

# City of Cottage Grove

# 41-00236

## Chapter 13.04 WATER SYSTEM REGULATIONS AND CHARGES

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### 13.04.010 Definitions.

As used in this chapter, and except where the context indicates otherwise, the words set out in this section shall have the following meanings:

- A. "Applicant" is an individual, firm or corporation.
- B. "Customer" or "consumer" is an individual, firm, corporation, partnership, institution or association receiving water or sewer services from the city.

C. "Customer's line" means the pipes, valves and fittings leading from the service line into the premises served. The customer's line ordinarily begins from the meter, if the meter is immediately adjacent to the customer's property line. If the water meter is on customer's property not immediately adjacent to the property line, then the customer's line begins where the water delivery line crosses from public right-of-way onto private property.

D. "Fire protection service" means a separate water service, usually four inches in diameter or larger, which serves fire protection facilities only.

E. "Household" means a unit where the usual functions of living, sleeping, and preparation of meals are carried on.

F. "Service line" means the pipe, valves and fittings laid from the main to the customer's property line or to and including the meter, meter box and all fittings, whichever comes first.

G. "Water main" or "main" means the pipe, usually two inches or larger in diameter, ordinarily laid in the street parallel to the street lines and used for the distribution of water through service lines to water customers. (Ord. 2301 §1, 1979)

#### **13.04.020 Purpose and policy.**

In order to provide for the equitable distribution of water by the city, water meters are to be installed on all private connections with the city water system in such order as the common council shall determine. (Ord. 2301 §2, 1979)

#### **13.04.030 Application for service.**

Upon written application for water service, the customer shall pay a nonrefundable service turn on fee, set out in this code in the "Fee Schedule." The city council shall establish, by resolution, fees for services and/or permits related to the construction, expansion, modification and use of the city's water system which fees shall become part of the comprehensive fee schedule. (Ord. 2790 §2, 1996; Ord. 2752

§2(part), 1994; Res. 955(part), 1985; Ord. 2519 §1, 1984; Ord. 2301 §3, 1979)

#### **13.04.040 Monthly rates.**

A. The monthly rates and charges for water furnished through the city water system shall be as set forth in Exhibit A, attached to the ordinance codified in this section and by this reference incorporated herein. The rates and charges shall be set forth in the municipal code in the comprehensive fee schedule which fees and charges shall be subject to further amendment by resolution of the council.

B. All developed premises within the city limits that receive municipal water or water and sewer service and which have impervious surface shall have imposed upon them a just and equitable charge for storm sewer drainage service for operation and maintenance of the city's storm sewer drainage system. The storm sewer drainage fee shall be as set forth in Exhibit A, attached to the ordinance codified in this section, which charges shall be as set forth in the municipal code in the comprehensive fee schedule which fees and charges shall be subject to future amendment by resolution of the council.

C. The imposed fee shall be collected with the monthly water or water and sewer bill. The customer of the developed premises may avoid incurring the storm sewer drainage charge by removing all impervious surfaces from any improved premises, or the storm sewer drainage rate may be reduced for improved premises where approved runoff reduction measures have been taken; analysis of runoff control measures shall be made by the city engineer and shall be evaluated on a case-by-case basis.

D. Only one storm sewer drainage fee shall apply to developed premises. (Ord. 2685 §2(part), 1991)

**13.04.050 Special monthly rates.**

A. The council shall have the authority by resolution to establish special rates for water service to public schools, for summer residential service and for summer irrigation service.

B. A low-income elderly person, age sixty-five or older, or a totally disabled person as recognized by the Social Security Administration or workers compensation utilizing water service is eligible to pay a minimum monthly residential rate as determined in Ordinance 2361, set out in this code in the fee schedule. Applicants must also meet the Poverty Level Guidelines as published in the Federal Register for the current calendar year and provide proof of income. The fees may be adjusted by the council by resolution. (Ord. 2969 §2, 2009; Ord. 2701 §2, 1992; Ord. 2519 §3, 1984; Ord. 2453 §2, 1982; Ord. 2301 §5, 1979)

