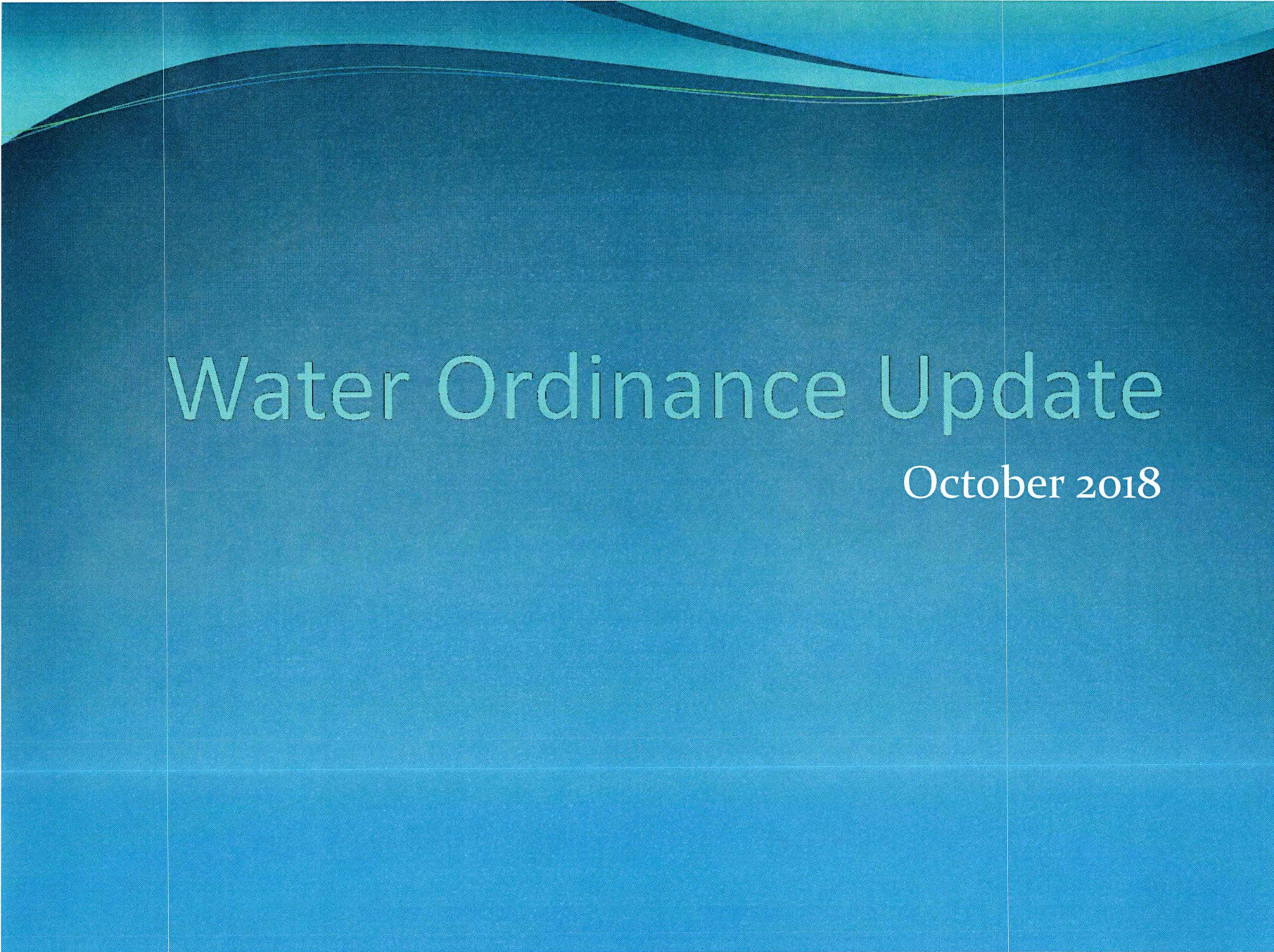
**City Commission of the City of Warrenton  
Tuesday, October 9, 2018 – 5:15 P.M.**

**Warrenton City Commission Chambers  
225 South Main Avenue  
Warrenton, OR 97146**

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- 1. Call to Order**
- 2. Roll Call**
- 3. Water Ordinance Review**
- 4. Adjourn**

Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.



# Water Ordinance Update

October 2018



# Previous Updates

- Last full update completed in October 2011 (1157-A)
- Amendments approved
  - September 2012 (1172-A)
  - November 2014 (1192-A)



# Collaboration

- This review and update was completed with collaboration between:
  - Public Works
  - Finance Department
  - City Manager



# Overall Changes

- Most sections were rearranged and/or renamed to provide clarity to the overall document
- Reference to tap was changed to connection
- Fees were removed and added to the corresponding resolution



# Section 1. Definitions

- Added and updated to reflect language in our ordinance
- Alphabetized for ease of use



## Section 2. Applications

- Added subsection headers
- New Meter Connection was added to provide clarity between a new connection application and a utility account application
- Removed original subsection (3) regarding deposits
- Water User Language regarding connections to vacation trailers, mobile homes, boats, etc. was removed because it was written as we allow those types of connections, but we do not



## Section 3. Installation

- Water Availability Statements added language to include utility easements and what specific information will be required for the water availability statement
- Single Family Residential Water Meter Connection added to provide clarity between single family connections and all others. Separate descriptions were added for drop-in meters for subdivisions or reinstalled accounts and a full service installation connection
- Commercial, Industrial and Multi-family Water Meters was added the above referenced property types are required to install the full service connection at their expense and to our standards



## Section 4. Maintenance

- Accessibility of Meters added language regarding an inaccessible to read penalty for blocked meters
- Canceling Accounts/Meter Removal added language for voluntary disconnect and that fees will apply
- Meter Repair- larger than 1 inch is a new subsection added for clarity. The City is requiring property owners to be responsible for the cost of maintaining water meters of this size
- Damages includes option for meter removal if charges are not paid and reconnection charges will apply

# Section 5. Charges, Payments and Penalties

- Billing, Due Dates and Past Due Penalties added option for customer to pay “emergency turn on fee” to have water service restored after hours, after involuntary shut off
- Mixed Use Structures was added to clarify billing regarding mixed use properties served by one water meter
- Special Charges changed name of penalty from Non-Sufficient Funds (NSF) to returned payment. Changed the number of business days to make a returned payment good from 10 to 5 business days



# Section 6. Fire Protection, Fire Hydrants, and Hydrant Meters

- This section was added to provide clarification and expand on the old Hydrant Meters subsection



## Section 7. Cross Connection Control

- Added this section to incorporate the existing cross connection ordinance (982-A and amendments 999-A and 1031-A)
- Updated the language to conform to State rules



## Section 8. Unlawful Use

- Turn-On/Off by other than City Crew added language to include restitution for damages, if applicable



## Section 9. Miscellaneous

- Hydrant Meters was moved to its own section



Questions?



# Resolution Exhibit A

- Change the wording under Base Rate:
  - Every **meter account** shall pay a base rate per month,....

