

TITLE V: PUBLIC WORKS

Chapter

50. WATER SERVICE

51. STORM WATER PROVISIONS

CHAPTER 50: WATER SERVICE

Section

Miscellaneous Provisions

- 50.01 Water service connection fee
- 50.02 Adoption of Water Management and Conservation Plan
- 50.03 Water rates

Policies and Regulations for the Municipal Water Supply System

- 50.15 Purpose
- 50.16 Operation and maintenance
- 50.17 Definitions
- 50.18 Water quality standards
- 50.19 Construction standards
- 50.20 Minimum pipe size standards
- 50.21 Operation and maintenance of the water system
- 50.22 Administrative provisions
- 50.23 Interpretation
- 50.24 Past due, delinquent, inactive and abandoned water services and accounts
- 50.25 Wetlands protection

Water System Development Charge

- 50.40 Purpose
- 50.41 Scope
- 50.42 Definitions
- 50.43 System development charge established
- 50.44 Methodology
- 50.45 Authorized expenditures
- 50.46 Expenditure restrictions
- 50.47 Improvement plan
- 50.48 Collection of charge
- 50.49 Exemptions
- 50.50 Credits
- 50.51 Notice
- 50.52 Segregation and use of revenue
- 50.53 Appeal procedures for expenditures of system development charge revenues

Wheeler - Public Works

- 50.54 Legal challenge to system development charge methodology
- 50.55 Prohibited connection
- 50.56 Construction

- 50.99 Penalty

MISCELLANEOUS PROVISIONS**§ 50.01 WATER SERVICE CONNECTION FEE.**

The city hereby declares the application for water service further be known as a service connection fee, and that the fee be applied to all customers of the City Water Department.

CITY OF WHEELER

Wheeler Water Department
 775 Nehalem Boulevard
 PO Box 177 Wheeler, OR 97147
 (503) 368-5767

Resolution 2000-11
 Effective Date: June 20, 2000

APPLICATION FOR WATER SERVICE

The undersigned hereby requests water service from the City of Wheeler Water Department to service the property indicated below. In consideration of such service, the applicant agrees to pay the following:

System Development Charge: See SDC Ordinance
 Service Connection Fee: \$200
 Meter: At city's cost

The Service Connection Fee includes Wheeler Water Department supplied materials for the connection (service saddle, service line, valves, fittings, meter, meter box, and any other materials required), supervision and inspection of the installation and permit from the Department. The cost of equipment and labor for excavation of the service line trench, saw cutting the street paving, water main tap, installation of the Department supplied materials, backfill, pavement replacement and any other

installation costs required will be paid directly by the applicant to his/her contractor. Applicant's contractor shall be approved by the Department for the installation. Future maintenance of the service by the Department between the main and the meter box will begin upon acceptance of the installation by the Department. Applicant is responsible for installation and maintenance of the service line from the meter to the residence, and for maintaining the meter box's visibility and accessibility at all times.

Applicant further agrees to abide by all rules and regulations of the Department and Oregon Health Division.

Department agrees only to supply water in an amount and at a pressure required by state law, and assumes no responsibility for any lines on private property, nor for any damages resulting from installation or maintenance of such lines.

Property Owner's Signature

Date

(Res. 2000-11, passed 6-20-2000)

§ 50.02 ADOPTION OF WATER MANAGEMENT AND CONSERVATION PLAN.

The City Water Management and Conservation Plan (attached to the ordinance from which this section is derived, and herein referenced) is adopted as the official policy governing and guiding future water conservation actions in the city.

(Ord. 2005-05, passed 11-15-2005)

§ 50.03 WATER RATES.

(A) Every connection to the water system pays a "to the tap" charge and that charge will be increased.

(B) Every connection to the water system pays a water usage charge based on the number of gallons of water used and that charge will be increased.

(C) The water rates schedule below listing "to the tap" charges and water usage rates be adopted effective January 1, 2006.

(D) The aforementioned schedule be made part of this section.

(Res. 2005-20, passed 11-15-2005)

POLICIES AND REGULATIONS FOR THE MUNICIPAL WATER SUPPLY SYSTEM

§ 50.15 PURPOSE.

The purpose of this subchapter is to set policies and regulations to facilitate future improvements and the orderly expansion of the holding, treatment and distribution system; to direct the responsibility for the operation and maintenance of the system; and in general to promote the public health, safety, convenience and general welfare.

(Ord. 81-4, passed 10-21-1981)

§ 50.16 OPERATION AND MAINTENANCE.

The City Water Department, under the supervision of the Superintendent of Public Works, shall have the responsibility for the operation and maintenance of the water system as well as for keeping adequate records and for the submission of all reports that are required by the Federal Environmental Protection Agency, the State Health Division or any other governmental agency.

(Ord. 81-4, passed 10-21-1981)

§ 50.17 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADEQUATE. A domestic or municipal water supply source and distribution system, sufficient in capability to supply all peak daily demands and instantaneous demands during periods of maximum use, without reduction in pressure, except during an emergency.

APPROVAL or ***APPROVED.*** Approved in writing.

BACKFLOW. The flow of water or other fluid substance or mixture thereof into the domestic water supply system from any source other than the intended source of water supply.

CHECK VALVE. A valve which allows flow in only one direction. It must be carefully machined to have free moving parts and assured water tightness and seat readily and completely. The face of the closure element and valve seat must be molded synthetic rubber, composition or other non-corrodible material which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze or other non-corrodible, non-sticking materials, machined for easy, dependable operation. The closure element shall be internally loaded to promote rapid and positive closure in all sizes where this feature is obtainable.

