

41-00624

Attached is the entire Ordinance for the **City of Philomath** with regard to the operation of the City water system.

Those sections referencing the Cross Connection program are highlighted and are as follows:

Section 10 (B)	Page 9
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3-11.1

PHILOMATH ORDINANCE

3-11.2

ORDINANCE NO. 625

AN ORDINANCE PROVIDING RULES AND REGULATIONS FOR THE REGULATION AND OPERATION OF THE PHILOMATH WATER UTILITY; DEFINING THE ADMINISTRATIVE RIGHTS AND OBLIGATIONS OF THE CITY OF PHILOMATH AND ITS WATER UTILITY CUSTOMERS IN CONNECTION THEREWITH; PROVIDING A PENALTY FOR A VIOLATION THEREOF; AND REPEALING ORDINANCES NO. 500, 515, 528 AND 598.

THE CITY OF PHILOMATH ORDAINS that the following shall be the rules and regulations for the operation of the Philomath Water Utility.

Section 1. COMPANION ORDINANCE. This ordinance is a companion ordinance to the City of Philomath Ordinance(s) that provide for System Development Charges.

Section 2. DEFINITION OF TERMS. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

APPLICANT: A person, corporation, association or agency applying for water service.

CITY: City of Philomath, a municipal corporation of the State of Oregon.

COMMERCIAL SERVICE: Provision of water to premises which include mercantile establishments, stores, offices, public buildings, governmental agencies, public and private hospitals, schools, churches and mercantile establishments combined with residences, except those in which each unit is metered separately, but not an industrial user.

COUNCIL: The City Council of the City of Philomath.

CUSTOMER: A property owner of record, agent of the owner or tenant who receives service from the City and is responsible for payment of charges/fees.

CUSTOMER LINE: The piping from the meter to the property served.

DATE OF PRESENTATION: The date upon which a bill or notices mailed or delivered personally to the customer, or his designee.

FIRE PROTECTION SERVICE: Provision of water to premises for automatic fire protection.

INDUSTRIAL SERVICE: The provision of water to a customer for use in manufacturing or processing activities.

MAINS: Distribution pipelines located in streets, highways, public ways or private rights-of-way which are used to serve the general public.

MAIN EXTENSIONS: Extensions of distribution pipelines, exclusive of service connections, beyond existing facilities.

METER RATE SERVICE: Provision for supplying water in measured quantities.

MUNICIPAL USE: Provision for supplying water to departments of the City.

PERSON: Any individual, company, enterprise, partnership, corporation, association, society or group; the singular term shall include the plural.

PREMISES: The integral property or area, including improvements thereon, to which water service is or will be provided.

RATE SCHEDULES: The entire body of effective rates, rentals, charges and fees, as established by the City Council.

RESIDENTIAL SERVICE: Provision of water for household residential purposes, including water for sprinkling lawns, gardens and shrubbery, watering livestock, washing vehicles and other similar and customary purposes.

SERVICE CHARGE (User Charge): A charge on users of the treatment works for the user's proportionate share of the cost of operation and maintenance (including replacement) of such works.

SERVICE CONNECTION: The pipe, valves and other facilities by means of which the City conducts water from its distribution mains to and through the meter, but does not include the piping from the meter to the property, structure or facility served.

TEMPORARY SERVICE: A service for circuses, bazaars, fairs, construction work and other uses that, because of their nature, will not be used steadily or permanently.

Section 3. SERVICE AREA. The area in which service may be furnished at the City's option includes all that territory within the corporate limits of the City and certain areas adjacent to or in reasonable proximity thereto.

Section 4. DESCRIPTION OF SERVICE.

(A) SUPPLY. The City will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the Customer in accordance with state and federal standards.

(B) QUALITY. The City will exercise reasonable diligence to supply potable water, in accordance with state and federal standards.

(C) CLASSES OF SERVICE. All services installed by the City will be classified as follows:

- 1) Single-Family Residential - Single family or multi-family units serviced by separate meters.
- 2) Multi-Family Residential - Multi-family units serviced by one meter.
- 3) Commercial.
- 4) Industrial.
- 5) Contract service.
- 6) Fire protection.

