

ORDINANCE NO. 346

AN ORDINANCE ESTABLISHING REGULATIONS AND RATES FOR THE CITY WATER SYSTEM; AND REPEALING ORDINANCES NO. 181, 213, 242, 272, 310, 313, 330 AND 336.

THE CITY OF COLUMBIA CITY DOES ORDAIN AS FOLLOWS:

Section 1. Definitions.

- (1) Customer. The owner of property which is served by the City water system. A person, corporation, association or agency which rents or leases premises shall be considered an agent of the property owner.
- (2) Fire Protection Service. Provision of water to premises for automatic fire protection.
- (3) Mains. Distribution pipe lines that are part of the City water system.
- (4) Premises. The integral property or area, including improvements thereon, to which water service is or will be provided.
- (5) Service Connection. The pipe, valves and other equipment by means of which the City conducts water from its mains to and through the meter, but not including piping from the meter to the premises service.

SERVICE PROVIDED

Section 2. Regular Service.

- (1) The City shall furnish and install a service connection of such size and location as a customer requests, provided that the request is within the options available. The service will be installed from the main to a point between the curb line and the property line of the premises if the main is in the street, or to a point in a city right-of-way or easement.
- (2) The customer shall, at his own risk and expense, furnish, install and keep in good and safe condition equipment that may be required for receiving, controlling, applying and utilizing water. The City shall not be responsible for loss or damage caused by the improper installation of the equipment, or the negligence, want of proper care or wrongful act of the customer in installing, maintaining, using, operating, or interfering with the equipment.
- (3) The City shall not be responsible for damage to property caused by a spigot, valve or other equipment that is open when the water is turned on at the meter.
- (4) A customer making any material change in the size, character, or extent of the equipment or operation utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the City written notice of the nature of the change and, if requested, amend his application.

(5) The service connection, whether located on public or private property is the property of the City; and the City reserves the right to repair, maintain and replace it.

(6) No customer shall serve any other water user through his own meter without the consent of the City.

Section 3. Fire Protection Service. Fire protection facilities shall be allowed inside and outside of a building under the following conditions:

(1) The owner of a fire protection system shall furnish and maintain a service meter approved by the City. The connection with the City main and the setting of the meter and the construction of a suitable meter chamber shall be made by the City upon payment of the charges prescribed in Section 16.

(2) When a building has a fire protection service, whether a wet or dry sprinkler system, which is separate from the regular water service to the building, an approved proportional meter or detector check may be used in place of a service meter. The owner of the building shall agree in writing that water supplied through this service will not be used for any purpose except for extinguishing fire. If registration is recorded on the meter or detector check, the installation of a service meter or the removal of the service may be required.

(3) No charge shall be made for water used in the extinguishing of a fire if the owner reports the use to the City in writing within 10 days of the fire.

(4) Water may be obtained from fire protection facilities for filling a tank connected with the fire service, but only if written permission is secured from the City in advance and an approved means of measurement is available. The general rates for general use will apply.

Section 4. Outside City Service. The following terms and conditions shall be applicable to every purchaser and user of surplus water outside the City limits unless expressly provided otherwise in the agreement between the City and the user.

(1) The word "user" herein refers to any person, firm or corporation desiring to purchase surplus water from the City for use by said user or person, firm or corporation supplied by such user outside of the City.

(2) The user, at his own expense, will construct a private water main from the City's main to the property upon which the water is to be used.

(3) The user, at his own expense, will install a pump sufficient to adequately supply water for the user's purpose.

(4) The water main and pump installation will be installed in accordance with the specifications of the City Engineer, and the costs of the engineering will be at the user's expense.

(5) The user will own the water main, pump and installation and will be responsible for the operation, maintenance and replacement of the same.

(6) The user will construct and maintain housing for the pump at his own expense.

(7) The City will sell surplus water to all users on the user's main at the prevailing non-resident rates, and such water shall be used for domestic purposes only.

(8) Each user shall be required to pay to the City the usual non-resident meter installation charge and water deposits, and the City will install a water meter at the lot line of such user.

(9) The City will read all water meters along the user's main, and the user will provide the City with easements across all reasonable routes in order to permit access by City employees and equipment to read the meters and to maintain, repair and replace the equipment.

(10) The user agrees to and does hereby hold the City, its officers, and employees harmless for any claim of damage that might result to the user's main, pump and equipment, and to the users of such equipment, as a result of the failure of the City to supply surplus water, or as a result of any activity or failure to act, on the part of the City, its officers and employees.

