

ORDINANCE NO. 289

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, preferable 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 account; and to generally maintain and oversee 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 to 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 of 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, with the customer paying for cost of meter and hookup plus labor.

Section 5. That there shall be a flat charge of \$30.00 for any new hook up for water service of any type.

Section 6. (1) The residence and commercial rate for water use to each customer shall be a monthly rate of \$2.50 per month plus a \$.50 per month to residence user, only, for irrigation purposes.

(2) 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 devices of any kind, and the size thereof shall be limited to $\frac{1}{2}$ inch in diameter.

(3) Meters shall be installed on all hook-ups over $\frac{3}{4}$ inch and the customer paying for meter and hookup at cost price to city, plus labor. The minimum water rate per month for various size meters shall be as following:

$\frac{3}{4}$ inch	- -	\$2.50	per month
1 inch	- - -	3.00	per month
$1\frac{1}{4}$ inch	- -	3.75	per month
$1\frac{1}{2}$ inch	- -	4.75	per month
2 inch	- - -	6.00	per month
3 inch	- - -	10.00	per month
4 inch	- - -	17.50	per month

(4) This charge allows the customer to 15,000 gallons of water per month. A charge of \$.05 per 1000 gallons of water in excess of the 15,000 gallons will be made.

Section 7. 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.

Section 8. The board with approval of the Common Council, may add a standby water protection charge for a fire hazard based on a per hydrant monthly charge in the amount as following

2 inches or less	\$2.00
3 inches or less	3.00
4 inches or less	4.00
6 inches or less	6.00
8 inches or less	8.00

Section 9. The board may shut off water from any customer in default in the payment of a bill for water use, during such time as a default may continue.

Section 10. 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 becoming 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 11. 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 equal amount 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 to 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. Extension of mains and lines shall extend only to the line of private property, except with express consent of the council.

Section 12. 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 service, directly or indirectly. The City will make a reasonable effort to notify all customers of any anticipated interruption of the service.

Section 13. 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 14. 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 15. It shall be unlawful for any person to open any shutoff 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 16. There shall be added to all customers water bills each month a surcharge of \$1.00 per month and which surcharge shall remain in effect until indebtedness for 1956 proposal expansion of water facilities, including land purchases, is retired, not to exceed \$30,000.00.

Section 17. If any customer shall violate the provisions of this ordinance or shall violate the provisions of any section of this ordinance or any rule, or regulation promulgated by the board and shall continue any violation or any section of this ordinance after reasonable notice for the board or its agents to cease such violation, the board may then shut off the water from supply of such customer and such customer shall be subject to a penal fine upon conviction thereof in the recorder's court of not less than \$10.00 or by imprisonment in the Town Jail for a period of not more than 10 days or both, and upon conviction thereof, and if by reason of default or violation of any section of this ordinance or rule or regulations promulgated by the board, said customer's water service has been turned off, said customer shall be charged the sum of \$2.00 for turning on the reestablishing the service to said customer and such violations shall be subject the customer to be placed on a meter rate.

Section 18. 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 19. The Ordinance No. 268, passed by the council and approved by the mayor on the 2nd day of October, 1950, and all other ordinances or parts of ordinances in conflict herewith be the same are hereby repealed, provided that said ordinance No. 268 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 occurring thereunder.

Section 20. That inasmuch as the present system of rates for water use is inequitable, and the present method of collection accounts is resulting in a loss to the town, it is necessary that new regulations be put into 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 5th day of March, 1956.

Approved by the mayor of the Town of Stayton this 5th day of March, 1956.

MAYOR

Attest:

Recorder