

41-00319

ORDINANCE NO. 99-05

AN ORDINANCE PRESCRIBING THE RULES AND REGULATIONS FOR THE WATER SYSTEM FOR THE CITY OF GERVAIS, REPEALING ORDINANCE 93-01 AND 88-15, DECLARING AN EMERGENCY.

THE CITY OF GERVAIS ORDAINS AS FOLLOWS:

Section 1. General Management. The general management, care, control and supervision of the city water system shall be as appointed by the governing body of the City of Gervais.

Section 2. Regulations. The furnishing of water to customers by the city through its waterworks system shall be governed by the regulations set out in this ordinance.

Section 3. Service not Guaranteed. The city does not guarantee the delivery of water through any of its mains and connecting services at any time except when its mains, pumping machinery, power service connections are in good working order, and the supply of water is sufficient for the usual demand of its consumers.

Section 4. Definitions. As used in this ordinance, the following words, except where the context clearly indicates otherwise, mean:

(1) City. Whenever the word city is used, it shall mean the legally constituted municipal government of the City of Gervais, Marion County, Oregon.

(2) Water Department or Water Treatment Plant. Whenever the words "Water Department" or "Water Treatment Plant" are used they shall mean the Water Department of the City of Gervais, Oregon.

(3) City Council or Governing Body. Whenever the words "City Council" or "Governing Body" are used, they shall mean the legally elected, or appointed by charter, group of members composing the City Council, including a Mayor, for the City of Gervais.

(4) Superintendent. Whenever the word "Superintendent" is used, it shall mean the person appointed by the City Council to tend to the general care and control of the water system.

(5) Applicant. This word refers to the person, firm or corporation, making application for water service under the terms of this ordinance.

(6) Customer or User. This is a person(s), firm or corporation who has been accepted under the terms of this ordinance and who receives water service from the City of Gervais.

(7) Premises. The integral property or area, including improvements thereon, to which water service is or will be provided.

(8) Unit. A "Unit" is a separately distinguishable portion of a building or structure capable of being occupied by a family, with each such unit having a self-contained bathroom and kitchen.

(9) Commercial Service. These are businesses normally found in commercial zones as described in the Zoning Ordinance for the City of Gervais. Generally, these are retail stores, shops, outlets, offices, clinics, motels, hotels, laundromats, theaters, clubs, lodges, restaurants, residential adult and child care facilities, congregate housing, service stations, repair shops, and public and private utility buildings, including private and public schools and structures such as electrical stations, and telephone exchanges.

10) Service Connection. This is the part of the water distribution system which connects the meter to the main.

(11) Customer Service Line. This is the part of the piping on the customer's property that connects the service connection to the customer's distribution system.

(12) Administrative Office. These are the offices that house the Recorder's Office, Clerical Office and Ordinance Office.

Section 5. Service Area and Mandatory Connection.

(1) Area. The area served by the Water Department shall be all that area included within the corporate limits of the City of Gervais and such other contiguous and neighboring territory as the City Council may deem necessary to serve.

(2) Mandatory Connection to System. Each premise upon which a house, building, or

properties used for human occupancy, employment, recreation, or other purpose, situated within the city abutting on any street, alley, or right-of-way in which there is now located or may in the future be located public water mains, are required at their own expense to make connection to the public water main. The exception is if the boundary of the lot, parcel, or premise, which is nearest to a city water main is more than 200 feet from the water main, as measured in a straight line between the two most proximate points of the water main and the boundary of the lot, parcel or premise. It shall be the governing body's decision whether to extend the water main to said lot, parcel or premise at the owner's expense.

In all cases before any connection is made to the city's water system an application must be made in writing by the owner of the premise, or his/her authorized representative, for a permit to make a connection. With the application a fee as found attached to this ordinance shall be paid prior to connection and at the time the final fees are paid for any building permits.

Section 6. Description of Services.

(1) Supply. The Water Department will exercise reasonable diligence and care to deliver a continuous, sufficient supply of safe, potable water to the customer at a reasonable pressure and to avoid, far as reasonable, shortage or interruption in delivery.

