

41-00708

3-1.2(g)

3-1.1

CITY OF ROCKAWAY BEACH

ORDINANCE NO. 92-292

AN ORDINANCE REGULATING THE SALE, PURCHASE AND USE OF WATER SOLD BY THE CITY OF ROCKAWAY BEACH, OREGON, FOR DOMESTIC AND OTHER PURPOSES WITHIN AND WITHOUT THE BOUNDARIES OF THE CITY OF ROCKAWAY BEACH, OREGON; DEFINING TERMS; MAKING CERTAIN REGULATION; REGULATING CROSS CONNECTIONS; REQUIRING PERMITS AND FEES; PROVIDING FOR COLLECTION OF SEWER CHARGES WITH WATER CHARGES AND PROVIDING FOR LIEN FORECLOSURE; PROVIDING PENALTIES FOR VIOLATIONS AND PROVIDING FOR REPEAL OF ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE.

The City of Rockaway Beach ordains as follows:

Section 1. Short Title. This ordinance shall be known as "The City of Rockaway Beach, Oregon, Water Ordinance," and may be so cited.

Section 2. Definitions.

(a) Auxiliary supply. "Auxiliary" supply means any water source or system other than the public water system, that may be available in the building or on the premises.

(b) Approved backflow prevention device. "Approved backflow prevention device" means a device to counteract back pressures or prevent back siphonage. This device must appear on the list of approved devices issued by the Oregon State Health Division.

(c) Backflow. "Backflow" means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of Rockaway Beach.

(d) City. "City," whenever used herein, means the City of Rockaway Beach, Oregon, a municipal corporation.

(e) Consumer. The applicant for water service.

(f) Council. "Council" means City Council of the City of Rockaway Beach, Oregon.

(g) Cross Connection. "Cross connection" means any physical arrangement where a public water system is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixtures, swamp cooler, or any other device which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a

3-1.2(h)

result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change over devices, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross connections.

(h) Dwelling unit. One or more rooms in a building that are designed for occupancy by one family and that have cooking and sanitation facilities, but not including space in a structure or vehicle designed for camping or other temporary occupancy such as a hotel, motel or recreational vehicle.

(i) Person. The term "person" shall mean and include any natural person, firm, co-partnership, association or corporation, whether he or it is acting for himself or itself or as the clerk, servant, employee or agent of another; and the singular number shall include the plural and plural the singular.

(j) Premises. "Premises" means any piece of land to which water is provided including all structures, improvements and mobile home(s) located on it.

(k) Reduced Pressure Principal Device. "Reduced pressure principal device" shall mean an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The device shall include properly located test cocks and tightly closing shut off valves at the end of the assembly. A check valve is approved if it appears on the list of approved devices issued by the Oregon State Health Division.

(l) Superintendent. The term "Superintendent" refers to the Public Works Superintendent of Rockaway Beach, Oregon.

(m) Water Service. The words "water service" as used herein shall mean water used, and/or water facilities used or available for use, even though not used.

Section 3. Application for Connection or Discontinuance of Water Service. It shall be unlawful for any person, firm or corporation to use water from the City's water system within or without the City of Rockaway Beach, Oregon, unless permission therefor shall have been first obtained in writing from the City of Rockaway Beach, Oregon, Public Works Superintendent who is hereby empowered and authorized to grant such permission in accordance with the terms of this ordinance.

Application for water hookup and all fees associated therewith for all new construction shall be applied for by the consumer within three months after issuance of a building permit.

Applications for permits to connect premises with the City water system or requests to turn water on at any premises shall in all cases be made in writing at the City Hall on forms provided by the City. The application shall specify the location and the use for which service is required. The applicant shall provide all necessary information to the City for billing and notifying purposes. The applicant shall be deemed to be the consumer of the water service and shall be responsible for all charges for said water service. Such applicant, as a condition precedent to water service, must agree to conform to all City ordinances, resolutions and regulations concerning the use of water.

