

ORDINANCE NO. 650

**AN ORDINANCE AMENDING ORDINANCE NO. 251 RELATING TO
THE ADMINISTRATION OF THE WATER SYSTEM OF THE CITY OF MYRTLE
CREEK AND REPEALING ORDINANCE NO. 477 RELATING TO WATER
CONNECTION CHARGES.**

The **City of Myrtle Creek** ordains as follows:

Ordinance No. 251, as adopted on October 1, 1957, and including any subsequent amendments thereto, is hereby amended as follows (added language is underlined, deleted language is *[bracketed]*):

SECTION 1. ADMINISTRATION.

[(A)]1. The *[superintendent of the water department, hereinafter called the superintendent,]* **Public Works Director** shall have charge of the maintenance and operation of the water supply, treatment plant, pumping equipment, distribution system, fire hydrants, meters, and all other appurtenances of the city water[works] system. The *[superintendent]* **Public Works Director** shall supervise all extensions and alterations of the city water[works] system *[which are authorized by the City Council]*. He shall also be responsible for the reading of all water meters, and shall report to the City *[Treasurer]* **Administrator** on all money due the City of all deposits, fees and charges made for water services and connections.

[(B)]2. The City *[Treasurer]* **Administrator** shall be responsible for the collection of water bills, deposits and fees. All revenues therefrom shall be accounted for *[in a manner satisfactory to the Council, and shall be deposited regularly in the City treasury]* in the same manner approved for other municipal deposits.

SECTION 2. [WATER MAINS] PUBLIC DISTRIBUTION SYSTEM.

[(A)]1. *[The water remains in the City shall be under the complete control of the superintendent; and]* **The public distribution system consists of all piping, valves and other appurtenances from the treatment works up to, and including, service meters. For the purpose of this section, the public distribution system does not include unmetered private fire protection lines lying outside the public right-of-way or outside a City utility easement within private property.** No person or persons other than employees of the *[water]* **Public Works Department** shall extend, tap, change, obstruct, interfere with or in any way disturb the [water] public distribution system except as expressly authorized by the Public Works Director. All such work shall be done in accordance with plans and specifications approved by the Public Works Director.

[(B)]2. Extensions to water mains *[will be made upon proper petition to the Council or by initiative of the Council. The Council shall have the right to reject such petitions or to enter into any contract with the petitioners as the Council may elect. If the owner of property desires to construct his own water system at his own expense, it must]* **shall** be constructed in accordance with plans and specifications approved by the **Public Works Director**. *[City Engineer, and constructed under his supervision. No reimbursement to the owner for such construction on his part shall ever be made by the City. Said water lines shall become the property of the City immediately upon their final construction.*

The owner shall save the City harmless from any liens, rights, charges, or other indebtedness in any appertaining to said costs of construction.]

[(C)]3. The [superintendent] **Public Works Director** shall require [that] such test[s]ing [be made] as [he] may [consider] **be** necessary on any water main extensions. [and] No water **main** shall be [admitted into such main extensions, and no water shall be admitted into such main extensions until he accepts the installation on behalf of the Council] **placed in service until accepted by the Public Works Director. Upon their acceptance, all water main extensions shall become part of the City water distribution system.** The provisions of this [paragraph] **section** shall also apply to any installation of water mains outside the corporate limits of the City where an agreement has first been made with the City to connect such mains to the existing distribution system.

[(D)] *No water mains extensions shall be of less than four inches inside diameter unless special consideration is granted by the superintendent, nor of a quality less than cast iron or concrete asbestos pipe.*

SECTION 3. SERVICE PIPE.

