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Drinking Water Program
Pendleton Office

ORDINANCE NO. 146D

An Ordinance shall be known as "Rates, Rules and Regulations for the operation of the Water Department of the City of Long Creek, Grant County, Oregon", and may be so cited and pleaded.

BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF LONG CREEK, OREGON:

SECTION 1. RULES AND REGULATIONS.

Scope. The City of Long Creek and all customers receiving services from the City, whether inside or outside the city limits, are bound by these rules and regulations of the City of Long Creek.

SECTION 2. DEFINITIONS OF GENERAL TERMS.

1. CITY. Whenever the word City is used, it shall mean the legally constituted municipal government of the City of Long Creek, Grant County, Oregon.
2. Water Department. Wherever the words "Water Department" are used, they shall mean the Water Department of the City of Long Creek, Oregon.
3. City Council. Wherever the words "City Council" are used, they shall mean the legally elected group of members composing the City Council, including the Mayor, or the City of Long Creek, Oregon.
4. Superintendent. Whenever the word "Superintendent" is used, it shall mean the person appointed by the City Council to oversee or superintend the affairs of the Water Department.
5. Applicant. Whenever the word "Applicant" is used, it shall mean the person or persons, firm or corporation making application for water service from the Water Department under the terms of these regulations.
6. Customer or User. Whenever the words "Customer or User" are used, it shall mean an applicant who has been accepted under the terms of these regulations and who receives water service from the Water Department.

SECTION 3. SERVICE AREA.

The area served by the Water Department shall be all that area included within the corporate limits of the City of Long Creek and such other contiguous and neighboring territory as the City Council shall, from time to time, deem necessary to serve.

SECTION 4. DESCRIPTION OF SERVICE.

1. Supply. The Water Department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid so far as reasonably possible any shortage or interruption in delivery.

The Water Department shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the Water Department for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all

customers affected will be notified prior to shutdowns.

2. Quality. The Water Department will exercise reasonable diligence to supply safe and potable water at all times.

3. Ownership of System. All water mains, valves, fittings, hydrants and other appurtenances, except "customer service lines", as defined in Section 7(1), shall be the property of the Water Department.

4. Classes of Service. The classes of service shall be Residential, Commercial, Standby Fire and Contract as further qualified by the number after the class as follows:

1. Inside City limits 2. Outside City limits

(a) Residential Service. Residential services shall consist of all services for domestic purposes, single-family dwellings, homes and municipal purposes.

(b) Commercial Services. Commercial services shall consist of those services where water is used for commercial services, such as businesses and multi-family dwellings.

(c) Standby Fire. Standby fire service shall consist of those services where water is available or used for fire protection only.

(d) Contact Service. Contract service shall consist of those services for industrial or independent water district purposes under contracts authorized by the City Council.

5. Special Contracts. When the applicant's requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment or capacity, the City Council reserves the right to make special contract, the provisions of which 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.

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 of Long Creek reserves the right to give preferences in the matter of furnishing service to customers and interests of the City from the standing of public convenience or necessity. Water service to users outside of the city limits shall at all times be subject to the proper and superior rights of the customers within the city limits. This shall not be construed to require the city to furnish water to customers outside the city limits.

SECTION 5. Application for Service.

1. Application Form. Each applicant for water service shall sign an application form provided by the City of Long Creek giving the date of application, location of premises to be served, the date applicant desires services to begin, purpose for which service is to be used, the address for mailing of the billings, the class and size of the meter service and such other information as the City may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations of the City. The application is merely a written request for service and does not bind the City to serve.

2. Deposits. At the time the application is filled out and signed by the applicant, a deposit of \$100.00 is required to secure the payment of bills for water services. Water user deposits may be fixed by the City Council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the City Council. The deposit is not to be considered as a payment on account. In the event service is ever turned off for any reason, the deposit will be applied to the closing bill. Anything left over in excess will be refunded. The City of Long Creek will not pay interest on any deposit.

3. Forfeiture of Deposit. If an account becomes delinquent and it is necessary to turn service off at the meter, the deposit shall be applied to the unpaid balance due. Water service will not be restored to that premise or that customer at different premises until all outstanding charges due the City have been paid and the cash deposit replaced, together with the service connection charge stated in Section 9.

SECTION 6. Main Extensions.

