

Manzanita Ordinance No. 90-8, Water Regulations

AN ORDINANCE PROVIDING RULES AND REGULATIONS  
FOR THE OPERATION OF THE CITY WATER SYSTEM  
INCLUDING ESTABLISHMENT OF A WATER RATE SERVICE  
SCHEDULE AND REPEALING ORDINANCE NOS. 75-1, 78-2, 82-4 AND 82-5

ORDINANCE NO. 90-8

Section 1. Definitions. Except where the context indicates otherwise the following words shall mean:

- a. City. The City of Manzanita.
- b. Water main or main. Distribution pipelines that are part of the City water system.
- a. Customer. Any natural person, corporation, association, firm, partnership or legal entity which applies for City water service. Such customer may include the owner, lessee or occupant of the property to which service will be or is supplied. [Section 1 (c) amended by Ordinance 91-5, passed June 19, 1991.].
- b. Premises. The integral property or area, including improvements thereon, to which water service is or will be provided.
- c. Service connection. The pipe, valve and other equipment by means of which the City conducts water from its main to and through the meter, but not including piping from the meter to the premises served.

Section 2. Application for Service.

- a. Applications for the use of water must be made on printed forms provided by the City. The applicant agrees to conform to the rules and regulations of the Manzanita Water Department concerning use of water as a condition of such use.
- b. The City Manager may require a deposit in the sum of not less than an amount equal to an estimated three month's bill. A refund of the water service deposit shall occur when a customer shows a satisfactory credit performance for one year. A refund of the deposit shall occur upon the customer requesting discontinuance of service provided that all outstanding bills are paid in full. The deposit may be applied to the final bill. If an account is shut off for nonpayment, the deposit shall be held as security until the outstanding balance is paid. The deposit will only be applied to the outstanding balance when the account is closed and no further water service is required by the customer. The remaining balance of the deposit used to pay outstanding bills will be refunded to the customer. [Section 2 (b) added by Ordinance 91-5, passed June 19, 1991].

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### Section 3. Connection of Service.

- a. Individual service connection. The City shall furnish, install, maintain and connect to the main and own the service line from the main to the customer's property line or water meter which ever comes first. No connection to or from the City mains or alteration in the service connection shall be made by anyone but the Public Works Director or his authorized representative. Service line sizes shall be determined by the City.
- b. The customer's line shall begin at the end of the service connection and will be laid and maintained at the expense of the property owner. The property owner shall protect such line from injury, freezing or siphonage and be responsible for all damages resulting from leaks, breaks or other causes. Customer's line pipe shall conform to the plumbing regulations of the City and the State of Oregon.
- c. The service outlet on a customer's premises shall be so located at, or near, the curblineline as to make the meter easily accessible from the City main lines and convenient for the installation, operation, protection, and maintenance of the City's meters and equipment.
- d. The City shall not be required to install or maintain more than one service connection direct from its main lines to the service outlet of any one customer.

### Section 4. Refusal of Service.

- a. The City may decline to serve any customer until he has fully complied with all the rules and regulations prescribed by this ordinance or any other regulations of the City regulating the use and distribution of water.
- b. The City may refuse to serve a customer if in its opinion the customer's plumbing or equipment is of such a character that satisfactory service cannot be given.
- c. The City shall refuse to give service to any customer whose piping system is connected directly or indirectly with a well or any other source of supply other than the transmission mains of the City and if such cross connection is detected on the premises after service has been installed by the City, the City shall discontinue service immediately and shall so notify the customer.
- d. The City shall not extend new water service lines into the 100-year flood plain for future development when practicable alternative, non-floodplain sites are available. Where water service lines already exist within the 100-year flood plain, water service may be provided as long as this action is consistent with the rules and regulations prescribed by this Ordinance.
- e. The City shall not provide water service to any new structures or development which would encroach upon or adversely affect any designated jurisdictional wetland within the City's service district. [Section 4 (d) and (e) added by Ordinance No. 03-02, passed April 9, 2003].

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Section 5. Discontinuance of Service.