Range/Customer Class	Volume Rate	
	Inside City	Outside City
2,001 gallons and over:		
Residential / <b>Multi Family</b>	\$ 4.24	\$ 6.40
<del>Multi Family Residential</del>	<del>\$ 3.46</del>	<del>\$ 5.14</del>
Commercial	\$ 6.35	\$ 9.48
Industrial	\$ 7.53	\$ 11.33
<del>School</del> Institutional	\$ 5.16	\$ 7.78
Government	\$ 7.98	\$ 11.97
City of Gearhart	\$ 7.98	n/a
Non-Peak Industrial	\$ 4.24	n/a

# Resolution Exhibit B (page 2)


## Service Calls

Call requested by customer	10		50
Final Read	10		50
Emergency After Hours Fee (NEW)			150

## Miscellaneous Charges

Returned Payment	25		35
Inaccessible to Read Penalty (NEW)			25

## Hydrant Meter Changes

Hydrant Meter Deposit	250		500
Hydrant Meter Wrench Rental (NEW)			20
Hydrant Meter Attachment Rental (NEW)			10

ORDINANCE NO \_\_\_\_\_

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 ANY OTHER WATER 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**

"Accessory Dwelling" is defined as a small, secondary housing unit, usually the size of a studio apartment, located on the same lot as an established detached single-family residence. The accessory dwelling can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. An accessory dwelling is an accessory structure and shall comply with the accessory structure standards of Chapter 16.180 and more particularly Section 16.180.040, Accessory Dwelling Standards. ~~is defined as any building using the same water and/or sewer connection as the established or new residential structure.~~

"Applicant" is defined as any person, corporation, association, or agency applying for water service.

"Approved Air Gap" is defined as a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressurized receiving vessel. An "Approved Air Gap" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel and in no case less than 1 inch (2.54 cm), and in accord with Oregon Plumbing Specialty Code.

"Approved Backflow Prevention Assembly" is defined as a Reduced Pressure Principle Backflow Prevention Assembly, Reduced Pressure Principle-Detector Backflow Prevention Assembly, Double Check Valve Backflow Prevention Assembly, Double Check-Detector Backflow Prevention Assembly, Pressure Vacuum Breaker Backsiphonage Prevention Assembly, or Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly, of a make, model, orientation, and size approved by the Oregon Health Authority. Assemblies listed in the currently approved backflow prevention assemblies list developed by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, or other testing laboratories using equivalent testing methods, are considered approved by the Oregon Health Authority. Approved assemblies include the attached shutoff valves on the inlet and outlet end of the assembly, assembled as a complete unit.

"Auxiliary Water Supply" is defined as any water supply on or available to the premises other than the City's approved public water supply. These auxiliary waters may include water from another City's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the City does not have sanitary control.

~~“Backflow” is defined as the undesirable reversal of flow of water or other liquids, mixtures, of water or other liquids, gases, or other substances into the distribution pipes of the a potable supply of water from any sources other than its intended source, and is caused by backsiphonage or backpressure, or sources.~~

“City” is defined as City of Warrenton, its staff and/or designee (authorized representative).

“City Service Line” is defined as any pipe and fittings which connect a water main to a water meter or customer service line.

“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.

“Cross Connection” is defined as any actual or potential unprotected connection or structural arrangement between the public or user’s potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which, or because of which, backflow can or may occur are considered to be cross connections.

“Customer Service Line” is defined as any pipe, valves, and fittings leading from the water meter or City service line into the premises served or the point of ultimate use.

“Inaccessible to Read” is defined as a water meter of any size or type which is not conveniently accessible for purpose of reading, inspecting, repairing, and connecting or disconnecting service.

“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, public places of worship or culture, e.g., schools, rest homes (including aAdult fFoster hHomes), hospitals, jails.

“Living Unit” is defined as any living quarters in which cooking or toilet facilities are provided.

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

“Person(s) Responsible” is defined as a person, including a buyer under a land sales agreement, lawfully occupying a property to which utility services are provided pursuant to an agreement with the owner.

“Property Owner” is defined as an individual or organization that has legal ownership as evidenced by a deed filed with the County for the service address. It is further understood that any individual or organization that is listed on the deed (no matter the percentage ownership) is authorized to conduct business for the service address and to incur charges accordingly.

“Public Works Director, their Designee or State Health Official” is defined as the City of Warrenton Public Works Director in charge of the water department, their designee or the representative of the State of Oregon Health Department who is invested with the authority and the responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provision of this ordinance.

“Service” is defined as a combined facility made up of both a City service line, and a customer service line.

“Single Family” is defined as one who uses water for **normal residential** use.

“Single Service Connection” is defined as a property with a water service serving a single customer.

“User” is defined as any person(s), corporation, or other entity using water through an established service line.

“Water Main” is defined as any pipe owned by the City of Warrenton laid in a street, alley, or easement, and used or intended to be used for the distribution of water to customers through service lines.

“Water Meter” is defined as any device used for the measurement of water delivered to an individual location or user.

“Water Service Disconnection” is defined as permanent removal of both water and sewer connections from City mains. The sewer service is required to be capped as close to the sewer main without cutting into the road surface. Sewer connections shall be capped prior to the City removing the water meter. A Public Works Department representative shall be present during the capping of services. All costs for capping of water and sewer services will be borne by the property owner.

## Section 2. APPLICATIONS

(1) **New Water Meter Connection:** An application for the installation of a new water meter connection shall be made to the Public Works Department. Upon completion of the new water meter application process and prior to the physical installation of the meter, the applicant shall apply for a **utility account** with the Finance Department.

~~(1)~~ **Utility Account Application:** An application for an existing water service shall be made to the Finance Department in person. ~~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 “person(s) responsible,” must pay for the water service, then this person must also complete and sign ~~an~~the application form. A new application must be made for each change in use or ownership.

(2)

~~A deposit must be paid before service can begin. The City will hold the deposit until the account is closed. Interest will not be paid on the deposit amount. At the close of the account, if there is an outstanding balance on water, sewer, storm sewer, garbage, or recycling, the deposit will be applied to those charges and any amount in excess will be refunded. If deposit is not sufficient to pay the entire remaining balance, the customer is responsible to pay the remaining balance in full.~~

(3) **Outstanding ~~Utility~~ Account Balances:** The City will not allow a new utility service to customers with an outstanding balance on their account-(s) with the City until the entire balance that has accrued to the former account(s) has been paid in full.

(4) **Water User:** 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 person(s) or families not mentioned in ~~said~~the application. Penalties and shutoff will apply.

(5) **Change of Ownership or Person(s) Responsible:** ~~Anyone~~ Any tenant moving from or ~~selling the change of property ownership property~~ must indicate ~~him~~ their release of responsibility by notifying the City prior to the date of leaving.

(6) **Property Ownership Responsibility:** 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~~ person(s) responsible fails to pay the charges, the City shall submit the bill to the property owner.

### Section 3. INSTALLATION AND MAINTENANCE

(1) **Installation:** A new service may be installed upon an approved water availability and payment of current water connection fee, any additional costs for labor and materials and System Development Charges (SDCs), as set by resolution 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.

~~(1)~~(2) **Water Availability Statements:** New water service can be applied for through the Public Works Department. The City makes no guarantee of water availability. Water will be determined available if a water main is within 100 feet of the property line where the meter would be placed and no other restrictions apply. The property line may be adjusted in the case of an easement granting the property owner the right to a utility easement for water. If a water main is not

available then the applicant is responsible to extend an adequately-sized water main in an established right of way (ROW) or dedicated utility easement across the full frontage along the ROW of the property being developed in accordance with the City of Warrenton Engineering Standards. These applications will expire after 6090 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. 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 the water availability statement will be void. Applicant has the right to reapply for a water availability statement.

a. The statement will note the size of meter, purpose of water use, fees, conditions and responsibilities of the owner/contractor.

b. 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.

c. Unexpired water availability applications, that have not been paid and meter(s) installed, will be subject to increased fees, as set by resolution.