(11) The city will bill all water users directly, and the user shall bill all such users as he may see fit for their pro rata cost of purchasing, installing, maintaining, operating and replacing the user's main, pump, and equipment.

(12) The user's agreement, and the renewal thereof, shall be in effect for such period as may be agreed upon by the Council.

(13) Nothing contained in said agreement shall prevent the City from raising, lowering or changing the rate schedule at any time to non-resident users; and users of the user's main shall at all times pay the prevailing non-resident rate which shall at that time exist.

(14) The user, his successors, heirs and assigns, and all users of his main, shall comply with all rules, laws and regulations of the water department of the City of Columbia City and sign all necessary documents required by the City, such as the non-resident water user's agreement.

(15) If at any time it is determined by the superintendent of public works of the City of Columbia City, or the Council, that the pipeline or pump of the user or his successors, heirs or assigns, or those being permitted to use the same, is not being properly maintained or is in violation of the contract and agreement between the user and the City, the City may terminate surplus water to such pipeline and to the users of the line.

(16) Nothing in said agreement shall bind or require the City to furnish any water other than surplus water above and beyond the needs of the City.

Section 5. Temporary Service.

(1) Charges for water furnished through a temporary service connection shall be at the established rates for other customers.

(2) The applicant for temporary service will be required:

(a) To pay to the City, in advance, the estimated cost of installing and removing the facilities to furnish the service.

(b) To deposit an amount sufficient to cover bills for water during the entire period temporary service may be used, or to establish credit approved by the City.

(c) To deposit with the City an amount equal to the value of equipment loaned by the City. This deposit shall be refundable under the terms of Subsection 3.

(3) The customer shall use all possible care to prevent damage to the meter or other equipment loaned by the City which are involved in furnishing the temporary service from the time they are installed until they are removed, or until 48 hours' notice in writing has been given to the City that the contractor or other person is through with the meter and other equipment. If the meter or other equipment is damaged, the cost of making repairs shall be paid by the customer.

(4) Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the City.

Section 6. Limitation on Use. The Mayor may limit the use of water in times of emergencies, resulting from shortages, etc.

Section 7. Interruptions in Service. Temporary shutdowns may be resorted to by the City for improvements and repairs. Whenever possible, and as time permits, customers affected shall be notified prior to the shutdown. The City shall not be liable for damage resulting from an interruption in service.

Section 8. Application for Service.

(1) No water service will be provided without a signed application containing the following information:

- (a) The date of application.
- (b) The location of premises to be served.
- (c) The date on which the applicant will be ready for service.
- (d) Whether the premises has ever before been supplied by the City.
- (e) The purpose for which the service is to be used.
- (f) The size of the service.
- (g) The address to which bills are to be mailed or delivered.
- (h) Whether the applicant is an owner or tenant of the premises.
- (i) An agreement to abide by all rules, regulations and ordinances of the City governing water service.

(j) Such other information as the City may reasonably request.

(2) Two or more parties who join to make application for service shall be jointly and individually liable and shall be sent a single billing.

(3) Contracts, other than applications, may be required prior to service when, in the opinion of the City, special circumstances exist.

(4) If premises are connected to the City water system without application, the premises will be disconnected. Before a new connection is made, the applicant shall pay double the rate for the estimated quantity of water consumed.

(5) If an applicant is not the owner of the property for which service is being requested, the owner must sign the application and agree that if the applicant fails to make payments in accordance with the rules, regulations and ordinances of the City of Columbia City, the water bill shall become a charge to the owner of said premises and a lien upon the real property to which the water service was supplied.

The City Recorder is hereby authorized to prepare application forms for the request of water service which contain the following language:

By virtue of his signature upon this application, the owner of the property for which water service is being requested agrees that if the applicant fails to make payments in accordance with the rules, regulations and ordinances of the City of Columbia City, the water bill shall become a charge to the owner of said premises and a lien upon the real property to which the water service was supplied. [Amended by Ord. No. 438 1/21/88.]

METERS

Section 9. Meters.

- (1) Meters shall be furnished and owned by the City.
- (2) No rent or other charges shall be paid by the City for a meter or other equipment located on the customer's premises.
- (3) Meters shall be sealed by the City at the time of installation, and no seal shall be altered or broken except by one of its authorized agents.
- (4) If a change in size of a meter and service is required, the installation shall be accomplished on the basis of a new connection.
- (5) Where the City furnishes meters, the consumer will be held responsible for the proper use of the meter and shall be liable to the City for damage caused by misuse of the meter. [Amended by Ordinance No. 01-574-O 10/18/01]

Section 10. Meter Deposits. At the time application for service is made, the applicant shall establish credit with the utility department in one of the two listed ways.