CHLORINE RESIDUAL. The amount of chlorine remaining in the distribution system after the water has been treated with chlorine.

CHLORINE TREATMENT. A process to disinfect water by treating it with chlorine.

CITY COUNCIL. The elected Council of the City of Wheeler. The **COUNCIL** may delegate authority given under the provisions of this subchapter.

COMMERCIAL SERVICE. The plumbed location at which a customer of the city's Water Department carries on his or her activities of gaining a livelihood or performing a public service, as distinguished from his or her residence, and such activity may be a business, industrial, professional or public nature.

CONTAMINATE. Any physical, chemical, biological or radiological substance or matter in the water.

CUSTOMER. Any person, firm or corporation purchasing and using water and water service supplied by the City Water Department.

DISINFECTED. To have been cleaned with a chemical agent that destroys bacteria.

DISTRIBUTION SYSTEM. Includes, but is not limited to, distribution, mains, pipelines, pumping stations, pressure pumps, pressure tanks, valves and other auxiliary equipment used to transmit water from a domestic or municipal supply source to the prospective user's service line.

EMERGENCY. The result of any natural element or mechanical failure which is unpredictable and temporary or infrequent, and which causes a domestic water supply source or distribution system to be temporarily less than adequate.

FINAL PLANS. Approved tentative plans, along with modifications, alterations or required revisions, as constructed.

INCOMPLETE PLANS. Plans that are lacking enough information to conclude what might be the intent or capabilities of the design.

MAXIMUM CONTAMINANT LEVEL. The maximum permissible level of a contaminant in the water.

METER BOX. A concrete or plastic box in which a water meter with its fittings are housed after the installation of a water service line for a customer.

PERSON. Any individual, corporation, association, firm, partnership or joint stock company, and includes any receiver, trustee, assigns or other similar representative thereof.

POTABLE WATER. Water which is sufficiently free from biological, chemical, physical or radiological impurities so that users thereof will not be exposed to or threatened with exposure to disease or harmful physiological effects, and which has such other physical properties so as to be palatable to humans for drinking purposes.

PUBLIC HEALTH HAZARD. A condition whereby there are sufficient types and amounts of biological, chemical or physical, including radiological, agents relating to water or sewage which are likely to cause human illness, disorders or disabilities. These include, but are not limited to pathogenic viruses, bacteria, parasites, toxic chemicals or radioactive isotopes.

RESERVOIR. A facility for storage of potable water.

RESIDENTIAL SERVICE. The plumbed dwelling of a householder and/or his or her family, who is a customer of the city's Water Department, which may be an individual residence, cabin, mobile home, condominium apartment or a similar use.

SERVICE CONNECTION. The portion of the service line which extends from the main in the street to the curb or property line.

SERVICE LINE. The connection between the distribution system and the customer's system which is subject to the Plumbing Code.

TENTATIVE PLANS. Designs, specifications, materials and locations proposed for construction.

TURBIDITY. Opaque or muddy with particles of extraneous matter.
(Ord. 81-4, passed 10-21-1981)

§ 50.18 WATER QUALITY STANDARDS.

(A) The water quality standards apply to water leaving the source facilities and to water entering the user's service line.

(B) The City Water Department shall have a routine chemical sampling of finished water collected and analyzed for each source at such time as to represent conditions of average water quality for a surface source before July 1 of each year.

(C) (1) The City Water Department shall have a daily sample of finished water collected and analyzed for turbidity from each source where turbidity contamination may be present. One turbidity unit (TU), as determined by a monthly average, is the maximum contamination level for turbidity.

(2) In the event that analysis indicates that any physical quality limit has been exceeded, the sampling and analysis shall be repeated promptly, the results of the two measurements shall be averaged, and recorded.

(3) The City Water Department may require that additional physical quality sampling and analysis be performed when it is known or suspected that substandard water quality has occurred in the distribution system.

(D) The City Water Department shall have microbiological samples collected at points which are representative of the conditions within the distribution system or points of water use. The samples shall be collected at regular intervals and in numbers proportionate to the population served by the water system. In no case shall the frequency be less than one sample per month from each source.

(E) Whenever the maximum contaminate levels for coliform are exceeded, re-sampling from the same point shall be initiated until the results obtained from at least two consecutive samples show the absence of coliform organisms. The location at which the special re-samples are taken shall not be eliminated from future sampling because of a history of questionable water quality. Re-samples required by this section shall not be included in calculating the total number of samples routinely collected each month to meet the sampling frequency requirements.

(F) Microbiological water samples shall be analyzed by a laboratory approved by the Environmental Protection Agency.

(G) The City Water Department shall submit a summary of the analytical reports to the Environmental Protection Agency and the State Health Division by the tenth day of the following month. When water quality is or may be substandard, the City Water Department may notify those persons likely to be served of the deficiencies and advise them of steps they may take to avoid damage to their health and property.

(H) The City Water Department shall take any and all additional steps necessary to ensure compliance with state and federal water quality standards.
(Ord. 81-4, passed 10-21-1981)

§ 50.19 CONSTRUCTION STANDARDS.

(A) All facilities in contact with potable water shall be clean, flushed, free of contamination and disinfected prior to use. It shall be unlawful to use any pipe, tanks, valves and equipment in potable water systems which is not new or previously used only in approved potable water systems.

(B) All water system facilities shall be constructed to reliably exclude contamination and withstand imposed physical stresses.

(C) Appropriate provisions shall be made for operator access for maintenance and safety.

