

ORDINANCE #46
April 2011 Draft Changes
City of Scotts Mills, Oregon
Water Ordinance

Ordinance No. 46, an Ordinance prescribing rates, rules, and regulations governing the use of water supplied by the City of Scotts Mills, Oregon, and providing penalties for the violation of the same; and repealing any ordinances in conflict therewith.

The City of Scotts Mills, Oregon, by and through its mayor and city council, does ordain as follows:

Section 1

Definitions: Unless the context otherwise requires, the following definitions shall apply to this Ordinance and others relative to water service.

1. City: The City of Scotts Mills, Oregon
2. Subscriber: The person or persons to whom the bills for charges are rendered, or whose application for water service has been accepted.
3. User: Any person being supplied with water by the City, either knowingly or unknowingly.
4. Service Pipe: The section of water-carrying pipe from the City water main at its point of connection therewith to the meter.
5. Plumbing: All water pipes, vent pipes, fixtures and other installations using or affecting the use of water on any premises provided by the City.
6. Lot: Unless otherwise expressly stated herein, it shall mean any tract of ground used for a single residence or commercial building or intended to be so used.
7. Use-Unit: Any home, trailer, or commercial building which, as a single structure, provides either a place of residence for one or more persons or families or one or more commercial enterprises; outbuildings, such as garages, sheds and barns shall not be considered separate use units unless occupied as a residence.
8. Domestic Water Use. Unless otherwise specifically provided herein, shall constitute normal and usual home-residence usage such as toilet, home cleaning, drinking, normal watering of domestic livestock, and irrigation of not over one-half (1/2) acre of ground of usual, ordinary, landscaping or garden vegetation.
9. Delinquent: Any bill for water charges, whether correct or incorrect, which is not paid ~~by the twenty-fourth (24th) day of the month in which the water department shall render a statement or bill for services.~~ **on time. See section 25.**
10. Premises: Any tract of land of any size held in a single ownership.
11. Water Main: Any and all conduits, pipes, mains, ditches, or similar devices used for supplying City water to any water use, including service pipes and privately owned systems.
12. Emergency: Any unexpected occurrence, whether or not foreseeable, and whether or not caused by any employee, agent or contractor of the City or of any other person or caused by any individual, corporation, or natural cause, and whether or not such occurrence was preventable, or negligently caused.
13. City Main: Water mains owned or maintained by the City.
14. Water Service: Water provided by the City to any user or subscriber.

15. Meter Valve: A valve provided by the City and located at the City's discretion to control the water to any user.
16. Water System: The entire system and all parts thereof used for the procurement and distribution of water by the City.

Section 2

Applications for the use of City water must be made in a form satisfactory to the water department and be accompanied by the deposit required if any.

Section 2a

- (A) Except where municipal water is not available, it shall be unlawful to construct, reconstruct, or repair any private water system which is designed or intended to provide water for human consumption. Private wells, to provide water for other than human consumption, may be constructed, maintained and continued in use after connection is made to the water system: provided, there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibs that will enable the cross-connection of the two systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibs shall not be installed on both systems.
- (B) All new homes or buildings shall connect to the municipal water system if water is available to the property. At the time as municipal water becomes available to existing homes or buildings, a direct connection shall be made to the public system within a period of time as determined by the City Council. If the connection is not made pursuant to this ordinance, a charge shall be made in an amount established by Council.
- (C) Where new homes or building do not have water available to the property, the city shall determine whether and under what conditions the municipal water system will be extended to serve the property.
- (D) If the well is not to be used after the time a municipal water connection is made:
 - (1) The well pump and tank shall be disconnected from all internal piping:
 - (2) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City that the well has been sealed.

Section 3

No person supplied with water by the City as herein provided shall permit any other person or persons to use such water except as is to be consumed on the premises to which it is provided by the City.

Section 4

Should the City water user desire to temporarily discontinue the use of the water service, notice in writing must be given to the City and payment in full of all arrearages, if any, must be made. The water will then be turned off until such user shall again, in writing request that it be resumed. The City may establish such charges

for turning the water off and on as herein provided as it shall from time to time deem prudent. No temporary discontinuance may be for a period of less than one (1) month.

Section 5

The service pipe shall be maintained and repaired by or at the expense of the subscriber. All such maintenance and repairs shall be done in a manner and with a result satisfactory to the City.

