

ORDINANCE NO. 226

~~257~~ amended 763

AN ORDINANCE TO REGULATE THE RATES AND MANAGEMENT OF THE TOWN OF STAYTON WATER DISTRIBUTION SYSTEM; TO PROVIDE PENALTIES FOR A VIOLATION; TO REPEAL CONFLICTING ORDINANCES; AND TO DECLARE AN EMERGENCY.

The town of Stayton do ordain as follows:

Section 1. The council of the town of Stayton, Oregon, shall each year, preferably at the first meeting in January, select not less than 2 of its members to act as and to be designated as the water board, who shall serve as such for the year in which selected, and until their respective successors are selected. The board shall at all times be under the jurisdiction and subject to the direction of the council, and the council may change the personnel thereof at any time.

Section 2. It shall be the duty of the water board, hereafter designated as the board, to provide and maintain an accurate system of bookkeeping so as to plainly show all receipts, disbursements, assets and liabilities pertaining to the water fund and water system; to maintain a correct list of customers at all times; to provide for the prompt collection of all accounts; and to generally maintain and oversees the entire water distributing system. The board is authorized to hire such help as may be needed to carry out the duties required. The board shall make non-discriminatory rules and regulations, not inconsistent with this or other ordinances, to enable the members to carry on their duties, and shall file a copy of all of the same with the recorder immediately after adoption. Except in case of emergency, the board shall authorize no expenditure in excess of \$50.00 without the prior approval of the council.

Section 3. For the construction of this ordinance, the following definitions shall prevail:

- (1) The term "customer" shall mean an individual, firm, association or corporation using water furnished from the town water system.
- (2) The term "residence" where used with reference to rates, shall mean a private dwelling house.
- (3) The term "commercial" where used with reference to rates, shall mean any use of water by a customer in connection with carrying on any business or enterprise for profit.

Section 4. The board is authorized to install water meters for the purpose of measuring the quantity of water used by any customer, whenever and wherever it shall deem proper, and for that purpose may classify customers to fix the order of installation. Any customer may have a meter installed upon request, and in such event may not thereafter discontinue use of the same and return to a flat rate, without the consent of the council; provided, the board may limit the meters installed in any one month to a number not exceeding 2 per cent of the whole number of customers, and requested meters shall be installed in the order of request.

Section 5. The charges made for the use of water shall be based on meter rates, or flat rates where no meter has been installed, and the flat rates shall be classified as residence or commercial flat rates.

Section 6. The meter rate shall be based on a minimum rate per month for any quantity of water not exceeding 6000 gallons, such minimum rate to be fixed according to the meter size as hereafter stated, and for all water used each month in excess of the 6000 gallon minimum, the rate shall be 5 cents for each 750 gallons, or fractional part thereof, of such excess irrespective of the meter size. The minimum rate per month for the various sized meters shall be as follows:

5/8 inch or less	\$1.25
3/4 inch	1.50
1 inch	1.75
1 1/2 inch	3.25
2 inch	4.75

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Section 7. The residence flat rate to be charged each customer for water used shall be a minimum charge of \$1.00 each month which shall include the general kitchen use connection; and connections for additional uses shall be charged for in addition to the minimum rate, per month, as follows:

Bath connection	.25
Toilet connection	.25
Irrigation	.50 for each connection

(1) The term "irrigation" as used in this section shall mean use of water for general irrigation at each residence, not including irrigation of products raised in commercial quantities and the use shall be charged for the months

of May to October, both inclusive, only. The term "each connection" as herein used pertaining to irrigation rates, means a single nozzle, or other single sprinkler, or other single outlet device of any kind, and the size thereof shall be limited to 1/4 inch in diameter.

Section 8. The commercial flat rate for water use to each customer shall be a monthly rate classified according to the kind of business, and shall be generally as follows:

Restaurants	\$1.50 per month
Confectionaries	1.50 per month
Combined restaurant & confectionary	2.00 per month
Barber Shops	1.25 per month
Beauty parlors	1.25 per month
Garages and service stations	1.50 per month
Bakeries	1.50 per month
Other shops, stores and establishments using water only for drinking and toilet facilities	1.00 per month

(1) The rate for other commercial customers not herein classified, shall be fixed by the water board as based upon a reasonable estimate of the quantity of water used.