(D) Chlorination treatment shall (with the use of an appropriate metering device if the water flow is or may be variable) be proportionate to the flow. The addition of chlorine to water for disinfection shall be sufficient to provide a 0.2 mg/l free available chlorine residual for 30 minutes' contact time or a 2.0 mg/l combined available chlorine residual for 180 minutes' contact time before delivery to the first user. Provisions shall be made for sampling the water prior to and after chlorination.

(E) Where possible, water pipelines shall be located at ten feet horizontally from sanitary sewer pipelines, and crossings shall be made at approximately 90 degrees, with a minimum vertical clearance

of 18 inches under the water pipeline. Crossings over sewer force mains or where less than 18 inches' clearance is available shall be made using full-length galvanized steel, cast or ductile iron water pipe centered on the crossing. Where the ten-foot or 18-inch clearances cannot be obtained, the City Water Department may approve, depending upon soil conditions, maximum ground water table, and condition of the water and sewer pipelines, less separation. When a water pipeline must cross below a sewer pipeline, the sewer pipeline and water pipeline shall be cast iron, ductile iron galvanized or protected steel or other approved construction which extends ten feet each way from the crossing.

(F) Pipelines shall be carefully bedded and fully supported in material free from rocks or other rigid objects. Minimum cover shall be 30 inches. Backfill material shall be free of rocks or objects that may cause excessive stress in the pipe. Thrust blocks shall be concrete poured in place against undisturbed material with sufficient bearing to withstand test pressures and peak system pressures.

(G) Tentative plans shall be submitted to the City Water Department for all major water supply construction.

(1) These plans and specifications shall set forth the following:

(a) Sufficient detail to completely and clearly illustrate what is to be constructed. Those plans and specifications shall be provided where required for clarity;

(b) Facilities which meet the construction standards and yield potable water;

(c) Facilities which meet the construction standards and supply adequate water; and

(d) Vicinity map of the proposed project relative to the existing system or established landmarks.

(2) Plans shall be on standard size drafting sheets and drawn to scale.

(3) Incomplete plans will not be considered tentative plans and may be returned.

(H) The City Water Department shall either approve submitted tentative plans for public water supply systems, as originally submitted, or shall propose modifications within 21 days of submission.

(I) Tentative plans amended to include modifications pursuant to the City Water Department's requests and resubmitted shall be considered approved upon re-submission and approval.

(J) Within ten days after re-submission of the modified tentative plans pursuant to division (I) above, the City Water Department shall issue a written statement of approval of the tentative plans.

(K) Final plans shall accurately and completely illustrate and describe the completed system. Such plans shall be submitted to and approved by the City Water Department before any water is made available using the system. Where a significant change is found from tentative plans, which have been approved, the tentative plans must be revised and resubmitted to the City Water Department for

approval. Submission of final plans shall be interpreted as meaning the work has been completed in accordance with applicable law, rules and the approved tentative plans, and the engineer shall certify the final plans as being complete and accurate.

(L) Approval of final plans shall not be required prior to use of water from a system being replaced where the existing users would be without water while the final plans would be prepared, submitted to and reviewed by the City Water Department. The replaced system must, however, yield water safe for consumption prior to use.

(Ord. 81-4, passed 10-21-1981) Penalty, see § 50.99

§ 50.20 MINIMUM PIPE SIZE STANDARDS.

All pipes must meet city approval.

(Ord. 81-4, passed 10-21-1981) Penalty, see § 50.99

§ 50.21 OPERATION AND MAINTENANCE OF THE WATER SYSTEM.

(A) *Operation and maintenance.* The water system shall be operated and maintained in a manner that will continuously assure production and delivery of adequate and potable water. To assure this:

(1) All phases and components of the system shall operate effectively in the manner designed;

(2) Leaks and broken or malfunctioning equipment shall be promptly repaired or replaced; and

(3) Proper equipment, tools and parts shall be readily available and in good condition to make repairs. When possible, notice shall be given to users of impending work that will affect the quality or continuity of their service. All work must meet the construction standards and comply with disinfection requirements.

(B) *Personnel.*

(1) Personnel responsible for operation and maintenance of the system shall be fully aware of the function of the particular facilities for which they are responsible, and at all times shall make every effort to assure a continuous delivery of safe, potable, adequate water to each and every user.

(2) Attendance in special training programs and/or operator certification is recommended for all personnel.

(C) *Service interruption.* The city may interrupt service for repairing mains, making extensions or other reasons necessary for proper operation and maintenance of the system. The city shall not be responsible for any damages caused by such interruptions of service or fluctuations in pressure, but shall, when possible, give customers advance notice when it is known that service is to be interrupted for any appreciable length of time.

Wheeler - Public Works

(D) *Records.* The City Water Department shall maintain plans, maps and records to aid in planning, construction, operation and maintenance, coping with emergencies and meeting quality requirements.

(1) The following shall be kept current:

(a) A complete and current set of “as-built” plans and specifications of the entire system plus other maps, easements, rights-of-way and the like, as are necessary for proper operation and maintenance;

(b) A current operations manual or manuals covering each phase, as well as general operation of the system;

(c) A copy of the latest master plan or revised master plan;

(d) A current set of service connection records showing type and location;

(e) Current use records and cumulative totals to compare with production records and capacities of the system and capabilities of the source;

(f) A current record of all chemicals (with dosage rates and related data) used in the treatment plant or in the system; and

(g) A record of maintenance work performed under the ongoing maintenance program.