**13.04.060 Failure to read meters.**

In the event it shall be impossible or impractical to read a meter during the billing cycle, the bill shall be computed upon the average usage for the prior twelve months. If there is no usage history, the bill shall be computed on the consumption by the customer during the most recent billing period. Failure by the city to read a water meter does not relieve the customer's obligation to pay for actual or estimated water use. (Ord. 2790 §2, 1996; Ord. 2301 §6, 1979)

**13.04.070 Cash deposits.**

Before the water service is turned on, applicants who do not own the property to be served shall do one of the following:

A. Make cash deposit as set out in this code in the Fee Schedule. If, after twelve continuous months of water service, the applicant has established a satisfactory record of paying his/her water bill, the city will return the cash deposit; or

B. Submit a letter of recommendation from a utility (water, sewer, power, telephone or natural gas) which has provided service to the applicant within the previous three months. The letter of recommendation must state that the applicant has a satisfactory record of utility payment; or

C. Have a previously established record of good credit with the city. (Ord. 2790 §2, 1996; Ord. 2746 §2(part), 1994; Ord. 2661 §2, 1990)

**13.04.080 Payment of bills.**

A. Charges for water and sewer service shall be shown on the same bill, and all charges are due and payable monthly at the finance department on the date of mailing and become delinquent on the following tenth day of the month.

B. No city employee, other than an authorized finance department employee at City Hall, shall accept payment in any form for water or sewer service, nor are they allowed to make any arrangements for delayed payment.

C. All financial and account transactions must be made with the finance department. (Ord. 2790 §2, 1996; Ord. 2301 §8, 1979)

**13.04.090 Conditions of service.**

A. Service to water users shall be subject to the rules, regulations and rates applicable thereto and in effect at the time service is accepted or as they may be adopted or modified by the council.

B. Service to individuals or groups may be discontinued for failure of a customer to comply with the provisions of this chapter and related rules, regulations and administrative policy. (Ord. 2301 §9, 1979)

**13.04.100 Discontinuance of service.**

A. Water service to customers shall be discontinued under the following circumstances:

1. When bills are delinquent for thirty calendar days, service will be discontinued and it will not be turned back on for the customer or in the name of any member of the family or any resident of the household until all charges due have been paid. A fee, as determined in Ordinance 2361, set out in this code in the Fee Schedule, payable in advance, shall be made before water service is turned on, with such turnon occurring during normal office hours only.

2. When water service has been used or the service has been altered without proper written application under this chapter, or when a customer fails to make proper written application for water or sewer service, or fails to pay a related sewer service charge, or when a fraudulent payment has been received by the city, a charge as set out in this code in the Fee Schedule, payable in advance, shall be paid before the water service is turned on, with such turnon occurring during normal business hours only. A charge as set out in this code in the Fee Schedule shall be made for each check returned for nonsufficient funds.

3. When locks and seals have been tampered with or removed from the meter assembly, or water service has been turned on by someone other than an authorized city employee, the water meter shall be removed by a city employee. It shall be replaced and water valves turned on only after all charges are paid in full at the finance department. A charge as set out in this code in the "Fee Schedule", payable in advance, shall be paid in addition to all other charges to replace a water meter removed under provisions of the subsection, during normal office hours.

4. Where no backflow prevention device or other adequate protection exists and, in the opinion of the water department, a substance could be introduced into the water service that could create a public health hazard.

B. If a customer's water account becomes delinquent by thirty calendar days or more the finance department may give notice to the customer, in writing, that the water service will be discontinued if the account is not paid in full within seven calendar days from the date of mailing of the notice.

C. If the account is not satisfied within seven calendar days of the notice provided in subsection B of this section, city personnel will attempt to contact the customer at the place of the water service and advise the customer that service is being discontinued for nonpayment of the delinquent account. The customer will then be given an opportunity to show the city personnel that he or she is able to pay the delinquent account in full at City Hall by five p.m. on the same day. If the customer shows the ability to make payment and agrees to make payment that day the water service will not be discontinued. If the customer does not show the ability to pay, the water service shall be immediately discontinued. If the customer shows the ability to pay, agrees to pay, but does not pay that day, the water service will be discontinued without further notice. There shall be a service fee as set out in this code in the "Fee Schedule" in addition to the balance due on the account, whether or not the service is actually discontinued on that day. A service fee as set out in this code in the "Fee Schedule" will be charged when it is necessary for city personnel to appear at the customer's service site in order to turn off the water following the notices provided in subsection B of this section. (Ord. 2790 §2, 1996; Ord. 2780 §2, 1996; Ord. 2644 §2, 1989; Res. 955(part), 1985; Ord. 2519 §4, 1984; Ord. 2421 §§2, 3, 1981; Ord. 2301 §10, 1979)