The city reserves the right to interrupt water service for the purpose of making repairs or extensions to water lines or equipment. The city will not be liable for damage resulting from the interruption nor by situations created by nature, persons or animals, such as earthquakes, windstorms, power outages. When it is not a situation where an emergency exists all customers believed to be affected will be notified prior to shutdowns.

(2) Ownership of System. All equipment, mains, valves, fittings, hydrants and other appurtenances within city rights-of-way are the property of the city. The City's ownership stops at the property line. Any line, meter, or other appurtenances located outside of the City's rights-of-way and is within the property line of the customer is the customer's responsibility to maintain and keep in good repair.

(4) Classes of Service: The classes of service shall be as follows:

(a) Residential. Residential services shall consist of all services for domestic purposes. The water rate classification as found on Appendix A is for each residential unit. A unit is a separate distinguishable portion of a building or structure capable of being occupied by a family, with each unit having a self contained bathroom and kitchen. They may be listed as single-family, duplex, tri-plex or multi-family (such as apartments, condominiums or congregate housing).

(b) Commercial. Commercial services shall consist of those services where water serves a commercial type employment/business. Refer to definitions.

(c) Industrial. Industrial services shall consist of those services where water serves a business that deals with loading/unloading facility, wholesale distributor, warehouse, woodworking business, light manufacturer, farm/heavy equipment businesses and fabrication business.

(d) Standby Fire. This consists of those services for industrial or independent water district purposes under contracts authorized by the governing body of the City of Gervais.

(5) Special Contracts. When an applicant's requirements for water are unusual or large, such as an independent water district, or necessitates considerable special or reserve equipment or capacity, the Water Department, by authorization of the city council, reserves the right to make special contracts. The provisions of these contracts are different from and have exceptions to the regularly published water rates, rules and regulations. This special contract shall be in writing, signed by the applicant and approved by the city council, city attorney, signed by the Mayor and attested by the City Recorder.

The city council may from time to time designate, through its resolution power, rates for any of the above enumerated types of services. Such resolutions are to be incorporated into the appendices of Tariffs to this ordinance, which Appendices are made a part of this ordinance.

(6) Resale of Water. Resale of water shall be permitted only under special contract, in writing, between the City Council and the persons, parties or corporation selling the water.

(7) Service Preference. In case of shortage of supply, the city reserves the right to give

preferences in the matter of furnishing services to emergency services, customers and interests of the Water Department from the standing of public convenience or necessity within the corporate limits of the city. Water service to users outside of the city limits shall at all times be subject to the prior and superior rights of the customers within the city limits.

Section 7. Application for Service.

(1) Application Form. Each applicant for water service shall sign an application form provided by the city giving the date of application, location of premise to be served, the date applicant desires service to begin, purpose for which service is to be used, the address for mailing the billings, class and size of the meter service and such other information as the Water Department or Administrative Office may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations of this ordinance. The application is merely a written request for service and does not bind the city to serve.

(2) Deposits and Establishment of Credit. At the time application for service is made, the applicant shall establish credit with the city.

(a) Establishment of Credit. The credit of an applicant will be deemed established:

1. If the applicant makes a cash deposit with the city to secure the payment of bills for service. The deposit shall be a sum equal to the estimated bill for two months service but not less than \$75.00.

(b) Deposits. At the time the deposit is given to the city, the applicant will be given a receipt. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded. The city will not pay interest on any deposit, nor shall the city be required to refund the balance of a deposit where the balance is \$1.00 or less.

Section 8. Main Extension.

(1) Within the City Limits. Water main extensions to areas within the city limits not presently served with water shall be installed under procedures to be established by the City Council.

Subdividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council.

(2) Outside the City Limits. Water mains outside the city limits shall be extended only at the expense of the customers served. The main extensions shall become the property of the city at the time installed. The City Engineer shall determine the size and material of the main extensions with final approval by the City Council. Extensions outside the city limits shall be installed by the Water Department or by contractors approved by the City Council.

(3) Locations of Extensions. The Water Department will make water main extensions only on rights-of-way, easements or publicly owned property. Easements or permits secured for main extensions shall either be obtained in the name of the City of Gervais, along with all rights and title to the main at the time the service is provided to the customers paying for the extension.