(A) *All service pipe on either public or private property shall be laid not less than one foot below the grade of the streets. Service pipe laid in the same trench with a sewer shall be at least 36 inches distant from the sewer horizontally, and if the sewer is laid at a greater depth, shall be shelved into the bank to a solid bottom.*

(B) *From the main to a point inside the property line, all service pipe shall be of copper or other material of like nature, not less than 3/4 inch in diameter, approved by the superintendent. Service cocks shall be at least 3/4 inch extra heavy round way stop type, placed on the influent side of the meter. The meter box shall be set so that the cover is not lower than the grade.*

(C) *A separate stop and waste cock shall be placed on the service pipe just outside the building wall. Such stops shall be equal in quality to the service cock.*

(D) *Subsection D repealed by Ordinance No. 477.*

(E) *All service pipe and all water piping in all premises shall be installed in accordance with the state plumbing code. Any person, firm or corporation shall not interfere in any way with fixtures installed by the water department. Any plumber called upon to shut off water and drain pipes in any premises shall do so inside the property line only.*

(F) *Before any connection is made to any water main, application for permit must be made in writing by the owner of the premises to be served, or by his authorized representative at the office of the water department. Such application shall be made on forms provided by the water department, and shall contain such information as the Council may require.*

(G) *At the time a permit is issued, a deposit shall be made, estimated to be sufficient to cover the costs of any street repairs made necessary by the installation of the water connection. The water department may collect any part of such costs in excess of the deposit, and shall refund any amounts deposited in excess of the costs of such street repairs.]*

SECTION [4] 3. METERS.

- [(A)]1. All [premises using water] service connections, except fire protection connections, shall be metered and payment shall be made for water at rates [herein set forth] established in the City of Myrtle Creek Handbook of Fees and Charges. *[In no case will water be supplied at fixed or flat rates, except in special cases reviewed and approved by formal resolution of the Council.]*
- [(B)]2. Meters will be furnished by the [water] Public Works Department and will remain the property of the City and will at all times be under its control.
- [(C)] *For ordinary metered consumption of water, a 5/8 inch - 3/4 inch meter will be furnished. Where application is made for a meter larger than 5/8 inch - 3/4 inch, special arrangements must be made between the department and the customer and approved by the Council before becoming effective.]*
- [(D)]3. *[Meters will be sealed by the department, and no one except an authorized employee of the department may break or injure such seals.]* No person other than an authorized employee of the department may change the location of, alter or interfere in any way with any meter.
- [(E)]4. The expense of [installing and] maintaining meters will be borne by the [water department] City; provided, however, that where replacements, repairs, or adjustments of a meter or meter stop are made necessary by the act, negligence or carelessness of the owner or occupant of the premises, the expense to the department caused thereby shall be charged and collected from the owner and/or occupant of the premises.
- [(F)]5. In case of [injury] damage to the meter, or in case of its stoppage or [imperfect] defective operation, the owner or occupant of the premises shall give immediate notice to the [water department] City. All water furnished by the City and used on any metered premises must pass through the meter, unless said water is used for the exclusive purpose of fire protection. No by-pass or connection around the meter will be permitted. If any meter becomes defective or fails to register, the consumer will be charged at the average monthly consumption rate as shown by the meter over the period of the preceding three months when the meter was accurately registering.
- [(G)]6. The accuracy of the meter for any premises will be tested by the department upon [written] request of the owner or occupant[s who shall pay in advance a fee of \$20.00, whether inside the City limits or outside the City limits, to cover the cost of the test]. If, on such test, the meter [shall be] is found [to register over 5 per cent more water than actually passed through it, another meter will be substituted therefore and the fee will be refunded to the owner or occupant;] to be defective the meter shall be replaced and the water bill may be adjusted in such manner as [may be] is fair and proper, but in all cases [of] the adjustment shall be limited to three months prior to the discovery of the error. *[If the test shows less than 5 per cent error, there shall be no refund whatsoever.]*

SECTION [5]4. USE OF WATER.

- [(A)]1. A service connection charge, as established in the City of Myrtle Creek Handbook of Fees and Charges, shall be paid to the City for each new service connection to the city water system. A separate service connection charge shall be paid for each dwelling unit, including each single-family dwelling and each dwelling unit in a multi-family dwelling, and each commercial user whether in a single occupancy

premises or a joint occupancy premises, and regardless of whether there is a separate meter for each unit or occupancy.

2. When a new service [pipes are] is installed for any premises, the [service cock] meter stop [in the meter box] shall be [left] closed **and locked**, and thereafter will be opened only by an authorized employee of the [water department] **City**, and only upon request of the owner or [his agent] occupant.