(D) SERVICE CHARGES. A service (user) charge shall be set by the City Council upon all customers using the City water system.

(E) FINANCIAL SELF-SUFFICIENCY. The user charges shall be fixed at such amounts to assure the financial self-sufficiency of the sewerage system, and thereafter amended as necessary by resolution of the City Council.

(F) RATE AND FEE SCHEDULE. The rates required by this Ordinance shall be set by the City Council. The City Council may, by resolution, change the fee schedule to reflect changing conditions. In setting the charges and fees, the City Council shall consider the costs necessary for the establishment, operation, maintenance, improvement, extension and repair of the water system addition to any other factors the Council may find relevant.

(G) REVIEW AND REVISION OF RATES. The water user charges established in Section 4(D) of this ordinance shall, as a minimum, be reviewed annually by the City Council of the City of Philomath, and shall be revised periodically to reflect actual costs of operation, maintenance, and replacement of the treatment works, and to maintain the equitability of the user charge with respect to distribution of the costs of operation and maintenance proportional to each user's contribution to the total wastewater loading of the treatment works.

Section 5. APPLICATION FOR SERVICE.

(A) APPLICATION. Each applicant for water service shall be required to complete and sign a form provided by the City.

(B) INDIVIDUAL LIABILITY FOR JOINT SERVICE. Two or more customers who join to make application for service shall be jointly and individually liable and shall be sent a single periodic bill.

(C) SPECIAL CONTRACTS. Contracts, other than applications, may be required prior to service where, in the opinion of the City, special circumstances warrant special consideration.

(D) SECURITY DEPOSITS. A deposit in an amount deemed sufficient by the City Manager may be required of any person desiring service. A security deposit need not be made if the applicant has promptly paid all accounts due the City for a reasonable time in the past.

(E) WATER SERVICE ACCOUNT FEE. Any new application for water shall be charged a non-refundable new account fee in an amount as specified in the rate schedule in effect at the time of the application for service.

Section 6. PUBLIC POLICY.

(A) NO USE OUTSIDE CITY WITHOUT CONTRACT. No use or benefits of the water system or water treatment plant of the City shall be extended to or made available to any property not within the corporate limits of the City, except under a contractual agreement.

- 1) Charges To Customers Outside The City: Any person having connection to the City water system for property which is outside the corporate boundaries of the City of Philomath shall, in addition to the fees and charges for service called for in Section 4(D) of this ordinance, be charged monthly fees derived and calculated in accordance with the following standard and fixed by resolution of the City Council:

- Fee In Lieu: A fee in lieu of property tax payments supporting principle and interest for the retirement of indebtedness associated with investment in capital facilities necessary to the water system.

(B) WATER MAIN EXTENSIONS.

- 1) Service Within The City Limits. Water mains may be extended inside the City limits upon petition to, and acceptance by, the City Council by the following method: Water mains shall be constructed in accordance with the City's standards and specifications, and subject to inspection by the City, with all necessary easements, rights-of-way and permits, as required, obtained in the City of Philomath's name prior to construction. After completion, and if accepted by the City, the water main, free of all liens and encumbrances, shall be transferred, along with all necessary easements, rights-of-way and permits, to the City. The City will then own, operate and maintain the water main. The water mains shall be constructed of pipe not smaller than eight inches in diameter, unless the City finds that engineering considerations determine that a larger or smaller pipe should be installed. Where the City has determined that a water main larger or smaller than eight inches in diameter is required or desirable, the City shall have the right to require the installation of the larger or smaller pipe. The developer or contractor may be required to pay all additional costs for the installation and materials for the increased size of the water main, where the City requires installation of larger pipe.
- 2) Fire Flow Standards. In the event new construction occurs in the area of an existing water main, and it is determined by the City that fire flow requirements require a larger water main, the City shall the right to reject the new construction or to require installation of a water main to meet fire flow requirements.
- 3) Service Outside City Limits Outside City Limits. The City is not required to construct or provide service to water mains specifically residential, commercial, industrial or combined residential commercial and industrial uses outside the city limits. Individual service connections may be permitted by option of the City on those mains owned and operated by the City outside the city limits.