- a. Every customer who is about to vacate any premises supplied with service by the City or who for any reason wishes to have such service discontinued shall give two days notice in writing in advance of specified date of discontinuance of service. Until the City shall have such notice, the customer shall be held responsible for all services rendered at such location. A reconnection charge, as listed in its rate schedule, to cover the cost of reconnection shall be paid to the City before service is restored. [Section 5 (a) amended by Ordinance 91-5, passed June 19, 1991].
- b. Service may be discontinued for non-payment of bills or for violation of the provisions of this Ordinance after ten (10) days written notice that bills are delinquent or that the violation of the provisions of this Ordinance must cease, provided, however, that where fraudulent use of service is detected or where a dangerous condition is found to exist on the customer's premises, service may be discontinued without advance notice.
- c. Whenever service is discontinued for non-payment of bills or for violation of the provisions of this Ordinance, the City shall require payment of a reconnection charge, as listed in its rate schedule, to cover the cost of reconnection before service is restored.
- d. Whenever service is discontinued because of fraudulent use, the City may require a satisfactory payment for service rendered in addition to the reconnection charge before service is restored.
- e. It shall be considered a violation of this Ordinance for any person to reconnect any water service after the same has been disconnected by the City for non-payment of the service charges or any other reason.

Section 6. Payment of Bills.

- a. The customer shall be responsible for the payment of all charges prescribed in the Ordinance. [Section 6 (a) amended by Ordinance 91-5, passed June 19, 1991].
- b. Meters will be read at the time service is first established and at periodical intervals approximately 90 days apart.
- c. Water service shall be billed on a quarterly basis and payment shall be made within the first fifteen (15) days of the period following the last month for which charges are made. Water bills shall be considered delinquent after the 15<sup>th</sup> day of the period following the last month for which charges are made. A delinquent fee shall be charged to such accounts.

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### Section 7. Adjustment of Accounts.

- a. Accounts receiving fifteen (15) days or less of service in a month shall be billed one-half the minimum monthly charge unless calculation of metered service results in a higher charge.
- b. 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 the consumption by the customer during the same month of the preceding year, the most recent billing period or the yearly average at the City's discretion.
- c. It shall be the responsibility of the customer to locate any leaks in the customer's line. If a leak occurs in the customer's line, the City may approve an adjustment in the bill. The adjustment shall be for one billing period only and at a rate determined by the City. A leak adjustment credit shall not be given for water lost after a leak has been discovered by the customer or the City.

### Section 8. Control Valves.

- a. Customer lines shall be so placed that the supply to each customer may be controlled by a separate curb stop placed in the parking strip. In the event that more than one building is served through one meter, each building shall have its own separate curb stop which will discontinue the water to the building without affecting the other.
- b. The customer shall install a suitable valve, as close to the meter location or point of service connection as practicable, the operation of which will control the water supply to his premises. The City's curb stop is the property of the City and it shall be unlawful for any person other than authorized employees of the City to operate or tamper with any valve or stop which is the property of the City for the purpose of turning water on or off, and the City shall hold any person responsible for the cost of repairing any damage to the City's property caused by such operation or tampering.
- c. Any customer desiring discontinuance of service shall turn off his water supply at his own control valve and the City will not be responsible or liable for any damages or injuries sustained through failure to properly exclude the water from the premises.

### Section 9. Water Waste.

- a. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the City may discontinue the service if such conditions are not corrected after due notice by the City to the customer.
- b. Water shall not be furnished except through a meter to any premises where there are defective or leaking pipes, faucets, closets, or other fixtures, or where there are water closets or urinals without self closing valves and, when such leakage or other defects are discovered, and not corrected, the City may discontinue service after giving due notice and until repairs are made.

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- c. Water must not be allowed to run to waste through any faucet or fixture or kept running any time longer than is actually necessary. Sprinkling of lawns and gardens shall be confined to what is actually needed and no running to waste on sidewalks, streets and gutters shall be permitted. When such waste is discovered, the water service to the premises may be discontinued.
- d. If shortage of water shall exist, the City shall have authority at any time, to restrict the use of water. Whenever it becomes necessary for the City to issue an order restricting or prohibiting the use of water for any class of service or customer, the order so issued shall affect all customers served by the system, both inside and outside the City. Failure to comply with said order will be reason for discontinuance of service without notice.

### Section 10. Change in Location of Meters or Service Connections.

If at any time it becomes necessary to move, raise, or lower an existing service connection, meter, or curb stop, the cost of such work will be billed to the customer unless such changes are beyond his control such as changes in grade or width of a street.