1. The credit of an applicant may be established once the applicant makes a cash deposit equal to a minimum two-month water bill with the utility department to secure payment of bills for service. The deposit will be applied to their account after one year of continuous service provided the customer has maintained good credit with the utility department, or applied to the final bill if the customer vacates the property prior to one year. If the customer's account becomes delinquent prior to one year, the one-year period begins again from the delinquency date. If the

customer's account becomes delinquent after the deposit has been applied, the utility department may demand a new deposit to re-establish credit. For repeat customers, the City Recorder may waive the deposit requirement based upon a customer's previous good standing with the Water Department. The City shall not pay interest on any cash deposits as such interest is used to offset department operating expenses.

2. The credit of an applicant may be established via enrollment in auto-pay for utility services. In this instance a cash deposit is not required. The applicant will be required to maintain one-year of continuous service payments with no auto-payment returned due to a lack of funds. If an auto-payment is returned due to lack of funds during the one-year time frame, the applicant may have to establish credit for utility service via method number one (1) as is outlined above.

[Amended by Ord. No. 20-723-O 12/17/20.]

Section 11. Meter Error. A customer may request the City to test the meter serving his premises.

(1) The customer shall deposit \$20.00 to cover the reasonable cost of the test. This deposit will be returned if the meter is found to register more than 2% fast.

(2) A written report giving the results of the test shall be available to the customer within 10 days after completion of the test.

(3) Adjustment of bills for meter error will be made according to the provisions of Section 20.

MAIN EXTENSIONS

Section 12. Payment for Main Extensions. Water mains extended in the City to supply new connections shall be constructed and paid for as follows:

(1) Where an existing location desires to be served immediately by extension of, and connection to, a main, the Council shall cause such extension to be constructed after the following conditions are met:

(a) Prior to construction, the City shall provide the customer with an estimate of the cost for making the extension, which estimated cost customer shall pay in addition to the regular water rate. At the same time, customer shall also agree in writing to pay the actual cost of construction plus an administrative fee of 5 percent of the actual cost of construction. The city or city-approved contractor shall then proceed with construction and, upon completion, customer shall pay both the actual cost of construction and the 5 percent administrative fee less the estimated cost of construction previously paid.

(2) Where a person, firm or corporation is developing, or desires to develop a subdivision, and has applied to the City for the construction of water mains therein, the City may proceed to construct the necessary mains upon payment by the subdivider of the amount specified under the provisions of this section, or may require the subdivider to construct said main himself. All new

water mains and water lines, whether within or without new subdivisions shall be built at the expense of the developer with no pay back from the City. [Amended by Ord. No. 406 3/1/84.]

Section 13. Alternate Financing. The provisions of Section 12 are not mandatory upon the City. As an alternate method of paying for water main extensions and as a method of financing the construction of new or replacement water lines, especially where several premises will be served, the City Council may choose to finance the construction project through the creation of local improvement districts under the provisions of the Local Improvement Ordinance. The choice of which method of financing to use shall be within the sole discretion of the City Council.

Section 14. Payment Records. The city recorder shall cause to be kept records in the water department showing completely and accurately the location, cost and extent of all mains constructed according to the provisions of this ordinance. These records shall show the amount which each individual customer has agreed to pay for the construction of the main and his schedule of payments, together with a record of payments made.

FEES, CHARGES AND RATES

Section 15. Turn-on Fee. No turn-on fee shall be collected for each new account if the turn-on can be performed during regular working hours. For each new account requiring a turn-on other than during regular working hours, a reasonable fee shall be collected as set by the Council. [Amended by Ord. No. 406 3/1/84.]

[Section 16 repealed by Ord. No. 462 10/23/91.]

Section 17. Restoration Charge. A customer shall pay a reasonable fee as set by the City Council for restoration of a water service when service has been discontinued under the provisions of this ordinance. [Amended by Ord. No. 406 3/1/84.]

Section 18. Rate Schedule. The rates to be paid by all users of City water, including those desiring fire service, shall be those rates regularly established by resolution of the City Council. [Amended by Ord. No. 490 9/29/94.]

Section 18A. Multiple Family Dwelling Rates.

(a) For purposes of this ordinance, a multiple family dwelling is a building which contains more than one family living unit. A family living unit is an area within a building or structure which contains separate living quarters, kitchen and bath facilities, all of which are designed for the use of a single family.