Section 6

Each use-unit shall be required to have a separate meter and pay separate charges including initial hook-up fees regardless of its proximity to any other use-unit or whether or not located on a single premise. In the event two or more use-units may be served by a single service pipe, the council may adjust the initial hook-up charge.

Section 7

No person or persons will be allowed to make any alteration or change in any service pipe, water main, meter valve, or meter nor shall any person turn on or off the meter valve without the express, written permission of the City in advance except in the case of an emergency in which instance such person shall notify the City at the earliest possible time and pay any expense caused thereby.

Users are encouraged to install a shut-off valve on their water supply pipe. See section 19.

Section 8

No plumber shall do any act or thing prohibited in Section VII, except to test their work or to make repairs in which instance such plumber shall see that the meter valve is in the same condition as when first found.

Section 9

Authorized agents of the City shall have free access to any premises or structure with water service located thereon at all proper hours of the day after notice to the subscriber or user, which notice shall be reasonable under the circumstances. No notice shall be required in an emergency. Such access shall be for the purpose of inspecting the plumbing on the premises and the manner of use of water thereon.

Section 10

Should the water be turned off at the meter valve, by or at the direction of the City, for any reason, then it shall not be turned on again without the express permission of the City.

Section 11

It shall be unlawful for any person to obtain water service from the City except through a meter, meter valve and service pipe provided or approved by the City. All meters and meter valves will be installed by the City and remain the property of the City unless a meter be required other than that ordinarily supplied by the City, in which case the property owner shall pay all extra costs for providing and installing the special meter. All meters will be repaired, replaced, and maintained, except for ordinary wear and tear, at the expense of the subscriber or user.

Section 12

Meters shall be read by or at the request of the City and during any period in which the meter readings are not actually taken, the City may average such use. The subscriber and user are jointly and severally liable for all water service charges as legally established and must be paid prior to becoming delinquent.

Section 13

Hereafter, any hot water system using water supplied by the City shall be required to have a check valve approved by the City, adequate to protect hot water from backing up into the City meters, valves and mains. All such hot water systems shall further be required to have a pressure relief valve of a type approved by the City adequate to prevent excessive pressure buildup in any part of the plumbing or water system. Any damage caused by, or contributed to by the lack of such check valve or pressure relief valve shall impose strict liability upon both the subscriber and user whose system such damage originated.

Section 14

No subscriber or user of City water shall cause or permit any interconnection which will allow water derived from any source other than City water to use the same plumbing or facilities as that of the City water, whether or not controlled by any type of valve. It is declared that any such possible intermixing would constitute an extreme health hazard and possibility of polluting City water. Violation of this provision and any damages arising from such interconnection, or costs of abating such interconnection shall be borne by either or both the subscriber and user. Such interconnection shall be grounds for immediate discontinuance of City water service with notice.

Section 15

The City may, at any time and for any reason, limit or restrict the use of water to any user or group of users provided that the authority granted hereunder shall not be used arbitrarily.

Section 16

Use of City water is deemed to be for domestic purposes only. Use for additional irrigation or other uses shall be by written permission of the City and shall be permitted only when there is adequate water for such additional use without adversely affecting other domestic users. Permission for such additional use shall always be revocable and shall always be secondary to domestic use and such permission shall be granted on a first-come, first-serve basis.

Section 17

The water may be shut off to any user or subscriber in an emergency without notice. If the water is to be shut off at any time not in an emergency, except for non-payment of bills or charges, the City shall give adequate notice in advance of such shutoff. Such notice is adequate if published in a newspaper of general circulation in Scotts Mills, Oregon, or if a card is mailed to each subscriber one week in advance of such shutoff, or if oral notice be given to such subscriber at any time prior to shutoff. If the water is shut off in an emergency, without notice, the City will advise each subscriber or user unaffected thereby as soon as is reasonably possible under the circumstances.

If the water is shut off in an emergency, or after notice, the City will not be responsible for any damages suffered by the subscriber or user and if the City mains, meters or other facilities are damaged, due to inadequate protective measures taken by any user, after notice of an impending shutoff, such user shall be liable to the City and other persons affected thereby for damages.

