

CITY OF RICHLAND
RICHLAND, OREGON 97870

ORDINANCE NO. 568

AN ORDINANCE ESTABLISHING THE REGULATIONS AND RATES FOR THE CITY WATER SYSTEM; PROVIDING PENALTIES; REPEALING ORDINANCES NO. 552 and 562; AND DECLARING AN EMERGENCY.

The City of Richland ordains as follows:

Section 1. Ordinances numbers 552 and 562 regulating the City of Richland's water system are hereby repealed.

Section 2. Definitions.

- (1) City . The City of Richland, Oregon.
- (2) Customers. The owner or users of property which is served by the city water system. A person, corporation, association or agency which rents or leases premises shall be considered an agent of the property owner.
- (3) Mains. Distribution pipe lines that are part of the city water system.
- (4) Premises. The integral property or area, including improvements thereon, to which water service is or will be provided.
- (5) Service connection. The pipe, valves and other equipment by means of which the city conducts water from its main to the premises served.
- (6) Temporary service. Provisions of water for uses which will not be used permanently.

SERVICES PROVIDED

Section 3. Regular Service Within City Limits.

(1) The city shall furnish and install a service connection of such size and location as customer requests; provided the request is within the guidelines as established by this ordinance.

(2) The customer shall, at his own risk and expense, furnish, install and maintain in good and safe condition, equipment that may be required for receiving, controlling, applying and utilizing water. The city shall not be responsible for loss or damage caused by the improper installation of the equipment, or the negligence, want of proper care or wrongful act of the customer in installing, maintaining, using, operating or interfering with the equipment.

(3) The city shall not be responsible for damage to property caused by a spigot, faucet, valve or other equipment that is open when the water is turned on at the meter, or at the main if no meter is present.

(4) The customer shall comply with all laws, rules and regulations by local, state or federal authorities.

(5) A customer making any material change in the size, character or extent of the equipment or operation utilizing water service, or whose change in operations results in large increases in the use of water, shall immediately give the city written notice of the nature of the change and amend his application.

(6) The service connection, whether located on public or private property, is the property of the city; and the city reserves the right to repair, maintain and replace it.

Section 4. Separate Source of Water Supply.

(1) No connection shall be made, nor shall water service be maintained to any property in which the plumbing is connected to another source of water supply, whether a valve or valves intervene or not.

(2) No person shall connect a separate source of water supply to a plumbing system which is connected to the city's water system. Nor shall any person by application therefor cause the city water system to be connected to a plumbing system supplied by another water source, whether such a separate water source can be separated by a valve or not. Whenever cross-connection to other water supply into the city system is found or whenever any other condition is found which presents the possibility of contamination or pollution, the water supply to such premises and/or other premises from which cross-connection is made shall be discontinued immediately until the cross-connection is eliminated or the condition remedied.

(3) For the purpose of this section, such separate water source shall be considered connected to the city water system unless there be a complete break in the piping between such separate water source and the city water system. The City of Richland shall require a backflow prevention device of pattern, design and size which it approves as reasonably adequate to prevent contamination, if the city determines that a complete physical separation from the city water system is not practicable or necessary, or that adequate inspection for cross-connection cannot readily be made, or that such backflow prevention device is necessary because of existing or possible backflow resulting from special conditions, use or equipment. The city shall regulate the location, installation and testing of such device. These inspections and tests shall, at the expense of the customer, be performed only by a person currently certified by the State of Oregon as a backflow prevention device tester. Charges for such inspections and tests, when required by the City, shall be added to the charges for water against the premises necessitating the inspection or tests.

(4) Any corrective measure, disconnection or change on private property shall be at the sole expense of the person in control of such property.

(5) No connection shall be made, nor shall water service be maintained to any property in which the plumbing has not been approved by the authorized representative of the City.

Section 5. OUTSIDE CITY SERVICE.

Service to customers outside the city limits may be provided at the option of the city council. The city has no obligation to provide this service, but such service if provided, shall be provided subject to the following conditions:

(1) Pressure and other conditions are to be at the risk of the customer without guarantee, and the City shall have no liability for failure to provide service, or for any failure of the system.

(2) A customer shall be bound by and shall comply with the provisions of this ordinance.

