

ORDINANCE NO. 351

AN ORDINANCE REGULATING THE RATES, CHARGES, AND MANAGEMENT OF THE WATER SYSTEM OF THE CITY OF STAYTON; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; REPEALING ORDINANCE NUMBERED 299, AS AMENDED BY ORDINANCES NUMBERED 305 AND 313; MAKING AN EXCEPTION; DESIGNATING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

THE CITY OF STAYTON DOES ORDAIN AS FOLLOWS:

Section 1. The council of the City of Stayton, Oregon, shall each year, preferably at the first meeting in January, select not less than two 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, hereinafter 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 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 nondiscriminatory rules and regulations, not inconsistent with this or other ordinances, to enable members to carry out 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 \$500.00 without the prior approval of the council. Such expenditure shall be payable only from net revenue of the water system.

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 city 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 that the board may limit the meters installed, and requested meters shall be installed in the order of request.

Section 5. The minimum charge for each new hookup for water service of any kind shall be \$80.00. For multiple dwelling units and certain commercial groupings in which several customers are served from a bank of meters supplied by one connection to the water main, the minimum rate for each hookup shall be \$80.00 plus \$40.00 for each 3/4 inch meter installed. For each service connection larger than 3/4 inch, the customer shall pay the minimum hook-up rate plus such additional costs of materials and labor as the city may incur in providing the service connection.

Section 6. (1) The residence and commercial rate for water use to each customer shall be a monthly minimum of \$3.00 plus an irrigation fee of \$2.00 per month from May to October, both inclusive, for each residence user who is not billed on a meter rate.

(2) Meters shall be installed on all new water service connections. All unmetered service connections shall have meters installed, to be paid for from water department funds, when money for the payment of the cost of such installations is available. The minimum water rates per month for various sized meters shall be as follows:

3/4 inch	\$ 3.00 per month
1 inch	\$ 3.50 per month
1 1/4 inch	\$ 4.25 per month
1 1/2 inch	\$ 5.25 per month
2 inch	\$ 6.50 per month
3 inch	\$10.50 per month
4 inch	\$18.00 per month

(3) This charge allows the customer 10,000 gallons of water per calendar month. For water used by a customer in excess of 10,000 gallons in a calendar month the rates shall be as follows:

Fifteen (15) cents per 1,000 gallons used from 10,000 to 20,000 inclusive.

Eight (8) cents per 1,000 gallons used in excess of 20,000 gallons.

For each dwelling unit or commercial establishment that does not have a separate service connection and that has been occupied at any time during the previous calendar month and that receives water from or with another dwelling unit or commercial establishment, the water service charge shall be increased in the amount of \$2.00 per month. Such additional charge does not apply to hotel or motel rooms or units that are rented on a daily charge basis nor to the first unit of a duplex or multiple unit dwelling, or of a commercial establishment.

Section 7. All accounts for water use shall be due and payable at a place to be fixed by the board, on the first day of each calendar month for the previous calendar month's use.

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

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 any bill for water use for such time as the 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 may 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 amount, 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.

Section 11. The city shall be under no obligation to extend any water main or line, but may extend any of the same, if in the judgment of the board such extension is warranted.

Section 12. The city does not agree to guarantee continuous, even, and uninterrupted water service to any customer, nor shall the city 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 city 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 city water main or line, or to tamper in any way with any main, line, hydrant, or other part whatever of the city 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 city mains or lines into any private main or line without the express permission of the council or of the water board.

Section 16. (1) Each single family dwelling unit, each apartment of a multiple family dwelling, and each commercial establishment constructed after the effective date of this ordinance shall have a separate service connection and shall be metered for water service, provided that if special circumstances of construction render metering of such service impractical the board may waive such requirement.

(2) All water mains, service connections, and water meters shall hereafter be laid on dedicated city streets, public property, or on property upon which the City of Stayton has an easement to construct and maintain water lines.

(3) The water board shall have the right to impose such temporary nondiscriminatory restrictions or limitations on the use of water that it deems necessary. Notice of such restrictions shall be given by mail except in case of extreme emergency.

Section 17. If any customer shall violate this ordinance or any section or portion thereof or shall violate any rule or regulation promulgated by the board to effectuate the purposes of this ordinance and shall continue such violation after reasonable notice from the board or of any of its agents or representatives to cease such violation, the board may shut off the city water supply of such customer, and such customer shall be subject to a fine upon conviction for such violation in the Recorder's Court, of not less than \$10.00 nor more than \$50.00, or by imprisonment in the city jail for a period of not more than 10 days, or by both such fine and imprisonment; and, if by reason of such conviction or plea of guilty or violation of this ordinance or of any rule or regulation promulgated by such board, the water service of such customer has been discontinued by the city, such customer shall be charged the sum of \$2.00 for reestablishing such service to him, and thereafter, if the board so determines, shall pay for water service on a meter basis.


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. Ordinances numbered 299, 305, and 313 and all other ordinances in conflict herewith are repealed as of the effective date of this ordinance, provided that the said repealed ordinances shall remain in full force and effect for the punishment of any violations that have occurred thereunder prior to said effective date and for the collection of any unpaid or unsettled accounts that have accrued thereunder.

Section 20. Inasmuch as clarification of rates for use of water from the water system of the City of Stayton is an immediate necessity and this ordinance is necessary for the peace, health, and safety of said city, an emergency is hereby declared to exist and this ordinance shall become effective as of the first day of April, 1966.

Passed by the Council this 7<sup>th</sup> day of March, 1966.

Approved by the Mayor on this 7<sup>th</sup> day of March, 1966.

  
MAYOR

ATTEST:

  
RECORDER