**(3) Service Single Family Residential Water Meter Connection:** All ~~water users with 3/4 inch service lines~~ single family residential properties, except including new subdivision development lots, shall be required to ~~install-use~~ water meters, the kind or make of said meter to be approved or designated ~~by the Public Works department~~ Department.

a. Where an existing City service line is installed, approval by all required departments has been received, and the applicant's payment, of all associated charges and fees have been paid in full, a water meter will be dropped-in by the Public Works Department within two (2) business days.

b. Upon the applicant's payment, in full, of both current ~~tap~~ meter connection fees and meter charges SDCs, the full installation of the City service line with meter box and meter shall be \_\_\_\_\_ installed by the Public Works Department meters may shall be installed by the Public Works department when the installation is requested. The department will attempt to make any \_\_\_ and all installations within 30 days or as soon as possible, in the order received, and within 30 days of the installation request.

**(2)(4) Commercial, Industrial and Multi-family Water Meters:** ~~All w~~ These water meter(s), the kind or make of said meter(s) to be approved or designated by the Public Works Department -and service connections will be installed by the owner/contractor. All meter information and numbers will be delivered to the Public Works Department upon installation. A single ~~W~~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. An approved backflow prevention assembly is required immediately behind the water meter on the customer's service line, for premise isolation.

a. ~~Commercial w~~Water services including all infrastructure, water meters and meter boxes with lids the size and type required by the City Public Works Department will be installed by the owner/developer and the meter information will be remitted to the City at the time of installation. All meters larger than 1" will be flanged. An inaccessible to read penalty will apply if meter information is not submitted at the time of installation.

#### Section 4. MAINTENANCE

(1) **Accessibility of Meters:** The person(s) responsible for any property where a water 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 water service disconnection. Meters shall be located 12 inches inside the public or street right-of-way. A daily inaccessible to read penalty will apply when meters are blocked for more than two (2) business days.

~~(2) **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 backflow device is mandatory. adopted (s)~~

(2) **Canceling Accounts/Meter Removal:** Voluntary account cancellations/disconnections require prepayment of fees and will apply to garbage, sewer and storm sewer utilities associated with this water service. Involuntary account cancellations will have all applicable fees assessed on the utility bill. All costs associated with water service disconnection are the responsibility of the property owner, whether voluntary or involuntary. Utility base rates shall not apply to cancelled accounts. The property owner will be required to reapply for water service and pay all applicable water connection fees as set by resolution to be reconnected to the utility system. 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.

The City of Warrenton will have the discretion to disconnect a property from the utility system with or without the property owner's permission. If a structure is damaged or falls into a state of serious disrepair, after 90-days the City may remove the water meter from the property thereby disconnecting the property from the utility system. A notice of intent to disconnect will be sent to the property owner 30 days prior to disconnection. A fee for meter removal, as set by resolution, will be assessed to the utility billing account and billing for utilities will discontinue as of the date

~~of meter removal.~~ The property owner will have the right to present the City any relevant information to forgo forced disconnection, though not all reasons shall be deemed sufficient.

A petition for cancellation shall only be allowed under the following conditions:

- a. ~~E~~ Existing accounts associated with properties that have no structure.
- b. ~~S~~ Structures that are not required to have water service per building code and/or fire codes.
- c. ~~or A~~ A dangerous building or structure that has been ordered abated by order of the Building Official or Fire Chief and will be removed according to the Municipal Code 15.08.100, under City Ordinance 852-A.
- d. ~~-~~ 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 according to the Municipal Code 15.08.100.

Once a petition is approved by the City Manager and the applicant has met all the requirements of the Public Works Department for water service disconnection, 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.

- (3) **Service Pipe:** Service pipe(s) of any size between the main and the building meter shall be of the type and material specified by City of Warrenton Engineering Standards state code. Service pipe(s) between the main and meter ~~or shut off~~ shall be ~~installed and~~ maintained by the City Public Works ~~d~~ Department. The water service line from a meter ~~or shut off~~ to the building premises shall be maintained by the property owner. If check valves restricting backflow are installed on a customer's service line, a proper relief valve system shall also be installed to protect from thermal expansion, as required by Oregon Plumbing Specialty Code therein.
- (4) **Repair and Protection:** All service pipes except that portion between the ~~tap connection in~~ from the City main ~~to 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 will must be responsible for all damages resulting from leaks or breaks. Failure to comply will result in discontinuance of service.
- (5) **Meter Repair- ¾ and 1 inch:** The expense of maintaining three-quarter (¾) and one (1) inch water meters will be borne by the City; provided, however, that where replacements, repairs, or adjustments of a meter are made necessary by ~~the an act of;~~ negligence; or carelessness of the ~~owner occupant person(s) responsible~~ of the premises, the expense to the City caused ~~d~~ thereby may

be charged and collected from the party that caused such act, negligence, or carelessness whether property owner or person(s) responsible/occupant of the premises.

(5)

(6) Meter Repair- larger than 1 inch: The expense of maintaining meter assemblies larger than one (1) inch and corresponding vault(s) will be borne by the property owner. The City may require testing of the water meter at any time in which the readings of the meter reflect a significant drop in usage and the owner has not provided a reasonable explanation for such change in usage. The property owner will be notified prior to such testing.

The City may require immediate replacement of the water meter with a meter of the same size, type and style that meets City standards should it cease to function as designed and a repair is not possible. Water meters will be replaced by the City at the owners expense. No water will be supplied to unmetred service connections.

Meters that are currently in place and do not meet the City meter specification standard at the passage of this ordinance, will be maintained and replaced by the City. Upon replacement by the City, the person(s) responsible will then become responsible for all maintenance and replacement costs of the meter assembly.

(6)(7) Private Shut-Off: A shut-off on the customers side of the water meter shall be installed and maintained by the owner for each service and made available for emergency use.

(7)(8) Meter Out of Order: If a meter is out of order and not registering accurately, the consumption charge shall be computed on the basis of a monthly average of the previous twelve (12) months when the meter was functioning properly, such time sequence being necessary to encompass seasonal use.

(8)(9) Tampering: No person shall connect, remove, repair, turn-on, turn-off 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 for non-payment of a utility bill," and turned back on by anyone other than a City official shall be reported to the Police Department as "Theft of Service."

(9)(10) Damages: The person(s) responsible or property owner shall be responsible for any damages to the locking device affixed at the 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-meter removal and be subject to connection charges for reconnection as set by resolution.

## Section 5. CHARGES, PAYMENTS AND PENALTIES

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

- a. ~~Payments are due on a monthly basis. Bills are sent on a monthly basis, regardless of occupancy or if the water is off.~~ –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 resolutions will be added. If the account is still unpaid on the 1<sup>st</sup> of the month following the date the payment was due, a bill will be mailed to the person(s) responsible showing all charges due with a past due notification.
- c. The eCity will send a reminder letter of these late charges to the property owner and tenant-person(s) responsible (if they are not the same) on or near the 7<sup>th</sup> of the month.
- d. A ~~water turn off door hanger notice~~ will be hung on or near the 14<sup>th</sup> day of the month stating water service will be discontinued-shut-off on, or a specified date near, the 20<sup>th</sup> of that month if the account remains unpaid. Once a ~~water turn off notice door hanger~~ has been sent, payment must be made in full for the past due amount to avoid service termination. The customer will be charged a door hanger past due penalty ~~for the water turn off notice~~ as set by resolution. A ~~water turn off notice door hanger~~ will be hung on the subject property and the corresponding fee will be attached to the ~~prior renter person(s) responsible/owner's past due~~ account, even if the prior ~~renter person(s) responsible/owner~~ no longer resides at the property.
- e. ~~Water may be shut off shut off on due to failure to comply with the rules and regulations established as a condition to the use of water, or to pay any charges 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 shut off/turn off penalty will be assessed to the previous renter person(s) responsible/owner even though the water is not shut off shut off. Water so shut off 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. Water service will be shut off if past due balance is not paid before 5pm on the date specified on the door hanger. Past due accounts will be charged a shut-off penalty as set by resolution. Water service shall not be restored until all charges and penalties are paid in full.~~
- e.f. When payment has been made in full and the request for restoration has been made before 2:00 p.m.PM, same day service is available. If an immediate restoration is required after 2:00 p.m.PM, an emergency turn on fee will apply.