Section 9. Service Connections.

(1) Definition. The "service connection" shall be that part of the water distribution system which connects the meter to the main and shall normally consist of corporation stop, service pipe, curb stop and box, meter, meter yoke and meter box. The "customer service line" shall be that part of the piping on the customer's property that connects the service to the customer's distribution system.

(2) Ownership, Installation and Maintenance. The Water Department owns, installs and maintains all services. Installation and maintenance shall only be performed by authorized employees of the Water Department or as authorized by the governing body. The customer owns and is responsible to install and maintain the customer service line.

(3) Service Connection Charge. At the time the applicant files a written request for service where no service previously existed, or if the applicant is filing a written request for a change in service size or location the applicant shall submit with the application the service connection charge.

This charge is to cover the actual cost to the Water Department to install the service from the main, to and including the meter and the meter housing. The service connection charge is determined by the City Council in the current published water rate schedule.

(4) Size of Service. The city will determine, furnish and install a service appropriate to the authorized uses permitted on the premise requesting a water service.

(5) Changes in Service Size. Any requested changes in the size of the service line by the customer shall be paid by the customer on the basis of actual cost to the Water Department for making the change. The need for the change must conform with this ordinance or any other pertinent ordinance of the City of Gervais. In order to determine the conformity of the requested change the customer will, in writing, state the reason(s) for the requested change. If the change impacts land use issues with regard to density the Administrative Office will start the process to insure proper procedures are followed.

(6) Length of Service. Where the main is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served for the standard connection fee, provided the length of service line does not exceed the width of the right-of-way.

Where the main is on an easement of publicly owned property other than designated rights-of-way, the services shall be installed to the boundary of the easement or public property by the Water Department or other council authorized contractor, provided the length of service does not exceed thirty (30) feet.

If, in either case cited above, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost for labor, materials and equipment plus 15%.

(7) Joint Service Connections. The Water Department may, at its option, serve two or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed.

Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special considerations approved by the City Council.

(8) Number of Service Connections on Premises. The owner of a single parcel of property may apply for and receive as many services as he and his tenants may require, provided his application or applications meet the requirements of this ordinance, any other pertinent ordinance and the City Council approves such number. This will also be required to meet the conformity requirements as stated in Subsection (5) of this Section.

(9) Standby Fire Protection Service Connections.

(a) Purpose. Standby fire protection service connections of two inch size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The Water Department may require that a suitable detector check meter be installed in the standby fire protection service connections, to which hose lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the plumbing codes of the State of Oregon.

(b) Charges for Service. Charges for standby fire protection service will be stated in the published water rate schedule. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection systems. The customers shall pay the full cost of the standby protection service connection, any required detector check meter, and any required special water meter installed for the service to the standby connection.

(c) Violations of Regulations. If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the Water Department. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of regular water rates.

(10) Fire Service Connections other than Standby. A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the regular rates.

(11) Temporary Service Connections. For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material furnished by the Water Department. The applicant shall also pay his water bill in advance based on an estimate of the quantity to be used, or the applicant shall otherwise establish satisfactory credit.

(a) Time Limit. Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the city council.

(b) Charge for Water Served. Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.

(c) Installation Charge and Deposits. The applicant for temporary service will be required:

1. To pay the Water Department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service.

2. To deposit an amount sufficient to cover bills for water during the entire period the temporary service may be used, or to otherwise establish credit approved by the city council.

3. To deposit with the city an amount equal to the value of any equipment loaned by the Water Department to the applicant under the terms of Section 9, Subsection 11 (d).

(d) Responsibility for meters and installations. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the Water Department. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit fund. If the loaned materials are returned in satisfactory conditions and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.

(12) Customer's Plumbing.

(a) Plumbing Code. The customer's plumbing, which shall include the customer's

service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the most current plumbing code of the State of Oregon.

(b) Control Valves. Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed, if none exists.

(13) Unauthorized Service. It shall be unlawful for any person, firm, or corporation, other than duly authorized city officials or employees to turn water on or off at the water meter or any other point with out written permission from the Water Department.