(3) Upon receiving such a request, the city council shall determine the size of the water main appropriate to be installed or extended, taking into consideration both the immediate and remote probable use and requirements of such water main, including its use by property beyond and in addition to property owned or possessed by the persons requesting such estimate. The determination by the City Council of the appropriate size of water main to be installed or extended shall be made by the City Council after it has received an estimate of the whole cost of such installation or extension, including, but not limited to, the cost of the labor, materials, equipment rental, rights of way, legal, supervisory and administrative costs. All such costs incurred for the installation or extension and for the ongoing maintenance shall be the responsibility of the customer or customers requesting the service. All extensions or new installations of water mains and lines to serve outside city customers are part of the city water system and are under the jurisdiction of the City.

(4) Nothing in this ordinance shall be construed as requiring the City to proceed with such installation or extension of water main, either at all or at any time.

Section 6. Interruptions in service.

Temporary shutdowns may be resorted to by the City for improvements and repairs. Whenever possible, and as time permits, customers affected shall be notified prior to the shutdown. The City shall not be liable for damage resulting from an interruption in service.

Section 7. Size of Taps and Meters.

The size of all taps and meters shall be determined by the City Council based on the use and amount of water needed, and shall be as set forth in a duly adopted resolution by the City Council.

Section 8. Application for Service.

No water service will be provided without a signed application containing the following information:

(1) The date of application.

- (2) The location of the premises to be served.
 - (3) The date on which the applicant will be ready for service.
 - (4) Whether the premises has ever before been supplied by the City.
 - (5) Purpose for which the service is to be used.
 - (6) The size of the service.
 - (7) The address to which the bills are to be mailed or delivered.
 - (8) Whether the applicant is an owner or tenant of the premises.
- If tenant, the owner's signature and address must be supplied.

Section 9. Ownership and Repair of Meters.

- (1) All water taps, including meters on the city water system are property of the city. Meters shall be furnished and owned by the city and shall be maintained at its expense.
- (2) No rent or charges shall be paid by the city for a meter or other equipment located on the customer's property.
- (3) Meters shall be sealed by the city at the time of installation, and no seal shall be altered or broken except by one of the city's authorized agents.
- (4) The customer shall be liable for damage to a meter or other equipment or property owned by the city which is caused by an act of the customer, his tenants or agents. The damage shall include the breaking or destruction of seals by the customer on a meter and damage to a meter that might 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 such damage promptly on presentation of a bill.

Section 10. Installation of Taps and Meters Within City Limits.

- (1) The charges for taps and meters shall be as set forth in a resolution duly adopted by the City Council.
- (2) A water tap shall consist of the tapping process at the water main and the installation of service pipe and other necessary apparatus to the property line nearest the water main, but in no instance to exceed a distance of fifty (50) feet. The cost of any service greater than fifty (50) feet shall be borne by the customer requesting the service. The installation and maintenance of water service lines to the property line of the customer being served shall be the responsibility of the city.

Section 11. Meter Error.

A customer may request the city to test the meter serving his premises. At the time of request, the customer shall deposit an amount to cover the reasonable cost of the test. This deposit will be returned if the meter is found to register more than 3 % (percent) fast. The amount of the deposit shall be as set forth in a resolution duly adopted by the city council.

Section 12. City Mains.

(1) Only the city, or persons with written authorization and permission by the city, shall be allowed to make connections with city mains or to make alterations in conduit, pipe, or other fixtures connected therewith, or to connect pipes when they have been disconnected.

(2) Only the city or licensed plumbers may turn on or off at the meter shutoff on any premises to test their work. Licensed plumbers so turning on or off the water shall see that the meter shut-off is in the same condition as when first found.

Section 13. Access to Property.

(1) Except as provided in subsection (2) of this section below, city employees shall have access at all reasonable times and hours to all parts of a building or premises in which water is being delivered from the water main, for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used.

(2) City employees shall only have access to the interior of occupied dwellings or other living quarters if permission is granted the city employees by the person in charge of the property or if an emergency situation exists necessitating the immediate entry of the city employee.

Section 14. Access to City Water Fixtures.

No person or persons shall place upon or cover any hydrant, watergate, stop-cock or meter box with any building material or other substance so as to prevent free access to the same at all times.

Section 15. Turn on fees.