Section 9. All accounts for water use shall be payable at a place to be fixed by the board, and shall be due and payable on the first day of each month for the previous month's use. A discount of 10 per cent shall be allowed from the face amount of each bill paid within 12 days from the due date.

Section 10. The board may shut off the water from any customer in default in the payment of any bill for water use, during such time as a default may continue.

Section 11. The board may, in its discretion, require a deposit from any customer, in an amount equal to 3 times the estimated monthly bill, and hold the same as security for the payment of any account to become owing for water use. Any part or all of said deposit may be applied at any time toward the payment of any delinquent account, and at such time as the depositing customer shall cease to use water from the system, any unapplied balance of the deposit shall be refunded. The unapplied balance of any deposit shall bear interest at the rate of 6 per cent per annum.

Section 12. A customer maintaining a hydrant or connection to be used only for fire protection purposes, shall be subjected to no extra charge therefor; and if such hydrant or connection be used for actual fire fighting while the customer is on a meter basis, the board may allow the customer a credit on his account in an amount to be estimated by the board.

Section 13. The town shall be under no obligation to extend any water main or line, but may extend any of the same, at its option, if the anticipated revenue to be received from such extension over a 3 year period will aggregate an amount equal to the estimated cost of such extension; provided, if such 3 year revenue will be insufficient therefor, such extension may nevertheless be made if the excess cost be paid in advance by the person or persons requesting the extension, and in such event if other customers connect up with such extension within a period of 6 years after completion, they shall be required to pay a proportionate part of the excess cost and the pro rated amount thereof shall be refunded to persons originally making the payment. Extensions of mains and lines shall extend only to the line of private property, except with express consent of the council.

Section 14. The town does not agree to guarantee continuous, even and uninterrupted water service to any customer, nor shall the town be liable for any loss or damage resulting from the operation of the water system, or through interruption or delay in the water service, directly or indirectly; but the town shall use due care in the operation of the water system, and shall make a reasonable effort to notify all customers of any anticipated interruption of the service.

Section 15. Each customer shall maintain all faucets, taps, hose, lines and other equipment through which water flows from the town system in good condition and free from leakage.

Section 16. If any customer shall violate the provisions of section 15 of this ordinance, or shall violate the provisions of any other section of this ordinance, or any rule or regulation promulgated by the board, and shall continue any violation after reasonable notice from the board or its agents, to cease such violation, then the board may shut off the water supply of such customer until such time as reasonable assurance be given that such violation will cease; and any such violation shall subject the customer to being placed on a meter rate.

Section 17. It shall be unlawful for any person to open, cut into, or make any connection with any town water main or line, or to tamper in any way with any main, line, hydrant, or other part whatever of the town water system, without permission of the council or of the water board.

Section 18. It shall be unlawful for any person to open any shut-off valve or other device so as to permit water to flow from the town mains or lines into any private main or line without the express permission of the council or of the water board.

Section 19. Any person violating any of the provisions of section 17 or 18 of this ordinance shall, upon conviction thereof in the recorder's court, be punished by a fine of not more than \$25.00, or by imprisonment in the town jail for a period of not more than 10 days.

Section 20. If any part of this ordinance shall be declared unconstitutional or shall be invalidated for any reason, all of the remaining portions shall nevertheless remain in full force and effect.

Section 21. That ordinance no. 187, passed by the council and approved by the mayor on January 7, 1924, and all other ordinances or parts of ordinances in conflict herewith be, and the same hereby are repealed; provided, that ordinance no. 187 shall remain in full force and effect for the punishment of any violations thereunder occurring prior to the passage of this ordinance, and for the collection of any accounts accruing thereunder.

Section 22. That inasmuch as the present system of rates for water use is inequitable, and the present method of collecting accounts is resulting in a loss to the town, it is necessary that new regulations be put in force immediately, and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect immediately following its passage by the council and approval by the mayor.

Passed by the council this 19th day of September, 1938.

Approved by the mayor of the town of Stayton this 19th day of September 1938.

W. A. Weddle

Mayor

Attest:

Geo. Duncan

Recorder