#### **13.04.110 Extended term discontinuance of service.**

Repealed by Ord. 2781. (Ord. 2301 §11, 1979)

#### **13.04.120 After hours turnons and turnoffs.**

Water service will be turned on or turned off at times other than normal business hours with a charge as set out in this code in the "Fee Schedule", due the following working day, payable at the city's finance department. In the event of an emergency turn off for frozen or broken water pipes, the city may elect to waive the service fee to

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turn the water off and back on; however, as a condition of waiving the fee, the customer will be required to install a customer shut off valve adjacent to the city's water meter. (Ord. 2790 §2, 1996; Res. 955(part), 1985; Ord. 2519 §5, 1984; Ord. 2301 §12, 1979)

#### **13.04.130 Basis of rates and resale.**

A. Rate schedules for each class of service are based on service to one water customer at one point.

B. No water from the city water system shall be resold or distributed by the recipient thereof to any premises or water customers other than those for which application has been made and approved.

C. Where water is distributed through a master meter to members within a group, the rate to each member shall be no higher than that which the city would charge that member if he were served directly by the city, except that lawfully organized cooperative groups or districts may set rates different from those of the city if such rates are submitted to and approved by the council before going into effect. (Ord. 2301 §13, 1979)

#### **13.04.140 Group customers.**

A. Each single family dwelling unit or establishment shall be served by a separate water meter; however, the city may, at its discretion, and where separate meters are determined by the city to be impractical, serve water through one meter to two or more separate single family dwelling units or establishments.

B. Billings for each group connection, where permitted by the city, shall be calculated as separate services in accordance with the fee schedule; however, billings for each group connection shall be consolidated into a single account with one customer account name and number. (Ord. 2790 §2, 1996; Ord. 2301 §14, 1979)

#### **13.04.150 Multiple-unit customers.**

A. If one building houses two or more apartments, households, or business establishments, the water may be served through one meter or it may be served through a meter for each separate apartment, household, or business establishment, at the discretion of the city.

B. Under normal circumstances, all water meters should be installed on city property.

C. If a customer wants one or more water meters to be installed on private property, the customer is entirely responsible for installing and maintaining the service line and customer's line from wherever it first crosses onto private property from public property, except that the city shall own, install and maintain all water meters and meter gaskets.

D. Common-use facilities associated with individually metered multifamily occupancies will be served at the residential rate and shall be in the name of the owner.

E. This policy shall include such usages as common laundry facilities, common water heaters or a common water meter serving two or more residential living units. (Ord. 2301 §15, 1979)

#### **13.04.160 Water meter testing.**

A. The city shall own, install and maintain all water meters.

B. Upon written request, the city will test the meter of any customer.

C. If the meter reads within ninety-four to one hundred two percent of true flow, the meter will be replaced and the customer charged for the time taken to remove, test and reinstall the meter at standard rates, but in no case less than the fee as set forth in the "Fee Schedule."

D. If the tested meter underregisters water flow by more than six percent, a new meter will be installed for the customer, and charges for water delivered but not

charged for in the past will be calculated based on the account's previous actual or estimated usage as determined by the city.

E. If the tested meter overregisters water flow by more than two percent, the customer will be given partial credit for the overbilling for no more than the previous twelve months.

F. Such partial credit shall be based on the percentage the meter overregisters when tested.

G. A meter test requested by a customer shall be made only if the customer is present to observe the test. (Ord. 2790 §2, 1996; Ord. 2301 §16, 1979)

#### **13.04.170 Water meter location.**

A. Every meter location shall be designated by the city.

B. Ordinarily, the meter and related fittings shall be installed on public right-of-way outside of buildings as near the main as practicable.