A turn on fee shall be collected for each new account when water has been turned off to the property, and upon customer request in order to do maintenance on their property. Turn on fees shall be as set forth in a resolution duly adopted by the city council.

Section 16. Water Service Rates.

(1) Water service rates shall be as set forth in a resolution duly adopted by the city council.

(2) Rates for water service during freezing weather. During "let your water run to avoid freezing" period, the water bills for 3/4" and larger business meters will be billed 100% of the base rate. The period for which this applies shall be determined by the city council. Base rates only will be charged during the months meters are not read.

or dwelling unit where water is desired shall be required to have a separate tap; provided however, that in the case of commercial installations such as mobile home parks, motels or apartments having separate living units may continue to be supplied by one service pipe so long as the owner or operator of such installation shall pay for service in the same manner as herein above set forth.

Section 22. Seasonal Water Usage.

Customers that use their residences on a seasonal basis, that is their residences are only used part of the year and they feel that they should not pay for water and sewer while the residence is vacant, have the following alternatives:

(1) They can leave their premises hooked into the system but have their water service discontinued while they are absent, in which case, when they return they will have to pay the restoration fee in order to reestablish water service; or

(2) Simply leave their water turned on and pay 50% of the monthly base charge even while they are not there; or

(3) They can pay the turn off fee, pay 50% of the monthly base rate while they are gone, pay the turn on fee when they return. This option insures that the water service is turned off to avoid freezing in case a shut off valve is not located on the property.

Section 23. Unsafe Apparatus.

The city may refuse to furnish water and may discontinue service to a premises where an apparatus, appliance or other equipment using water is dangerous, unsafe, or is being used in violation of laws, ordinances or legal regulation. The city does not assume liability for inspecting apparatus on the customer's property. The city reserves the right of inspection, however, if there is reason to believe that unsafe or illegal apparatus is being used.

Section 24. Noncompliance.

The city may discontinue water service to a customer for noncompliance with a city regulation if the customer fails to comply with the regulation within five (5) days after receiving 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 water service immediately.

Section 25. Water Waste.

Where wasteful or negligent water use seriously affects the general service, the city may discontinue the service, if such conditions are not corrected within five (5) days after the customer is given written notice.

(3) All properties receiving city water and/or sewer service which is dissected by the city limits shall pay inside the city utility rates if any portion of the residence is inside the city limits; and utility rates shall be those charged outside the city limits properties if the residence or use of water lies outside the city limits.

(4) Water service rates for improperly operating meters shall be billed according to the average quantity of water used daily as shown by the meter when in order, or if there be no such average consumption, then the minimum rate of the city shall apply.

Section 17. Billing.

(1) Billing shall be done on a monthly basis and shall be done on or about the first day of the monthly period.

(2) Closing bills shall be due at the time of discontinuance of service.

(3) Water charges are due on or before the 10th day of the monthly period.

(4) Each meter on a customer's premises shall be billed separately, and the readings of two or more meters shall not be combined unless the city's operating convenience requires.

Section 18. Delinquent Accounts.

(1) Water charges are due and payable on or before the 10th day of the month following service. Payment not received within 30 days of the due date shall be considered delinquent and a notice including an additional charge will be mailed. The additional charge to be included with the delinquency notice shall be as set forth in a resolution duly adopted by the city council. Payment not received within sixty (60) days from the due date shall result in a discontinuance of service.

(2) On the turn off date, the meter reader or other agent of the city shall advise an occupant on the premises that water is to be disconnected unless the delinquent amounts are paid immediately. If full payment is not made, the agent shall immediately thereafter turn off the service. If no one responds to the agent's knock, he shall leave a notice on the door that the water service has been turned off until the delinquent accounts and penalties are paid.

(3) The customer owing the water bill shall pay the restoration fee plus the accrued water bill, before the city will restore water service. The restoration fee shall be as set forth in a resolution duly adopted by the city council.

(4) The city council, in cases of extreme hardship, shall have the discretion of continuing or renewing service to a delinquent account upon the acceptance of a valid plan for the payment of past due amounts in installments. However, this shall not be construed as to obligate the city council to do so.

Section 19. Turn Off of City Water.

