ORDINANCE NO. 484

AN ORDINANCE PROVIDING RULES, REGULATIONS, RATES AND CHARGES FOR SERVICE, FOR THE MANAGEMENT OF THE WATER SYSTEM OF THE CITY OF MADRAS, OREGON, PROVIDING FOR DEPOSITS, ESTABLISHING PROCEDURES FOR EXTENSION OF WATER MAINS, REPEALING ORDINANCES NO. 135, 202, AND 452, PROVIDING FOR COLLECTION AND PENALTIES FOR VIOLATIONS; AND DECLARING AN EMERGENCY.

The City of Madras ordains as follows:

SECTION 1. [REPEAL]

City of Madras Ordinances No. 135, 202, and 452 are hereby repealed.

SECTION 2. APPLICATION FOR SERVICE

It shall be unlawful to obtain or provide water service to any premises within the City of Madras or from any water facility owned or operated by the City of Madras except upon written application of the legal owner of the premises, or his/her duly authorized agent, upon the printed forms of the city.

Such application shall not be valid until approved by the city administrator or designated agent. The applicant shall be responsible for all rates and charges for service to said premises.

SECTION 3. DEPOSIT REQUIRED

Whenever an applicant shall apply for service the applicant shall deposit, with the city, such funds as may be established by resolution for new service deposit.

The City Treasurer shall keep the total of such deposits in a separate account known as "Water Deposit Accounts" and shall keep records showing the source of all receipts and purposes of withdrawals from said account. From this account the City Treasurer shall satisfy any delinquent account immediately following the disconnection of service for

delinquency of payment, giving the depositor credit upon his/her water account. The treasurer shall thereupon require the depositor to immediately restore his/her deposit to the original amount.

When a depositor terminates his/her account and said account is fully satisfied, the treasurer shall return any unused portion of the deposit, plus interest, to the depositor.

In the event that such deposit is not applied for within sixty (60) days from the date that water service is discontinued, then such deposit shall be forfeited to the City of Madras, unless otherwise specified by the Council.

SECTION 4. USE OF WATER

Water will be furnished for ordinary domestic, business and community purposes and fire protection only. No water will be furnished for the direct operation of steam boilers or machinery, and the city will assume no responsibility therein. Where water subject to backflow may be contaminated, the applicant shall install suitable backflow devices.

SECTION 5. SERVICE CONNECTIONS

A standard service connection shall be 3/4 inch with a 5/8 X 3/4 meter. Such service shall be installed from the main to the street, curb, or property line within the right-of-way where such main exists.

The cost for providing such standard service shall be established from time to time by resolution. Larger services may be provided only upon special application at the cost which may be established by resolution. No service shall be installed until the regular established or estimated cost thereof has been paid.

SECTION 6. JURISDICTION

All service connections, meters, mains, and parts of the system through which water is served from the city's system, except the pipes beyond the meter to the private property owner's building, are the property of the city and under its exclusive control. No person other than city personnel shall install any service, make any extension, turn the water on or off, or otherwise tamper or interfere with the water or the system.

SECTION 7. SEPARATE CONNECTION

A separate service connection will be required for each dwelling, place of business, institution and premises served. All outlying buildings and premises used as a part of such dwelling, place of business, or institution may be served from such connection, as well as all buildings on such premises operated under the one management.

No user shall furnish water to any family, business, institution or premises other than those occupied and operated by user, provided however, that the Council may permit a user to supply others through the user's service connection, in which event such user will be charged an additional monthly fee for each additional user so supplied.

Such permit may be revoked and separate service connections required at any time.

SECTION 8. MAINTENANCE OF CONNECTIONS

Each user must protect the service and the meter from damage from hot water, freezing, traffic and so forth. Standard service connections belonging to the city will be maintained and replaced by the city without cost to the user, except where user is at fault. Larger services and services owned by individuals will be maintained and replaced at the cost of the user.

SECTION 9. METER STOPPAGE - REQUEST FOR TEST

(1) If a meter shall fail to record usage, the charge shall be the average for the past six (6) months.

(2) When any water customer shall make a complaint that the water bill for any period is excessive, the water department shall, upon request of the consumer, have such meter reread and the service inspected for leaks.

(3) Should such customer desire that the meter be tested or changed, such test or change shall be made by the water department and the cost of said test or change shall be charged to the account of the consumer as established in the rate resolution. However, should the test of the meter show a registration in excess of three percent (3%) in favor of the city the amount charged to said account for such test will be canceled or credited as the case may be, and the

bill adjusted accordingly. The excess registration, not to exceed the three (3) previous readings, shall be credited to the account. Where no such error is found, the amount charged for such test will be retained to cover the expense of such test or charge.

SECTION 10. ALTERATION OF SERVICE

When any property owner or owner's agent being served water by the city shall request a relocation or alteration of the service or meter location, either vertically or horizontally, a determination of advisability of such relocation or alteration shall be made by the agent of the water department. The decision of the water department shall prevail, subject to the order of the Council.