(2) The following shall be kept current by the City Water Department and be submitted to the appropriate agencies as required by federal and state laws and these rules:

(a) A record of all bacteriological reports;

(b) Monthly chlorination reports;

(c) A record of chemical analysis;

(d) A record of physical quality analysis, including turbidity readings; and

(e) Such other records as necessary or required by federal and state laws and administrative rules.

(3) Water quality sampling shall be done according to City Water Department, federal and state rules.

(a) When a bacteriological sample does not meet the standards, the City Water Department shall make a survey to attempt to determine the source of the contamination. Corrective action indicated by the survey shall be taken promptly, and a report of the same, put on file. A re-sample shall be taken

promptly from the same sampling point and this process continued until two consecutive acceptable samples are obtained.

(b) A chemical analysis shall be performed as prescribed in § 50.18(B) of these rules and records shall be kept as required in division (D)(2)(c) above.

(c) Turbidity analysis shall be performed on samples from each point where finished water enters the system as required in § 50.18(C). Results of turbidity readings shall be kept on record as required in division (D)(2)(d) above.

(4) Chlorination practices and use of other chemicals: the operation and maintenance of chlorination and/or other chemical use equipment shall be in accordance with the manufacturer recommendations and shall be such as to continuously produce water in accordance with City Water Department, federal and state treatment standards.

(5) It shall be the duty of the owner of the property served to keep backflow protective devices in good working condition at all times. It shall be the duty of the owner of the property at any premises where backflow protective devices are installed to have thorough inspections and leakage tests made at least once a year, or more often in those instances where successive inspections indicate failure. These devices shall be repaired, overhauled or replaced at the expense of the owner of the property whenever they are found to be defective. Records of such tests, repairs and overhauls shall be kept by the City Water Department.

(E) *Service connections.*

(1) No service connection shall be made to the city water system, without the property owner first having made application for water service to the City Manager, and a minimum of 24 hours' notice having been given to the City Water Department.

(2) No service shall be initiated until the connection fee has been paid. For individual service, the connection fee shall accompany the service application. There shall be no part-time or seasonal service.

(F) *Service line check valve.* With the construction of a new service line or the rehabilitation of an old service line, it shall be the policy of the City Water Department to withhold service beyond the meter box unless an approved check valve has been installed in the property owner's service line. The property owner shall install the check valve at his or her expense. A check valve is necessary to prevent a syphon action from the building plumbing system which may be brought on by line breakage or by action of the City Fire Department. A check valve will also help prevent the syphoning of contaminated water into the water system.

(G) *Separation of services.* In the construction or rehabilitation of buildings with multi-purpose use or multiple dwelling units, each unit shall be served independently of the other units, but any present apartment complex, hotel, motel or other commercial service now being served by one service line may

continue to be served in this manner at the option of the City Water Department on either a flat rate or a metered basis. The owner of the establishment applying for such service shall be responsible for the total charges for the service rendered, as determined from the applicable filed commercial flat rate or metered rate schedule.

(H) *Meter boxes.* Meter boxes shall be installed with every new service or with the rehabilitation of an old service. The meter box shall be located between the curblineline and the property line whenever possible. Meter boxes shall be installed so they are easily accessible and shall be protected from frost.

(I) *Meters required.*

(1) All premises now served by the City Water Department shall be equipped with an adequate water meter, furnished and installed by the City Water Department, provided that such water service may be supplied by the city at a flat rate of charge until such meter may be installed.

(2) Before any new premises are occupied, a water meter shall be installed by the City Water Department, but shall be paid for by the consumer after application is made for such water service at the flat rate of charge until the meter can be installed.

(J) *Plumbing.*

(1) Water from a service line shall not be turned into a building plumbing system which does not comply with the State Plumbing Code. Water may be turned on for construction work in an unfinished building or at a construction site before any plumbing is installed, provided the contractor makes application therefor and pays the flat rate user charge prescribed by the applicable rate schedule.

(2) Water on flat rates will not be furnished where there are defective or leaking faucets, toilets or other fixtures, or where there are toilets or urinals without self-closing valves, or toilets without self-acting float valves.

(3) Customers will keep all pipes and fixtures of the customer's lines in repair at their own expense, and will be held liable for any leakage and all damages which may result from their failure to do so. When leaks are detected, the customer will be notified, and if necessary repairs are not made in a reasonable time, the water may be shut off and not turned on again until the repairs are made.

(K) *Repairs.*

(1) The City Water Department shall make or supervise all repairs to the city water system; this responsibility ends at the meter box. Repairs beyond the meter box shall be the responsibility of the property owner. The city may, in an emergency, repair pipes between the meter box and the building being served. The cost of such repairs shall be charged to the owner of the premises served.

(2) No person, unless authorized by the City Water Department, shall in any manner tamper with, connect, disconnect, repair or otherwise disturb any water meter after same has been installed. The

customer shall be responsible that the meter remains free from obstructions for the purpose of reading, inspection or repair.

(3) Should damage result to metering equipment from actions or wilful neglect of the customer, the city will repair or replace such equipment and shall bill the customer for the costs incurred.

(L) *Access to premises.* Agents of the City Water Department may have access at reasonable hours of the day to parts of the customer's building and premises in which water may be delivered from the city water system, for the purpose of installing, inspecting, repairing or removing any or all of its equipment used in connection with metering the water service.

(M) *Authority of the city.* All parts of the city water system through which water is served, except pipes beyond the meter box, are under the exclusive control of the City Water Department. The Water Department has the right to limit or restrict the use of water. All water of the city for the exclusive use of the citizens and residents of the city first. If water should be served outside the city limits, it shall be surplus water only.