- a) Discontinuation Of Service And Guarantee Of Supply. All water delivered outside the city limits shall be considered as a special service and not provided by the City as a common utility service. The quantity of water supplied may be reduced or the service entirely discontinued at any time at the discretion of the City and for any reason. The City shall have no liability in any way to customers for failure to provide service or any failure of the system.
- b) Application And Rates. The City reserves the right to act on each application for outside-the-city services on its merits without regard to any other past or present application or service. No application for water service will be allowed unless the recipient property owner agrees in writing to the annexation of the subject property to the City at such time as the City shall determine that such annexation is in the best interest of the City, unless the applicant applies in writing to the City Council for a waiver of this requirement and the application is granted. Such consent to annex shall be an irrevocable covenant running with the title to the land and shall be binding upon all heirs and assigns. If service is approved, the charge for service connections and meters will be in accordance with the rate schedule for service connections and meters in effect at the time of the application for outside-the-city services. Water rates will be those in applicable portions of the rate and fee schedule, in effect at the time of application.
- c) Rules And Regulations.
- All customers outside the City receiving water from the City shall comply with and be bound by the rules and regulations of the City.
 - Individuals shall cooperate to a reasonable and practicable extent with other customers in the extension and/or enlargement of common facilities.
 - No customer shall interconnect between water furnished by the City and water from another source. Discovery by the City that such an interconnection has been made, the City may discontinue service and shall assess a penalty in accordance with the rate and fee schedule.

Section 7. BILLS AND PAYMENT.

(A) RESPONSIBILITY FOR PAYMENT OF BILLS. The customer who signed the application for service shall be responsible for payment of all charges prescribed in this ordinance and set in the rate schedule. All water service charges shall be mailed to the premises where water service is furnished unless the customer requests, in writing, that the bill be submitted to another address.

(B) RENDERING OF BILLS.

- 1) Meters will be read at regular intervals for the preparation of billings and as required for the preparation of opening, closing and special bills.
- 2) Bills for water service will be rendered at the intervals provided in the rate and fee schedule.

(C) PAYMENT OF BILLS.

- 1) All bills shall be due and payable on presentation. An account becomes delinquent if unpaid fifteen (15) days after date of billing. Payment may be made at the City's office or to an authorized collector. Interest may be charged and collected on delinquent accounts at a rate set by Council resolution.
- 2) Closing bills will be collected at the time of discontinuance of service.
- 3) When bills are delinquent, the City will follow the procedure outlined in Section 8 of this ordinance.
- 4) Any change in water user shall result in the new user paying the water use charges commencing from the date of change. Any new water service user shall commence paying the water use charges from the time of connection. The water base charges shall be pro-rated on a daily basis.

(D) SEPARATE METER BILLINGS. Each meter on customer's property will be read separately; and the readings of two or more meters will not be combined unless the City's operating convenience requires the use of more than one meter, or of a battery of meters. The minimum monthly charge for such combined meters will be based on the diameter of the total combined discharge areas of the meters.

Section 8. DELINQUENT ACCOUNTS.

(A) NOTICE. All customer charges levied in accordance with this ordinance shall be a debt due the City. A notice of delinquent account shall be sent to each account which has not been paid by the 45th day after presentation of bill. All delinquent accounts may be collected in any lawful manner. Reasonable costs of collection may be added to the delinquent account.

(B) TURN-OFF DATE. Said notice shall state a turn-off date, ten (10) days from the date of the notice of delinquency.

(C) DISPUTED BILLING. If the customer disputes the accuracy of the billing, the customer shall present the objection within fifteen (15) days after the date of presentation of the bill. If the bill is found to be correct, payment must be made by the 15th day after notice to that effect is presented. Failure to file a notice of objection to the billing as specified above shall constitute a waiver of any defects in the bill and of the customer's right to object.

(D) DISCONTINUE SERVICE. On the turn-off date, the meter reader or other agent of the City shall turn off the service and then immediately thereafter deliver a written notice to the customer stating that water service has been turned off until all delinquent amounts have been paid. A delivery to any person residing at the address served by the meter shall be considered a delivery to the customer. If there is no person present at the address served, then a notice may be left on the premises.