Section 4. Water Use by Applicant. No person supplied with water from the City system shall use the water for any purpose other than that stated in the application or supply the water to other persons without an application and permit to do so.

Section 5. Separate Service to Each House or Premises. Upon the advance payment of the regular charges as set from time to time by the City Council, the City Public Works Department shall install a separate service from the water main to the property or curb line of each house or other premises to be supplied with water.

Where water is now supplied through one service to several houses, families, persons or businesses, the City Public Works Department may, at its discretion, either decline to furnish water until separate services are provided or may continue the supply on the condition that water may be shut off from all in the case of nonpayment or violation of the rules and regulations by any one, or, at its option, may continue the supply on the condition that one person shall pay at least the minimum charge for each of the houses, families, stores, persons or businesses supplied through one service.

Section 6. Installation of Services From Main to Meter or Shut-Off. No service connection less than 3/4-inch pipe size shall be installed. The Public Works Superintendent shall have the authority to require larger pipe to be installed. The charges for the installation of water services shall be as determined by the Council from time to time and shall be paid prior to installation.

The installation of all service connections of more than 1 inch in diameter, from the main to the property or curb line, including the construction of a suitable chamber or box for housing a meter and/or shut-off shall be made by the City Public Works Department. The charge therefor shall be set by the City Council. Provided that where the basement extends to the curb line or under the sidewalk, the City Public Works Department shall furnish, at the sole expense of the consumer, a steel frame and cover for the meter chamber. The owner of the property shall install a suitable chamber so constructed that the meter can be read or removed from the sidewalk area.

An advance payment of the charge set by the City Council for the work installation shall be made before a permit is granted for each installation. Provided that whenever the charge set by the

Council is not sufficient to cover the total expense for labor, material, and overhead by the City the deficit shall be charged to the applicant for which such installation was made.

Section 7. Installation of Service Pipes. Pipes of all sizes or purposes laid from the meter or shut-off to the stop and waste cock in the building must be at least 3/4-inch pipe size. A cast iron or steel pipe, when properly dipped, may, with the approval of the City Public Works Department, be used for fire protection purposes or for service lines 2 inches and larger, except that all services 4 inches and larger shall be of approved cast iron pipe. Services from the property line to the wall of the building shall be laid with not less than 24 inches of cover below the surface of the graded ground and 36 inches under driveways, walks or other paved areas. No pipes shall be laid in sewer ditches.

Section 8. Ownership of Lines. the City shall own, operate and maintain all main lines and the service connection between the main and the curblin or the property line. The consumer shall install and bear the expense of waterlines from the curblin or property line to the premises being served subject always to building, plumbing and sanitation codes and required inspection of the City.

Section 9. Main Extensions.

(a) The City may extend its water distribution mains to new consumers upon receipt of the connection fee and payment in advance of the total estimated cost of materials and labor for the proposed extension.

(b) Before an extension will be authorized, the applicant shall submit to the City those plans and specifications required by the City for the approval of the Council or its authorized representative. Such plans and specifications shall be prepared by an engineer duly authorized and licensed to practice in this state, and shall specify size, type and location of pipes and appurtenances, plus other details as required. All construction work shall be performed by the City or by a contractor hired by the consumer. Any plans for the extension of water mains shall conform to an overall plan for water service to all residents of the City. All main extensions shall become the sole property of the City upon completion.

(c) Extensions of water mains shall be made only along City streets, county roads, or other satisfactory rights-of-way. Extensions shall only be approved where the City has an adequate water supply for the new customers, and where the City can provide and maintain adequate pressure to such customers without detriment to existing water customers.

(d) No extension of a water main shall be authorized until the applicant files with the City any necessary permits, licenses, or approvals required by any other governmental agency.

(e) Any plans, blueprints, specifications, etc., filed with the City shall become City property and remain on file at City Hall as public documents.

Section 10. Water Charged to Premises. All monthly water charges shall be billed in the name of the applicant who is presumed to be the consumer residing on the property or otherwise in use and possession of the property being serviced. In extending water service to any premises, the consumer must make proper application for such service with the City.