C. The meter may be located on private property, but only when a location within the public right-of-way or easement is impractical.

D. The customer shall provide sufficient space and exercise proper care to protect the city's property on the customer's premises and, in the event of loss or damage to the city's property on the customer's premises arising from the neglect, carelessness, or misuse by the customer, the cost of necessary repairs or replacement shall be billed to the customer.

E. The city will not be responsible for damage arising from meters located on private property. (Ord. 2301 §17, 1979)

#### **13.04.180 Records.**

A. The city will keep an accurate record of all water customers and the charges and payment for use of water.

B. For the purpose of making charges, each meter serving a customer's premises will be considered separately, and the readings will not be combined except where the city for convenience or operating necessity elects to install more than one meter to serve the customer. (Ord. 2301 §18, 1979)

#### **13.04.190 Leak adjustments and penalties.**

A. It shall be the responsibility of the customer to locate any leaks in the customer's line.

B. If a leak occurs in the customer's line under the surface of the ground the city council may approve adjustment in the bill.

C. This adjustment will be derived by computing the bill of the last full cycle of the leak, subtracting the bill for the same cycle of the previous year, then crediting one-half of the difference on the next bill of the customer.

D. A leak adjustment credit shall not be given for water lost after a leak has been discovered by the customer or by the city.

E. When water meters are placed by the city on private property in accordance with Sections [13.04.150](#) and [13.04.170](#) and thereafter an unmetered leak is detected on one or more lines under private maintenance, the owner of the pipes will be charged a per diem rate according to the following table until the leak is repaired and the city notified of the repair.

Size of Line (in inches)	Per Diem Penalty
3/4 or less	\$ 50.00
1	80.00
1 1/4 or larger	200.00

(Ord. 2301 §19, 1979)

**13.04.200 Use of water.**

Water will not be furnished where there are leaky or defective faucets, closets or other devices or fixtures, where there are closets or urinals without self-closing valves or tanks without self-closing float valves, or where leaks exist in any pipes or fittings under private maintenance. (Ord. 2301 §20, 1979)

**13.04.210 Waste.**

No customer shall cause or permit water to run or be discharged through the fixtures, pipes, or faucets on his premises in excess of the quantity actually necessary for domestic, irrigation or other lawful purposes. (Ord. 2301 §21, 1979)

**13.04.220 Damage.**

A. No person shall wilfully or maliciously injure or in any manner interfere with or remove any of the pipes, valves, backflow preventers, meters, locks, seals or other property belonging to the city or used in connection with the city water system.

B. Any person violating provisions of this section shall be charged for all standard costs associated with repairing the results of such injury or interference, plus whatever penalties may be adjudged under the provisions of Section [13.04.400](#).

C. Failure to pay such repair charges shall be deemed a basis for discontinuance of service under the provisions of Section [13.04.100](#). Any person who inadvertently damages property belonging to the city or used in connection with the city water supply and disposal system shall be charged for all standard costs associated with repairing such damage, including, but not limited to, labor, materials and overhead. (Ord. 2301 §22, 1979)

**13.04.230 Tampering.**

A. No person, unless authorized by the city manager, shall tamper with, alter, or injure any part of the city water collection system, reservoir system, pumping plant, distribution and disposal system, or metering facilities or open or close any fire hydrant or service line stopcock.

B. No person shall alter the water service in a manner which would allow service to more than one household without the filing of an application for service and related compliance with this chapter. (Ord. 2301 §23, 1979)

**13.04.240 Interconnections.**

No person shall install or maintain any physical interconnection between the city water supply system and any other source of water supply. (Ord. 2301 §24, 1979)

**13.04.250 Right of entry.**

A. The city engineer or his designated representative shall have free lawful access at reasonable hours of the day to all parts of buildings and premises for the purpose of inspecting the conditions of the pipes and fixtures and the manner in which the water is used and disposed.