Section 10. Meters

(1) Ownership of Meters. The Water Department owns and maintains all water meters. The Water Department will not pay rent or any other charge for a meter or other water facilities, including housing and connections on a customer's premise.

(2) Installation of Water Meters. Installation of water meters shall be performed only by authorized employees of the Water Department or as authorized by the governing body. All meters shall be sealed by the Water Department at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

(3) The Water Department will decide the size and type of meter to be installed.

(4) Location of Meters. Meters will be placed at the curb or property lines; The meters will not be located in driveways or other locations where damage to the meter or its related parts may occur.

(5) Joint Use of Meters. The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, authorized by the City Council.

(6) Changes in Size or Location. If, for any reason, a change in the size of a meter and service is required, the installation will be accomplished on the basis of a new connection, and the

customer's application shall be amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense. This applies only to existing meters that are not placed in accordance to (4) of this section.

Section 11. Notices.

(1) Notice to Customers. Notices from the City to the customer will normally be given in writing and either mailed to or delivered to the customer at the customer's last known address. Where conditions warrant and in emergencies, the City may notify either by telephone or messenger.

(2) Notices from Customers. Notices from the customer to the City may be given by the customer or his authorized representative orally or in writing at the Administrative Office in the City Hall or to an agent of the Water Department duly authorized to receive notices or complaints.

Section 12. Billings and Payments

(1) Minimum Fee to be Paid. Whether or not connected to the city water service as required by this ordinance, and whether or not water is actually used by the owner or occupants, the owner and occupants of each premise upon which a dwelling or building designed for or used for human occupation exists whether for residential or other use, shall pay to the City of Gervais an amount, not less than the minimum fee charged.

(2) Minimum Fee Payable Upon Disconnection. Notwithstanding the fact that the customer's service may have been discontinued in accordance to the provisions of this ordinance, the owner of the real property shall be required to pay the minimum rate for water as provided for or by subsequent ordinances/resolutions setting or authorizing water rates.

(3) Meter Readings. Meters will be read and customers billed on the basis of the meter reading to the nearest 100 cubic feet.

(4) Rendering of Bills.

(a) Billing Period. All meters shall be read and bills rendered monthly.

(b) Bills for Other than Normal Billing Period. Opening or closing bills, or bills that for any other reason cover a period containing 10 percent more days or 10 percent less days

than in the normal billing period shall be prorated.

(c) Bills for More than One Meter. All meters supplying a customer's premise shall be billed separately, except where the Water Department has, for operating purposes, installed two or more meters in place of one, the reading may be combined.

(5) Disputed Bill. When a customer disputes the correctness of a bill, the customer shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service as provided under subsection (8) of this section.

(6) Failure to Read Meters. In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of thirty days per month and the total water consumption for billing purposes for that period shall be estimated.

(7) Payment of Bills. 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, unless other arrangements have been made with the city in writing that specify another due date.

(8) Delinquent Accounts.

(a) Delinquent (Late) Notice. A late notice may be sent, at the discretion of the City Recorder, to each account that is delinquent. Notice should be sent about ten days after the account is considered delinquent. The date the water service will be turned off shall be stated in the notice.

(b) Service Turn-off. On the turn-off date, if the account has not been paid, the meter reader or other agent of the city shall immediately turn off the water service.

(c) Service Charge. In all instances where water has been turned-off because of delinquent accounts, a \$40.00 service charge shall be made for the restoration of service. This fee is payable at the time the shut-off notice is delivered to the Water Department to turn-off a premise due to a delinquent account.

(d) Unlawful usage. It shall be unlawful for a premise turned off for non-payment to receive metered service from an adjoining service source or other water source within the city.

It is unlawful for water to be provided to a premise that is in violation with the rules and regulations of this ordinance. The providing of water to a premise that is in violation with this ordinance will result in enforcement action taken against the participating premise.

(9) Installment Payments of Delinquent Accounts. In cases of extreme hardship, the City Recorder shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount, installment period not to exceed the period of time the account was delinquent.

Section 13. Meter Accuracy and Testing.

