

ORDINANCE NO. 261

AN ORDINANCE REGARDING WATER RATES AND REGULATIONS; PROVIDING PENALTIES; AND REPEALING ORDINANCE NO. 231 and 249.

The Town of Canyon City ordains as follows:

Section 1. Water Service Defined: For the purpose of this Chapter water service is defined as the use of water provided from the City water system to any residence, business or other establishment.

Section 2. Contract. The rules, regulations, water rates and penalties provided by this ordinance shall be considered part of the contract with every person, company or corporation supplied with water through the water system of Canyon City. Each person, company or corporation by taking water, assents to be bound by them. Violation of these rules and regulations is grounds for shutting off the supply of water which will not be turned on again except by order of the council, and upon payment of the expenses of shutting off and turning on the water, and subject to other terms as the council determines.

Section 3. Application For Service.

(1) A person desiring to use water from the system must make application to the Maintenance Superintendent stating his or her name, address, the location of the property, and the use to which water is to be applied.

(2) If connection is already available to the property where the water is to be used, permission of the Maintenance Superintendent must be obtained and a deposit made in accordance with the rate schedule before water is turned on.

(3) If connection to the water system main lines is desired, permission of the Maintenance Superintendent and approval of the proposed connecting facility must be obtained and the new connection charge paid in full prior to the issuance of the permit.

Section 4. Tapping of Water Mains.

(1) Only City maintenance employees are allowed to tap any main or make any connection with any City main line or container except as authorized by special permission of the City Council.

(2) The portion of the individual service line installed by the City shall be from the water main to the best evidence of the private property line, retaining wall, or a maximum of 50 feet, whichever comes first.

Section 5. Liability For Payment of Charges.

(1) All rates to be paid for the use of water from the system shall be paid by the user whether it be the owner of the property or tenant(s).

Section 9. Services.

(1) **Service Pipes.** Not more than one consumer, whether such consumer shall be rated as an individual, a family, company, firm or corporation, shall be allowed to take water through any one service pipe. Where water is now supplied through one service pipe to several houses, families or persons, the council may either decline to furnish water until separate service pipes are installed, or may continue the supply on condition that one person shall pay for all on the same service. No service pipe shall exceed three-fourths inch (3/4") in diameter except by special permission of the council. Such service pipes must be laid as much under the surface of the ground as the main which it taps.

(2) **Shut-Off Valve, Stop and Waste.** Each user shall place in the service pipe, and within his premises, at his own expense, a stop cock and waste, carefully protected from freezing, and shall keep the water cut off and drained by means of the same, when the service is not in actual use. In addition, the consumer shall furnish and install a shut-off valve on the consumer's side of the City's water meter. The shut-off valve shall be installed in the service line before any branch connections are made and before it enters the dwelling or building served. The shut-off valve shall be located in an easily accessible location and shall be in a operable condition at all times. The shut-off valve and location will be inspected by the City at the time of installation of a new water service.

(3) **Meters.** The city shall install meters at the consumers' connections to the mains for measuring the volume of water used by consumers. Meters shall be under the exclusive control of the city and Maintenance Superintendent.

(a) To meet Oregon fire code requirements and protect the city's meters, check valves may be installed in the mains when and where it is deemed necessary by the council, the superintendent or the Fire Chief. These valves shall be under the control of the city, the Maintenance Superintendent and the chief of the fire department.

Section 10. Inspection, Right of Entry.

(1) Officers and employees of the Town of Canyon City shall have free access at proper hours of the day to all parts of the buildings and premises where water is used from the City mains, for purposes of inspecting the condition of the pipes, fixtures, and the manner in which the water is used.

Section 11. Repairs and Damages.

(1) The water may at any time be shut off from the mains without notice for the purpose of making repairs, extensions or other necessary purposes. Persons having boilers supplied by direct pressure from the mains are cautioned against danger of explosions or collapses, and the city shall not be liable for any

Section 6. Water Rates and Charges.

(1) The council may establish water rates and charges, including minimum monthly rates, water rates, service deposits, and hook-up charges by resolution. The rates and charges in effect at the time of the adoption of this ordinance until changed by the council.

(2) Meters will be read monthly by the city from April through September of each year, and the volume of water will be billed monthly, except the volume of water used between October and April of the following year, over and above the minimum will be billed on the first statement rendered after May 1st of each year.

(3) Monthly charges or rates shall be due no later than one month from the receipt of the service. If default of payment occurs for a period of 30 days the City may cut off service. When the water is so shut off it shall not be turned on again except on payment of a turn-on fee in an amount set by council resolution and all payments due to the city.

(4) New consumers shall be charged a proportional part of a month's water usage fee as the remaining number of days in the month bears to the whole month when service begins on a day other than the first day of the month.

(5) Delinquent fees and charges shall be referred to outside collection agencies as approved by the council.