(b) Regardless of the amount of water usage, each family living unit in a multiple family dwelling shall be charged each month the minimum rate provided by Section 18 of this ordinance. Each separate family living unit within a multiple family dwelling shall also be charged its pro rata share of water used in excess of the minimum rate. The pro rata share shall be calculated by dividing the total water usage, after deducting the monthly minimum usage amount, by the total number of separate family living units within the multiple family dwelling. The rates shall be those rates as established by Section 18 of Ordinance No. 346, as amended. Notwithstanding, all charges shall be made on one billing to the owner of the multiple family dwelling or to the applicant for water service.

(c) This ordinance shall apply to all structures presently containing one city water meter hookup and containing more than one family living unit and to all structures presently containing one city water meter hookup which are hereafter remodeled or converted to a structure containing more than one family living unit. [Amended by Ordinance No. 436 9/17/87.]

Section 19. Billing.

(1) Water service shall be billed at a monthly rate and payment shall be made within the first 10 days of the period following that month for which charge is made. [Amended by Ordinance No. 03-590-O.]

(2) Meters shall be read at regular monthly intervals for the preparations of monthly bills and as required for the preparation of opening, closing and special bills. [Amended by Ordinance No. 03-590-O.]

(3) Closing bills shall be collected at the time of discontinuance of service.

(4) Each meter on a customer's premises shall be billed separately, and the readings of two or more meters shall not be combined unless the city's operating convenience requires.

Section 20. Adjustment of Accounts. Customer accounts shall be adjusted for any of the following circumstances:

(1) Accounts receiving less than one month of service shall be billed the pro rata share by dividing the minimum monthly rate by the number of days of service, or by dividing the amount of water usage by the amount of usage allowed in the minimum charge, and applying that percentage to the minimum charge, whichever is greater. However, if the metered water usage for the period exceeds the amount allowed in the minimum charge, the full charge shall apply. [Amended by Ordinance No. 03-590-O 12/4/03 and 08-645-O 3/7/08.]

(2) When, upon test, a meter is found to be registering more than 2 percent fast, under conditions of normal operation, the City shall refund to the customer the full amount of the overcharge, based on corrected meter readings for a period not exceeding three months.

(3) When, upon test, a meter is found to be registering more than 5 percent slow, the City may bill the customer for the amount of the undercharge based upon corrected meter readings for a period not exceeding three months.

(4) The City may bill the customer for water consumed while the meter was not registering. The bill shall be at the minimum monthly meter rate or shall be computed upon an estimate of consumption based upon the customer's prior use during the same season of the prior year.

(5) In the case of a water leak, a customer may request that an adjustment be made to their water bill. The City Administrator/Records may grant an adjustment only if the customer provides documentation that the leak was repaired in a timely manner. The adjustment will be equal to 65% of the charges for the water usage applicable to the leak; with a minimum \$20.00 leak credit. The amount of usage applicable to the leak shall be determined by the City using past water usage records for the account. [Amended by Ordinance No. 20-723-O 12/17/20]

Section 21. Delinquent Accounts.

(1) Upon failure to pay water charges, due within the first 10 days of a month, by the 25th day of the month, the account shall be delinquent, and the City shall advise the customer by a written notice that the water is to be disconnected unless the delinquent amounts are paid by the 10th of the following month. If full payment is not made, the City shall immediately thereafter turn off the service. The notices shall be sufficient if mailed to the address listed on the application for water service.

(2) The customer owing the water bill shall pay the reconnection fee as established by Resolution of the City Council, plus the accrued water bill, before the City will restore water service. [Amended by Ordinance No. 01-574-O 10/18/01]

(3) The City Recorder or his agent may continue service to a delinquent account upon the acceptance of a valid payment plan for the payment of past-due amounts in installments provided the payment plan is approved by the property owner of record.

Section 22. Responsibility for Payment of Bills. The property owner of record shall be responsible for the payment of all charges prescribed in this ordinance. If the property is rented and the renter fails to pay the charges, the City shall, submit the bill to the property owner.

Section 23. Water Charge Liens. Water service charges shall be a lien against the premises served from and after the date of billing and entry on the ledger or other records of the City pertaining to its water system, and such ledger record or other record shall be made accessible for inspection by anyone interested in ascertaining the amount of such charges against the property. Whenever a bill for water service remains unpaid

60 days after it has been rendered, the lien thereby created may be foreclosed in the manner provided for by ORS 223.610, or in any other manner provided by law or City ordinance.