(Ord. 81-4, passed 10-21-1981) Penalty, see § 50.99

§ 50.22 ADMINISTRATIVE PROVISIONS.

(A) *Application for service.* Application for water service, including turn on, transfer of account and new service connection, must be made in writing to the City Manager, and shall contain an agreement by the applicant to abide by and accept all of the provisions of this subchapter as conditions governing the use of the city water system by the applicant.

(B) *Responsibility of payment of bills.* The property owner of record shall be responsible for payment of all charges for service. The city shall submit billings for all user fees and charges to the property owner.

(C) *Rates.* All property upon which any building has been or may hereafter be erected having a connection with any water supply line, which is or may be hereafter constructed, placed or used in connection with the city water system, shall pay a regular rate according to a schedule adopted by the City Council. This shall list all service connection charges and user rates, and shall be by resolution to enable its revision by the City Council to provide "a current rate" sufficient to meet the expense and obligations of the City Water Department. A current copy of such rate schedule shall be kept by the City Manager, and shall be open to public inspection.

(D) *Billings.* Billings for water use shall be dated and sent out at such time as may be directed by the City Council.

(E) *Separate billings.* All commercial services shall be billed independently from any residential service, with the exception of motels and apartment houses.

(F) *Meter readings.* The City Water Department shall read or cause to be read every water meter used in the city at such time as may be directed by the City Council.

(G) *Service termination or change of occupancy.* Customers vacating a premises where water service is provided must notify the city. The Water Department will render a final bill promptly, based on the applicable rate schedule, either flat rate or metered rate after making a final meter reading. A final bill will be due at once. Billing for portions of months will be prorated for actual days of use. There will be a charge to cover the cost of turning water off or on.

(H) *Delinquent accounts.*

(1) A water account is delinquent if it is not paid on or before the thirtieth day following the date of the mailing or presentation of a statement of account.

(2) A reminder of account delinquency notice may be sent to each delinquent account on or about the day the account becomes delinquent.

(3) Forty-five days after an account becomes delinquent, a turn-off notice shall be sent to each account that is delinquent. That notice shall specify that water service shall be turned off on a specified date if the delinquent account is not paid in full by the specified date.

(4) On the specified turn-off date, the agent of the City Water Department shall deliver a written notice to the customer stating that water service is being turned off until all delinquent charges have been paid. The agent of the City Water Department shall immediately thereafter turn off the service and padlock it.

(5) A delivery to any person residing at the address served by the service connection shall be considered a delivery to the customer. If there is no person present at the address served, then a notice may be left on the premises stating that the water service will be turned off on the following morning. If delinquent charges have not been paid by the following morning, a meter reader or other agent of the City Water Department shall return to the premises, shut off the water service, and leave a notice that the water has been turned off until all delinquent charges have been paid.

(6) In all instances where water services have been turned off because of delinquent charges, the amount of the delinquent charges, plus a \$15 service charge for the restoration of service must be paid to the City Manager, and not to the meter reader or other agent of the City Water Department.

(7) The City Manager, in cases of extreme hardship, shall have the discretion of renewing service to delinquent accounts upon receipt of a plan for the payment of the basic due charges in installments.

(8) If there has been no change of ownership and an account becomes delinquent at a premises where prior delinquency has occurred within the preceding two years, then an immediate turn-off notice as provided in division (H)(3) above shall be sent, and notice may be immediately enforced as provided for in division (H)(4) above.

(I) *Meter testing.* Any city meter shall be taken out and tested upon complaint of the customer, upon payment of a fee of \$25. If upon testing, the meter is not within 3% of being accurate, it shall be repaired or replaced and the \$25 returned. Whenever a meter is found to over register more than 3%, and adjustment in a reasonable amount will be made to the customer for past billings, based on prior use, but in no case will an adjustment period exceed 90 days.

(J) *Water line extensions.*

(1) Application for main extensions and lateral extensions, which shall include the installation of fire hydrants where necessary, shall be in writing and accompanied by two copies of an adequate map showing the properties to be served by the proposed extension. All such extensions shall be made by the City Water Department, or by a contractor approved by the city, and to the specifications of the City Water Department. All materials used must be approved by the City Water Department and the extension will become a part of the city water system. Where extensions are made by the city, when requested, they shall be paid by advance payment by the person or persons requesting them, at actual cost plus normal city overhead.

(2) Whether the property owner pays a private contractor or the city to construct the water line extensions, he or she shall for a period of ten years be entitled to a reimbursement by the owner of property that obtains water service from the extension at a later date. An assessment shall be computed on a front foot (or square foot) basis and no new service connection shall be permitted to the extension until the person desiring the service has paid the assessment against his or her property.

(3) The assessment is charged in addition to the regular service connection fee, and payment shall be made to the City Manager at the time of application for water service is made, and the City Manager shall have the obligation to repay the property owner who originally paid to have the extension constructed.

(K) *Water line assessments.* The City Manager shall record each water line extension project on a form and enter it in the assessment book, listing all benefitted property, the owner's name, the legal description or assessor's description, stating those owners paying the extension costs, the names of owners still owing an assessment, the amount owed and the date the project was completed, as well as the date the assessment will expire.

(L) *Water pressures.* The City Water Department will endeavor to furnish water at a desirable service pressure. Where service pressures are higher than needed or desired, customers may install and maintain within their premises any required pressure regulators for their convenience. If any customer desires more pressure, he or she may install a pressure pump on his or her own service line, at his or her own expense, on his or her own property, and operate and maintain it at his or her own expense. The City Water Department will not be responsible for damages caused by variations in pressure within the system.