[(B)] *Subsection (B) repealed by Ordinance No. 278]*

- [(C)]3. No person shall take or use City water from premises other than his own. [No connection through which water may pass from one residence to another shall be constructed though the ownership of both residences be the same.] Each premises shall be served by a separate service connection and meter; except that for multiple-family dwellings and commercial establishments under joint occupancy, one or more common meters may be used if approved by the Public Works Director. [Any such connection in existence at the time of the passage of this Ordinance shall be disconnected forthwith.]

- [(D)]4. Where the [water] meter stop has been [turned off] **closed and locked** by the [water department] **City** for any reason, no person [or persons] except **an** authorized employee [or agents] of the [water departments] **City** may [turn it on] **unlock and open it** again. [Any violation hereof shall be punishable in accordance with the penalty provisions of this Ordinance.]

- [(E)] [No steam boiler or hot water heater shall be directly connected to the service pipe. The owner shall make such provisions as may be required by the water department before the water may be supplied to such an installation, including safety valves and check valves.]

- [(F)]5. [The water superintendent or any of his authorized agents shall have free access at all reasonable hours to inspect any premises supplied with water. No person shall refuse to admit authorized agents of the water department to any premises for such purpose. In case any authorized employee be refused admittance or is in any way hindered in making the necessary inspection or examination, the water may be turned off from such premises, after giving 24 hours notice to the owner or occupant thereof.] Upon presentation of proper credentials, the Public Works Director or his designated representative may enter at reasonable times any building, structure or premises served by the City water system to perform any duty imposed upon him by this ordinance. Provided, however, in the event that entry is not voluntarily permitted by the owner or person occupying the building, structure or premises, the Public Works Director must first obtain an order from a court of competent jurisdiction allowing such entry.

- [(G)] *Where pipes are provided for fire protection on any premises or where hose connections for fire apparatus are provided, each such connection or opening of the service pipes shall have not less than 25 feet of fire hose constantly attached thereto, and no water shall be taken through such opening or hose for any purpose other than for extinguishing fires, except for the purpose of testing such fire equipment. No test of fire equipment may be conducted except by the City fire department, unless a special permit be first secured from the water department.]*

- [(H)]6. Fire hydrants and standpipes may be opened and used only by the water and fire departments of the City, or by such persons as may be specifically authorized by the [water superintendent] **Public Works Director**. [No person, firm or corporation shall

in any manner obstruct or prevent free access to any fire hydrant by placing or storing temporarily or otherwise any vehicle, object or material of any kind within 10 feet of the same.]

SECTION [6]5. CROSS-CONNECTION CONTROL [- GENERAL POLICY]

[1.1]1. Purpose: The purpose of this section is:

[1.1.1]A. To protect the public potable water supply of the City of Myrtle Creek *[from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the consumer's private water system(s) such] against* contaminants which could backflow *[into the public]* from the customer's water system[s]; and,

[1.1.]B. To promote the elimination or control of existing cross-connections, actual or potential, between the consumer's *[in-plant]* potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping systems; *and*].

[1.1.3] *To provide for the maintenance of a continuing Program of Cross-connection Control which will systematically and effectively prevent the contamination or pollution of the City's potable water system.*

[1.2 Responsibility. *The City Administrator shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of said City Administrator an approved backflow prevention assembly is required (at the customer's water service connection; or, within the customer's private water system) for the safety of the water, system, the City administrator or his designated agent shall give notice in writing to said customer to install such an approved backflow prevention assembly(s) at specific location(s) on his premises. The customer shall immediately install such approved assembly(s) at the consumer's own expense; and, failure, refusal or inability on the part of the customer to install, have tested and maintain said assembly(s) shall constitute a ground for discontinuing water service to the premises until such requirements have been satisfactorily met.]*

2. The Public Works Director shall be responsible for implementing a Cross Control Program in accordance with the Oregon Administrative Rules of the Oregon State Health Department. The Public Works Department shall have a Cross Control Inspector certified by the Oregon Health Division.