g. 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(s) responsible or owner to make certain payment in full has been received by the City in a timely manner.

f.h. If the past due amount on a closed account remains unpaid at shut-off day, the shut-off penalty will be assessed to the previous person(s) responsible/owner even though the water is not shut-off. No new Utility Applications will be taken until such time that all accounts at the address associated with the past due account are paid in full. 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.

i. Owners and/or person(s) responsible shall be notified of and have the opportunity to be heard by the Finance ~~Officer~~ Director or employee empowered to resolve any~~d~~ valid objections to the billing prior to the disconnection.

e.i. Properties whose service has been shut-off for non-payment for 12 months with no payments made on the City billing accounts or any balances in collections will be disconnected from the utility system. A fee for meter removal, as set by resolution, as well as any cost to remove garbagesanitary, sewer or storm sewer utilities will be assessed to the utility billing account and billing for utilities will discontinue as of the date of meter removal. Any outstanding balances may be referred to a collection agency. The property owner will be required to reapply for water service, pay applicable water connection fees as set by resolution and pay all outstanding balances including any balances in collections in order to be reconnected to the utility system. The property owner will be required to pay the balances owed or established an approved payment plan with the City in order to avoid forced disconnection. See section 4.4 Canceling Accounts/Meter Removal.

**(2) Meter Readings:** Water meters ~~shall~~ will 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 eCity emergency, the monthly charge may be estimated based on the prior twelve (12) month's read.

~~(2)~~(3) **Mixed Use Structures:** Where a structure has a commercial use and a residential use or any other combination of uses, the higher monthly rate will apply.

~~(3)~~(4) **Multi-Units:** Where two or more units are served through one master meter, the owner or authorized agent will be billed for the meter use, on a monthly basis. If separate units in a multi-unit complex have separate individual ~~tap~~connections, the individual units will be billed individually on a monthly basis.

~~(4)~~(5) **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, garbage sanitation and recycling will apply regardless of whether or not the water meter is on or off.

~~(5)~~(6) **Notice for Service:** The Public Works ~~d~~Department requests two (2) business 48 hours noticedays notice be given in order to schedule service calls; however, whenever possible, requests for service will be handled as promptly as possible.

~~(6)~~(7) **Refund:** Customers who have ~~finald-closed~~ 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 eCity's bank within 9030 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.

(8) 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 10 days of the discovery or notification by the City of the leak.

a. Adjustment for Leaks: 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(s) responsible 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 average monthly charge+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 demonstrates 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.

b. Shut off Due to Waste: The City of Warrenton Water Department shall not knowingly furnish water to premises where there is an ongoing leak. When there is a defective or leaking fixture, leaking customer service line, irrigation system, or there is no shutoff device on the customer side and the customer fails to take prompt corrective action to

repair the leaking line or fixture, the City may at its option, within 60 days of customer notification, shut off the water on the City side of the meter. All monthly charges fees and penalties will apply if the City must shut off the water meter to ensure water conservation.

~~(7)~~

~~(8)~~(9) Special Charges: A fee will be charged for any returned payments. Customers have five ~~(5)ten~~ business days to make returned payments good. The returned transaction is only made good with cash including the Non-Sufficient Funds (NSF) returned payment fee, as set by resolution, fee of \$25.00.

- a. The eCity 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, the 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 fiveten ~~(5)~~ business days begins the day the City receives notice from the bank and ends on the fifth-tenth business day at 5:00 p.m. (counting the day of notice to the eCity).
- c. The City will assess the status of the account and if the returned payment-NSF transaction is not made good within the fiveten business days, then the City will enforce all collection policies as per Section 54.(1) of this City ordinance.
- d. Returned paymentNSF fees attach to all returned payment transactions including checks, auto-pay and online payments.
- e. Any account that has 3 returned payments during a twelve (12) month period will be placed on a "Cash Only" payment requirementstatus for twelve (12) calendar months from the date of the last returned transaction.

~~(9)~~(10) Water Liens: AllUnpaid service, or usage, penalty and fees-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)~~(11) Billing Addresses: Billing will be addressed exactly as the applicant has directed on the application for service. The Finance Department must be notified immediately of any change of billing address. Should the proper address not be supplied by the customer ~~on~~ 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-offshut-off if no reply is forthcoming.

~~(11)~~(12) Rates: All rates, charges, penalties and fees will be designated by resolution and approved by the Warrenton City Commission.

**(13) Vacancy/Vacation:** City of Warrenton water customers may request a temporary billing suspension for a period not to exceed six (6) months. This temporary billing suspension is limited to six (6) months in a twelve (12) month period. Customers will be charged a temporary suspension fee, as set by resolution, at the time their temporary billing suspension is to take effect. The customer will be required to pay their account balance, including all utility charges up to the date of suspension and the temporary suspension fee, at the time the service is suspended. The billing will continue and there will be no service suspension if the utility account has a balance. Upon the effective date of the temporary billing suspension, the City will turn off and lock the water meter. Upon the termination of the temporary billing suspension period, the water meter will be turned on and a temporary suspension fee will be assessed to the utility account for reactivating the meter and reconnection of service. Upon meter activation, billing for utility service will restart. At the end of the six (6) month temporary billing suspension period, the water meter will be turned on and billing will be reinstated regardless of property occupancy status.

Customers with special surcharge(s) or fee(s) attached to their utility bill are not eligible for a vacancy/vacation rate.

~~(12)~~ **New Construction Rates:** All service accounts associated with new construction projects, ~~also referred to as “Contractor’s Rates,”~~ shall be subject to the minimum base water rate plus and consumption. ~~Upon~~ water meter installation, ~~R~~ates for all other services will apply upon issuance of occupancy permit.

(14)

~~(13)~~

~~(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 ~~e~~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)~~

~~(16)~~(15)

## Section 6. FIRE PROTECTION, FIRE HYDRANTS, AND HYDRANT METERS

~~(1)~~ **Fire Service Lines:** Fire service lines may be installed at the expense of the property owner according to the City Engineering Standards. No use or connection other than fire protection is permitted on fire service lines.

(1)

(2) **Unauthorized Use:** Unauthorized use of water from a fire line or fire hydrant shall result in ~~an fee and unauthorized use penalty~~ ~~penalty~~, set by resolution, for the first billing cycle during which the use occurs. Any subsequent unauthorized use during a subsequent billing cycle within twelve (12) months of the first such use shall be charged ~~a minimum fee~~ ~~an additional unauthorized use penalty~~, set by resolution, provided the City Manager or their designee may also impose an additional fee at their discretion after consideration of the circumstances of the use.

a. If unauthorized use of a fire line or fire hydrant occurs four or more times within twelve (12) months of the first such use (including the first use in the count), the City Manager or their designee may thereafter treat the fire line ~~or fire hydrant~~ as a standard service subject to all applicable provisions of this Ordinance.

(3) **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 ~~Public Works Department~~. The provision of this section shall not apply to the authorized local fire department. Other departments of the City ~~may~~ be allowed to connect on said hydrants ~~with a hydrant meter~~, and must use a spanner or regulation wrench in connection therewith.

**Hydrant Meter:** Permits may be issued for the temporary connection to and operation of fire hydrants for construction sites and other approved uses. Permits can be obtained through the Public Works Department. Fees associated with said permit are set by resolution.