Section 11. Fees, Charges and Monthly Water Rates. All fees, charges and monthly rates shall be set by the Council by way of a separate resolution after a public hearing. The proposed rate schedule shall be available at City Hall at least fourteen (14) days prior to the public hearing and notice shall be advertised in the Headlight Herald not less than 4 days nor more than 10 days before the public hearing.

Section 12. Billing.

(a) All new water service shall be required to pay a deposit as described by resolution of the Council. If at any time water service is terminated or otherwise discontinued, then said deposit shall be used to pay any charges owing to the City and the remainder, if any, shall be paid to the consumer. If the consumer desires reconnection to the system after disconnection for nonpayment, the consumer shall be required to pay a new service deposit, bring all consumer's arrearages current and pay the reconnection fee. A new service deposit shall be required any time a change in the name of the consumer account is requested.

(b) Charges for monthly water service shall commence at the time of the consumer's application.

(c) Metered rates are payable on or before the 10th day of the month following billing. Meters will be read on or about the 5th day of the month and consumers of City water shall be billed on or about the 20th day of each month every other month for water used during the preceding two months.

(d) All charges shall be deemed delinquent if not paid by the 10th day of the month following billing.

(e) If such charges are not paid by the 30th day of the month following billing, the City, at its option and after five (5) days written notice to the consumer pursuant to Section 14, may discontinue water service to the premises served. Such charges and costs shall immediately become and be charged as a lien against the real property provided the consumer is the owner of the premises served by the water.

(f) If such charges are not paid by the 30th day of the month following the billing, an additional charge of 5 percent of the unpaid balance per month shall be added to the bill.

Section 13. Adjustments and Refunds. The City of Rockaway Beach is authorized to refund to water users meter deposits, overpayments, deposits on construction in excess of final bill and amounts due on account of adjustments upon certification by the Superintendent of the City Water Department of the amount due. Any refund due to a billing for water consumption shall be given as a credit on the next succeeding bill, or in the event of an adjustment to a final bill, then a cash refund to the consumer.

Section 14. Disconnection/Reconnection. In the event of delinquency or non-compliance resulting in water shut-off or at shut-off at the consumer's request, water shall not again be furnished thereto until all outstanding obligations for water system services and water supplied to such consumer shall have been paid in full, together with any of consumer's delinquent sewer charges charged to the consumer, together with any new service charges, the disconnection fee and the reconnection fee and any other deposits for water or sewer services required to be paid by the City of Rockaway Beach. Any new water service deposit shall be used to pay any delinquency and charge existing when water service is terminated.

Section 15. Collection of Fees/Charges. The City may use such means for collecting of water charges or fees as are provided by the laws of the State of Oregon or are authorized by the charter and ordinances of the City. When the consumer is the owner of the property being serviced, any delinquencies in payment thereof may be certified to the assessor for Tillamook County, Oregon, in accordance with the Oregon Revised Statutes become a lien on the property owned by consumer. If the consumer is not the property owner of the serviced property, then City may proceed by any action by law or statute to recover said fees and charges. Any overdue water charge or fee further may be collected, at the option of the City, by an action at law in the name of the City.

Section 16. Lien Docket. The City of Rockaway Beach shall maintain a lien docket relative to the operation of the water system. Said docket shall contain:

- (a) The date of the entry of the lien.
- (b) The number or letter of each lot assessed and the number or letter of the block of which it is a part.
- (c) The description of each unplatted tract or parcel of land.
- (d) The sum assessed upon each lot or parcel thereof or tract of land.

(e) The name of the owner or that owner is unknown. However, failure to enter name of owner or mistake in name of owner, or entry of a name other than that of true owner shall not render void any assessment or in any way affect the lien of the City of the property described in the document.

Section 17. New Construction Meters and Turnoff Valves. All new single family and multi-family dwelling units newly constructed within the City shall have each dwelling unit separately metered for water service and shall have separate turnoff valves installed outside the building. All other new construction shall be metered for water service and shall have turnoff valves installed as required by the City.