Section 9. NOTICES.

(A) NOTICES TO CUSTOMERS. Notices required to be given by the City to a customer will be given in writing and may be either delivered or mailed to the customer personally, or delivered or mailed to the address at which service is rendered unless customer has requested in writing that notices be mailed to a different address.

(B) NOTICE FROM CUSTOMERS. Notice from a customer to the City shall be given by the customer or their authorized representative in writing at the office of the City Finance Department.

Section 10. DISCONTINUANCE OF SERVICE

(A) NONPAYMENT OF BILLS. A customer's water service may be discontinued if the service bill is not paid in accordance with the procedures as listed in Section 8 of this ordinance.

(B) UNSAFE APPARATUS.

- 1) The City may refuse to furnish water and may discontinue service to any premises where apparatus, appliances or equipment using water are dangerous, unsafe or are in violation of laws, ordinances or legal regulations. The City reserves the right of inspection if there is reason to believe that unsafe or illegal apparatus is in use.
- 2) Except for cross-connection control, the City does not assume responsibility for inspecting apparatus on customer's property.

(C) 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.

(D) FRAUD AND ABUSE. The City shall have the right to refuse or to discontinue water service to any premises to protect itself against fraud and abuse.

(E) NONCOMPLIANCE. The City may, unless otherwise provided, discontinue water service to a customer for noncompliance with any of these regulations if the customer fails to comply with said regulations within seven days after the City delivers written notice of the City's intention to discontinue service. If such noncompliance affects matters of health or safety or other conditions that warrant such action, the City may discontinue service immediately. The expense of such discontinuance, as well as the expense of restoring service, shall be a debt due to the City, and may be recovered by any lawful means.

(F) CUSTOMER'S REQUEST FOR SERVICE DISCONTINUANCE.

- 1) A customer may have the water service discontinued by notifying the City at least 5 days in advance of the desired date of discontinuance. The customer will be required to pay all water charges until the date of such discontinuance.
- 2) If notice is not given, the customer will be required to pay for water service until the date the City has learned that the customer has vacated the premises or otherwise has discontinued service.

(G) RECONNECTION CHARGE. In all instances where water has been turned off because of a delinquent account, a reconnection fee shall be charged in accordance with the rate and fee schedule for the restoration of service. In cases of extreme hardship, the City Manager shall have the discretion of waiving the reconnection fee or renewing service to a delinquent account upon receipt of a plan for the payment of back-due amounts in installments, or both.

(H) PENALTY FOR TURNING ON WATER WITHOUT AUTHORITY. Should the water be turned on by any water customer or other person without authority from the City, the water may be turned off by the City. The City shall have the option of locking the meter, shutting the water off at the main, or removing the meter, and shall assess a charge against the owner of the property where the water is supplied in accordance with the rate and fee schedule of the City. If the City locks the meter and the lock is subsequently removed by any person, without authorization from the City, the customer shall be assessed an additional fee as a penalty for replacement of the lock in accordance with the rate and fee schedule. All such charges shall be chargeable to the customer, and water shall not again be furnished to such premises until said charges and the cost of the water used are paid.

Section 11. SERVICE CONNECTIONS AND METERS. The City may furnish and install a service of such size and at such location as the applicant requests. The service will be installed from its water distribution main to the curb line or property line of the premises which may abut on the street, on other thoroughfares or on the City right-of-way or easement. Charges for new services shall be paid for in advance and shall be in accordance with the rate and fee schedule in effect at the time the new service is installed. The City Council may, by resolution, change the fee schedule to reflect changing conditions.

(A) METERS.

- 1) No rent or other charge will be paid by the City for a meter or other facility, including housing and connections, located on a customer's premises.
- 2) Meters up to 2 inches in size shall be owned by the City and will be maintained at its expense. Two inch meters and larger shall be owned by the property owner, and all repairs and maintenance shall be paid by the customer. If a customer or property owner fails to repair or replace a meter owned by the property owner after having been given notice to make repairs by the City, the City may make the necessary repairs or replace the meter (after 45 days) and all cost of the repair or replacement shall be billed to and paid by the property owner.
- 3) Two-inch meters or larger furnished by the owner must be acceptable to the City and delivered to the City for testing prior to installation.
- 4) All meters shall be sealed by the City at the time of installation, and no seal shall be altered or broken except by an authorized employee or agent of the City.