(M) *Liability.* The City Water Department will not be liable for any damage or injury for leakage or the running of water on the premises from pipe lines, plumbing fixtures, open faucets, valves, fixtures, devices, appurtenances and hoses located between the meter box and the premises served.

(N) *Tampering.* It shall be unlawful for any person or persons not authorized by the City Water Department to tamper with, alter or damage any part of the water system.

(O) *Resale and unauthorized uses.* No water shall be resold or distributed by the recipient thereof from the city water system to any premises or property other than that for which application has been made, except in cases of emergency. Any person found furnishing water shall be in violation of this subchapter, and shall be charged two times the applicable schedule rate for this use.

(P) *Service outside the city.* Water service generally will not be available to properties outside the city boundaries, unless the Council determines, after a hearing, that adequate water is available to serve such property. Upon such determination, the Council may enter into a contract for water service with the owner of the applicant property. Such contract shall provide that water service may be cancelled at any time that the available supply of water is inadequate to meet the requirements of city users. It shall also provide for a rate schedule which will be comparable to cost of water to city users, including taxes paid by them.

(Ord. 81-4, passed 10-21-1981; Ord. 91-04, passed 7-16-1991; Ord. 2012-05, passed 11-20-2012)
Penalty, see § 50.99

§ 50.23 INTERPRETATION.

Where the conditions imposed by a provision of this subchapter are less restrictive than comparable conditions imposed by any other provisions of this subchapter or any other ordinance, the provision which is more restrictive shall govern.

(Ord. 81-4, passed 10-21-1981)

§ 50.24 PAST DUE, DELINQUENT, INACTIVE AND ABANDONED WATER SERVICES AND ACCOUNTS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED ACCOUNT. A water service/account which has been inactive for at least six months.

ACTIVE ACCOUNT. A water service/account connected to the city water system which is not in a delinquent status.

DELINQUENT ACCOUNT. A water service/account for which the amount billed 30 days ago and the associated late charges have not been paid.

INACTIVE ACCOUNT. A water service/account for which the amount billed 105 days ago and the associated late charges have not been paid and which has been turned off.

(B) *Continuous service.* Once a water service has been connected to the city water system, it shall be considered an active service and it shall be subject to the normal fees for its customer class.

(C) *Inactive water account.* When a water service becomes inactive, an inactive account record for it shall be created on the city water ledger. This inactive account shall be carried on the ledger for six months during which time it shall accrue the monthly “to the tap” charge and interest. If the account is still inactive at the end of the six-month period, it shall be declared abandoned by the City Council. One month before an inactive account is due to be declared abandoned the property owner listed on the city’s water ledger shall be notified by certified mail of the pending action and its consequences.

(D) *Reactivation of inactive water service.* In order for an inactive water service to be reactivated, the property owner shall pay the fees accrued while the account was inactive, including interest, and a fee to turn on the water.

(E) *Reactivation of abandoned water service.* In order for an abandoned water service to be reactivated, the property owner shall pay the current system development charge and connection fee.

(F) *Water services currently turned off.* Any water service turned off for lack of payment of water charges at the time of the passage of this section are declared to be inactive. The property owner shall be sent notice by certified mail stating that the service is declared inactive as of the date of the passage of this section, and that it shall be treated as described in this section. A copy of this section shall accompany the notice.

(Ord. 2001-02, passed 3-20-2001; Ord. 2012-05, passed 11-20-2012)

§ 50.25 WETLANDS PROTECTION.

The city shall not provide water service to any new structures or development which would encroach upon or adversely affect any designated wetland within the city limits or urban growth boundary.

(Ord. 2002-01, passed 2-19-2002)

WATER SYSTEM DEVELOPMENT CHARGE

§ 50.40 PURPOSE.

(A) The purpose of the water system development charge is to provide reimbursement to the city for previously incurred costs in providing a water supply, treatment and distribution system for city use.

(B) This charge is for additional capacity of the system to provide for additional development and growth within the city and upon all lands outside the boundary of the city which will connect to or otherwise use the water system.

(Ord. 2000-01, passed 1-18-2000)

§ 50.41 SCOPE.

The system development charge imposed by this subchapter is separate from, and in addition to, any applicable tax, assessment, charge or fee otherwise provided by law or imposed as a condition of development.

(Ord. 2000-01, passed 1-18-2000)

§ 50.42 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAPITAL IMPROVEMENTS. Facilities or assets used for water supply, treatment and distribution.

DEVELOPER. The person, firm, corporation or partnership causing development to occur and making application to the City Water Department for a water connection.

DEVELOPMENT. Taking any action relating to land which requires a building permit, a land use approval or an application to connect to city water. Any new construction or existing uses being converted that cause an increase in the rate of water usage.

IMPROVEMENT FEE. A fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to § 50.43.

REIMBURSEMENT FEE. A fee for costs associated with capital improvements already constructed or under construction on the date the fee is adopted pursuant to § 50.43.

SYSTEM DEVELOPMENT CHARGE. A reimbursement fee, a public improvement fee or a combination thereof collected from an owner for water service to a parcel of land at the time of water connection permit application for increased usage of the water system. ***SYSTEM DEVELOPMENT CHARGES*** do not include fees assessed or collected as part of a local improvement district or the cost of complying with requirements or conditions imposed by a land use decision or compliance with Building Code requirements.

(Ord. 2000-01, passed 1-18-2000)

§ 50.43 SYSTEM DEVELOPMENT CHARGE ESTABLISHED.