Section 18. Ownership, Damage and Registration of Meters. All meters of the City water system are the property of the City, and any usual repairs to said meters shall be made by the City. If a meter is damaged by hot water or by the carelessness or negligence of the consumer or occupant of the premises, the City Public Works Department will repair the meter, and the cost of such repair shall be charged against the consumer. When a meter fails to register accurately, the charge for water used shall be either based on the average quantity of water used in a comparable period 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. The consumer shall be responsible for maintaining and keeping all water meter boxes free and clear of all debris, growth or other obstacles and protected from damage.

Section 19. Testing Meters. When any water consumer shall make complaint that the bill for any particular period is excessive, the City Public Works Department will, upon request, have such meter reread and the service inspected for leaks. Should such consumer then desire that the meter be tested or changed, the consumer will be required to make a deposit to cover the cost of making such change or test. The meter will then be tested or changed. Should the meter on test show a registration in excess of 3 percent in favor of the City of Rockaway Beach, the amount deposited will be refunded and the bill adjusted accordingly. The excess registration not to exceed the three previous readings shall be credited to the account. Where no such error is found, the amount deposited will be retained to cover the expense of such change or test.

Section 20. Repair and Protection of Water Pipes. The City Public Works Department reserves the right at any time, without notice, to shut off the water supply for repairs, extensions, nonpayment of rates or any other reason. The City Public Works

3-1.21

Department shall not be responsible for any consequent damage, such as bursting of boilers or hot water heaters, the breakage of any pipes, fixtures or appliances, stoppage or interruption of water supply, or for any other inconvenience or other damage resulting from the shutting off of the water. The Department will, however, notify affected consumers in advance by notices in the Headlight Herald or on the local radio station, KTIL, whenever possible.

Section 21. Adjustment on Account of Underground Leaks.
Where a leak exists underground between the meter and the building and the same is repaired within 10 days after the consumer of the premises has been notified in writing of such leakage, the City Public Works Department may allow an adjustment of up to 50 percent of the estimated excess consumption provided that the consumer notified the City Public Works Department of the repair and the City Public Works Department has confirmed that the repair has been satisfactorily completed.

Section 22. Fire Protection Service. Fire protection pipes to be used in case of fire will be allowed within and without buildings on the following conditions:

(a) When the consumer desires, or when the building code calls for a certain size pipe to supply water to a wet or dry sprinkler system without those connections, such pipe or pipes may be served by an approved proportional meter or detector check. The consumer or consumer's agent of such building shall make written application and agree in writing that water supplied through this service will not be used for any purpose except for 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 a compound meter will be required by the City Public Works Department at the consumer's expense.

(b) A minimum service charge shall be billed each month to the owner or agent of the property supplied. No charge shall be made for water used in the extinguishing of fires if the consumer reports such use to the City Public Works Department in writing within ten (10) days of such usage.

Section 23. Jurisdiction, Maintenance and Repair of Service Connections. All mains, laterals, meters, service connections and other parts of the system are under the exclusive ownership and control of the City and its Public Works Department and no person other than the City Public Works Department will be permitted to install any service connection, or to remove, change or tamper with same, or to in any manner interfere with any main, service pipe, meter, or other part of the system, or to connect any private service with the meter, or to disconnect same, or to turn the water on or off at the meter shutoff or curb stop.

The City Public Works Department will maintain all service connections in good order and will make all repairs and replacements of the City-owned meters and other parts thereof required by normal wear and tear thereof, at the expense of the City of Rockaway Beach. Each user is required to take all due precautions to protect the connection through which he is served from damage by freezing, hot water, traffic or tampering; and any damage arising through lack of such precaution shall be charged to him.

Inasmuch as the available pressures in the water system are or may be higher than the pressure rating of devices or appliances connected thereto, it shall be the responsibility of the consumer to provide such pressure-reducing valves, relief valves or other protective devices as may be necessary or advisable to protect such devices or appliances.