(B) CHANGE IN LOCATION OF METER OR SERVICE. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

(C) CHANGE IN SIZE OF METER OR SERVICE. If for any reason a change in size of a meter or service or both is required, the charges shall be paid for in advance and shall be in accordance with the rate and fee schedule in effect at the time the change is made.

(D) OWNERSHIP. The service connection, whether located on public or private property, is the property of the City, and the City reserves the right to repair, replace and maintain it, as well as to remove it upon discontinuance of service.

(E) CHARGES FOR SERVICE PIPES CONNECTED WITHOUT A PERMIT. If premises are connected without the application prescribed in the preceding section, such premises shall be immediately disconnected. Before a new connection is made, the applicant shall pay double the new connection fee. A new connection shall only be made upon compliance with provisions of this ordinance.

(F) CHANGES IN CUSTOMER'S EQUIPMENT. Customers making any material change in the size, character or extent of the equipment or operation utilizing water service shall immediately give the City written notice of the nature of the change.

(G) ABANDONED AND NON-REVENUE PRODUCING SERVICES. Where a service connection to any premises has been abandoned or not used for a period of 3 months or more, the City may remove said service connection. New service shall be placed only upon an application being made for service and payment for a new connection at the rate in effect at the time the new connection is made. If the service connection has not been removed, it may be reconnected upon application and payment of the fee set forth in the rate and fee schedule.

(H) LEAKING SERVICES. Where there is a leak between the main and the meter, the City shall make all repairs free of charge. When a service pipe at the proper grade is damaged or destroyed by contractors or others, the person responsible for such damage or destruction shall pay the City for the cost of repairing or replacing such pipes on the basis of the rate and fee schedule.

Section 12. MULTIPLE UNITS.

(A) NUMBER OF SERVICES TO SEPARATE PREMISES. Separate premises under single control or management will each be supplied through individual service connections, unless the City elects otherwise.

(B) SERVICE TO MULTIPLE UNITS. Separate houses, buildings, living or business quarters on the same premises, under a single control or management, may be served at the option of the customer by either of the following methods:

- 1) Through a separate service connection to each or any unit, provided the pipeline system from each service is independent of the others and is not interconnected.
- 2) Through a single service connection to the entire premises on which only one minimum charge will be applied. The responsibility for payment of charges for all water furnished to combined units supplied through a single service connection of approved capacity must be assumed by the customer.

Section 13. METER ERROR.

(A) METER TEST

- 1) Prior to installation, each meter will be tested and no meter found to register more than 2 percent fast or slow, under conditions of normal operation, will be placed in service.
- 2) On customer request:
 - a) a customer may, giving not less than one week's notice, request the City to test the meter serving the premises.
 - b) the City may require the customer to deposit an amount as set forth in the rate and fee schedule to cover the reasonable cost of the test.
 - c) if the City owns the meter, the test deposit will be returned if the meter is found to register more than 2 per cent fast. The customer will be notified not less than five days in advance of the time and place of the test.
 - d) a customer or his representative shall have the right to be present when the test is made.
 - e) a written report giving the results of the test shall be available to the customer within 10 days after completion of the test.

(B) ADJUSTMENT OF BILLS FOR METER ERROR.

- i) Fast Meters. When, upon test, a meter is found to be registering more than 2 per cent fast under conditions of normal operation, the City will refund to the customer the full amount of the overcharge based on corrected meter readings for a period of not exceeding three months that the meter was in use.

- ii) Slow Meters
 - a) When, upon test, a meter used for domestic or residential service is found to be registering more than 25 per cent slow, the City may bill the customer for the amount of the undercharge based upon corrected meter readings for a period not exceeding three months that the meter was in use.
 - b) When, upon test, a meter used for other than domestic service is found to be registering more than 5 per cent slow, the City may bill the customer for the amount of the undercharge based upon correct meter readings for a period not exceeding six months that the meter was in use.
- iii) Non-Registering Meter. The City may bill the customer for water consumed while the meter was not registering. The bill will be at a minimum monthly meter rate or will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions.
- iv) Adjustment of Bills for Underground Leaks. Where a leak exists underground between the meter and the building and the same is repaired within 10 days after the customer, agent or the occupant of the premises discovers or has been notified of the possibility of such leakage, the City may allow an adjustment of up to 50 per cent of the estimated excess consumption.