1. Inside City Limits. The extension of a main to serve premises not served by the City water system, shall be made at the discretion of the City Council. The benefited property shall pay the total cost of installation of water mains including the cost of valves, fittings and fire hydrants.

2. Outside 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 of Long Creek at the time of installation. The City Council shall determine the size of the main extensions and all extensions shall be of a suitable material approved by the City Council. Extensions outside the city limits shall be installed by the City of Long Creek or by contractors approved by the City of Long Creek. The installation procedures and materials used shall be in accordance with the City and the State of Oregon standards. This shall not be construed to require the City to furnish water outside the city limits.

3. Locations of Extensions. The City of Long Creek will make water main extensions only on rights-of-way, easements or publicly owned property. Easements or City permits secured for main-line extensions shall be given to the City of Long Creek, along with all rights and title.

SECTION 7. Services.

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 a 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 City of Long Creek shall own, install and maintain all services. Installation and maintenance shall only be performed by authorized employees of the City of Long Creek. The customer shall own, install and maintain the customer service line.

3. Service Connection Charge. At the time the applicant files for service where no service previously existed, or if he is filing for a change in service location, he shall submit with his application the service connection charge, see Section 9.

4. Size of Service. The City of Long Creek will furnish and install size of service as follows:

- A. three-fourths inch for residential
- B. one inch for commercial

5. 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 does not exceed the width of the right-of-way. Where the main is on an easement or publicly owned property other than designated right-of-way, the services shall be installed to the boundary of the easement or public property by the City of Long Creek, provided the length of service does not exceed thirty feet.

6. 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 applicants meet the requirements of the policies, rules and regulations.

7. 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 extinguishers. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The City of Long Creek may require that a suitable detector check meter be installed in the standby fire protection service connections, to which those lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the plumbing code of the State of Oregon.

B. Changes for Service. No charge will be made for water used in the standby fire protection services to extinguish accident fires or for routine testing of the fire protection system. The customers shall pay the full cost of the standby fire protection service connection, any required detector check meters, 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 City of Long Creek. 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 the regular water rates.

8. 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.

9. 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 City. The applicant shall also pay his water bill in advance based on an estimate of the quantity to be used, or he 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.

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 to pay in advance the estimated cost of installing and removing all facilities necessary to furnish each service. The applicant must pay a deposit to the City an amount equal to the value of any equipment loaned by the City. The applicant shall pay a deposit sufficient to cover bills for water during the entire period such temporary service may be used, or to otherwise establish credit approval by the City.

D. Responsibility for Meters and Installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities belonging to the City of Long Creek. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit refund. If the loaned materials are returned in satisfactory condition and all bill paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.

10. 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 plumbing code of the State of Oregon.

B. Control Valves. Customers shall install a back flow device with 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, as provided by this section. It shall be a violation of these rules and regulations for the customer to operate, cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection.

SECTION 8. METERS.

1. Ownership. The City will own and maintain all water meters. The City will not pay rent or any other charge for a meter or other water facilities including housing and connections on a customer's premises.

2. Installation. Installation of water meters shall be performed only by authorized employees of the City of Long Creek. All meters shall be sealed by the City at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

3. The Size and Type of Meter. Applicant may request and receive any size meter regularly stocked or furnished by the City. The City reserves the right to determine the type of meter to be installed.

4. 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, with the City Council.

SECTION 9. Water Rates.

1. The water rates to be charged for each class of service, including minimum charges, charges for water used over the minimum and service connection charges shall be as follows:

RESIDENTIAL AND COMMERCIAL

0-10,000 gal	\$12.50
next 1,000gal	1.00 per thousand

EXISTING JOINT SERVICES

0-10,000gal	21.00
Next 1,000gal	1.00 per thousand

SCHOOL

0-25,000gal	75.00
Next 1,000gal	1.00 per thousand

Water user charges may be fixed by the City Council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the City Council.

2. Special Contract Service. The City Council may establish or approve water rates in special contracts for industrial and independent water district users, as well as for any other water user the Council finds such special water rate contracts are appropriate.

3. Service Connection Charges. The charge for installing a new service, which includes excavation and backfill, tapping the main, laying the pipe, installing the meter, yoke and meter box, and replacement of surfacing material shall be as follows:

The new service connection charge for a ¾ inch meter size is \$450.00 or the actual costs plus 15% whichever cost is higher.

The new service connection charge for a one-inch meter size is \$650.00 or the actual costs plus 15% whichever cost is higher.