In no event shall the meter or service be relocated onto private property beyond the property line, except by order of the Council. The cost of such relocation or alteration shall be charged to the account of said owner or agent as established in the rate resolution. However, should a service or meter relocation or alteration be deemed beneficial to the city by the water department, such relocation or alteration may be done by the water department, whether desired by the property owner or not, and such relocation or alteration shall be at the expense of the city.

SECTION 11. DAMAGE TO CITY FACILITIES

(1) Whenever a city owned meter is harmed by hot water or damaged by carelessness or negligence of the owner or occupant of the premises, the water department shall repair the damage and charge the account of said owner or occupant as established in the rate resolution.

(2) When a service pipe, curb stop, meter, meter box, valve, main or other water equipment owned by the city by contractors or others in the performance of construction, excavation, hauling or other work, or by vandalism or where service pipes are destroyed by electrolysis, the person, contractors, or company responsible for such damage or destruction shall be billed by the city for the cost of repair or replacement of such damaged equipment.

SECTION 12. PRIVATE SERVICE PIPES

The user shall, at user's expense, install pipes from the property line or downstream meter outlet to the facilities as desired on user's premises, subject always to building, plumbing and sanitation codes.

All pipes from meter to the premises must be installed in accordance with good engineering practice, and maintained in good order by the user. Pipes must be laid at least twenty-four inches (24") deep and provided with stop and waste for drainage, and all standpipes or fittings of any kind must be so located, anchored and installed so as not to interfere with or endanger the meter. All pipes must be well protected from freezing.

Before the pipe is covered, the Water Department must be notified that connection with the meter is desired, and after this connection is made by the Water Department, the user shall see that all joints between the meter and the premises are tight. No meter shall be connected with the private service pipe until all of the requirements herein provided have been complied with.

All service pipes must have a shut-off valve installed on the downstream side of the meter and upstream of the building.

All service pipes that are changed by the user shall be inspected and approved by the Public Works Department of the City of Madras.

SECTION 13. MAINTENANCE OF CUSTOMER PLUMBING

The owner of the premises or authorized agent shall maintain the plumbing system in good repair. Water will not be furnished to premises where it is allowed to run to waste through defective plumbing, or otherwise.

Where the pressure from the city system exceeds the pressure allowable within a building, the owner shall install a pressure regulator as required by the Plumbing Code.

No water user or any person shall cause or suffer water from the system to run, drain, or flow from property having the water connection onto any other property or onto any street or way, and the city shall in no case be liable for damage occasioned from water running from open or faulty fixtures or from broken or damaged pipes beyond the property line.

SECTION 14. READINGS - BILLINGS

Meters will be read on or about the twenty-fifth day of each calendar month for the preceding month. Over fifteen (15) days will be billed as a full month. Fifteen (15) days or less will be billed as a half month.

Charges for water will be as established from time to time by resolution.

SECTION 15. PAYMENT - DELINQUENCY

All bills are due on the tenth day of the calendar month following service. Bills are payable to the City of Madras or agent as may be authorized by the common Council of the City of Madras. Unpaid bills become delinquent on the tenth day of such month. When a bill is not paid before it becomes delinquent, or a rule is violated, the water may be shut off and service discontinued until payment in full, together with a charge for re-establishing service as established in the rate resolution, and full compliance of this ordinance is obtained.

SECTION 16. DISCONTINUANCE OF SERVICE

Discontinuance of service for thirty (30) days or more will be made upon written application and shall be re-established upon receipt of payment for such service according to charges established in the rate resolution.

SECTION 17. INTERRUPTION OF SERVICE

The city reserves the right to interrupt service at any time for repairs or other necessary purpose without notice, and will not be responsible for damages arising thereby. The city will make reasonable effort to notify water users of pending outages when possible.

Water users which require an uninterruptable supply shall obtain additional service from another part of the system and/or shall provide emergency storage. Damage to city facilities arising from a backflow of hot water, steam, or other reason will be charged to the user from which such backflow occurred.

SECTION 18. SERVICE OUTSIDE THE CITY

Property outside the city boundaries may, at the option of the Council, be supplied with water service. The Council may fix rates for such out-of-city service, and specify terms and conditions regarding use of deliveries.

SECTION 19. TEMPORARY OR TRANSIENT SERVICE

Temporary or transient service for construction work, water haulers, or other purpose may be rendered upon special application and permit, and upon deposit in advance on amount as set by resolution. Such bulk sales or transient service shall be subject to such terms and conditions as may be set by the water department. Rates for delivery of water for such bulk sales or transient service shall be as established by resolution.

SECTION 20. LIMITATION OF WATER USE

The City Council reserves the right to limit the use of water as to hours, purpose or manner as it may deem necessary for conservation, and the preservation of the health and safety of the people and the community.

SECTION 21. ACCESS TO PREMISES FOR INSPECTION

Officials, agents and employees of the city shall at all reasonable times have access to any premises served by the city system for the purpose of inspection, repair, or enforcement of any of the provisions of this ordinance; and in the event that any inspection discloses excessive leaks or any undue waste of water, or violations of city ordinances, then the city shall have the right to discontinue water service to such premises until such violations have been corrected.