(4)

a. Hydrant meters may only be used at the site specified on the permit, ~~may not be left unattended~~, and must be removed from the hydrant after each use. Any hydrant meter still attached to the hydrant may be removed by the fire department in the case of an emergency or drill and the permittee will be billed for any damages to the hydrant or hydrant meter.

—Spanner or regulation wrenches may be rented from the Public Works Department at the time of permit application for a fee set by resolution.

b.

## Section 7. Cross Connection Control

(1) **Cross Connections Prohibited:** Cross connection(s) shall be prohibited and protection must be provided against such cross connection, as specified in Oregon Administrative Rules (OAR), Chapter 333. In the case of any premise where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the public water system shall be protected against backflow from the premise(s) by either an approved air gap or an approved backflow prevention assembly on each service to the premise, to provide premise isolation.

(2) **Testing:** Inspection and testing must be completed as specified. Tests must be submitted to the City's Water Quality Technician within ten (10) working days from test date and on a form acceptable to the City.

- a. At the time of installation;
- b. If repaired or relocated;
- c. At least annually;
- d. More frequently if required by the City;
- e. After a backflow incident; or
- f. After an approved air gap is re-plumbed

(3) **New Connections:** Any new connection of one and one half (1 ½) inches in diameter or greater shall be required to install an approved backflow prevention assembly commensurate with the degree of hazard, as per table 43 in OAR Chapter 333, the Oregon Plumbing Specialty Code and the Public Works Director or their designee. The term "new" as herein used in reference to new construction, annexation, or the City of Warrenton gaining jurisdiction over the water system.

~~(4) **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.~~

~~(4)~~

(5) **Irrigation:** All irrigation systems, residential and commercial, shall be protected by an approved backflow prevention assembly commensurate with the degree of hazard, as per table 43 in OAR Chapter 333, the Oregon Plumbing Specialty Code and the Public Works Director or their designee.

(6) **Auxiliary Water Supply:** Premises 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. An approved backflow prevention assembly shall be installed on the customer service line to a premise where there is auxiliary water supply which is or can be connected to the municipal water system. Should such connection be found to exist without an approved backflow prevention assembly, the connection to City water will be shut-off.

(7) **Pumps:** No person shall connect to any water main or service connection in the City's water system, a pump or other apparatus for purposes of increasing pressure, which is capable of introducing any foreign liquid or material into said system, unless an approved backflow prevention assembly is used.

(8) **Authority:** The Public Works Director, their designee or State Health Official has the authority to discontinue water service to premises for:

- a. Failure to remove or eliminate an existing unprotected or potential cross connection;
- b. Failure to install a required approved backflow prevention assembly, as required;
- c. Failure to maintain an approved backflow prevention assembly; or
- d. Failure to conduct the required testing of an approved backflow prevention assembly.

Water service may be reinstated once the above condition(s) are remedied. A fee may apply for disconnection/reconnection of water service.

**Section 85. 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 auxiliary~~ water supply ~~(well, pump, etc.)~~ to be connected with the municipal supply in any way. If such connection is found to exist, the eCity water service will be disconnected and penalties will be assessed to the utility account.

It shall be unlawful for any unit, with the exception described for multi-units, ~~temporary watchman or security quarters,~~ to be occupied or used, either as a residence or as a place of business, without an individual tapconnection and meter if required.

~~All~~Any unlawful connections found shall be reported to the Police Department for ~~“T~~heft of ~~s~~Service and subject to unauthorized use penalties.”

~~(1)~~**(2) Supply to Vessel:** It shall be unlawful for any person operating a vessel to obtain water for its use from eCity mains except through a meter and from persons duly authorized to supply such water.

~~(2)~~**Electrical Connections:** It shall be unlawful to ground any electrical appliance to any pipe connected to the water system.

~~(3)~~

**(4) Prohibited or Restricted Use:** The City may prohibit the use of water for any purpose, such regulation being within the ~~police power~~authority of the City Manager, Public Works Director or their designee or the Oregon Health Authority Drinking Water Program Official. These p-and-a-precautions are to promote the health and safety of the inhabitants of the City of Warrenton water system.

If a shortage of water shall exist, the City Manager shall have authority at any time to restrict the use of water. Failure to comply may result in penalties.

**(5) 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 property owner or person(s) responsible to turn the water off or on, but only upon making notation of the tapaccountconnection number, name of the permittee, date, address, meter number 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.

When permission has been granted to the owner or person(s) responsible for emergency turn on/-turn off of the meter and where replacements, repairs, or adjustments of a meter are made necessary by an act of negligence or carelessness of the person(s) responsible for 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 property owner or person(s) responsible for the premises.

#### Section -96. 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 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.

(2) **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 twenty-four (24)-hours.

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

~~(4) **Surplus Water:** The water department may furnish surplus water with which would not affect the City's supply to areas outside the City water systemboundaries, and charge the rates currently in force. Furnishing of water shall be conditioned by terms of a contract drawn for this service.~~

~~(5)~~

~~(6)(4)~~

~~(7)~~

~~(8) **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.~~

~~(9)~~

~~(10)~~

~~(11) **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 0 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 1<sup>st</sup> 2000 gallons). The Public Works department will submit readings to the Finance department upon the return of the meter. A refund, if owning, will be issued by check within 30 days of read. If consumption fees exceed \$250.00, and invoice will be issued for the difference.~~

~~(12)~~

~~(13) **Liability:** Any person violating any provision of this ordinance, causing the City to bring civil action against that person, shall be liable for court cost and reasonable attorney fees to be set by the court, including any appellate court fees, in the event the City is successful.~~

~~(5)~~

~~(14)~~

~~(6) **Penalty Fine:** Any person violating any of the provisions of this ordinance may, upon conviction thereof, be punished by a minimum fine ~~not exceeding of~~ \$1,000.~~

~~(15)(7) **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.~~

~~(16)(8) **Effective Date:** This Ordinance shall take effect 30 days after its adoption.~~

ADOPTED by the City Commission of the City of Warrenton, Oregon, this xx day of Month YYYY.

~~(17)~~

First Reading:

Second Reading:

ORDINANCE NO \_\_\_\_\_

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 ANY OTHER WATER 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**

"Accessory Dwelling" is defined as a small, secondary housing unit, usually the size of a studio apartment, located on the same lot as an established detached single-family residence. The accessory dwelling can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. An accessory dwelling is an accessory structure and shall comply with the accessory structure standards of Chapter 16.180 and more particularly Section 16.180.040, Accessory Dwelling Standards.

"Approved Air Gap" is defined as a physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressurized receiving vessel. An "Approved Air Gap" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel and in no case less than 1 inch (2.54 cm), and in accord with Oregon Plumbing Specialty Code.

"Applicant" is defined as any person, corporation, association, or agency applying for water service.

"Approved Backflow Prevention Assembly" is defined as a Reduced Pressure Principle Backflow Prevention Assembly, Reduced Pressure Principle-Detector Backflow Prevention Assembly, Double Check Valve Backflow Prevention Assembly, Double Check-Detector Backflow Prevention Assembly, Pressure Vacuum Breaker Backsiphonage Prevention Assembly, or Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly, of a make, model, orientation, and size approved by the Authority. Assemblies listed in the currently approved backflow prevention assemblies list developed by the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, or other testing laboratories using equivalent testing methods, are considered approved by the Authority.

"Auxiliary Water Supply" is defined as any water supply on or available to the premises other than the City's approved public water supply. These auxiliary waters may include water from another City's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the City does not have sanitary control.

“Backflow” is defined as the flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable supply of water from any sources other than its intended source, and is caused by backsiphonage or backpressure.