4. These water, contract and service connection rates may be revised at any time without invalidating the remainder of these rules and regulations.

SECTION 10. NOTICES.

1. Notices to Customers. Notices from the City to the customer and property owner will be given in writing and either mailed to or delivered to him at his last known address.

2. Notices from Customers. Notices from the customer to the City of Long Creek will be given by the customer or his authorized representative only in writing to City Hall.

SECTION 11. BILLING AND PAYMENT.

1. Meter Readings. Meters will be read and customers billed the basis of the meter reading to the nearest 10 gallons of water. The City will keep an accurate account on its books all readings of meters and such account so kept shall be offered at all times, places and courts as prima facie evidence of the use of water service by the customer.

2. Rendering of Bills. All meters shall be read and bills rendered therefore monthly. Opening or closing bills that contain 10 percent more days or 10 percent less days than the normal billing cycle shall be prorated. All meters supplying a customer's premises shall be billed separately.

3. Disputed Bills. When a customer disputes the correctness of a bill, he 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 (6) of this section.

4. Failure to Read Meters. In the event it is impossible or impractical to read a meter on the regular monthly basis, the water consumption shall be billed that month on the basis of the minimum charge. The next time the meter is read the excess water use over the minimum for the period from the last reading shall be billed, such excess water use to be equally pro-rated monthly for the period since the

last reading of the meter.

5. 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.

6. Delinquent Accounts.

(a) Delinquent Fees and Notices. All delinquent accounts shall be charged a monthly late fee on all outstanding balances of \$5.00 per account on the 26th day of each month. Payment must be made by the 25th day of each month to avoid said late fee charge. Late fee charges may be fixed by the City Council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the City Council. A reminder of account delinquency will be sent at the discretion of the City Council, to each delinquent account 10 days after the account becomes delinquent. The property owners shall also be notified of the delinquency and be responsible for all charges on that account.

(b) Turn-Off Notice. On or about 20 days after an account becomes delinquent, a Turn-off notice shall be sent to the customer and the property owner. The notice will state a date on which water will be turned off if the delinquent account is not paid in full prior thereto.

(c) Service Turn-Off. On the turn-off date, the meter reader or other agent of the City will deliver a written notice in person to the customer stating that the water service is being turned off until all delinquent charges have been paid. The meter reader or agent of the City will then turn the water off at the meter. Customers who have their water turned off for non-payment, shall pay all outstanding charges to City Hall before service can be turned on at their residence.

(d) Service Charge. In all instances where the water has been turned-off because of delinquent accounts, a \$10.00 service charge shall be added to restore services. The service charge may be revised and reviewed by the City Council periodically when needed.

(e) Water Turned-Off. Water has been turned-off when the water is shut off at the meter. If a customer for any reason requests water to be shut off for any length of time, a charge of \$200.00 will have to be made to City Hall for service to be turned back on.

(f) The Property Owner. The property owner of record shall be responsible for payment of all charges prescribed in this Ordinance. It shall be the duty of the City to serve written notice upon the property owner for failure of any tenant occupying his property for non-payment of water charges. It shall fall on the property owner to pay any delinquent charges outstanding after 60 days. If the owner fails to pay the delinquent water charges within 15 days upon receipt of said notice, the amount of this charge shall be a lien against the property.

(g) Liens. Water service charges shall be a lien against the premises served from and after the date of billing and entered into the records of the City pertaining to its water system. Whenever a bill for water service remains unpaid 60 days after it has been rendered, the lien thereby created may be foreclosed in the manner provided for by ORS 223.610, or in any other manner provided by law or City ordinance. The City shall have the right to refuse water service to a new tenant or new owner until the lien has been paid. It is hereby declared that the City retains the right to hold the property owner of record responsible for the delinquent amount, whether or not a lien is declared.

7. Installment Payment of Delinquent Accounts. In cases of extreme hardship, the City Council 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 the time the account was delinquent.

SECTION 12. DISCONTINUANCE OF SERVICE.

1. 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 11, (6) of these rules and regulations.

2. Nonpayment of Sewer Service Charges. If said sewer service charges are not paid when due or who are subject to the charges herein provided, water service provided to that customer by the City of Long Creek may be discontinued because of the default in the payment of the sewer service charges.

3. Improper Customer Facilities. The City may refuse to furnish water and may discontinue services to any premises 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.