[2.0 Definitions.

2.1 WATER COMMISSIONER OR HEALTH OFFICIAL. *The City Administrator in charge of the Water Department of the City is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this Ordinance.*

2.2. APPROVED. *Approved in writing by the State Board of Health or other agency jurisdiction.*

2.3 AUXILIARY WATER SUPPLY. *Any water supply on or available to the premises the purveyor's approved public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well,*

spring, river, stream, harbor, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

- 2.4 **BACKFLOW.** *The reversal of the normal flow of water caused by either back pressure or backsiphonage.*
- 2.5 **BACKPRESSURE.** *The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.*
- 2.6 **BACKSIPHONAGE.** *The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source caused by the reduction of pressure in the potable water supply system.*
- 2.7 **BACKFLOW PREVENTER.** *An assembly or means designed to prevent backflow or backsiphonage.*
- 2.7.1 **AIR-GAP.** *The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to tank, plumbing, fixture, or other device and the flood level rim of said vessel. an approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel; and in no case less than one inch.*
- 2.7.2 **REDUCED PRESSURE PRINCIPLE ASSEMBLY.** *An assembly of two independently acting approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located below the first check valve. The unit shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly. The entire assembly shall meet the design and performance specifications as determined by a laboratory and a field evaluation program resulting in an approval by a recognized and approved testing agency for backflow prevention assemblies. The assembly shall operate to maintain the pressure in the zone between the two check valves at an acceptable level less than the pressure on the public water supply side of the assembly. At cessation of a normal flow the pressure between the two check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves the different relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. when the inlet pressure is two pounds per inch of less, the relief valve shall open to the atmosphere. To be approved these assemblies must be readily accessible for in-line testing and maintenance and be installed in location where no part of the assembly will be submerged.*
- 2.7.3 **DOUBLE CHECK VALVE ASSEMBLY.** *An assembly of two independently operating approved check valves with tightly closing shut-off valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications as determined by a laboratory and field evaluation program resulting in an approval by recognized and approved agency for backflow prevention*

assemblies. To be approved these assemblies must be readily accessible for in-line testing and maintenance.

- 2.8 **CONTAMINATION.** *Means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.*
- 2.9 **CROSS-CONNECTION.** *Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four way plug valves, spools, dummy section of pipe, swivel or change-over devices or sliding multiport tube.*
- 2.10 **CROSS-CONNECTION-CONTROLLED.** *A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.*
- 2.11 **CROSS-CONNECTION CONTROL BY CONTAINMENT.** *The installation of an approved backflow prevention assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of the cross-connection.*
- 2.12 **HAZARD, DEGREE OF.** *The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.*
- 2.12.1 **HAZARD-HEALTH.** *Any condition, device, or practice in the water supply system and its operation which could create, or in the judgment of the City Administrator, may create a danger to the health and well-being of the water consumer.*
- 2.12.2 **HAZARD-PLUMBING.** *A plumbing type cross-connection in a consumer's potable water system that has not been property protected by an approved air-gap or approved backflow prevention assembly.*
- 2.12.3 **HAZARD-POLLUTION.** *An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damages to the system or its appurtenances, but would not be dangerous to health.*
- 2.12.4 **HAZARD-SYSTEM.** *An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted affect on the quality of the potable water in the system.*

- 2.13 **INDUSTRIAL FLUIDS SYSTEM.** Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contamination waters; all types of process waters and "used waters" originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalines, circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from well, spring, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc., oils, gasses, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.
- 2.14 **POLLUTIONS.** Means the presence of any foreign substance (organic, inorganic, chemical or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonable affect such waters for domestic use.
- 2.15 **WATER-POTABLE.** Any water which, according to recognized standards, is safe for human consumption.
- 2.16 **WATER, NON-POTABLE.** Water which is not safe for human consumption or which is of questionable potability.
- 2.17 **WATER-SERVICE CONNECTION.** The terminal end of a service connection from the public potable water system; i.e., where the Water Purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or any backflow prevention assembly located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.
- 2.18 **WATER-USED.** Any water supplied by a Water Purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the Water Purveyor.
- 3.1 **Water System Requirements:**
- 3.1.1 *The water system shall be considered as made up of two parts: The Utility System and the Customer System.*
- 3.1.2 *Utility System shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.*
- 3.1.3 *The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.*