B. Access to water meters, whether on private or public property, must remain unobstructed, so that meter reading and repair people have free and unimpaired access. (Ord. 2301 §25, 1979)

**13.04.260 Curtailment of delivery.**

The water may be shut off from the mains without notice for repairs and other necessary purposes, and the city will not be responsible for any consequent damages, but, whenever practical, the city shall give reasonable notice before the water is shut off from the mains. (Ord. 2301 §26, 1979)

**13.04.270 Service connection application.**

Application for the installation or alteration of a service connection from the city water system will be made at the office of the city engineer. The applicant must state fully and truly all the purposes for which water may be required. (Ord. 2301 §27, 1979)

**13.04.280 Service line.**

A. The city will furnish, install, maintain, connect to the main and own the service line from the main to the customer's property line or water meter, whichever comes first.

B. No connection to or disconnection from the city mains or alteration in the above-described section of the service line shall be made by anyone but the city engineer, director of public works, or their authorized representatives.

C. Service line size shall be determined by the city. (Ord. 2301 §28, 1979)

**13.04.290 Customer line.**

A. The customer line shall begin at the end of the service line and will be laid and maintained by and at the expense of the property owner.

B. The property owner shall protect such line from injury, freezing, or siphonage and be responsible for all damages resulting from leaks, breaks, or other causes.

C. Customer's line pipe shall be not less than three-quarters of an inch in size and the line shall conform to the plumbing regulations of the city and the state. (Ord. 2301 §29, 1979)

**13.04.300 Customer valve.**

A. It is the customer's responsibility to install a means of protecting the premises served.

B. A control device (customer valve), such as a brass body hand valve, shall be installed on the customer's side of the meter outside of the meter box but within five feet of the meter box.

C. The customer valve shall be installed in a valve box of its own, readily accessible from the ground surface without digging.

D. At the customer's request the city will turn off/turn on the water supply so that the installation of such a customer valve can be accomplished.

E. For purposes of installing a customer valve, the city shall perform such turn off/turn on service during normal office hours without cost to the customer.

F. When turn off/turn on service is performed by the city for the purpose of installing a customer valve at times other than normal business hours, the customer shall be charged an after hours fee as determined in Ordinance 2361, set out in the "Fee Schedule."

G. A customer shall be billed for costs incurred by the city for turning their water service on or off when such service is solely for the customer's benefit to make repairs to plumbing other than installing a customer's valve during normal business hours. The customer shall be charged a fee as set forth in the "Fee Schedule", at times other than normal business hours, the customer shall be charged an after hours fee as set forth in the "Fee Schedule."

H. The fees for such service shall be as determined in Ordinance 2361, set out in this code in "Fee Schedule." (Ord. 2859 §2, 2001; Ord. 2790 §2, 1996; Res. 955, 1985; Ord. 2519 §6, 1984; Ord. 2301 §30, 1979)

**13.04.310 Connection fees--Domestic.**

A. The connection fees for domestic water service shall be as determined in Ordinance 2361, set out in this code in "Fee Schedule."

B. "Estimate cost" shall be determined by the city and shall include the cost of all water meters, valves, fittings, meter boxes, pipes, bypasses, backflow preventers, other materials necessary to do the job, labor and overhead

at standard rates, plus a ten percent handling and restocking fee for all materials used.



C. Before domestic service installation work is begun by the city, the customer shall pay an estimated domestic connection fee to the city, an amount deemed adequate to finish the work as determined by the city. (Ord. 2519 §7, 1984; Ord. 2301 §31, 1979)

#### **13.04.315 Connection fees--Temporary water service from fire hydrants.**

A. Temporary water service from fire hydrants may be made available to construction contractors at the discretion of the city engineer and when sufficient water supply is available. The city at its sole discretion reserves the right to make available and to discontinue temporary water service from fire hydrants at any time. Fees for temporary water service from fire hydrants shall include a nonrefundable service installation fee, a refundable deposit, a base rate for a three-inch water meter and a consumption fee for the quantity of water used and shall be as set forth in Exhibit A attached to the ordinance codified in this section and made a part hereof as if set out in full. The fees shall be made a part of the comprehensive fee schedule and shall be subject to further amendment as adopted by resolution of the city council.

B. Temporary water service from fire hydrants will not be made available without a written permit issued by the public works department. A permit shall be effective for a period not to exceed thirty calendar days. If a contractor requires fire hydrant service in excess of thirty days, a new permit will be required.