A. Customer Request for Discontinuance. Each customer desiring to discontinue water service shall give the city written notice at least five (5) days in advance of the desired date of discontinuance. He/she shall be required to pay the service turn off fee and water charges until the date of such discontinuance, whether such customer has been

using the water or not. If notice is not given, the customer shall be required to pay the water service turn off fee and for the water service until the date the city has learned that the customer has vacated the premises or otherwise had discontinued service. If the customer requests that the water service be turned off in order to do maintenance work on his property, the service turn off fee shall be charged.

B. Discontinuance by City.

(1) The city may turn off water used by any person in arrears on water rent, whether water was furnished at the present residence or place of business of the patron or elsewhere. The City may also turn off the water for the violation of any other provision of this ordinance. If any person, other than the employee of the city, turns the water back on, the service will be shut off, secured and a penalty charged to the customer. Penalty to be charged shall be as set forth in a resolution duly adopted by the city council.

(2) Whenever water has been turned off because of a delinquency in payment of the water bill or violation of any other provision of this ordinance, that person desiring such water service to be re-established shall pay the restoration fee as well as all penalties and all arrears such person may owe for water rent, whether furnished at the place for which it is applied for, or elsewhere.

C. Turn off fees and restoration charges shall be as set forth in a resolution duly adopted by the city council.

Section 20. Deposit Required.

(1) All persons requesting city water shall pay a deposit in the amount of \$55.00. The deposit shall be collected in advance from all customers desiring water service. If a customer is presently being served with city water and desires water service to another piece of property in addition to his/her present water service, a deposit shall be required for the new service.

(2) At the end of one year the deposit may either be returned to the customer or applied as credit to his/her account. If water service is discontinued to the customer prior to one year for non-payment of water bills, the deposit will be applied to the accrued bill. If water service is discontinued upon customer request prior to one year, the deposit will be applied to the closing bill and any excess will be refunded to the customer.

(3) The deposit shall be paid in addition to charges for a new hook-up to the city water system.

(4) The amount of the deposit required may be changed as necessary by a resolution duly adopted by the City Council.

Section 21. Multiple Services.

Where water is now supplied through one service pipe to more than one house, building or one-family dwelling unit, the city may either decline to furnish water until a separate service is provided, or may continue the supply on the condition that the owner or operator thereof shall pay for all water used on the same service. They will be billed at the highest level for base rate and usage. Hereafter, each building

Section 26. Nonrevenue Producing Services.

Where a water service connection to a premises has not been used for a period of one year or longer, water service will not be provided until the customer files an application and pays the required fees. Fees will include the turn on charge, deposit and the restoration fee.

Section 27. Control Valves.

The customer shall install a suitable valve, as close to the property line or meter location as practical. The operation by the customer of the curb stop in the meter box or on the city main is not permitted.

Section 28. Resale of Water.

Except by special arrangement with the city, no customer shall resell water received by him/her from the city, nor shall water be delivered to premises other than those specified on the application for service.

Section 29. Notices.

Notices required to be given by the city to a customer will normally be given in writing and may either be delivered or mailed to him/her personally, or delivered or mailed to him/her at the address to which service is rendered.

Section 30. Modification of Rate Schedule.

The city council shall hereafter have the right to amend, repeal or modify any of the rates and fees as set forth in this ordinance by means of appropriate resolution or by appropriate documentation in the minutes of a council meeting; and said resolution and/or minutes shall operate as an amendment to this ordinance without its being necessary to pass a new ordinance to amend or modify any of the rate schedules. Existing rates shall continue in effect until new rates and fees apply as set forth above.

Section 31. Easement.

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

Section 32. Penalty.

A person violating a provision of this ordinance shall, upon conviction, be punished by a fine as set forth in a resolution duly adopted by the city council.

Section 33. Constitutionality Savings Clause.

If any portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgement shall not affect, impair or invalidate the remainder of this ordinance.

Section 34. Declaration of Emergency.

Whereas, the City of Richland, Oregon, deems it necessary that consumers become aware of the rules, rates and regulations under which the water system will operate and that the same should be put in effect without further delay, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the council and approval by the Mayor.

Passed by the City Council of the City of Richland, Oregon, this

18th day of January, 1993.

Voting AYE 5

Voting NAY 0

Georgia Cochlin
Mayor

ATTEST: Suzaldina Stevens
City Recorder

Richland

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