- 3.1.4 *The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.*
- 3.1.5 *The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water points of use.*

3.2 *Water System Policy:*

- 3.2.1]3.No water service connection to any premises shall be installed or maintained by the [Water Purveyor] **Public Works Department** unless the **public** water supply is protected as required by State Laws and regulations and this Ordinance. Service of water to any premises shall be discontinued by the [Water Purveyor] **Public Works Department** if a backflow prevention assembly required by this Ordinance is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until conditions or defects are corrected.
- [3.2.2]4.The customer's system [should] **shall** be open for inspection [at all reasonable times to the City of Myrtle Creek or the certified cross-connection inspector for the City of Myrtle Creek] to determine whether cross-connections or other structural or sanitary hazards, including violations of [these regulations] **this ordinance**, exist. When such a condition becomes known, the [said City representative or said inspector shall] **Public Works Director may** deny or immediately discontinue service to the premises [by providing for a physical break in the service line] until the customer has corrected the condition(s) [in conformance with the State and City statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto].
- [3.2.3]5.An approved backflow prevention assembly shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever **required by the administrative rules of the Oregon Health Division, or whenever** the following conditions exist:
- A. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the [City Administrator] **Public Works Director**, the public water system shall be protected against backflow from the premises by installing an **Oregon Health Division** approved backflow prevention assembly [in the service line] appropriate to the degree of hazard.
 - B. In the case of premises on which any industrial fluid[s] or any other objectionable substance is handled in such a fashion as to create a[n actual or potential] hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system which have been subject to deterioration in quality.
 - C. In the case of premises having [(1)] **an** internal cross connection that cannot be permanently corrected or controlled, or [(2)] intricate plumbing and piping arrangements **exist**, or where entry to all portions of the premises **is**

denied by the person in charge of the premises, or is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.

[3.2.4]6. The type of protective assembly required under [subsections 3.2.3 A, B, and C] this ordinance shall depend upon the degree of hazard which shall be determined by the City in general conformity to the Oregon Administrative Rules of the Oregon Health Division. [exists as follows:

- A. *In case of any premises where there is an auxiliary water supply as stated in subsection 3.2.3.A of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly.*
- B. *In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.*

Backflow preventers which may be subjected to back pressure or backsiphonage that have been fully tested and have been granted a Certificate of Approval of "Approval Backflow Assemblies" may be used without further test or qualifications.]

[3.2.6]7. It shall be the duty of the customer-user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year. In those instances where the [City Administrator] Public Works Director deems the hazard to be great enough, he may require certified inspections at more frequent intervals. The[se] inspections and tests shall be at the expense of the water user and shall be performed by [the assembly manufacturer's representative or by] a certified tester approved by the [City Administrator] Oregon Health Division. It shall be the duty of the [City Administrator] Public Works Director to see that the[se] tests are made in a timely manner. [The customer-user shall notify the City Administrator in advance when the tests are to be undertaken so that an official representative may witness the test if so desired.] The[se] assemblies shall be repaired[, overhauled] or replaced at the expense of the customer-user whenever said assemblies are found to be defective. Records of such tests, repairs and [overhaul] replacements shall be kept and [made available] copies furnished to the City [Administrator].

3.2.7 *All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection 3.2.6, be excluded from the requirements of these rules so long as the City Administrator is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the City Administrator finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section].*

SECTION [7]6. [WATER RATES] **BILLING AND DEPOSITS.**

[(A)] For the purpose of making and collecting charges for water used by consumers, all water bills for each month shall be due and payable 10 days after the day of billing. The bills may be mailed to any address specified by the owner or occupant.]