(A) System development charges shall be established and may be revised by ordinance of the City Council. The ordinance shall set the amount of the charge and may set forth the type of permit to which the charge applies, the type of use to which it applies or the geographic area in which the charge applies.

(B) Unless otherwise exempted by the provisions of this subchapter or other local or state law, a system development charge is hereby imposed upon all development within the city, and upon all development outside the boundary of the city that connects to or otherwise uses the water system of the city.

(Ord. 2000-01, passed 1-18-2000)

§ 50.44 METHODOLOGY.

(A) The methodology used to establish the reimbursement fee shall consider the cost of then-existing facilities, prior contributions by then-existing users, the value of unused or surplus capacity, rate-making principles employed to finance publicly-owned capital improvements and other relevant factors identified by the City Council. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of the water system facilities.

(B) The methodology used to establish the improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related.

(C) The methodology used to establish the water reimbursement fee shall be as shown in the attachments.

(Ord. 2000-01, passed 1-18-2000)

§ 50.45 AUTHORIZED EXPENDITURES.

(A) Funds generated from reimbursement fees shall be applied only to capital improvements for the water system, including expenditures relating to repayment of indebtedness.

(B) Improvement fees:

(1) Improvement fees shall be spent only on capacity increasing capital improvements, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the capital improvements funded by improvement fees must be related to demands created by current or projected development; and

(2) A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the city pursuant to § 50.47.

(C) Notwithstanding divisions (A) and (B) above, system development charge revenues may be expended on the direct costs of complying with the provisions of this subchapter, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures.

(Ord. 2000-01, passed 1-18-2000)

§ 50.46 EXPENDITURE RESTRICTIONS.

(A) System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

(B) System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements.

(Ord. 2000-01, passed 1-18-2000)

§ 50.47 IMPROVEMENT PLAN.

(A) The City Council shall adopt a plan or project list that:

- (1) Lists the capital improvements that may be funded with improvement fee revenues;
- (2) Lists the estimated cost and time of construction of each improvement; and
- (3) Describes the process for modifying the plan or project list.

(B) In adopting this plan, the City Council may incorporate by reference all or a portion of any public facilities plan, master plan, capital improvements plan or similar plan that contains the information required by this section.

(Ord. 2000-01, passed 1-18-2000)

§ 50.48 COLLECTION OF CHARGE.

(A) The system development charge is payable as follows:

- (1) New use: upon the issuance of a permit or approval to connect to the water system; and
- (2) Changed use: when a new meter size is installed.

(B) If development occurs which would trigger a system development charge, without the city being aware of same, the system development charge is immediately due and payable when the city learns of the development.

(C) The City Manager shall collect the applicable system development charge from the owner when a connection to the water system of the city is made, or when the City Manager becomes aware that a new meter size is required.

(D) The City Manager shall not allow such connection or grant any necessary approvals relating to the development until the system development charge has been paid in full, unless an exemption is granted pursuant to § 50.49.

(Ord. 2000-01, passed 1-18-2000)

§ 50.49 EXEMPTIONS.

(A) All water system uses established and existing and connected to the water system on or before the effective date of this subchapter shall be exempt from a system development charge. Additionally, all water system users for which final written approval of the plans for on-site or off-site water system components has already been issued by the city as of the effective date of this subchapter shall also be exempt from a system development charge.

(B) Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the State Uniform Building Code, are exempt from all portions of the system development charge.

(C) An alteration, addition, replacement or change in use that does not increase the parcel's or structure's rate of use of the water system facility are exempt from all portions of the system development charge.

(D) A development owned by the city is exempt from all portions of the system development charge.

(E) A service connection the city believes will not be in existence for more than six consecutive months is exempt from all portions of the system development charge. Such service, if it continues for more than six consecutive months, shall be fully subject to all applicable systems development charges.
(Ord. 2000-01, passed 1-18-2000)

§ 50.50 CREDITS.

(A) When a system development charge is required to be paid because of a changed use (§ 50.48(A)(2)), a credit shall be given for the system development charge that is applicable to the prior use.

(B) A credit shall be given to the permittee for the cost of a qualified public improvement upon acceptance by the city of the public improvement. The credit shall not exceed the improvement fee even if the cost of the qualified public improvement exceeds the applicable improvement fee and shall only be for the improvement fee charged for the type of improvement being constructed.

(C) If a qualified public improvement is located in whole or in part on or contiguous to the property that is the subject of development approval and is required to be built larger or with greater capacity than is necessary for the particular development project, a credit shall be given for the cost of the portion of the improvement that exceeds the city's minimum standard facility size or capacity needed to serve the

particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for a credit under this division (C). The request for credit shall be filed in writing no later than 60 days after acceptance of the improvement by the city.

(D) When the construction of a qualified public improvement located in whole or in part or contiguous to the property that is the subject of development approval gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project, the credit in excess of the improvement fee for the original development project may be applied against improvement fees that accrue in subsequent phases of the original development project.

(E) Notwithstanding §§ 50.43 and 50.44, when establishing a methodology for a system development charge, the city may provide for a credit against the improvement fee, the reimbursement fee, or both, for capital improvements constructed as part of the development which reduce the development's demand upon existing capital improvements and/or the need for future capital improvements or a credit based upon any other rationale the City Council finds reasonable.

(F) Credits shall not be transferable from one development to another.

(G) Credits shall not be transferable from one type of system development charge to another.

(H) Credits shall be used within ten years from the date the credit is given.

(Ord. 2000-01, passed 1-18-2000)

§ 50.51 NOTICE.