Meters shall be tested before being set and at any other time when they appear to be measuring incorrectly. If a test is requested by the customer and the meter is found to be accurate within two percent, the meter will be deemed correct and a \$20.00 administrative fee, plus any other costs incurred by the Water Department will be charged to the customer. Tests will be conducted in accordance with the manufacturer's methods of tests or with standards of practice established by the American Water Works Association.

Section 14. Discontinuance of Service.

(1) On Customer's Request. Each customer about to vacate any premise supplied with water service by the Water Department shall give the City's Administrative Office written notice of intentions at least two days prior to vacating the premise, specifying the date service is to be discontinued; otherwise the customer will be responsible for all water supplied to such premise until the city receives notice of such vacation.

At the time specified by the customer that the customer expects to vacate the premise where service is supplied or that the customer desires service to be discontinued, the meter will be read, shut-off, locked and a bill rendered which is payable immediately. In no case will the bill be less than the monthly minimum specified in the schedule applying to the class or classes of service furnished.

(2) Nonpayment of Bills. A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in Section 12, subsection (7) of this ordinance.

(3) Nonpayment of Sewer Service Charge. Sewer service charges are billed with the water service charge. If the sewer charge is not paid in the same manner as this ordinance requires for water service payment the water service will be shut-off. As an additional alternative method, if such rates and charges are not paid when due by any person, firm or corporation, the amounts so unpaid may be certified by the City Recorder to the County Assessor of Marion County, Oregon, and shall by him be collected and paid over to the city in the same manner as other taxes are assessed, collected and paid over, with interest. Interest on unpaid bills shall run from the due date at the rate of 12% per annum. Such unpaid charges may also be recovered in an action at law in the name of the city, with interest.

(4) Improper Customer Facilities.

(a) Unsafe Facilities. The Water Department may refuse to furnish water and may discontinue service to any premise without prior notice where plumbing facilities appliances or equipment using water are dangerous, unsafe or not in conformity with the plumbing code of the State of Oregon.

(b) Cross-Connections. No person shall establish or permit to be established, maintained or permit to be maintained, any cross connection where a private, auxiliary or emergency water supply other than the regular public water supply of the city may enter the supply and distribution system of the city. Further, guidelines dealing with cross connection may be found in Ordinance No. 96-4.

(5) Water Waste. Water users shall prevent unnecessary waste of water and shall keep sprinklers, faucets and all apparatus, including the service line leading from the property to the meter in good condition at their expense. Where water is wastefully or negligently used on a customer's premise, which may seriously affecting the general service, the Water Department may discontinue service if such conditions are not corrected after due notice is given by the Water Department.

(6) Service Detrimental to Others. The Water Department may refuse to furnish water and may discontinue service to any premise where excessive demands by one customer will result in inadequate service to others.

(7) Fraud or Abuse. The Water Department will refuse or discontinue service to any premise

where it is deemed necessary to protect the Water Department from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the Water Department that the condition or conditions exist.

(8) Unauthorized Turn-On. Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be computed at actual cost to the Water Department plus 15 percent overhead but not less than \$40.00. These charges shall be billed to the offending customer and water shall not be furnished to the premise or customer until such charges are paid and the Water Department has reasonable assurance that the violation will not recur. This charge is separate from the \$40.00 charge to reconnect due to non-payment of payable bills.

(9) Noncompliance with Regulations. The Water Department may upon five days notice, discontinue service to a customer's premise for failure to comply with any of the provisions of these regulations.

Section 15. Restoration of Service.

Water service will be restored only after any current, past due charges and a \$40.00 restoration fee is paid.

Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse or noncompliance with any of the policies, rules and regulations of this ordinance will only be made after the irregularity has been corrected and the Water Department has been assured that the irregularity will not re-occur. The restoration charge shall be \$40.00 plus any other charges due or past due that the Water Department may have incurred to correct the irregularity.

Section 16. Unusual Demands.

When an abnormally large quantity of water is desired for filling a swimming pool, log pond or for other purposes arrangements must be made with the city prior to taking such water.

Permission to take water in unusual quantities will be given only if the Water Treatment Plant

facilities and other consumers are not inconvenienced.

Section 17. Access to Property.

All duly appointed employees of the Water Department, under the direction of the Water Superintendent, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purposes of inspecting any connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The Water Department does not assume the duty of inspecting the customer's line, plumbing and equipment, and shall not be responsible.