Section 14. FIRE PROTECTION SERVICE. Fire protection connections will be allowed inside and outside buildings under the following conditions.

(A) SERVICE METER. The City shall require a service meter of approved pattern to be furnished and maintained by the owner of any service system. The connection with the city main and the setting of the meter and the construction of a meter chamber shall be made by the City upon the payment of the charges prescribed in the rate and fee schedule.

(B) PIPES FOR FIRE SPRINKLER SYSTEM. When the owner of a building desires, or when the building code calls for a certain size pipe to supply water to a wet or dry sprinkler system without hose connections, such pipe or pipes may be covered by an approved proportional meter or a detector check. The owner or agent of such building shall agree in writing that water supplied through this service will not be used for any purpose except extinguishing a fire. If at any time it is found that hose connections have been added to the system or that registration is recorded on the meter or detector check, the immediate installation of an approved meter, as mentioned in Section 11, or the removal of the service may be required by the City. Such water registered shall be charged for at double the regular meter rates.

(C) EXTINGUISHING CHARGE. No charge shall be made for water used in the extinguishing of fires if the owner or agent reports such use to the City in writing within 10 days of such usage.

(D) STANDBY CHARGES FOR AUTOMATIC FIRE SERVICE. The standby charges for automatic fire service are based on wet or dry sprinkling systems without hose or other connections and are set forth in the rate and fee schedule. Combined systems will pay the regular service meter minimums and the regular meter rates.

(E) WATER FOR FIRE STORAGE TANKS. Water may be obtained from a fire service for filling a tank connected with the fire service, but only if written permission is secured from the City in advance and an approved means of measurement is available. The rates for general use will apply.

(F) OWNERSHIP OF SERVICE CONNECTIONS AND EQUIPMENT. Ownership of service connection and all equipment appurtenant thereto, exclusive of the meter, shall be the sole property of the City, and no part of the cost thereof will be refunded to the applicant.

(G) PRESSURE AND SUPPLY. The City assumes no responsibility for loss or damage because of lack of water pressure and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

Section 15. TEMPORARY SERVICE.

(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) CHARGES FOR WATER SERVED. Charges for water furnished through a temporary service connection shall be at the established rates for other customers.

(C) INSTALLATION CHARGES AND DEPOSITS. The applicant for temporary service will be required:

- 1) To pay the City, in advance, the estimated cost of installing and removing all facilities necessary to furnish such service, or, at the City's option, if service is supplied through a fire hydrant, the applicant will be charged the applicable fee set forth in the rate and fee schedule.
- 2) To deposit an amount sufficient to cover estimated bills for water during the entire period such temporary service may be used or establish credit approved by the City.
- 3) To deposit with the City an amount equal to the value of any equipment loaned by the City to such applicant for use on temporary service. This deposit is refundable under terms of Section 15(D) below.

(D) RESPONSIBILITY FOR METERS & INSTALLATION. The customer shall use all possible care to prevent damage to the meter or any loaned facilities of the City which are involved in furnishing the temporary service from the time of installation until removal. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer.

Section 16. POOLS AND TANKS. 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 it can be delivered safely through the City's facilities and if other consumers are not inconvenienced.

Section 17. FIRE HYDRANTS

(A) USE OF AND DAMAGE TO FIRE HYDRANTS. No person or persons, other than those designated and authorized by the proper authority, or by the City, shall open any fire hydrant; attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted.

(B) MOVING OF FIRE HYDRANTS. When a fire hydrant has been installed in the location specified by the proper authority, the City has fulfilled its obligation. If a property owner or other party desires a change in the size, type or location of the hydrant, he shall bear all costs of such changes. Any change in the location of a fire hydrant must be approved by the City.