Section 7. Deposit.

(1) Water deposits will be refunded to the user after one year if twelve consecutive monthly payments for water service have been made.

Section 8. Discontinuance Of Water Service.

(1) Consumers desiring to permanently discontinue the use of water must thereupon cut off the water at the curb cock. Upon receipt of notice, water charges shall cease. The final bill will be pro-rated and the consumer will be charged only for the days the service was used during that month. Refund of the service deposit will be made to the consumer only for any amount in excess of amounts due the city for water usage.

(2) Consumers desiring a temporary discontinuance shall notify the Maintenance Superintendent stating the date of discontinuance and the length of time it is to run. The water shall then be turned off and charges shall cease until the water is turned on again, but the service deposit shall remain on deposit with the city. The consumer may have the water turned on again by notifying the superintendent. The charges will be pro-rated for during which the notice of discontinuance is given. No temporary discontinuance shall be recognized unless it is for a period of one month or more.

damage by reason of failure to supply water, or by reason of an injury that may result from the improper use of water by any consumer.

Section 12. Wasting Water.

(1) Water will not be furnished where there are defective or leaking faucets, closets or other fixtures. When defects or leaks are discovered, the water will be shut off until proper repairs are made. If any consumer wastes water by allowing any faucet or pipe to remain open and the water shall be turned off the premises, and in no case shall be turned on again until the charge has been paid.

(2) All consumers shall keep faucets, hydrants, taps, holes, water closets, urinals, bath or other fixtures in use, closed except when obtaining water for their use. Consumers shall shut off all water during a fire.

Section 13. Lawn or Garden Sprinkling Restrictions.

(1) The use of city water for sprinkling and irrigation may be prohibited or curtailed during periods of low water supply in the system's reservoirs if the council determines such action is essential to conserve the city's water supply. In such case, the council shall publish notice in a newspaper of general circulation and post notice in three public places in the city, of such prohibition or curtailment of use, setting out the time of commencement, and such regulations for rotating use of water and hours of use as the council and the Maintenance Superintendent determine. Such regulations shall be in full force and effect until revocation or change by the council. No person shall violate the regulations so posted and published by the council.

Section 14. Interfering With System.

(1) If any consumer turns on the water or causes or permits it to be turned on, after it has been shut off by the superintendent at the curb cock, the consumer's supply pipe shall be cut off at the mains and he shall pay a fine of \$10, before the same shall be connected and water turned on again.

(2) No person should open, close, turn on, interfere with or attach to or connect with any fire hydrant, stop valve or stop cock belonging to the city, or injure, disturb or damage any pipe, machinery, tools or other property of the water works system of the reservoir, water main or hydrant belonging to the water system of the city or bathe in any reservoir, or to deface, disturb or injure any structure, dam or building belonging to or connected with the water system of the city.

(3) No opening or excavation of streets or tapping of mains will be permitted when the ground is frozen, nor shall any person make any excavation in any street or highway within three feet of any laid water pipe while the ground is frozen, or dig up or uncover so as to expose to the frost any water pipe connected with the water system.

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Section 15. Fire Hydrants

(1) Fire Departments. The council and the fire department may install hydrants for fire protection along the city mains at such points as the council and the chief of the fire department may determine. The council and the chief shall have charge of the existing hydrants and any hydrants installed in the future. No person except the chief, or someone acting under his authority or that of the council, shall turn on the water in any hydrant or in any manner interfere with the same.

(2) Private Fire Hydrants. The council may, upon application, authorize the installation and maintenance of standard fire hydrants and stand pipes for private fire protection, and provide regulations for the same, but all such hydrants and stand pipes shall be installed and maintained at the expense of the applicant or owner.

Section 16. Water Fund.

(1) All revenues received by the City Recorder from the water system shall be separately kept, and such system of bookkeeping adopted shall show at all times all receipts and disbursements have been applied.

(2) Revenues received from the water system shall first be used for the reasonable cost of operation and maintenance of said water system and Water Reserve Fund and after such payments, all of the remaining or net revenues shall be used for the purpose of paying the principal of and interest on any outstanding general obligation bonds of the Town of Canyon City designated as water bonds in the manner and form prescribed by ordinance or ordinances authorizing the issuance of such bonds.

Section 17. Penalty.

(1) Unless otherwise provided, any violation of any of the provisions of this ordinance shall be punishable, upon conviction, by a fine not to exceed \$500.

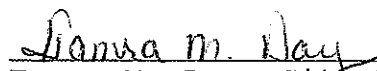
Section 18. Repeal.

Ordinance No. 231 enacted October 22, 1986 and Ordinance Nol 249 enacted July 17, 1991 are repealed.

Passed by the council and approved by the Mayor July 13th, 1995.


Russell Bratcher, Mayor

Attest:


Tamra M. Day, City Recorder