SECTION 22. EXTENSION OF MAINS

(1) Water mains within the city may only be extended upon approval of the city. Where a parcel to be served water does not lie adjacent to a city water main

capable of providing adequate flows for the intended use as well as for fire protection, the property owner shall request that a city water main be extended to the property to be served.

(2) Any person requiring an extension of the city's water mains shall make application therefore to the Public Works Department, and shall deposit with the City of Madras such sum of money as the city shall estimate is sufficient to cover the cost of such water main extension, together with fifteen percent (15%) for overhead, supervision, and engineering.

(3) The size of such extensions, type of materials, location of mains, valves, appurtenant fixtures, fire hydrants, and other fittings shall be under City of Madras specifications and subject to city approval. The minimum size for main extensions shall be six inches (6") unless the city determines that the city's best interest would be served by a smaller size.

Should the city determine that it would be in the city's best interest to install a main of a larger size than required by this ordinance or the needs of the proposed development, the city may cause the larger main to be installed and pay the difference in cost between the required main size and the larger main installed.

No lines or laterals shall be installed until the estimated cost thereof, as hereinabove set forth, shall have been deposited with the City of Madras, and all such extensions of mains and laterals and installation of fire hydrants shall be the sole property of the City of Madras, without right of refund on the part of the person or persons paying for such extension and on the part of any person or persons whomsoever.

(4) When any person shall hereafter be required to pay the cost of extending a water main adjacent to property other than his/her own so that water service for domestic use is provided for such other property, without further extension of such water main, the City of Madras may establish charges for connections to such main(s) and provide a reimbursement agreement to repay the persons extending such main a portion of their costs.

The agreement shall be valid for a period of ten (10) years. Connection charges established by the city for such mains collected after ten (10) years shall be deposited into the city water funds.

The city makes no guarantee that future connections will be made subject to reimbursement. The right to receive refunds shall run with the land, and charges subject to reimbursement will be paid to the owners of the land at the time such reimbursements are made.

(5) Whenever the city may install a main line extension on its own volition which may provide availability of service to property not previously served, the city may establish charges for connections to that main. Such charges shall be in addition to any regularly set connection fees.

SECTION 23. SYSTEMS DEVELOPMENT CHARGES

All developers requesting new service installations within the city shall be charged a fee established by resolution for Water System Development.

Such charges shall be independent from all other connection fees and shall be deposited in an account to be used only for increasing water storage facilities, enlargement of mains, replacement of mains, extension of mains, and development of additional supply as may be necessary to accommodate the additional demands placed on the water system as a result of the development.

The fee may vary depending on the cost of system maintenance and shall be specifically assessed to cover the type of service being provided and volume of water to be used by the new development.

SECTION 24. PENALTIES

Any person, firm or corporation who shall violate, fail, neglect or refuse to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed $300.

SECTION 25. SEPARATE VIOLATION

Each day that a violation of this ordinance continues shall constitute a separate violation.

SECTION 26. APPEAL

Any person aggrieved by any decision or action of the city made or taken pursuant to these rules and regulations may appeal to the City Administrator for a review of such decision or action. Where warranted, arrangements may be made for billing adjustment, delay in discontinuing service, or other remedies. Notwithstanding the above, any person may request that the Council of the city hear his or her complaint or grievance.

[Section 26, Appeal, added by Ordinance No. 844, passed by Council on April 24, 2012]

SECTION 27. APPEAL TO COUNCIL

Any local government agency or person feeling himself or herself aggrieved by any decision or action of the city made or taken pursuant to these rules and regulations may appeal to the Council by filing written notice of appeal with the City Recorder within forty-five (45) days following such decision or action. Such notice of appeal shall set forth in reasonable detail the action or decision appealed from and the appellant's ground for reversal or modification thereof. Within twenty (20) days following receipt of such notice, the Council shall set a time for hearing upon such appeal, which shall not be less than ten (10) nor more than forty (40) days following receipt of the notice. The action of the Council upon such appeal shall be conclusive, subject to appeal in the manner required by law.

[Section 27, Appeal to Council, added by Ordinance no. 844, passed by Council on April 24, 2012]

SECTION 28. CONSTITUTIONALITY AND SAVING CLAUSE

If any clause, sentence, paragraph, section, article or portion of this ordinance shall, for any reason, be adjudged invalid or unenforceable by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

[Numbering of this section amended by Ordinance No. 844, passed by Council on April 24, 2012]

SECTION 29. EMERGENCY CLAUSE

It is necessary for the preservation of public health, peace and safety that uniform rules and equitable rates be prescribed for the furnishing and use of water; therefore, an emergency is hereby declared and this ordinance shall go into full force and effect as of its date of passage.

[Numbering of this section amended by Ordinance No. 844, passed by Council on April 24, 2012]

Passed by the Council and approved by the Mayor March 26, 1991.