C. Water may not be withdrawn from hydrants without the use of an approved hydrant valve; hydrant valves will be supplied, installed and removed by personnel employed by the city water department.

D. Water may not be withdrawn from hydrants without the use of an approved backflow prevention device that will prohibit the back siphonage of water from the loading vehicle. An air gap separation approved by the city engineer will be acceptable to prevent backflow. (Ord. 2653 §2, 1989)

#### **13.04.320 Connection fees--Fire protection.**

A. The customer shall pay all costs associated with the installation of fire protection service from the nearest main of adequate capacity.

B. Such costs shall include all meters, valves, meter boxes, pipes, double-check valves, backflow preventers, bypasses, backfill, paving patches and all other material necessary to do the job, labor and overhead at standard rates, plus a ten percent handling and restocking fee for materials used.

C. Before fire protection service installation work is begun by the city, the customer shall pay an estimated fire protection connection fee to the city, in an amount deemed adequate to finish the work as determined by the city. (Ord. 2301 §32, 1979)

#### **13.04.330 Fire protection service.**

A. If there is evidence of water use from a fire protection service for other than firefighting purposes, the customer shall be billed for all water estimated by the city to have been used, plus the city shall install a meter in the line at the customer's expense.

B. All billings for past and future service shall be based on applicable commercial rates.

C. No interconnections shall be allowed between a fire protection service and any other water system or use. (Ord. 2301 §33, 1979)

#### **13.04.340 Agreement to annex.**

Before a new service is provided to a customer outside the city, the owner of the property to be served shall sign a water agreement contract accepting the conditions of city water service and covenanting that whenever the served property is contiguous to the city, the owner will petition for annexation. (Ord. 2301 §34, 1979)

**13.04.350 Reading of meters.**

The city shall, at the direction of the city council, read water meters on a monthly or bimonthly schedule. Billing for water service shall be consistent with the established reading cycle. (Ord. 2301 §35, 1979)

**13.04.360 Normal business hours.**

Normal business hours are eight a.m. to five p.m., Monday through Friday, holidays excluded. (Ord. 2519 §8, 1984; Ord. 2301 §36, 1979)

**13.04.370 Hot water.**

A. If a meter is damaged by hot water from the customer's line, the customer will be required to pay the cost of repairing the meter and the estimated loss of revenue resulting from the damage.

B. The proper installation and maintenance of a water heater is a customer's responsibility, and no liability will be assumed by the city for water heater damage caused by the delivery or nondelivery of water. (Ord. 2301 §37, 1979)

**13.04.380 Backflow prevention by customer.**

A. In the case of any premises where there is an alternate water source that is, or could be, connected to the public water system or a substance that would be objectionable even if not hazardous to health, if introduced into the city's water system, the utility system shall be protected by an approved double-check valve assembly. All new development shall be required to install an approved backflow prevention assembly to prevent cross connection (back siphonage) potential to the public water system. Cross connection installations for all connections to the public water system shall comply with the requirements specified in the Oregon Administrative Rules OAR 333-061-0070.

B. In the case of water service to any premises where there is any material hazardous to health, which could be introduced into the city's water system, the city's water system shall be protected by applicable governmental agency regulations.

C. Inspection for the need of backflow prevention devices and annual testing for devices will be performed at the customer's expense according to State Board of Health Administrative Rules. (Ord. 2950 §2, 2007; Ord. 2874 §2, 2002; Ord. 2301 §38, 1979)

**13.04.390 Air in service line.**

A. The city may adjust a customer's water bill when the customer has notified the city that air has been metered by the water meter.

B. Such notice must be given to the city in writing no longer than five days after the occurrence and a city representative must verify the discharge of air through the meter before an adjustment on the bill may be granted. (Ord. 2301 §39, 1979)

**13.04.400 Violation--Penalty.**

Any person violating any of the provisions of this chapter, other than those relating to payment or nonpayment of rates or charges, shall upon conviction thereof, be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one hundred days, or both. (Ord. 2301 §40, 1979)

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**This page of the Cottage Grove Municipal Code is current through Ordinance 2983, passed June 22, 2009, and Resolution 1716, passed July 13, 2009.**

Disclaimer: The City Recorder's Office has the official version of the Cottage Grove Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

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