No pump or similar mechanical device shall be connected to the water system by consumers for the purpose of withdrawing water from or returning water to the system. This provision shall not apply to regularly constituted fire departments in fighting fires.

Section 24. Stop and Waste Cocks; Private Service Pipes; Responsibility. A stop and waste cock of approved pattern by means of which the pipes in the building may be drained must in all cases be placed just inside the basement wall in a convenient location. If the building is not provided with a basement, such stop and waste cock must be placed near the outside wall thereof and protected by a suitable box. If the service does not supply a building, such stop and waste cock shall be installed in a suitable box within the owner's property and so located that all piping extending therefrom may be properly drained.

All pipes from the meter or shutoff to the premises must be installed in accordance with good engineering practices and maintained in good order by the user. The user will be held responsible for any losses or damages occurring from the meter or shutoff, to and including the premises, resulting from leaks, freezing or otherwise.

Section 25. Use of Private Water and City Water. Owners of buildings desiring to use both a City water supply and a supply of water other than that furnished by the City of Rockaway Beach water system, may obtain City water at applicable rates provided that no physical connection, direct or indirect, exist or be made in any manner, even temporarily, between the City water supply and that of a private water supply or between two services connected to the City water supply without the installation of a proper backflow prevention device and the consent and approval of the City Public Works Department. Where an unauthorized connection is found to exist, 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 immediately with or 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 severed and all required disconnection and reconnection fees have been paid.

Section 26. Cross Connections Regulated. No cross connections shall be created, installed, used or maintained within the territory served by the City of Rockaway Beach, except in accordance with these regulations.

Section 27. Backflow Prevention Device Requirement. Approved backflow prevention devices shall be installed at the expense of the consumer, either at the service connection or within the premises, as determined by the Public Works Superintendent in each of the following circumstances:

- (a) If the nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premises, could contaminate or pollute the drinking water supply.
- (b) On premises having any one or more cross connections as that term is defined in Section 2(g).
- (c) Internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
- (d) A repeated history of cross connections being established or re-established.
- (e) Unduly restricted entry so that inspections for cross connections cannot be made with sufficient frequency or with sufficient notice to assure that cross connections do not exist.
- (f) Materials of a toxic or hazardous nature being used such that, if back siphonage should occur, a health hazard could result.
- (g) Any mobile apparatus which uses the City water system or water from any premises within the City water system.
- (h) On any premise where installation of an approved backflow prevention device is deemed to be necessary to accomplish the purpose of these regulations in the judgment of the Public Works Superintendent.
- (i) On any premise where an appropriate cross connection report form has not been filed with the City.

Section 28. Installation Requirements. To ensure proper operation and accessibility of all backflow prevention devices, the following requirements shall apply to the installation of these devices:

- (a) No part of the backflow prevention device shall be submerged in water or installed in a location subject to flooding. If installed in a vault or basement, adequate drainage shall be provided.
- (b) Devices must be installed at the point of delivery of the water supply, before any branch in the line, on private property located just inside of the property line. Alternate locations must be approved in writing by the Public Works Superintendent prior to installations.
- (c) The device must be protected from freezing and other severe weather conditions.
- (d) All backflow device prevention assemblies shall be of a type and model approved by the State of Oregon Health Division and AWWA Standard 506.
- (e) Only devices specifically approved by the Oregon Health Division for vertical installation may be installed vertically.
- (f) The device shall be readily accessible with adequate room for maintenance and testing. Devices 2 inches and smaller shall have at least 6 inch clearance on all sides of the device. All devices larger than 2 inches shall have a minimum clearance of 12 inches on the back side, 24 inches on the test cock side, 12 inches below the device and 36 inches above the device.
- (g) The property owner assumes all responsibility for all maintenance and annual testing of the device.
- (h) If written permission is granted to install the backflow device inside of the building, the device shall be readily accessible to the Public Works Department during regular working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.
- (i) If a device, with written permission, is installed inside of the premises and is 4 inches or larger and is installed 4 feet above the floor, it must be equipped with a rigidly and permanently installed scaffolding acceptable to the Public Works Superintendent. This installation must also meet the requirements set out by the U. S. Occupational Safety and Health Administration and the State of Oregon Occupational Safety and Health Codes.
- (j) RP devices may be installed in a vault only if relief discharge can be drained to daylight through a "boresight" type drain. The drain shall be of adequate capacity to carry the full rated flow of the device and shall be screened on both ends.