Section 18. Responsibility for Equipment.

(1) Responsibility for Customer Equipment. The Water Department shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing or equipment, nor shall the Water Department be liable for loss or damage due to interruption of service or temporary changes in pressure.

The customer shall be responsible for valves on his premises being turned off when the water service is turned on.

(2) Responsibility for Water Department Equipment. Water Department equipment on the customer's premise remains the property of the Department and may be repaired, replaced or removed by the Department employees at any time without the consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or remove Water Department equipment on the customer's premise. The property owner must keep all dogs or other animals secured or confined to avoid interference with the operation and maintenance of the city equipment. The property owner must keep all vehicles and other equipment free from water meters to avoid damage and allowing the meters to be read.

(3) Damage to Water Department Equipment. The customer shall be liable for any damage or equipment owned by the Water Department which is caused by an act of the customer, his tenants, agents, employees, contractors, licenses, family, friends, or permittees. Damage to equipment shall

include, but not be limited to, breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damages by hot water or steam, and damaged meter boxes, curb stops, meter stops and other appurtenances.

Section 19. Fire Hydrants.

(1) Operation. No person or persons other than those designated and authorized by the Water Department shall open any fire hydrant belonging to the Water Department, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenche shall be used to operate a hydrant valve. In cases where a temporary service has been granted and received water through a fire hydrant, and auxiliary external valve will be provided to control the flow of water.

(2) Moving a Fire Hydrant. When a fire hydrant has been installed in the locations specified by the proper authority, the Water Department has fulfilled its obligation. If a property owner or other party desires to change the size, type or location of the hydrant, he shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the Water Department and the Fire District.

Section 20. Penalties.

Any person violating any of the provisions of these rules and regulations, shall, upon conviction thereof, be punished by a fine not exceeding \$500.00. Violation of this ordinance is a Class I, Civil Infraction.

Section 21. Suspension of Rules.

No employee of the Water Department is authorized to suspend or alter any of the policies, rules and regulations cited herein without specific approval or direction of the governing body, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy.

Section 22. Easement.

Each applicant and user gives and grants to the City of Gervais an easement and right-of-way on and across his property for the installation of water mains and the necessary valves and equipment in connection therewith.

Section 23. Repeal.

Ordinance 88-15 and 93-01 are repealed upon passage of this ordinance.

Section 24. Constitutionality, Saving Clause.

If any clause, sentence, paragraph, section or portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, said clause, sentence paragraph, section or portion shall be severed and such judgement shall not affect, impair or invalidate the remainder of this ordinance, but shall be confined in this operation to the clause sentence, paragraph, section or portion of this ordinance directly involved in the controversy in which the judgement is rendered.

Section 25. Wells.

No wells shall be drilled, permitted or used within the geographical area covered by this ordinance, unless the boundary of the lot, parcel or premise, which is nearest to a city water line, is more than 200 feet from such water line, as measured in a straight line between the two most proximate points of the water line and the boundary of the lot, parcel or premise and the city refuses to extend the line, save and except those wells lawfully placed on the land prior to November 18, 1993.

Section 26. Liens.

The City Recorder shall send the notices as specified in Section 11 and inform the customer that the bill as indicated will be assessed to and become a lien against the property unless paid within 15 days from the date of the notice.

If the customer responsible objects to the billing, a notice of objection may be filed with the

City Recorder not more than 10 days from the date of the notice.

No sooner than 30 days after the date of the notice, the Council, in the regular course of business, shall hear and make a decision on the objections to the costs assessed.

If the account is not paid within 15 days from the date of the notice, an assessment of the costs, as stated or as decided by the Council shall be made by resolution and shall be entered in the docket of city liens. When the entry is made, it shall constitute a lien on the property to which the service was supplied.

The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the current statutory interest rate. The interest shall begin to run from the date the account becomes delinquent.

An error in the name of the owner or the persons responsible or a failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property.

Section 27. Emergency Clause.

It is hereby adjudged and decreed that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the City of Gervais, and an emergency is hereby declared to exist and this ordinance shall take effect upon passage by the City Council.