“Backflow Prevention Assembly” is defined as a backflow prevention assembly such as a Pressure Vacuum Breaker Backsiphonage Prevention Assembly, Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly, Double Check Valve Backflow Prevention Assembly, Double Check-Detector Backflow Prevention Assembly, Reduced Pressure Principle Backflow Prevention Assembly, or Reduced Pressure Principle-Detector Backflow Prevention Assembly and the attached shutoff valves on the inlet and outlet ends of the assembly, assembled as a complete unit.

“City” is defined as City of Warrenton, its staff and/or designee (authorized representative).

“City Service Line” is defined as any pipe and fittings which connect a water main to a water meter or customer service line.

“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.

“Cross Connection” is defined as any actual or potential unprotected connection or structural arrangement between the public or user’s potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which, or because of which, backflow can or may occur are considered to be cross connections.

“Customer Service Line” is defined as any pipe, valves, and fittings leading from the water meter or City service line into the premises served or the point of ultimate use.

“Inaccessible to Read” is defined as a water meter of any size or type which is not conveniently accessible for purpose of reading, inspecting, repairing, and connecting or disconnecting service.

“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, public places of worship or culture, e.g., schools, rest homes (including adult foster homes), hospitals, jails.

“Living Unit” is defined as any living quarters in which cooking or toilet facilities are provided.

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

“Person(s) Responsible” is defined as a person, including a buyer under a land sales agreement, lawfully occupying a property to which utility services are provided pursuant to an agreement with the owner.

“Property Owner” is defined as an individual or organization that has legal ownership as evidenced by a deed filed with the County for the service address. It is further understood that any individual or organization that is listed on the deed (no matter the percentage ownership) is authorized to conduct business for the service address and to incur charges accordingly.

“Public Works Director, their Designee or State Health Official” is defined as the City of Warrenton Public Works Director in charge of the water department, their designee or the representative of the State of Oregon Health Department who is invested with the authority and the responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provision of this ordinance.

“Service” is defined as a combined facility made up of both a City service line, and a customer service line.

“Single Family” is defined as one who uses water for normal residential use.

“Single Service Connection” is defined as a property with a water service serving a single customer.

“User” is defined as any person(s), corporation, or other entity using water through an established service line.

“Water Main” is defined as any pipe owned by the City of Warrenton laid in a street, alley, or easement, and used or intended to be used for the distribution of water to customers through service lines.

“Water Meter” is defined as any device used for the measurement of water delivered to an individual location or user.

“Water Service Disconnection” is defined as permanent removal of both water and sewer connections from City mains. The sewer service is required to be capped as close to the sewer main without cutting into the road surface. Sewer connections shall be capped prior to the City removing the water meter. A Public Works Department representative shall be present during the capping of services. All costs for capping of water and sewer services will be borne by the property owner.

## Section 2. APPLICATIONS

- (1) **New Water Meter Connection:** An application for the installation of a new water meter connection shall be made to the Public Works Department. The applicant must be a property owner as defined. Upon completion of the new water meter application process and prior to the physical installation of the meter, the applicant shall apply for a utility account with the Finance Department.
- (2) **Utility Account Application:** An application for an existing water service shall be made to the Finance Department in person, 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 person(s) responsible, must pay for the water service, then this person must also complete and sign an application form. A new application must be made for each change in use or ownership.

- (3) **Outstanding Utility Account Balances:** The City will not allow a new utility service to customers with an outstanding balance on their account(s) with the City until the entire balance that has accrued to the former account(s) has been paid in full.
- (4) **Water User:** 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 person(s) or families not mentioned in the application. Penalties and shutoff will apply.
- (5) **Change of Ownership or Person(s) Responsible:** Any tenant moving from or change of property ownership must indicate their release of responsibility by notifying the City prior to the date of leaving.
- (6) **Property Ownership Responsibility:** The property owner of record shall be ultimately responsible for the payment of all charges prescribed in this ordinance. If the person(s) responsible fails to pay the charges, the City shall submit the bill to the property owner.

### Section 3. INSTALLATION

- (1) **Installation:** A new service may be installed upon an approved water availability and payment of current water connection fee, any additional costs for labor and materials and System Development Charges (SDCs), as set by resolution. 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) **Water Availability Statements:** New water service can be applied for through the Public Works Department. The City makes no guarantee of water availability. Water will be determined available if a water main is within 100 feet of the property line where the meter would be placed and no other restrictions apply. The property line may be adjusted in the case of an easement granting the property owner the right to a utility easement for water. If a water main is not available then the applicant is responsible to extend an adequately-sized water main in an established right of way (ROW) or dedicated utility easement across the full frontage along the ROW of the property being developed in accordance with the City of Warrenton Engineering Standards. These applications will expire after 90 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. 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 the water availability statement will be void. Applicant has the right to reapply for a water availability statement.
  - a. The statement will note the size of meter, purpose of water use, fees, conditions and responsibilities of the owner/contractor.

b. 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.

c. Unexpired water availability applications, that have not been paid and meter(s) installed, will be subject to increased fees, as set by resolution.

(3) **Single Family Residential Water Meter Connection:** All single family residential properties, including new subdivision development lots, shall be required to use water meters, the kind or make of said meter to be approved or designated by the Public Works Department.

a. Where an existing City service line is installed, approval by all required departments has been received, and the applicant's payment, of all associated charges and fees have been paid in full, a water meter will be dropped-in by the Public Works Department within two (2) business days.

b. Upon the applicant's payment, in full, of both current meter connection fees and SDCs, the full installation of the City service line with meter box and meter shall be installed by the Public Works Department. The department will attempt to make any and all installations within 30 days or as soon as possible, in the order received.

(4) **Commercial, Industrial and Multi-family Water Meters:** All water meter(s), the kind or make of said meter(s) to be approved or designated by the Public Works Department and service connections will be installed by the owner/contractor. All meter information and numbers will be delivered to the Public Works Department upon installation. A single water meter 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. An approved backflow assembly is required immediately behind the water meter on the customer's service line, for premise isolation.

a. Water services including all infrastructure, water meters and meter boxes with lids the size and type required by the City Public Works Department will be installed by the owner/developer and the meter information will be remitted to the City at the time of installation. All meters larger than 1" will be flanged. An inaccessible to read penalty will apply if meter information is not submitted at the time of installation.

#### Section 4. MAINTENANCE

(1) **Accessibility of Meters:** The person(s) responsible for any property where a water 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 water service disconnection. Meters shall be located 12 inches inside the public or street right-of-way. A daily inaccessible to read penalty will apply when meters are blocked for more than two (2) business days.

- (2) **Canceling Accounts/Meter Removal:** Voluntary account cancellations/disconnections require prepayment of fees and will apply to garbage, sewer and storm sewer utilities associated with this water service. Involuntary account cancellations will have all applicable fees assessed on the utility bill. All cost associated with water service disconnection are the responsibility of the property owner, whether voluntary or involuntary. Utility base rates shall not apply to cancelled accounts. The property owner will be required to reapply for water service and pay all applicable water connection fees as set by resolution to be reconnected to the utility system.

The City of Warrenton will have the discretion to disconnect a property from the utility system with or without the property owner's permission. If a structure is damaged or falls into a state of serious disrepair, after 90-days the City may remove the water meter from the property thereby disconnecting the property from the utility system. A notice of intent to disconnect will be sent to the property owner 30 days prior to disconnection. The property owner will have the right to present the City any relevant information to forgo forced disconnection, though not all reasons shall be deemed sufficient.