3-1.28(k)

(k) An approved air gap shall be located at the relief valve orifice. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than 1 inch.

(l) Upon completion of the installation, the Public Works Superintendent shall be notified and all devices must be inspected and tested. All backflow devices must be registered with the City. Registration shall consist of written information being filed with the City stating the date of installation, make, model, serial number of the backflow device and initial test reports.

Section 29. Annual Testing and Repairs. All backflow devices installed within the territory served by the City shall be tested immediately upon installation and annually thereafter by a state certified tester. All such devices found not functioning properly shall be promptly repaired or replaced by the consumer. If any such device is not promptly repaired or replaced, the City may deny or discontinue water to the premises. All testing and repairs are the financial responsibility of the water user.

Section 30. Costs of Compliance. All costs associated with purchase, installation, inspection, testing, replacement, maintenance, parts, and repairing of the backflow device are the financial responsibility of the consumer.

Section 31. Termination of Service. Failure on the part of any consumer to discontinue the use of all cross connections and to physically separate cross connections is sufficient cause for the immediate discontinuance of public water service to the premises.

Section 32. Effective Date of Backflow Prevention Devices. The regulations regarding backflow prevention devices only shall be effective immediately for all new construction. The Public Works Superintendent shall identify all premises using City water which have a high degree of hazard. Upon notification by the City Public Works Superintendent, all such premises shall install an adequate backflow prevention device within 18 months of the written notice. For all other premises, the provisions of this ordinance governing backflow prevention devices shall apply to all other consumers of water when the State requires it.

Section 33. Access to Premises for Inspection. Employees of the City Public Works Department shall have free access, at reasonable and proper times, to all parts of consumers' buildings and premises for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is being used. The City shall have access to all water meters for the purpose of inspecting and reading all meters.

Section 34. Use of Fire Hydrants, Valves and Meters. It shall be unlawful for any person to operate, alter, change, remove,

disconnect, connect with, or interfere in any manner with any fire hydrant, water main, shutoff valve or water meter owned or used by the City of Rockaway Beach without first obtaining written permission from the City of Rockaway Beach. The provisions of this section applying to fire hydrants shall not apply to the fire department or any contracted fire protection workers of the City of Rockaway Beach.

Section 35. Services Outside the City. Excess water may be served to individual users, companies or water districts outside the City of Rockaway Beach boundaries under such rates, charges and rules as the City Council of Rockaway Beach may from time to time prescribe by resolution or as outlined under special contracts. Water served outside the City limits is intended mainly for household and sanitary use and is not intended for irrigation. The City reserves the right at any time to prohibit the use of water outside the City limits for purposes other than those stated. All regulations now in effect or hereafter promulgated by the Council for users inside the City shall apply to users outside the City except as provided by the Council of the City of Rockaway Beach. Service to users outside the City is hereby declared to be subject to the prior and superior rights of the people of the City of Rockaway Beach to said water at all times. The City of Rockaway Beach shall have the right to refuse to sell water when it appears that the best interest of the citizens of Rockaway Beach are served by such refusal, or to refuse to sell water to consumers who do not comply with the requirements of this ordinance.

Sale of water outside the City limits shall be expressly conditioned that the City reserves the right to require any consumer, group of consumers, district or districts to build and maintain, at his or their sole expense, storage facilities of sufficient capacity; to hold a supply of water equal to the maximum demand of such consumer, group of consumers or district during any period of three consecutive days. The City shall give no less than six months' notice of its intention to demand such storage facilities; and on the date named in such notice the said consumer, group of consumers or district shall have such storage facilities provided and shall thereafter operate the same in such manner as the City shall prescribe. Order for construction of such storage works shall be given when and as operating conditions shall make such action necessary in order to safeguard the best interest of the citizens of Rockaway Beach.

