

MEMORANDUM

October 2, 1963

Subject: Amendment of Section 4(a) of Ordinance No. 514, water regulations.

The proposed amendment is required because of the total omission in Section 4(a) of the original ordinance of any installation charges for water service placed in paved streets. During original enactment no amount was agreed upon. The council has informally determined that no distinction is needed in water installation charges between paved and unpaved streets, and it requested an amendment designed to carry out this intention.

see ord # 534

Ordinance 514

Amended by

Ord 2001-1115

2000-1087

95-998

99-1071

98-1058

96-1006

93-969

92-945

91-923

89-982

87-861

87-862

85-821

84-803

83-794

82-768

80-721

78-691

75-657

72-617

67-551

64-534

ORDINANCE NO. 514

AN ORDINANCE REGULATING WATER SERVICE OF THE CITY OF SHERWOOD AND FIXING CHARGES THEREFOR; LIMITING CITY'S LIABILITY AND RESPONSIBILITY IN FURNISHING WATER; MAKING CERTAIN ACTS UNLAWFUL; AND PROVIDING FOR PENALTIES.

THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Definition of Terms.

- (a) Applicant. A person, firm or corporation or agent of any individual, firm or corporation applying for water service.
- (b) Customer. A person, firm or corporation receiving water service from the Water Department.
- (c) Mains. Distribution pipe lines, usually four inches or larger in diameter, located in streets, highways, public ways or private rights of way which are used to serve the general public.
- (d) Service Lines or Service Connections. The pipe, valves and other facilities laid from the main to and including the meter.
- (e) Customer Line. The pipe, valves and facilities leading from the meter into the premises or property served.

Section 2. Connections. It shall be unlawful for any person, firm, or corporation to make any connection to the mains or pipes of the Water Works System of the City of Sherwood without first obtaining a permit from the City after submitting an application which states fully the use for which the water is wanted giving the name of the owner of the property, the number of the lot and block, name of the street and house number. If the application is approved, by the City, a permit will be issued. All service connection fees and charges shall be paid for at amounts and rates fixed by this ordinance and shall be paid at the time of application. Upon the issuance of the permit, the City shall make, or have made, the necessary connections and furnish a service from the main to the meter, including the meter and meter box, the cost of which is included in the tapping fee, and every premises connected with any water main, or being supplied with any water from the City Water Works System, shall have a separate service connection, curb stop box and curb cock.

Section 3. Application For Service. Each applicant for water service shall file a written application therefor on forms provided by the City.

Section 4. Service Connections.

(a) Installation Charges. The fees, payable in advance, for the installation of water service shall be as follows:

<u>Size of Service</u>	<u>Within the City Limits</u>	
	<u>Unpaved Streets</u>	<u>Paved Streets</u>
3/4"	\$ 75.00	
Over 3/4"	At actual cost of installation	
	<u>Outside the City Limits</u>	
3/4"	75.00 175.00	
Over 3/4"	At actual cost of installation	

Installation charges cover all cost of excavation, installation, connecting, and resurfacing from the water main to the point where the meter is installed, including the meter box and meter.

Where service lines must be run a distance greater than 40 feet, the customer shall pay all costs incident to such excess footage.

(b) Installation and Maintenance. The installation and maintenance of service connections shall be performed only by the duly authorized employees of the City Water Department.

(c) Meters. Meters shall be installed at the customer's end of the service connection and shall be owned by the Water Department and installed at the applicant's expense.

Section 5. Rates To Be Charged.

(a) In-City Rates. The following monthly rates shall be charged every customer for the use of the City water within the corporate limits of the City of Sherwood:

First 3,000 gallons or less per month	--\$1.75	
Next 27,000 gallons per month	- - - - -	.20¢ per 1,000 gallons
Next 70,000 gallons per month	- - - - -	.10¢ per 1,000 gallons
Next 50,000 gallons per month	- - - - -	.09¢ per 1,000 gallons
Next 350,000 gallons per month	- - - - -	.08¢ per 1,000 gallons
All over 500,000 gallons per month	- - - - -	.06¢ per 1,000 gallons

(b) Out of City Rates. The following rates shall be charged all persons, firms, corporations for the use of the water supplied without the corporate limits of the City of Sherwood, excepting those under special contract:

First 3,000 gallons or less per month	--\$2.65	
Next 27,000 gallons per month	- - - - -	.30¢ per 1,000 gallons
Next 70,000 gallons per month	- - - - -	.15¢ per 1,000 gallons
Next 50,000 gallons per month	- - - - -	.14¢ per 1,000 gallons
Next 350,000 gallons per month	- - - - -	.12¢ per 1,000 gallons
All over 500,000 gallons per month	- - - - -	.09¢ per 1,000 gallons

Farmers or trucks for special purposes - - .50¢ per 1,000 gallons

(c) Sub-meters. Where a water^{meter} or meters are used to measure the total water used, as for water districts or out of city group customers, and where a meter is used to measure the total water used, as in apartment houses, the City will not furnish or read auxiliary or sub-meters used for the customer's convenience.