Customers using water from one or more sources in addition to receiving water from the City of Long Creek on the same premises shall maintain separate systems for each; and the City water supply facilities shall be separated from any and all other systems by an air gap of not less than one foot, or if in the ground, by not less than five feet.

4. Water Waste. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the City may discontinue service if such conditions are not corrected after due notice by the City.

5. Service Detrimental to Others. The City may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

6. Fraud or Abuse. The City will refuse or discontinue service to any premises where it is deemed necessary to protect the City from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the City that the condition exists.

7. Unauthorized Turn-On. Where water service has been discontinued for any reason and the water is turned on by a customer or other unauthorized person, the water may then be shut off at the main or the meter removed. A re-connection fee will be charged the customer at discretion of the City Council. These charges shall be billed to the offending customer and water shall not be furnished to the premises until such charges are paid and the City has reasonable assurance that the violation will not reoccur.

8. Noncompliance with Regulations. The City may, upon five days' notice, discontinue service to customer's premises for failure to comply with any of the provisions of these regulations.

SECTION 13. RESTORATION OF SERVICE.

1. Restoration of service after discontinuance for nonpayment of bills or unsafe facilities shall be made after payment of current and past due charges to City Hall.

SECTION 14. UNUSUAL DEMANDS.

1. 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 City Water facilities and other consumers are not inconvenienced. If permitted the charge will be \$2.00 a thousand gallons of water. This charge will exclude government facilities.

SECTION 15. ACCESS TO PROPERTY.

1. All duly appointed employees of the City, 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 connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The City does not, however, assume the duty of inspecting the customer's line or equipment and shall not be responsible therefore.

SECTION 16. RESPONSIBILITY FOR EQUIPMENT.

1. Responsibility for Customer Equipment. The City 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 City 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 City Equipment. All City equipment on the customer's premises remains the property of the City and may be repaired, replaced or removed by a City employee at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or remove City equipment on his premises. The property owner must keep vicious dogs or other

animals secured or confined to avoid interference with the utility operation and maintenance.

3. Damage to City Equipment. The customer shall be liable for any damage to equipment owned by the City which is caused by an act of the customer, his tenants, agents, employees, contractors, licensees 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 stoops, meter stops and other appurtenances.

SECTION 17. FIRE HYDRANTS.

1. Operation. No person or persons other than those designated and authorized by the City shall open any fire hydrant belonging to the City, 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 wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and received water through a fire hydrant, an 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 City 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 City and the Fire Department.

SECTION 18. 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 or by imprisonment in the County Jail for a period not exceeding six months, or by both fine and imprisonment.

SECTION 19. SUSPENSION OF RULES.

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

SECTION 20. EASEMENT.

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

SECTION 21. PRIOR ORDINANCES.

The provisions of any prior ordinances of the City of Long Creek that may be in conflict with any of the rules, regulations or provisions herein contained are hereby repealed and superseded.

SECTION 22. CONSTITUTIONALITY, SAVING CLAUSE.

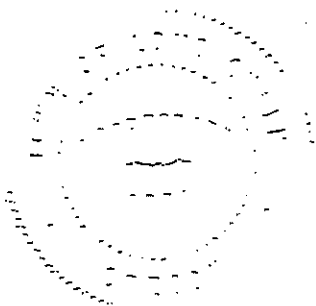
In any clause, sentence, paragraph, section or portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence,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

SECTION 23. Adoption of Ordinance 146-D

All Ordinances of the City of Long Creek heretofore passed and covering and regulating any of the matters provided for in this Ordinance and all Ordinances in conflict with this heretofore passed by the City Council of the City of Long Creek are hereby repealed. This includes 146 & 146-B repealed as of September 14, 2006. The new Ordinance 146-D shall take effect immediately on this day, September 14, 2006 upon adoption by majority vote of the quorum of Council members present at the meeting wherein this Ordinance is enacted.

ADOPTED by the City Council of the City of Long Creek at a regular meeting thereof this 14 of September, 2006 and filed with the City of Long Creek this same day.

Approved by Mayor, Don Porter, this 14 day of September, 2006.



Don Porter
Don Porter, Mayor

Summary of Votes:
Council Barnett ✓
Council Drake ✓
Council Hunt ABSENT
Council Bradley ✓

Attest:

Kathy Weissenfluh
Kathy Weissenfluh, Recorder