The City shall in no manner be responsible to consumers of water outside the City limits for failure of the system to deliver water, either due to voluntary stoppage of delivery of water upon order of the Council, operational failure or accident on account of repairs and alterations thereto.

Section 36. Water Districts, etc. All water districts, water companies, agencies and other agreeing parties supplying water furnished by the City of Rockaway Beach to customers outside the limits of the City of Rockaway Beach must furnish, not later than June 30 of each year, to the City of Rockaway Beach a written

description of the area supplied by such distributing agency, together with a report and maps showing all mains and services which then exist. Such description, report and maps shall be filed with the Public Works Department Superintendent of the City of Rockaway Beach. No increase in services or extensions of mains shall be made by any water district, company or any parties under agreement with the City unless approval of the City Council shall first be obtained.

Section 37. Penalty for Turning Water On or Off Without Authority. Should the water be turned on or off by any water consumer or other person without authority from the City Public Works Department Superintendent, the water may then be shut off at the main at the discretion of the Public Works Department Superintendent. The charge for shutting the water off at the main shall be the disconnection/reconnection fee. All such charges shall be chargeable to the consumer and water shall not again be furnished to the consumer until said charges are paid.

Section 38. Cooling and Refrigeration. On and after the effective date of this ordinance, the water demand for any cooling or refrigeration equipment or process of a capacity of two tons of refrigeration or more at any premises, and utilizing City water for such heat exchange, shall be limited to 0.25 gallon per minute per ton. Unconserved installations now existing may be continued at metered rates for a maximum of 10 years from the effective date of this ordinance or until such sooner time as the equipment is overhauled, replaced or altered.

Section 39. Wastage. It shall be the responsibility of the consumer to conserve water and prevent waste in order that there may be an adequate supply for all users and to prevent soil erosion and damage to sidewalks, curbs and streets. Water used for irrigation shall be applied through open hose or open faucets, leaking faucets or flush valves, roof sprinkling, or allowing any water to discharge or flow into or across any sidewalk, street or alley is unlawful; and any person who wastes water shall be punished as hereinafter provided.

Section 40. Rates, Charges, Rules and Regulations. Rates and charges for the installation or removal of services, the monthly charge for furnishing of water, turn off, turn on, meter testing together with terms and conditions of water use incident thereto and not provided herein, including rules and regulations now or hereafter promulgated with respect to the foregoing or any part thereof, shall be established in a rate schedule or schedules, and by rules and regulations adopted by resolutions by the Council. Such rate schedule or schedules and all rules and regulations promulgated shall remain in effect until amended or superseded by resolution of the Council.

Section 41. Sale of Water Prohibited. The sale of water, other than bottled water commonly found in grocery stores, within the

City in competition with the City system is prohibited.

Section 42. Repealing Conflicting Ordinances and Resolutions.
Rockaway Beach Ordinance No. 66 and all other ordinances and resolutions and parts of ordinances and resolutions in conflict with this ordinance are hereby repealed.

Section 43. Constitutionality; Saving Clause. If any clause, sentence, paragraph, section or portion of this ordinance shall for any reason be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the clause, sentence, paragraph, section or portion of this code directly involved in the controversy in which judgment is rendered.

Section 44. Violations.

(a) Each day's violation of a provision of this ordinance constitutes a separate offense.

(b) The City may impose a fine of the greater of \$200.00 per day per violation or the cost of any expense, loss, cost of repair, or damage occasioned by the City, whichever is greater.

(c) The City shall have all other remedies available to it by law.

Section 45. Effective Date. This ordinance becomes effective thirty days after adoption by the Council.

PASSED and ADOPTED by the City Council this 13 day of May, 1992 and APPROVED by the Mayor this 13 day of May, 1992.

Ann Swain
Ann Swain, Mayor

ATTEST:

Don Mason
Don Mason, City Recorder