Section 18

No tap will be permitted to any private water line or water main **except** with the permission of the City. Application for such permission shall not be made without the applicant first having filed with the City written permission from the owner or such private line or main.

Section 19

All private lines or mains are required to have a gate or shutoff installed at ~~the a point beyond where said private line or main leaves the City main meter box. Such gate or shutoff shall be provided at the expense of the private line owner, but shall become the property of the City.~~ Non-compliance with any of the provisions of the City Water Code, by any user on said line or main, now or hereafter made will be a sufficient cause for the City to close the gate or shutoff to such private line regardless of the number of subscribers, users or persons affected thereby.

Section 20

All rules and regulations applicable to users or subscribers of water within the City limits shall apply equally to such users or subscribers outside the City limits, excepting that the City may enact such special regulations or rates as it deems

advisable and reasonable to apply especially to in-city users or subscribers or to out-City users or subscribers in each case as a class.

Section 21

Out-of-City hookups will be permitted only on application to and approval of the City at a duly called City Council meeting.

Section 22

All applications for water service within the City shall be subject to the approval of the City Council except where there is an adequate existing main immediately adjacent to the property line of the applicant.

Section 23

It is hereby declared that priority shall be given to all capital expenditures made on any water system facility to those portions thereof which are necessary for serving in-City subscribers.

Section 24

The City Council may, by resolution, establish such rates and charges for the use of City water, including but not limited to hookup charges, meter rates, minimum charges, service charges for turning water off and on, and applications for special uses.

Section 25

Delinquent bills and charges shall bear interest at the rate of two (2) percent per month until paid unless arrangements are made with the City prior to such bill becoming delinquent. Bills and charges are considered delinquent if not paid by the 30th ~~of the second month of the billing cycle~~ next billing date. Delinquent bills do not include current charges.

A copy of the delinquency notice will be mailed to the property owner, if the owner is different from the occupant. This copy will advise the owner that they are responsible for the bill, according to section 26.

Water service will not be shut off by the City solely for non-payment issues. Charges and interest will continue to accrue and a lien will be placed against the property. If the property is sold, the realtor and title company will be notified that the owner owes a balance to the City.

~~If payment has not been received by the 20th day after the delinquency period, a final delinquent notice will be left on the premises advising the occupant that water service will be discontinued in twenty four (24) hours if the delinquency is not paid. A processing fee will automatically be assessed to all accounts receiving a final~~

~~delinquent notice. Water service to the subscriber or user will be shut off if the past due amount is not paid by the time and date listed on the final delinquent notice. A \$25.00 fee, or the actual cost of labor and materials, whichever is greater, shall be charged for shut off notification and restoration of the water service; payable at the time of service restoration.~~

Section 26

All charges lawfully imposed in connection with the use of City water shall constitute a lien upon the premises served thereby.

- (1) ~~If water service customer is delinquent,~~ The City Clerk, by certified mail, postage prepaid shall forward to the owner or person in charge of the property a notice stating:
 - (a) The total cost of water account charges including ~~current charges, delinquent charges and~~ the administration overhead.
 - (b) That the cost as indicated will be assessed to and become a lien against the property unless paid 30 days from the date of ~~the~~ ~~this~~ notice.
 - (c) That if the owner or person in charge of the property objects to the cost of the water account charges as indicated, he may file a notice of objection with the City Clerk not more than 14 days from the date of the notice.
- (2) Upon receipt of the objection notice, the council, in the next regular meeting, shall hear and determine the objections to the costs to be assessed.
- (3) If the costs of the account charges are not paid within 30 days from the date of the notice, an assessment of the costs as stated or as determined by council shall be made by resolution and shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from which the water account charges occurred.
- (4) The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate of 6 % per annum. Such interest shall commence to run from date of the entry of lien in the lien docket.
- (5) An error in the name of the owner or person in charge of the property shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

Section 27

Water service in any premises shall not be reinstated if once shut off, without prior payment of all just and lawful bills, charges and interest due, either by the applicant or any user of water on the premises for which such reinstatement is requested. The City may deny any applicant water service until any prior charge against such applicant has been paid.

Section 28

Should the City refuse or deny any application for the use of water within the City, the City shall, upon written request by the applicant, set forth such conditions as the City shall, in its sole discretion, determine to be necessary prior to the acceptance of such application.