(d) Non-Registering Meters. The customer shall be charged for water consumed while the meter is not registering. The charge shall be at the minimum monthly meter rate or will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions.

Section 6. Water Service For Fire Protection.

(a) Purpose. Standby fire protection water service connections 4 to 12 inches in size will be installed only if adequate provision is made to prevent the use of water from such service for purposes other than fire extinguishing. All standby fire service lines shall be metered and a regular quarterly meter rental rate shall apply.

(b) Charges For Service. The charges for standby fire protection service shall be on the basis of meter readings, but in no instance less than the minimum monthly charge as established in the rate schedules. No charge will be made for water used to extinguish accidental fires.

(c) Pressure and Supply. The City shall not be liable for any loss or damage because of lack of water or pressure and agrees to furnish only such quantities and pressures as are available in its general distribution system. The service is subject to shut-downs and variations required by the operation of the system.

Section 7. Seasonal Service. Where meter and service lines are installed for seasonal use, at least the minimum charge as set forth in the rate schedules shall apply for not less than six (6) months per calendar year.

Section 8. Allowance For Leakage. No allowance in charges for water used, will be made for water used by reason of leaks that occur on the customer's premises or in the customer's line.

Section 9. Temporary Service.

(a) Charge For Water Served. Charges for water furnished through a temporary service connection made in accordance with the rules and regulations shall be at double the established rates for other like customers. For temporary service of three (3) days or less duration, a rate of \$5.00 per day will apply.

(b) Installation Charge and Deposit. The applicant for temporary service will be required:

1. To pay the City, in advance, the estimated cost of installing and removing all facilities necessary to furnish such service.
2. To deposit an amount sufficient to cover charges for water during the entire period such temporary service may be used, or to otherwise establish his credit.
3. To deposit with the City Treasurer an amount equal to the value of any equipment loaned by the Water Department to such applicant for use in temporary service.

Section 10. Discontinuance of Service. If the customer desires service discontinued, either on a temporary or a permanent basis, notification shall be given the Treasurer's Office so that the meter may be removed. Unless such notification is given the applicable minimum usage charge shall continue. The cost of meter removal is \$1.00, with a reinstallation charge of \$1.00.

Section 11. Payment of Charges. All charges for water service furnished or rendered by the City Water Department of the City of Sherwood, shall be due and payable within 30 days after the billing date at the office of the City Treasurer of the City of Sherwood and if not paid within thirty (30) days, a penalty of \$1.00 may be charged and the City reserves the right to cut off and discontinue water service to the premises without further notice and same shall not be reconnected and no additional water furnished until all past due accounts and charges are paid in full. Where service has been disconnected for failure to pay for services rendered, a charge of (\$1.00) One Dollar shall be made for each and every meter disconnected before such service shall be restored or water turned on again. If all charges for water service are not paid within 20 days of the due date, the water service shall be cut off and disconnected.

Customers turning on water at a discontinued service, for failure to pay for a water billing, will have their meter removed and must pay all billings, penalties, plus a \$5.00 reinstallation cost before service will be resumed.

Section 12. Responsibility For Meters.

(a) Customers shall keep their premises adjacent to the meter free from all rubbish or material of any kind which would prevent employees of the Water Department from having free access to the meter.

(b) Winter Protection of Meters.. The customer shall protect the meter against freezing during freezing weather.

Section 13. Responsibility For Customer Equipment. The customer shall, at his own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the City shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence, want of proper care or wrongful act of the customer or any of his tenants, agents, employees, contractors, licensees or permittees in installing, maintaining, using, operating or interfering with such equipment.

No reduction will be made in charges for water service for want of supply by the stoppage of customer's lines from freezing or any other cause.

The City shall not be liable for damage to property caused by spigots, faucets, valves or other equipment that are open when water is turned on at the meter or curb stop, either when the water is turned on originally or when turned on after temporary shut down.

Section 14. Damage to City Property. The customer shall be liable for any damage to a meter or other equipment or property owned by the City which is caused by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of seals and locks by the customer on or near a meter.

If the meter is damaged from hot water from the customer's line, the customer shall be required to pay for the cost of repairs of the meter and for the loss of revenue occasioned by the damage, and the customer shall immediately make the necessary corrections in his own water lines to prevent further damage to the meter.

Section 15. Cross Connections.

(a) Health Regulations. It shall be unlawful to cross connect the City water supply and any source of water unless such connection and source is approved by the City.

(b) Plumbing Code. Customers shall install, maintain and operate their plumbing systems using the City's water supply in accordance with the Oregon State Plumbing Code.

Swimming pools, wading pools or other such devices shall be constructed so that the conduit or pipes supplying the water from the City's distribution system, at the point of outlet of the supply conduit or pipe, shall be at least one (1) foot above the top of the pool or curb or deck.

(c) Siphon or Injector Pumps. It shall be unlawful for any person to install, maintain or use any water siphon or injector type pump operated for drainage purposes which uses the water supply from the City's distribution system.

