

City of Sherwood, Oregon
Ordinance No. 93-962

AN ORDINANCE ESTABLISHING RESPONSIBILITY FOR IMPROPER AND ILLEGAL OPERATION OF OR CONNECTION TO THE CITY WATER SYSTEM AND PROVIDING FOR PENALTIES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Sherwood water system has periodically shown signs of contamination, and

WHEREAS, these contaminations represent a potential health hazard and at the least concern the City's water system users and cause considerable expense in testing for and correcting the problems:

WHEREAS, various contractors, subcontractors and their employees have been observed improperly operating water main valves and making improper and illegal connections to the water system; and

WHEREAS, the City has determined that the aforementioned improper and illegal connections are a primary source of recent contaminations and it is necessary in the interest of public health and safety to provide conditions to building permits which address this problem;

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. Responsibility. The party to whom the building permit or construction permit is issued shall be required as a condition to issuance of the building permit to sign an agreement accepting full responsibility for any improper, illegal or unauthorized use or connection to the City water system, whether by the permittee or any contractor, employee or subcontractor performing work in conjunction with his or her building or construction permit. The building permittee shall be the responsible party.

Section 2. Regulations. All regulations set forth in City Ordinance No. 514 shall remain in effect in addition to the regulations stated herein. The disconnect and correction cost fees and policies established by this Ordinance, shall be in addition to any charges, penalties, fees, or sanctions permitted pursuant to Section 22 of City of Sherwood Ordinance No. 514.

Section 3. Disconnect Fees And/Or Correction Costs Established. Any illegal connection, operation of main line valves, unauthorized use of fire hydrants or violation of any provisions of City Ordinance No. 514 may result in the responsible party defined in Section 1 of this Ordinance, being assessed and given notice of the assessment of the following fees and costs:

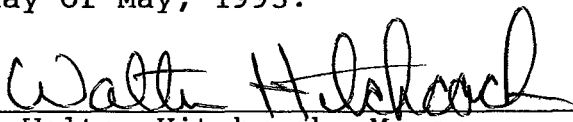
- (A) A disconnect flat fee of \$50.00 will be charged for each connection violation including unauthorized fire hydrant operation.
- (B) Costs incurred by the City to correct a violation of this Ordinance shall be billed at two times the calculated cost of correction.
- (C) A stop work order shall be issued to the permittees construction project until such time as all fees are paid and correction costs are paid.

Section 4. Appeal. An appeal may be made to the City Manger by the permittee in writing within ten days of the notice of alleged violation and assessment. The stop work order will remain in effect until it is directed to be removed by the City Manager. The City Manager, or the Managers designee will hear the appeal and finally decide the appeal within ten days of receipt of the notice of appeal.

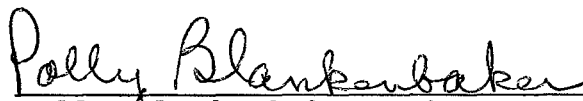
Section 5. Saving Clause. In the event any portion or provisions of this Ordinance should be held to be invalid for any reason whatsoever by any court, then all other provisions of this Ordinance shall be held and considered to be independent of and separable from such invalid portions and shall not be affected or rendered void by the invalidity of such other portions.

Section 6. Repealing Previous Ordinances. All ordinances and parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

Duly passed by the City Council this 12th day of May, 1993.
Approved by the Mayor this 12th day of May, 1993.


Walter Hitchcock, Mayor

Attest:


Polly Blankenbaker, City Recorder

	<u>AYE</u>	<u>NAY</u>
Boyle	<u>X</u>	___
Cottle	<u>X</u>	___
Hitchcock	<u>X</u>	___
Kennedy	<u>Abst</u>	___
Shannon	<u>X</u>	___



PUBLIC WORKS DEPARTMENT
540 N.W. Washington Street
Sherwood, Oregon 97140
625-5722 • FAX 625-0620

CITY OF SHERWOOD WATER SYSTEM AGREEMENT

I, the undersigned, agree to abide by all rules and regulations governing the City of Sherwood water system and agree to be responsible for any improper, illegal, or unauthorized use of or connection to the City water system, including that of any contractor, subcontractor or employee working under the permit listed below.

In the event that a violation of the governing rules occurs, I will be responsible for the disconnect fee and correction costs incurred by the City of Sherwood as set forth in City of Sherwood Ordinance No. 93-962, a copy of which I have been given.

Property Address: _____

Permit #: _____

Date: _____

Permittee's Name: _____

Signature: _____
(Permittee or authorized representative)

Permittee's Address: _____

Telephone No.: (ofc): _____

(other): _____



PUBLIC WORKS DEPARTMENT
540 N.W. Washington Street
Sherwood, Oregon 97140
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TO: Sherwood Builders, Developers, Contractors
FROM: Tad Milburn, Director of Public Works
DATE: April 15, 1993
SUBJECT: Improper and Illegal Connections to the City Water System

The City of Sherwood is experiencing repeated periods of contamination of its water system. Attached is the most recent notice we have had to send to our customers. As you can appreciate such occurrences cause serious concerns within the community.

The source of the contamination is not related to the three wells which supply our water or to our storage reservoir. We have determined that the problems are a result of the high level of construction in the community and the resulting frequency in which water lines are "opened up" for the extension of new lines, connections of new services, and for transient use during various phases of actual home construction. Lines are simply not being adequately flushed and decontaminated.

Due to the frequency of this problem, the City is drafting new code provisions and penalty fees addressing construction procedures and hook-ups to the system (both legal activities and those done in contravention of City policies and practices). The party to whom building or construction permits are issued will be required to sign a statement at the time of permit issuance agreeing to be responsible for any illegal or improper construction or hook-up activity taking place on the permitted property, including action of sub-contractors.

Any disconnect fee and/or correction costs incurred by the City will be the responsibility of the permittee and a stop work order will be issued until such time as all fees are paid and corrections are made. A disconnect flat fee of \$50.00 will be charged for each connection violation and correction costs incurred by the City will be billed at two times the calculated cost of correction.

An appeal may be made to the City Manager by the permittee in writing within 10 days of the alleged violation. The stop work order will remain in effect until it is directed to be removed by the City Manager.

City Ordinance No. 514 shall remain in effect, in addition to the above policy. Section 22. of Ordinance No. 514 shall be in addition to the above disconnect and correction cost fee policies. Your serious attention to reducing this problem without having to resort to more regulations and penalties would be greatly appreciated.