(A) The city shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any system development charge. Written notice shall be mailed to persons on the list at least 45 days prior to the first hearing to adopt or amend a system development charge. The failure of a person on the list to receive a notice that was mailed shall not invalidate the action of the city.

(B) The city may periodically delete names from the list, but at least 30 days prior to removing a name from the list, the city must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

(Ord. 2000-01, passed 1-18-2000)

§ 50.52 SEGREGATION AND USE OF REVENUE.

(A) All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the city. System development charges shall be used for no purpose other than those set forth in § 50.45.

(B) The City Manager shall provide the City Council with an annual accounting, based on the city's fiscal year, for system development charges showing the total amount of system development charge revenues collected and the projects funded from each account.
(Ord. 2000-01, passed 1-18-2000)

§ 50.53 APPEAL PROCEDURES FOR EXPENDITURES OF SYSTEM DEVELOPMENT CHARGE REVENUES.

(A) A person challenging the propriety of an expenditure of system development charge revenues may appeal the decision or the expenditure to the City Council by filing a written request with the City Manager describing with particularity the decision of the city and the expenditure from which the person appeals. An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure.

(B) After providing notice to the appellant, the City Council shall determine whether the City Manager's decision or the expenditure is in accordance with this subchapter and the provisions of O.R.S. 223.297 to 223.314 and may affirm, modify or overrule the decisions. If the City Council determines that there has been an improper expenditure of the system development charge revenues, the City Council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent. The decision of the City Council shall be reviewed only as provided in O.R.S. 34.010 to 34.100, and not otherwise.
(Ord. 2000-01, passed 1-18-2000)

§ 50.54 LEGAL CHALLENGE TO SYSTEM DEVELOPMENT CHARGE METHODOLOGY.

A legal action challenging any methodology adopted by the City Council pursuant to § 50.44 shall not be filed later than 60 days after the adoption. A person shall contest the methodology used for calculating a system development charge only as provided in O.R.S. 34.010 to 34.100, not otherwise.
(Ord. 2000-01, passed 1-18-2000)

§ 50.55 PROHIBITED CONNECTION.

No person may connect to the water system of the city unless the appropriate system development charge has been paid in full.
(Ord. 2000-01, passed 1-18-2000) Penalty, see § 50.99

§ 50.56 CONSTRUCTION.

The rules of statutory construction contained in O.R.S. Chapter 174 are adopted, and by this reference, made a part of this subchapter.
(Ord. 2000-01, passed 1-18-2000)

§ 50.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) A person violating a provision of §§ 50.15 through 50.24 shall, upon conviction, be punished by a fine of not more than \$250. A violation of §§ 50.15 through 50.24 shall be considered a separate offense for each day the violation continues.

(C) Violation of § 50.55 is punishable by a fine not to exceed \$500.
(Ord. 81-4, passed 10-21-1981; Ord. 2000-01, passed 1-18-2000)

CHAPTER 51: STORM WATER PROVISIONS

Section

- 51.01 Storm Water Master Plan
- 51.02 Policies and regulations for a storm water management utility
- 51.03 Storm water utility rates

§ 51.01 STORM WATER MASTER PLAN.

The City Storm Water Master Plan (attached to the ordinance from which this section is derived and herein referenced) is adopted as the official policy governing and guiding future storm water management in the city.

(Ord. 2005-04, passed 9-20-2005)

§ 51.02 POLICIES AND REGULATIONS FOR A STORM WATER MANAGEMENT UTILITY.

(A) *Purpose.* The purpose of this section is to set policies and regulations to facilitate future improvements and the orderly expansion of the city's storm water collection system; to establish storm water management as a utility and Proprietary Fund (business-like activity); and, in general, to promote the public health, safety, convenience and general welfare.

(B) *Establish storm water management as a utility.*

(1) Storm water management is established as a separate utility and proprietary fund. Operations will be primarily financed by user charges.

(2) The storm water management utility will be a function of the Public Works Department.

(C) *Standards.* The city shall require a storm water drainage management plan, and may further require a plan stamped by a appropriately qualified engineer before a structural building permit is issued.

(D) *Rates.* As all development affects the storm water system, utility fees will be charged monthly for all properties with a water connection. Fees shall be established by the City Council sufficient to meet the expense and obligations of this utility. A current copy of this rate schedule shall be kept by the City Manager at City Hall, and shall be open to public inspection.

(E) *Development fees.* Charges for city staff review, construction or inspection of a connection to the city's storm water drainage system shall be charged to the developer, based on time and materials. Additionally, overall system development charges (SDCs) will be evaluated and assessed as determined by the City Council action on a separate ordinance.

(F) *Civil law doctrine of drainage.* Property owners shall comply with the civil law doctrine of drainage. This doctrine provides for the maintenance of natural drainage across adjoining properties. There are three basic provisions:

(1) A landowner may not accumulate large quantities of water, then release it with the result of greatly accelerating on the flow on the lower, adjoining property;

(2) A landowner may not divert water onto adjoining land that would not otherwise have flowed there; and

(3) A landowner may not change the place where water flows onto a lower, adjoining property.

(G) *Storm water fees/charges collection.* Charges for storm water fees that are determined to be delinquent shall be processed through collection methods/agencies prescribed by city ordinance and state law governing municipalities.

(Ord. 2006-01, passed 1-18-2006)

§ 51.03 STORM WATER UTILITY RATES.

(A) Every connection to the water system costs a storm water utility fee.

(B) The storm water utility fee is established as a flat rate of \$3 per month per water connection, and will go into effect February 1, 2006.

(Res. 2006-01, passed 1-18-2006)