### Section 11. Changes in Size of Meter or Service Connection.

If a customer desires an enlargement of a service connection or meter, he shall be charged for such enlargement as listed in the rate schedule.

### Section 12. Ownership Maintenance.

- a. The service connections and meters, whether located on public or private property, are the property of the City and the City reserves the right to repair, replace, and maintain them, as well as to remove them upon discontinuance of service.
- b. The service connection, including the meter and the meter box will be repaired and maintained by the City at its expense, but the City is not responsible for the installation and maintenance of water lines beyond the end of its service connection. Meters larger than ¾" will be maintained at the customer's expense.

### Section 13. Damage to Water System.

No person shall willfully or maliciously injure or in any manner interfere with or remove any of the pipes, valves, back flow preventers, meters, locks seals or other property belonging to the City or used in connection with the City water system. Any person violating provisions of this section shall be charged for all standard costs associated with repairing the results of such injury or interference. Failure to pay such repair charges shall be deemed a basis for discontinuance of water service. Any person who inadvertently damages property belonging to the City or used in connection with the City water supply shall be charged for all standard costs associated with repairing such damage, including but not limited to labor, materials and overhead.

### Section 14. Contamination of Water Supply.

- a. No owner of property or user of City water shall introduce or permit the introduction of pollution or contamination of any kind into the City water supply system.

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Whenever a condition is found which presents the possibility of contamination or pollution, the water supply to such premises and/or other such premises as is necessary shall be discontinued immediately by physical break until such condition is remedied.

- b. No owner or property or user of City water shall cause or allow a connection of the City water system with any other water system. Such cross connections and the water supply to such premises shall be discontinued immediately until such cross connections are eliminated. The control of cross connections shall be in accordance with the requirements of standard practice pertaining to cross connection control approved by the City and any requirements set forth by the "Safe Drinking Water Act", Public Law 93-523 and subsequent applicable legislation.
- c. If the City determines that a permanent physical separation from the City water system is not practicable or necessary or adequate inspection for cross connections cannot be made, the City may require the owner of property or the user of City water to install and maintain a backflow prevention device to prevent pollution or contamination of the City water supply.
- d. If a backflow prevention device is required by the City, the City shall prescribe the pattern, design and size of such device as it believes is reasonably adequate to prevent contamination. The City shall also regulate the location, installation and testing of such devices. Any corrective measure or change required to a premises shall be at the sole expense of the owner of the property or the user of the City water. The cost of any change required in the City water system up to the property line or between the property line and the meter, as well as cut off or disconnection costs shall be added to the charge for water against the premise or premises necessitating the expense.

### Section 15. Water Conservation.

- a. As a condition of connection to the City water system, new construction of residential and commercial buildings shall provide for the installation of low flow toilets.

### Section 16. General Regulations.

- a. The costs of water meters and their installation costs shall be paid by the person requesting the connection before the completion of installation.
- b. Water may at any time be shut off from the mains without notice for repair, extensions or other necessary purposes, and the City shall in no case be liable or responsible for any damages caused thereby; provided however, that where the City intends to voluntarily cut off water service at a planned future time and where such cut off is under such circumstances as to permit notice to be given, the City Manager shall cause notice of said cut off to be delivered to the water service affected thereby, either by direct contact, by telephone or mail.

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### Section 17. Water Rate Service Schedule.

The rate schedules which are affixed to and form a part of Exhibit A are adopted as the water rate service schedules. The City Council is hereby authorized and empowered to hereafter adopt, place in force and effect by resolution such water rate use and service schedules as said City Council may deem to be in the interest of operating and maintaining the City water system.

### Section 18. Penalties for Violations.

- a. Violators of this Ordinance shall be subject to a civil penalty. Each and every violation is a separate and distinct offense, and each day's violation is a separate and distinct violation. The civil penalty for a violation of this Ordinance shall not exceed \$500 per day for each violation.
- b. In addition to the civil penalties identified herein, any costs incurred by the City in enforcing this Ordinance shall be borne by the violator. Said costs shall include but not necessarily be limited to attorney's fees, expert witness fees, costs and disbursements.
- c. In addition to any remedies hereinbefore provided by this ordinance, any person violating the provisions of this Ordinance shall be punishable by a criminal fine not to exceed \$500.