(d) Lawn and Garden Sprinkling Systems. Customer lines leading to lawn or garden sprinkling systems using the water supply from the City's distribution system shall contain a siphon breaker to prevent back-siphonage of water that may be standing on the lawn in the event of interruption of service. Such devices shall be regularly inspected by the customer and shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of inspection, repair and maintenance shall be borne by the customer. Plans for lawn or garden sprinkling systems shall be approved by the Water Department before installation.

(e) Protection against circulating flow. Where a customer is served by more than one service connection and the connections are interconnected on the customer's premises, a standard check valve approved by the Water Department shall be installed and maintained by the customer in each of the customer's lines leading from the service connections.

Section 16. Ground Wire Attachments. The customer shall be liable for any damage to City property occasioned by electrical ground wire attachment to any plumbing.

Section 17. Access to Premises. The duly authorized agents and employees of the Water Department shall have the right to enter or leave the customer's premises at all reasonable times for any purpose properly connected with the service of water to the customer.

Section 18. Responsibility For Service. The City shall not be liable for high or low pressure conditions, chemical, bacteriological or physical conditions, interruptions, or shortage or insufficiency of supply or any loss or damage occasioned thereby. The use of water upon the premises of the customer shall be at the risk of the customer and the responsibility of the City shall cease at the point of delivery of water. The point of delivery shall be at the customer's side of the meter, or in cases of privately owned water lines, the point of delivery shall be at the end of the City's service line.

In case of shortage of supply, the City may give preference in the matter of furnishing service to customers as in its judgment shall be for the best interest of the City of Sherwood from the standpoint of public convenience or necessity.

Section 19. Interruption In Service. The Water Department, whenever it shall find it necessary or convenient for the purpose of making repairs or improvements to its system, may temporarily suspend the delivery of water.

Anything herein contained to the contrary notwithstanding, the City shall not be liable for loss or damage caused from the interruption in service arising from any cause.

Section 20. Water Charges to be Liens. All water charges delinquent of a period of 90 days shall be a charge upon and a lien against the real estate and the property on which the water is used, whether used by the owner, tenant or other persons, and such liens shall be docketed and foreclosed as provided for in other city liens.

Section 21. It shall be unlawful for any person, firm, or corporation not authorized by the City to do, commit or assist in committing any of the following things or acts in the City of Sherwood, Oregon:

(a) To open or close any fire hydrant or stopcock connected with the Water Works System of the City of Sherwood, or lift or remove the cover of any gate, valve or shut offs thereof.

(b) To interfere with, destroy, deface, impair, injure or wantonly force open any gate, or door, or in any way whatsoever destroy, injure or deface any part of any engine house, reservoir, standpipe, tank, building or buildings, or appurtenances, fences, trees, shrubs, or fixtures or property appertaining to the Water Works System.

(c) To go upon or ascend the stairway or steps, on any elevated water storage tank, reservoir, or standpipe of the Water Works System.

(d) To place any telegraph, telephone, electric light pole, or any obstruction whatsoever within three feet of any fire hydrant.

(e) To resort to any fraudulent device or arrangement for the purpose of procuring water for himself or others from private connections on premises contrary to the City regulations or ordinances.

(f) To interfere with or injure any reservoir, tank, fountain, hydrant, pipe, cock, valve, or other apparatus pertaining to the Water Works System, or to turn on or off the water in any street hydrant or other public water fixture or to hitch or tie any animal thereto.

(g) To make or permit to be made any connection with the main or service pipes of the Water Works System, or to turn on or use the water of said system without first obtaining a permit therefor.

(h) To cover over or conceal from view any water valve box, service or meter box.

(i) To remove any water meter that has been placed by the City, or to in any manner change, interfere with or tamper with any meter.

(j) To turn on the water supply to any building or to any supply pipe where the supply has been turned off for the nonpayment of the monthly water charge or for the violation of any rule, regulation, or ordinance of the City of Sherwood.

Section 22. Penalties. Any person violating any of the provisions of this Ordinance shall upon conviction thereof be punished by a fine not exceeding THREE HUNDRED DOLLARS (\$300.00) or imprisonment in the City jail for a period of not exceeding thirty (30) days, or by both such fine and imprisonment.

Section 23. SAVING CLAUSE.

a. In the event any portion or provisions of this ordinance should be held to be invalid for any reason whatsoever by any Court, then all other provisions of this ordinance shall be held and considered to be independent of and separable from such invalid portions and shall not be affected or rendered void by the invalidity of such other portions.

Section 24. Repealing Previous Ordinances.

a. All ordinances and parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

Passed by the Common Council the 5th day of May 1961,
by the following vote:

YEAS: Allen Swenson, Tom H. Pettijohn, J. R. Moore, William R. South

NAYS: None

Approved by the Mayor this 5th day of May, 1961.

Stanley Skater
Mayor

Attest:

H. G. Albert.
City Recorder