A petition for cancellation shall only be allowed under the following conditions:

- a. Existing accounts associated with properties that have no structure.
- b. Structures that are not required to have water service per building code and/or fire code.
- c. A dangerous building or structure that has been ordered abated by order of the Building Official or Fire Chief and will be removed according to the Municipal Code 15.08.100.
- d. 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 according to the Municipal Code 15.08.100.

Once a petition is approved by the City Manager and the applicant has met all the requirements of the Public Works Department for water service disconnection, 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.

- (3) **Service Pipe:** Service pipe(s) of any size between the main and the meter shall be of the type and material specified by City of Warrenton Engineering Standards. Service pipe(s) between the main and meter shall be maintained by the City Public Works Department. The water service line from a meter to the premises shall be maintained by the property owner. If check valves restricting backflow are installed on a customer's service line, a proper relief system shall also be installed to protect from thermal expansion, as required by Oregon Plumbing Specialty Code.

- (4) **Repair and Protection:** All service pipes except that portion between the connection from the City main to the curb stop or meter must be kept in repair and protected from freezing at the expense of the owner, lessee or agent, who will be responsible for all damages resulting from leaks or breaks. Failure to comply will result in discontinuance of service.
- (5) **Meter Repair- ¾ and 1 inch:** The expense of maintaining three-quarter (¾) and one (1) inch water meters will be borne by the City; provided, however, that where replacements, repairs, or adjustments of a meter are made necessary by an act of negligence or carelessness of the person(s) responsible 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 property owner or person(s) responsible of the premises.
- (6) **Meter Repair- larger than 1 inch:** The expense of maintaining meter assemblies larger than one (1) inch and corresponding vault(s) will be borne by the property owner. The City may require testing of the water meter at any time in which the readings of the meter reflect a significant drop in usage and the owner has not provided a reasonable explanation for such change in usage. The property owner will be notified prior to such testing.

The City may require immediate replacement of the water meter with a meter of the same size, type and style that meets City standards should it cease to function as designed and a repair is not possible. Water meters will be replaced by the City at the owners expense. No water will be supplied to unmetered service connections.

Meters that are currently in place and do not meet the City meter specification standard at the passage of this ordinance, will be maintained and replaced by the City. Upon replacement by the City, the person(s) responsible will then become responsible for all maintenance and replacement costs of the meter assembly.

- (7) **Private Shut-Off:** A shut-off on the customers side of the water meter shall be installed and maintained by the owner for each service and made available for emergency use.
- (8) **Meter Out of Order:** If a meter is out of order and not registering accurately, the consumption charge shall be computed on the basis of a monthly average of the previous twelve (12) months when the meter was functioning properly, such time sequence being necessary to encompass seasonal use.
- (9) **Tampering:** No person shall connect, remove, repair, turn-on, turn-off 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 for non-payment of a utility bill, and turned back on by anyone other than a City official shall be reported to the Police Department as theft of service.
- (10) **Damages:** The person(s) responsible or property owner shall be responsible for any damages to the locking device affixed at the 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 meter removal and be subject to connection charges for reconnection as set by resolution.

## Section 5. CHARGES, PAYMENTS AND PENALTIES

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

- a. Bills are sent on a monthly basis, regardless of occupancy or if the water is off. 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 1<sup>st</sup> of the month following the date the payment was due, a bill will be mailed to the person(s) 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 person(s) responsible (if they are not the same) on or near the 7<sup>th</sup> of the month.
- d. A door hanger will be hung on or near the 14<sup>th</sup> day of the month stating water service will be shut-off on, or a specified date near, the 20<sup>th</sup> of that month if the account remains unpaid. Once a door hanger has been sent, payment must be made in full for the past due amount to avoid service termination. The customer will be charged a door hanger penalty as set by resolution. A door hanger will be hung on the subject property and the corresponding fee will be attached to the past due account, even if the prior person(s) responsible/owner no longer resides at the property.
- e. Water service will be shut off if past due balance is not paid before 5pm on the date specified on the door hanger. Past due accounts will be charged a shut-off penalty as set by resolution. Water service shall not be restored until all charges and penalties are paid in full.
- f. When payment has been made in full and the request for restoration has been made before 2:00 p.m., same day service is available. If an immediate restoration is required after 2:00 p.m., an emergency turn on fee will apply.
- g. 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(s) responsible or owner to make certain payment in full has been received by the City in a timely manner.

- h. If the past due amount on a closed account remains unpaid at shut-off day, the shut-off penalty will be assessed to the previous person(s) responsible/owner even though the water is not shut-off. No new Utility Applications will be taken until such time that all accounts at the address associated with the past due account are paid in full.
- i. Owners and/or person(s) responsible shall be notified of and have the opportunity to be heard by the Finance Director or employee empowered to resolve any valid objections to the billing prior to the disconnection.
- j. Properties whose service has been shut-off for non-payment for 12 months with no payments made on the City billing accounts or any balances in collections will be disconnected from the utility system. A fee for meter removal, as set by resolution, as well as any cost to remove garbage, sewer or storm sewer utilities will be assessed to the utility billing account and billing for utilities will discontinue as of the date of meter removal. Any outstanding balances may be referred to a collection agency. The property owner will be required to reapply for water service, pay applicable water connection fees as set by resolution and pay all outstanding balances including any balances in collections in order to be reconnected to the utility system. The property owner will be required to pay the balances owed or establish an approved payment plan with the City in order to avoid forced disconnection. See section 4.4 Canceling Accounts/Meter Removal.

- (2) **Meter Reading:** Water meters will 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 twelve (12) month's read.
- (3) **Mixed Use Structures:** Where a structure has a commercial use and a residential use or any other combination of uses, the higher monthly rate will apply.
- (4) **Multi-Units:** Where two or more units are served through one master meter, the owner or authorized agent will be billed for the meter use, on a monthly basis. If separate units in a multi-unit complex have separate individual connections, the individual units will be billed individually on a monthly basis.
- (5) **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, storm drain, garbage and recycling will apply regardless of whether or not the water meter is on or off.

- (6) **Notice for Service:** The Public Works Department requests two (2) business days notice be given in order to schedule service calls; however, whenever possible, requests for service will be handled as promptly as possible.
- (7) **Refund:** Customers who have closed 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 90 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.
- (8) **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 10 days of the discovery or notification by the City of the leak.
- a. **Adjustment for Leaks:** 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 person(s) responsible 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 average monthly charge 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.
  - b. **Shut off Due to Waste:** The City of Warrenton Water Department shall not knowingly furnish water to premises where there is an ongoing leak. When there is a defective or leaking fixture, leaking customer service line, irrigation system, or there is no shutoff device on the customer side and the customer fails to take prompt corrective action to repair the leaking line or fixture, the City may at its option, within 60 days of customer notification, shut off the water on the City side of the meter. All monthly charges fees and penalties will apply if the City must shut off the water meter to ensure water conservation.

- (9) **Special Charges:** A fee will be charged for any returned payments. Customers have five (5) business days to make returned payments good. The returned transaction is only made good with cash including the returned payment fee, as set by resolution.
- a. The City will immediately contact the customer to notify them of the 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, the 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 five (5) business days begins the day the City receives notice from the bank and ends on the fifth 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 returned payment transaction is not made good within the five business days, then the City will enforce all collection policies as per Section 5 of this City ordinance.
  - d. Returned payment 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 twelve (12) calendar months from the date of the last returned transaction.
- (10) **Water Liens:** All service, usage, penalty and fees 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.
- (11) **Billing Addresses:** Billing 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.
- (12) **Rates:** All rates, charges, penalties and fees will be designated by resolution and approved by the Warrenton City Commission.
- (13) **Vacancy/Vacation:** City of Warrenton water customers may request a temporary billing suspension for a period not to exceed six (6) months. This temporary billing suspension is limited to six (6) months in a twelve (12) month period. Customers will be charged a temporary suspension fee, as set by resolution, at the time their temporary billing suspension is to take effect. The customer will be required to pay their account balance, including all utility charges up to the date of suspension and the temporary suspension fee, at the time the service is suspended. The billing will continue and there will be no service suspension if the utility

account has a balance. Upon the effective date of the temporary billing suspension, the City will turn off and lock the water meter. Upon the termination of the temporary billing suspension period, the water meter will be turned on and a temporary suspension fee will be assessed to the utility account for reactivating the meter and reconnection of service. Upon meter activation, billing for utility service will restart. At the end of the six (6) month temporary billing suspension period, the water meter will be turned on and billing will be reinstated regardless of property occupancy status.