[(B)]1. Payment Due: All charges for water supplied during any month shall be paid not later than thirty (30) days after the billing date. **Bills which remain unpaid for more than 30 days after the billing date shall be considered delinquent.** [When a double bill occurs both bills must be paid within forty (40) days, of the first billing date or] **If a customer's account remains delinquent for more than ten (10) days,** the water service [shall] **may** be turned off [on] **at** the premises against which the[se] **delinquent** charges [have been made] **are owing.** When so turned off, the water shall not be turned on again until a ["turn-on fee" of fifteen dollars (\$15.00)] **reconnect fee established in the City of Myrtle Creek Handbook of Fees and Charges,** plus the [full amount] **delinquent portion** of the [monthly bills have] **customer's account balance has** been paid. If the [amounts above stated remain unpaid] **customer's account remains delinquent for more than thirty (30) days,** [such delinquencies] **the amount owed** shall be deducted from the **customer's deposit,** **the customer's account may be closed and any remaining deposit balance shall be returned to the customer at the customer's last known mailing address.** **The customer shall be responsible for keeping the City informed as to the customer's current mailing address.**

[(C)]2. Deposits: **At the time a new water service account is opened, and** before the water [may be] **is** turned on for any premises, the [occupant] **customer** shall **pay a security deposit [a fee]** established by the City of Myrtle Creek Handbook of Fees and Charges.

[(i)]A. [Deposits made by property owners] **The customer's security deposit** may be credited to their account [at the end of] **after** one year if no delinquency has occurred during the [year] **preceding twelve months.**

[(ii)]B. [Property owners] **The customer** shall be defined as the [owner of record as shown on the Douglas County tax rolls and only those properties located inside the corporate limits of the City of Myrtle Creek] **person or persons in whose name the water service account is registered.**

[(iii)] **Delinquency shall be defined as any account showing a balance forward on the next months billing.**

[(D)]3. In case of a temporary vacancy of any premises, water [will] **may** be turned off at the [service cock and/or the meter removed] **meter stop** by the [water department] **City,** upon written request of the [owner of the premises] **customer.** [addressed to the water department and] **Service** will be turned on again [and the meter reinstalled] **by the City** when requested **by the customer.** [and upon payment of a turn-on fee of \$1.00. No allowance will be made for any water registered by a meter that may leak or waste through the plumbing or fixtures.]

[(E)]4. Monthly rates shall be established by the City of Myrtle Creek Handbook of Fees and Charges.

SECTION [8]7. GENERAL PROVISIONS.

Should it become necessary to shut off the water from any section of the City because of any accident or for the purpose of making repairs or extensions, the [*water department*] City will endeavor to give timely notice to the consumers affected thereby and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such causes; but the failure to give such notice shall not render the City responsible or liable in damages for an inconvenience, injury or loss which may result therefrom.

SECTION [9]8. PENALTY.

[Any person, firm, or corporation violating any of the provisions of this Ordinance, upon conviction thereof in the Municipal Court, shall be fined a sum of not less than \$10.00 and not more than \$200.00, and in default of the payment of a fine, shall be confined to jail of the City of Myrtle Creek to serve out such fine at the rate of \$2.00 per day.] **A violation of a provision of this Ordinance is punishable by a fine not to exceed \$500.**

SECTION [10]9. SEPARABILITY.

Each section of this Ordinance and every paragraph of each section is hereby declared to be separable, and the holding of any section or part thereof to be void, ineffective or unconstitutional for any cause shall not affect any other section or part thereof.

SECTION [11]10. REPEAL.

[All previous ordinances or parts of ordinances inconsistent with any of the provisions of this Ordinance hereby are repealed.] **Ordinance No. 477, relating to water connection charges, is hereby repealed in its entirety.**

SECTION 11. EFFECTIVE DATE.

This ordinance shall be effective on the 30th day following its enactment.

PASSED BY THE CITY COUNCIL UPON THE FIRST READING this 20th day of December, 1993.

PASSED BY THE CITY COUNCIL UPON THE SECOND READING this 18th day of January, 1994.

APPROVED by the Mayor this 18th day of January, 1994.


Robert M. Cotterell, Mayor

ATTEST:


Charity Hays, City Recorder