Section 18. RESPONSIBILITY FOR EQUIPMENT. The customer shall, at their own risk and expense, furnish, install and keep in good and safe condition all equipment which may be required for receiving, controlling, applying and utilizing water. The City shall not be responsible for any loss or damage caused by the improper installation of such water equipment, or the negligence, want of proper care or wrongful act of the customer, property owner, agents or any tenants in installing maintaining, using, operating or interfering with such equipment.

The City shall not be responsible for damage to property caused by spigots, faucets, valves or other equipment which are open when water is turned on at the meter, either when turned on originally or when turned on after a temporary shutdown.

Section 19. DAMAGE TO CITY'S PROPERTY. The customer shall be liable for any damage to a meter or other equipment or property owned by the City which is caused by an act of the customer, their tenants or agents. Such damage shall include the breaking or destruction of locks by the customer or others on or near a meter and any damage to a meter which may result from hot water or steam from a boiler or heater on the customer's premises. The City shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

Section 20. CONTROL VALVES. The customer shall install a suitable valve, as close to the meter location as practicable, the operation of which will control the entire water supply from the service. The customer is not permitted to operate the curb stop on the meter box.

Section 21. CROSS CONNECTION

(A) HEALTH REGULATIONS. Unprotected cross connections between the public water supply and any unapproved source of water are prohibited.

(B) DEFINITION. A cross-connection is an interconnection between the City water supply and any unapproved water supply, or a connection between a water distribution pipe and any fixture installed in such a manner that unsafe water, waste or sewage may be drawn into the City water system. Cross connections may be divided into two classifications as follows:

- 1) Connections in which pure and impure water are separated by gate valves, check valves or both.
- 2) Connections which permit pollution to enter when the pressure in the City water system falls below atmospheric pressure, thus creating a vacuum. This process of water pollution is known as back-siphonage.

(C) USE OF PRIVATE WATER AND CITY WATER. Customers desiring to use both a City water supply and a supply of water other than that furnished by the City may obtain water at meter rates upon the following conditions and not otherwise. Under no circumstances shall a physical connection exist, direct or in any manner, even temporarily, between the City water supply and that of a private water supply. Where there is such a connection, or where provision is made to connect the two systems by means of a spacer or otherwise, the City water supply shall be shut off from the premises without notice. In case of such discontinuance, service shall not be re-established until satisfactory proof is furnished that the cross-connection has been completely and permanently severed.

Section 22. WATER WASTE. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the City may discontinue the service if such conditions are not corrected within five days after giving the customer written notice.

Section 23. INSPECTIONS. Any inspection or recommendations made by the City or its agents, on plumbing or appliances, or use of water on the customer's premises, either as the result of a complaint or otherwise, will be made or offered without charge.

Section 24. INTERRUPTIONS IN SERVICE. The City shall not be liable for damage resulting from an interruption in service. Temporary shutdowns may be resorted to by the City for improvements and repairs. Whenever possible, as time permits, all customers affected will be notified prior to such shutdowns. The City will not be liable for interruption, shortage or insufficiency of supply, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war or any other cause not within its control.

Section 25. RESALE OF WATER. Except by special agreement with the City, no customer shall resell any of the water received from the City, nor shall water be delivered to premises other than those specified in the application for service.

Section 26. PENALTY. Any person violating any of provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding \$500.00, or by imprisonment in jail for a period not exceeding 100 days, or by both such fine and imprisonment.

Section 27. SEVERABILITY. If any section, subsection, sentence, clause or provision of this ordinance is for any reason held invalid or declared unconstitutional or in conflict with any law of the State of Oregon, by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 28. REPEAL. Ordinances No. 500, 515, 528 and 598 are repealed.

Section 29. SAVING CLAUSE. The repeal of ordinances by Section 28 of this ordinance shall not preclude collection of costs or fees charged under those ordinances, nor shall it preclude any action against a person who violated those ordinances prior to the effective date of this ordinance.

PASSED by the Council this 8th day of August, 1994.

APPROVED by the Mayor this 8th day of August, 1994.

Van O. Hunsaker
Van O. Hunsaker, Mayor

ATTEST: Ferri J. Phillips
Ferri J. Phillips, City Recorder