DISCONTINUANCE OF SERVICE

Section 24. Nonpayment of Bills. A customer's water service may be discontinued if the water bill is not paid in accordance with Section 19.

Section 25. Unsafe Apparatus.

(1) The City may refuse to furnish water and may discontinue service to a premises where an apparatus, appliance or other equipment using water is dangerous, unsafe or is being used in violation of laws, ordinances or legal regulations.

(2) The City does not assume liability for inspecting apparatus on the customer's property; however, the City does reserve the right of inspection if there is reason to believe that unsafe or illegal apparatus is in use.

Section 26. Service Detrimental to Others. The City may refuse to furnish water and may discontinue service to premises where excessive demand by one customer will result in inadequate service to others.

Section 27. Fraud and Abuse. The City shall have the right to refuse or to discontinue water service to a premises to protect itself against fraud or abuse.

Section 28. Noncompliance. The City may discontinue water service to a customer for noncompliance with a City regulation if the customer fails to comply with the regulation within five days after receiving written notice of the City's intention to discontinue service. If such noncompliance affects matters of health or safety or other conditions that warrant such action, the City may discontinue water service immediately. In addition, water service may be discontinued for non-compliance with, or violation of, any provision of this ordinance.

Section 29. Water Waste. Where wasteful or negligent water use seriously affects the general service, the City may discontinue the service if such conditions are not corrected within five days after the customer is given written notice.

(a) Hazardous Conditions. Where the health, peace, safety or welfare of the general public or of any person or property is in danger due to the condition of all or part of the City water system, water service may be discontinued over such area and for such time as is reasonably necessary to protect the endangered persons or property until the hazardous condition is corrected.

Section 30. Customer Request for Discontinuance.

(1) A customer may have his water service discontinued by notifying the City at least 3 days in advance of the desired date of discontinuance. He shall be required to pay water charges until the date of such discontinuance.

(2) If notice is not given, the customer shall be required to pay for the water service until the date the City has learned that the customer has vacated the premises or otherwise has discontinued services.

[Section 31 deleted by Ordinance No. 01-574-O 10/18/01]

Section 32. Abandoned and Nonrevenue-producing Services. Where a service connection to a premises has been abandoned or not used for a period of one year or longer, the City may remove it. New service shall be placed only upon the customer's application and paying for a new service connection.

GENERAL

Section 33. Pools and Tanks. When an abnormally large quantity of water is desired for filling a swimming pool, log pond, or for other purposes, arrangements shall be made with the City prior to taking such water. Permission to take water in unusual quantities shall be given only if it can be safely delivered and if other customers will not be inconvenienced.

Section 34. Fire Hydrants. If a property owner or other party desires a change in the size, type or location, of a fire hydrant, he shall bear the cost of such change. A change in the location of a fire hydrant must be approved by the City.

Section 35. Damage to City Property. The customer shall be liable for damage to a meter or other equipment or property owned by the City which is caused by an act of the customer, his tenants or agents. The damage shall include the breaking or destruction of seals by the customer on or near a meter and damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The City shall be reimbursed by the customer for such damage promptly on presentation of a bill.

Section 36. Control Valves. All new construction shall provide for the installation of a suitable control valve, as close to the meter location as practical, the operation of which will control the entire water supply from the service.

Section 37. Cross Connections. No physical connection, direct or indirect, shall exist, even temporarily, between the City water supply and that of a private water supply. Where such a connection is found to exist, or where provision is made to connect the two systems by means of a spacer or otherwise, the City water service shall

be turned off. The service shall not be re-established until satisfactory proof is furnished that the cross-connection has been permanently severed.

Section 38. Resale of Water. Except by special arrangement with the City, no customer shall resell water received by him from the City, nor shall water be delivered to premises other than those specified in the application for service.

Section 39. Access to Premises. The City or its duly authorized agents shall, during reasonable hours, have the right to enter or leave the customers premises for a purpose properly connected with the service of water to the premises.

Section 40. Tampering. No person, firm or corporation shall commit or assist another in committing any of the following acts:

- (a) Tampering or interfering with any portion of the City water system
- (b) Intentionally or recklessly damaging any portion of the City water system.

Section 41. Penalty. Violation of any provision of this ordinance is punishable by a fine not to exceed \$100.00.

[Section 42 deleted by Ordinance No. 01-574-O 10/18/01]

[Section 43. Repeal.]

Passed by the council and approved by the mayor February 7, 1979.