Customers with special surcharge(s) or fee(s) attached to their utility bill are not eligible for a vacancy/vacation rate.

- (14) **New Construction Rates:** All service accounts associated with new construction projects shall be subject to the minimum base water rate plus consumption upon water meter installation. Rates for all other services will apply upon issuance of occupancy permit.
- (15) **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.

#### Section 6. FIRE PROTECTION, FIRE HYDRANTS, AND HYDRANT METERS

- (1) **Fire Service Lines:** Fire service lines may be installed at the expense of the property owner according to the City Engineering Standards. No use or connection other than fire protection is permitted on fire service lines.
- (2) **Unauthorized Use:** Unauthorized use of water from a fire line or fire hydrant shall result in an unauthorized use penalty, set by resolution, for the first billing cycle during which the use occurs. Any subsequent unauthorized use during a subsequent billing cycle within twelve (12) months of the first such use shall be charged an additional unauthorized use penalty, set by resolution, provided the City Manager or their designee may also impose an additional fee at their discretion after consideration of the circumstances of the use.
- a. If unauthorized use of a fire line or fire hydrant occurs four or more times within twelve (12) months of the first such use (including the first use in the count), the City Manager or their designee may thereafter treat the fire line or fire hydrant as a standard service subject to all applicable provisions of this Ordinance.
- (3) **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 Public Works Department. The provision of this section shall not apply to the authorized local fire department. Other departments of the City

may be allowed to connect on said hydrants with a hydrant meter, and must use a spanner or regulation wrench in connection therewith.

- (4) **Hydrant Meter:** Permits may be issued for the temporary connection to and operation of fire hydrants for construction sites and other approved uses. Permits can be obtained through the Public Works Department. Fees associated with said permit are set by resolution.
- a. Hydrant meters may only be used at the site specified on the permit, may not be left unattended, and must be removed from the hydrant after each use. Any hydrant meter still attached to the hydrant may be removed by the fire department in the case of an emergency or drill and the permittee will be billed for any damages to the hydrant or hydrant meter.
  - b. Spanner or regulation wrenches may be rented from the Public Works Department at the time of permit application for a fee set by resolution.

#### **Section 7. Cross Connection Control**

- (1) **Cross Connections Prohibited:** Cross connection(s) shall be prohibited and protection must be provided against such cross connection, as specified in Oregon Administrative Rules (OAR), Chapter 333. In the case of any premise where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross connection survey, the public water system shall be protected against backflow from the premise(s) by either an approved air gap or an approved backflow prevention assembly on each service to the premise, to provide premise isolation.
- (2) **Testing:** Inspection and testing must be completed as specified. Tests must be submitted to the City's Water Quality Technician within ten (10) working days from test date and on a form acceptable to the City.
- a. At the time of installation;
  - b. If repaired or relocated;
  - c. At least annually;
  - d. More frequently if required by the City;
  - e. After a backflow incident; or
  - f. After an approved air gap is re-plumbed
- (3) **New Connections:** Any new connection of one and one half (1 ½) inches in diameter or greater shall be required to install an approved backflow prevention assembly commensurate with the degree of hazard, as per table 43 in OAR Chapter 333, the Oregon Plumbing Specialty Code and the Public Works Director or their designee. The term "new" as herein used in reference to new construction, annexation, or the City of Warrenton gaining jurisdiction over the water system.

- (4) **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.
- (5) **Irrigation:** All irrigation systems, residential and commercial, shall be protected by an approved backflow prevention assembly commensurate with the degree of hazard, as per table 43 in OAR Chapter 333, the Oregon Plumbing Specialty Code and the Public Works Director or their designee.
- (6) **Auxiliary Water Supply:** Premises 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. An approved backflow prevention assembly shall be installed on the customer service line to a premise where there is auxiliary water supply which is or can be connected to the municipal water system. Should such connection be found to exist without an approved backflow prevention assembly, the connection to City water will be shut-off.
- (7) **Pumps:** No person shall connect to any water main or service connection in the City's water system, a pump or other apparatus for purposes of increasing pressure, which is capable of introducing any foreign liquid or material into said system, unless an approved backflow prevention assembly is used.
- (8) **Authority:** The Public Works Director, their designee or State Health Official has the authority to discontinue water service to premises for:
  - a. Failure to remove or eliminate an existing unprotected or potential cross connection;
  - b. Failure to install a required approved backflow prevention assembly, as required;
  - c. Failure to maintain an approved backflow prevention assembly; or
  - d. Failure to conduct the required testing of an approved backflow prevention assembly.

Water service may be reinstated once the above condition(s) are remedied. A fee may apply for disconnection/reconnection of water service.

#### Section 8. 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 auxiliary water supply to be connected with the municipal supply in any way. If such connection is found to exist, the City water service will be disconnected and penalties will be assessed to the utility account.

It shall be unlawful for any unit, with the exception described for multi-units, to be occupied or used, either as a residence or as a place of business, without an individual connection and meter if required.

All unlawful connections found shall be reported to the Police Department for theft of service and subject to unauthorized use penalties.

- (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) **Prohibited or Restricted Use:** The City may prohibit the use of water for any purpose, such regulation being within the authority of the City Manager, Public Works Director or their designee or the Oregon Health Authority Drinking Water Program Official. These precautions are to promote the health and safety of the inhabitants of the City of Warrenton water system.

If a shortage of water shall exist, the City Manager shall have authority at any time to restrict the use of water. Failure to comply may result in penalties.

- (5) **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 property owner or person(s) responsible to turn the water off or on, but only upon making notation of the account number, name of the permittee, date, address, meter number 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.

When permission has been granted to the owner or person(s) responsible for emergency turn on/turn off of the meter and where replacements, repairs, or adjustments of a meter are made necessary by an act of negligence or carelessness of the person(s) responsible for 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 property owner or person(s) responsible for the premises.

#### Section 9. 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 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.

- (2) **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 twenty-four (24) hours.
- (3) **Repairs:** The water may be shut-off from the mains, without notice at any time, for repairs or other necessary purposes, and the City of Warrenton Public Works Department and its delegates shall not be responsible for any consequent damages.
- (4) **Surplus Water:** The water department may furnish surplus water which would not affect the City's supply to areas outside the City water system, and charge the rates currently in force. Furnishing of water shall be conditioned by terms of a contract drawn for this service.
- (5) **Liability:** Any person violating any provision of this ordinance, causing the City to bring civil action against that person, shall be liable for court cost and reasonable attorney fees to be set by the court, including any appellate court fees, in the event the City is successful.
- (6) **Fine:** Any person violating any of the provisions of this ordinance may, upon conviction thereof, be punished by a minimum fine of \$1,000.
- (7) **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.
- (8) **Effective Date:** This Ordinance shall take effect 30 days after its adoption.

ADOPTED by the City Commission of the City of Warrenton, Oregon, this xx day of Month YYYY.

First Reading:

Second Reading: