



**Prineville City Council Meeting April 8, 2008**

**Issue Summary Supplement**

***Topic: Water Ordinance Review***

**Department: Administration**

**Staff: Robb Corbett**

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**Overview**

As previously reported to the council, staff met on Wednesday, April 2<sup>nd</sup> to complete our effort to update the water ordinance. Included in our discussions was Ordinance 959 *Amending Ordinance 910* (March 12, 1991).

For your review and discussion, we are providing you with a draft document which incorporates existing policy into one document AND proposed changes to these policies.

During the council meeting staff will review the changes with council.

Included with this staff report are:

1. New Draft Ordinance which incorporates existing policies into one, and uses the original Ordinance 910 as the foundation with the changes and additions highlighted in red,
2. New Draft Ordinance WITHOUT red highlights, and
3. Ordinance 959 which is currently in effect and not previously provided to the council.

ORDINANCE NO.

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AN ORDINANCE PRESCRIBING THE RULES AND REGULATIONS FOR THE CONDUCT AND OPERATION OF THE WATER SYSTEM OF THE CITY OF PRINEVILLE, REGULATING AND GOVERNING THE USE OF WATER FROM SAID SYSTEM, PROVIDING PENALTIES FOR NONPAYMENT OF WATER SERVICE AND FOR VIOLATION OF THIS ORDINANCE, AND REPEALING ORDINANCE 910.

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THE CITY OF PRINEVILLE ORDAINS AS FOLLOWS:

SECTION 1. Rules and Regulations.

(1) Short title. This ordinance shall be known as "Rates, Rules and Regulations for the operation of the Water Department of the City of Prineville, Crook County", and may be so cited and pleaded.

(2) Scope. The Water Department and all customers receiving services from the Water Department, whether inside or outside the City limits, are bound by these rules and regulations of the Water Department.

SECTION 2. Definitions and General Terms.

(1) City. Whenever the word "City" is used, it shall mean the legally constituted municipal government of the City of Prineville, Crook County, Oregon.

(2) Water Department. Whenever the words "Water Department" are used, they shall mean the Water Department of the City of Prineville, Oregon.

(3) City Council. Whenever the words "City Council" are used, they shall mean the legally elected group of members composing the City Council, including the Mayor of the City of Prineville, Oregon.

(4) Superintendent. Whenever the words "Superintendent" is used, it shall mean the person appointed to superintend the affairs of the Water Department.

(5) Applicant. Whenever the word "applicant" is used, it shall mean the person or persons, firm or corporation making application for water service from the Water Department under the terms of these regulations.

(6) Customer or User. Whenever the words "customer or "user" are used, it shall mean an applicant who has been accepted under the terms of these regulations and who received water service from the Water Department.

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(7) Cross Connection. A cross connection is defined as any physical connection between the Water Department's system and another source.

(8) Service Connection. The "service connection" shall be that part of the water distribution system which connect the meter to the main and shall normally consist of a corporation stop, service pipe, curb stop and box, meter, meter yoke and meter box.

(9) Customer Service Line. The "customer service line" shall be that part of the piping on the customer's property that connects the service to the customer's distribution system.

(10). Irrigation. Irrigation shall be defined as watering trees, lawns, soil, bushes, flowers, plants or other vegetation by any means, including but not limited to sprinklers, and held hoses or ditches.

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### Section 3. Service Area.

The area served by the Water Department shall be all that area included within the corporate limits of the City of Prineville and such other contiguous and neighboring territory as the City Council, shall from time to time deem necessary to serve.

### Section 4. Description of Service.

(1) Supply. The Water Department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid so far as reasonably possible any shortage or interruption in delivery.

The Water Department shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the Water Department for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.

(2) Quality. The Water Department will exercise reasonable diligence to supply safe and potable water at all times.

(3) Ownership of System. All water mains, valves, fittings, hydrants and other appurtenances, except "customer service lines", as defined in Section 7, subsection (1) herein, shall be the property of the Water Department.

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(4) Special Contracts. When the applicant's requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment or capacity, the Water Department, by authorization of the City Council, reserves the right to make special contract, the provisions of which are different rules and regulations. This special contract shall be in writing, signed by the applicant and approved by the City Council and City Attorney and signed by the Mayor and City Recorder of the City of Prineville.

(5) Resale of Water. Resale of water shall be permitted only under special contract, in writing, between the City Council and the persons, parties or corporation selling the water.

(6) Service Preference. In case of shortage of supply, the Water Department reserves the right to give preference in the matter of furnishing service to customers and interests of the Water Department from the standing of public convenience or necessity. Water service to users outside the City limits shall at all times be subject to the prior and superior rights of the customers within the City limits.

#### SECTION 5. Application for Service.

(1) Application Form. Each applicant for water service shall sign an application form provided by the Water Department giving the date of the application, location of premises to be served, the date applicant desires service to begin, purpose for which service is to be used, the address for mailing of the billings, the class and the size of the meter service and such other information as the Water Department may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations of the Water Department. The application is merely a written request for service and does not bind the Water Department to serve.

(2) Deposits and Establishment of Credit. At the time application for credit is made, the applicant shall establish his credit with the Water Department.

(a) Establishment of Credit. The credit of the applicant shall be deemed established:

1. If the applicant makes a deposit with the Water Department to secure the payment of bills for service. The deposit shall be reflected on the current City fee schedule.
2. Should the applicant have a history of delinquency in payment of his water bill, as determined by the City, and be requesting a new account, service may be denied.

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<#>Inside City Limits¶

<#>Outside City Limits¶

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<#>Residential Service. Residential services shall consist of all services for domestic purposes, single family dwellings, homes and municipal purposes. ¶

<#>Commercial Service. Commercial services shall consist of those services where water is used for commercial services, such as business and multi-family dwellings. ¶

<#>Standby Fire. Standby Fire Service shall consist of those services where water is available or used for fire protection only. ¶

<#>Contract Service. Contract Services shall consist of those services for industrial or independent water district purposes under contracts authorized by the City Council. ¶

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(b) Deposits. At the time the deposit is given to the Water Department, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded. Following twelve (12) consecutive non-delinquent payments for water service, a customer may request and receive a refund of his deposit.

(c) Forfeiture of Deposit. If an account becomes delinquent and the service is turned off, the customer is required to pay all outstanding balances including fees associated with the suspension of service.

(3) Application of Amendments. Customers desiring a material change in the size, character or extent of equipment or operation which would result in material change in the amount of water used shall give the Water Department written notice of such change prior to the change and the application for service shall be amended.

Customers desiring a change in the size, location or number of services shall fill out an amended application.

#### SECTION 6. Main Extensions.

(1) Within the City Limits. Water main extensions to areas within the City limits not presently served with water shall be installed under procedures to be established by the City Council. Subdividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council.

(2) Outside the City Limits. Water mains outside the City limits shall be extended only at the expense of the customers served. The main extensions shall become the property of the Water Department upon final acceptance and after one year from the date of final acceptance. The City Engineer shall determine the size of the main extensions and all extensions shall be constructed in compliance with the city's standards and specifications.

(3) Location of Extensions. The Water Department will allow water main extensions only on rights-of-way, easements or publicly owned property. Easements or permits secured for main extensions shall be obtained in the name of the City of Prineville along with all rights and title to the main at the time the service is provided to the customers paying for the extension.

#### SECTION 7. Service

(1) Ownership, Installation and Maintenance. The Water Department shall own, install and maintain all services and installation and maintenance shall be

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- Deleted: of a suitable material approved by the City Council. Extensions outside the City limits shall be installed by the Water Department or by contractors approved by the Water Department. The installation procedures and materials used shall be
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performed only by authorized employees of the Water Department as referenced in section 6 below. The customer shall own, install and maintain the customer service line.

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(2) Service Connection Charge. At the time the applicant files for service where no service previously existed, or if he is filing for a change in size or location, he shall submit with his application the service connection charge.

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This charge is to cover the actual cost to the Water Department to install the service from the main to the meter and includes the meter and meter housing. The service connection charge shall be as determined by the Water Department in the current published water rate schedule.

(3) Size of Service. The Water Department will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size requested is one that is listed by the Water Department. The minimum size of service shall be three-fourths (3/4) inch. The Water Department may refuse to install a service line which is undersized or oversized as determined by a study and report of the Water Superintendent.

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(4) Change in Service Size. Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the Water Department for making the change.

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(5) Length of Service. Where the main is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served for the standard connection fee, provided the length of service line does not exceed five (5) feet.

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Where the main is on an easement or publicly owned property other than designated right-of-way, the service shall be installed to the boundary of the easement or public property by the Water Department, provided the length of service does not exceed five (5) feet.

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If, in either case cited above, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the Water Department for labor, materials and equipment plus 15%.

(6) Joint Service Connections. The Water Department may, at its option, serve two or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed.

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Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residencies be permitted to receive service through one meter except under special considerations approved by the City Council.

(7) Number of Service Connections on a Premise. The owner of a single parcel of property may apply for and receive as many services as he or his tenants may require, provided his application or applications meet the requirements of the policies, rules and regulations.

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(8) Standby Fire Protection Service Connections.

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(a) Purpose. Standby fire protection service connections of two inch size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The Water Department may require that a suitable detector check meter be installed in the standby fire protections service connections, to which hose lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the plumbing code of the State of Oregon.

(b) Charges for Service. Charges for standby fire protection service will be stated in the published water rate schedule. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system. The customers shall pay the full cost of the standby fire protection service connection, any required detector check meters, and any required special water meter installed for the service to the standby connection.

(c) Violations of Regulations. If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the Water Department. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of regular water rates.

(9) Fire Service Connections other than Standby. A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the regular rate.

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(10) Temporary Service Connections. For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material used by the Water Department. The applicant shall also pay his water bill in advance and based upon an estimate of the quantity to be used, or he shall otherwise establish satisfactory credit.

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(a) Time Limit. Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the Water Department.

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(b) Charge for Water Served. Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.

(c) Installation Charges and Deposits. The applicant for temporary service will be required:

1. To pay Water Department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service.

2. To deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used or to otherwise establish credit by the Water Department.

3. To deposit with the City an amount equal to the value of any equipment loaned by the Water Department to such applicant under the terms of Section 7, Subsection 11 (d) hereinafter.

(d) Responsibility for Meters and Installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the Water Department. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit refund. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of the service.

(11) Customer's Plumbing.

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(a) Plumbing Code. The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures and



other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the plumbing code of the State of Oregon.

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(b) Control Valves. Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this section.

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It shall be a violation of these rules and regulations for the customer to operate, cause of permit unauthorized operation of the meter stop or any appurtenances on the service connection.

## SECTION 8. METERS

(1) Ownership. The Water Department will own and maintain all water meters. The Water Department will not pay rent or any other charge for a meter or other water facility, including housing and connections on a customer's premises.

(2) Installation. Installation of water meters shall be performed only by authorized employees of the Water Department. All meters shall be sealed by the Water Department at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

(3) The Size and Type of Meter. Applicant shall request and receive any size meter regularly stocked or furnished by the Water Department, provided the request is reasonable and further provided that the meter is not greatly oversized or undersized, as determined by the Water Superintendent. The Water Department reserves the right to determine the type of meter to be installed.

(4) Location of Meters. Meters shall normally be placed at the curb or property lines, the meter will be installed wherever the applicant desires within reason, but the location must be approved by the Water Department. The meters will not be located in driveways or other locations where damage to the meter or its related parts may occur.

(5) Joint Use of Meters. The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, with the Water Department.

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(6) Changes in Size and Location. If, for any reason, a change in the size of meter and service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be so amended.

Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

### SECTION 9. Water Rates

The water rates to be charged for each class of service, including minimum charges, charges for water used over the minimum and service connection charges shall be as listed on the City's rate schedule. These water rates may be revised at any time.

### SECTION 10. Notices

(1) Notices to Customers. Notices from the Water Department to the customer will normally be given in writing and either mailed to or delivered to the customer at their last known address. Where conditions warrant and in emergencies, the Water Department may notify the customer either by telephone or by messenger.

(2) Notices from Customers. Notices from customer to the Water Department may be given by the customer or their authorized representative orally or in writing at the office of the Water Department in City Hall or to an agent of the Water Department.

### SECTION 11. Billing and Payment

(1) Meter Readings. Meters will be read and customers billed on the basis of the meter readings to the nearest one hundred (100) cubic feet.

The Water Department will keep an accurate account on its books of all readings of meters and such accounts so kept shall be offered at all times, places and courts as prima fascia evidence of the use of water service by the customer.

#### (2) Rendering of Bills.

(a) Billing period. All meters shall be read and bills rendered therefore monthly.

(b) Bills for Other Than Normal Billing Period. Opening or closing bills or bills that for any other reason cover a period containing 10% more days or 10% fewer days than in the normal billing period shall be prorated.

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(3) Disputed Bills. When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude suspension of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant suspension of service as provided under subsection (6) of this section.

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(4) Failure to Read Meters. In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of thirty (30) days per month and the total water consumption for the billing purposes for that month shall be estimated.

(5) Owner of Record and Payment of Bills.

(a) The property owner of record as shown by the records of the Crook County Assessor shall be responsible for the payment of all water charges and fees prescribed in this ordinance. The responsibility for payment to the city does not pass to the tenant or other occupants, notwithstanding the fact that tenants or other occupants may be required by the property owner to pay the charges.

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(b) Each bill rendered shall have a due date. If the bill is not paid by that date, the account shall be considered delinquent.

(c) Payments for combined water/sewer bills shall be credited to the oldest bill. Said payments shall be applied first to amounts owing on the sewer account and then to amounts owing on the water account.

(6) Delinquent Accounts.

(a) Delinquent Notice. A reminder of account delinquency will be sent to each delinquent account on or about fifteen days after the account becomes delinquent.

If the property is rented, the reminder will be sent to the premise and to the owner of record.

(b) Turn-off Notice. On or about fourteen (14) days after an account becomes delinquent, a turn-off notice will be sent to the customer. Said notice shall state a date on which water will be turned off if delinquent amount is not paid in full prior thereto.

If the property is rented, the notice will be sent to the premise and the owner of record.

(c) Service Turn-off. On the turn-off date, the meter reader or other agent of the City shall deliver a written notice to the customer stating that the water service is being turned off until all current and delinquent amounts have been paid. The meter reader or other agent shall immediately thereafter turn off the service. A delivery of this notice, by the meter reader or agent, to the premises shall be considered a delivery of the notice to the customer.

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(d) Restoration of Service and Service Charge. In all instances where water service has been turned off because of delinquent accounts, full payment of all amounts owing for City water and sewer services must be paid prior to restoration of the service. There shall be an additional service charge made prior to restoration of service after normal working hours. Cash may be required.

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### (7) Collection of Bills, Delinquent and Penalty Fees.

(a) The City of Prineville may enforce the collection of rates and charges for the use of the water and water facilities by any means that may be provided by the laws of the State of Oregon or permitted by the charter and ordinances of the City of Prineville. All water service charges shall be a lien against the premises served from and after the date of delinquency and entered in the City lien docket. The lien docket shall be made accessible for inspection by any one interested in ascertaining the amount of charges against the property. When a bill for the water service remains unpaid sixty (60) days after it is delinquent, the lien created thereby may be foreclosed in the manner provided for by ORS 223.610, or in any other manner provided by law or City ordinance.

(b) Delinquent Fees. Should an account become delinquent, there shall be added a delinquent fee.

(c) Penalty Fees. In the event that it becomes necessary to certify the liens hereby established because of the non-payment thereof, there shall be added to such charges a penalty.

### (8) Refusal of Service

(a) The City may refuse water service to any property upon which a lien has been attached until the amount owing on the lien has been paid to the City along with the service charge for the restoration of services.

(b) The City may also refuse service to a customer with an outstanding delinquent balance until said account balance is paid in full.

## SECTION 12. Meter Error

(1) Meter Accuracy. All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of two (2) percent under conditions of normal operation.

### (2) Meter Test.

(a) Standard Test. Meter Tests will be conducted in accordance with standards of practice established by the American Water Works Association.

(b) On Customer Request. A customer may, upon giving seven days notice, request the Water Department to test the meter servicing his premises. The Water Department will require the customer to deposit a testing fee. The deposit will be returned to the customer if the test reveals that meter to over register more than 2 per cent (2%) under the standard test conditions. The deposit shall be retained by the Water Department if the meter tests within the 2 percent (2%) limitation. Customers may, at their option, witness any meter tests which they request.

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Deleted: This fee shall be \$25.00 for meters ½ inch or smaller. For meters larger than ½ inch, the fee shall be that amount estimated by the Water Superintendent as the cost of testing the meter.

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(c) On Water Department Request. If, upon comparison of past water usage, it appears that a meter is not registering properly, the Water Department may, at its option, test the meter and adjust the charges accordingly. No charge for meter testing will be made to the customer for the meter test under these conditions.

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(3) Adjustment of Bills for Meter Error. Should a meter be found to be out of the allowable tolerance for error, or found to be non-registering, the bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customer's receiving the same class of service during the same season and under similar circumstances and conditions.

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## SECTION 13. Suspension of Service.

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(1) On Customer Request. Each customer about to vacate any premises supplied with water service by the Water Department shall give the Water Department written notice of his intentions at least two (2) days prior thereto, specifying the date service is to be discontinued, otherwise, he will be

responsible for all water supplied to such premises until the Water Department shall receive notice of such removal.

At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desires to be discontinued, the meter will be read and a bill rendered which is payable immediately. In no case will the bill be less than the monthly minimum specified in the schedule applying to the class or classes of service furnished.

(2) Nonpayment of Bills. A customer's water service may be suspended if the water bills are not paid in accordance with the procedures listed in Section 11, subsection (6) of these rules and regulations.

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(3) Nonpayment of Sewer Service Charges. If said sewer service charges are not paid when due by such person, firm or corporation whose premises are served or who are subject to the charges herein provided, water service provided to that customer by the City Water Department may be suspended because of the default in the payment of the sewer service charges. As an additional alternative method, if such rates and charges are not paid when due by any such person, firm or corporation, the amounts so unpaid may be certified by the City Recorder to the County Assessor of Crook County, Oregon, and shall be by him assessed against the premises served as provided by law and shall be collected and paid over to the City in the same manner as other taxes are assessed, collected and paid over, with interest. Such unpaid charges may also be recovered in action at law in the name of the City, with interest as aforesaid.

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**Deleted:** Interest on unpaid bills shall run from the due date thereof at the rate of twelve (12%) percent per annum.  
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(4) Improper Customer Facilities.

(a) Unsafe Facilities. The Water Department may refuse to furnish water and may suspend service to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with the plumbing code of the State of Oregon.

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(b) Cross Connections. The Oregon State Board of Health and the U.S. Public Health Service prohibit cross connections. The Water Department will not permit any cross connection and will suspend service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated.

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(5) Water Waste. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the Water Department may discontinue service if such conditions are not corrected after due notice by the Water Department.

**Deleted:** Customers using water from one or more sources in addition to receiving water from the Water Department on the same premises shall maintain separate systems for each, and the Water Department's water supply facilities shall be separated from any and all other systems by an air gap of not less than one (1) foot, or if in the ground, by not less than five (5) feet.

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(6) Service Detrimental to Others. The Water Department may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

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(7) Fraud or Abuse. The Water Department will refuse or discontinue service to any premises where it is deemed necessary to protect the water Department from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the Water Department that the condition or conditions exist.

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(8) Unauthorized Turn-on. Where water service has been suspended for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be computed at actual cost to the Water Department plus overhead. These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such charges are paid and the Water Department has reasonable assurance that the violation will not reoccur.

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(9) Noncompliance with Regulations. The Water Department may, upon five (5) days notice, suspend service to a customer's premises for failure to comply with any of the provisions of these regulations.

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SECTION 14. Restoration of Service. Restoration of service after suspension for nonpayment of bills shall be made after payment of current and past due charges plus a service charge and posting a deposit as herein before provided.

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Restoration of service after suspension of service for unsafe facilities, water waste, fraud, abuse or for noncompliance with any of the policies, rules or regulations will only be made after the irregularity has been corrected and the Water Department has been assured that the irregularity will not reoccur.

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SECTION 15. Unusual Demands. When an abnormally large quantity of water is desired for filling a swimming pool, log pond, or other purposes, arrangements must be made with the City prior to taking such water. Permission to take water in unusual quantities will be given only if the Water Department facilities and other consumers are not inconvenienced.

SECTION 16. Access to Property. All duly appointed employees of the Water Department, under the direction of the Water Superintendent, shall have free access at all reasonable hours of the day to any and all part of structures and premises in which water is or may be delivered for the purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The Water Department does not,

however, assume the duty of inspecting the customer's line, plumbing and equipment and shall not be responsible therefore.

#### SECTION 17. Responsibility for Equipment.

(1) Responsibility for Customer Equipment. The Water Department shall not be liable for any loss or damage of any nature whatsoever caused by any defects in the customer's line, plumbing or equipment, nor shall the Water Department be liable for loss or damage due to interruption of service or temporary changes in pressure. The customer shall be responsible for valves on his premises being turned off when the water service is turned on.

(2) Responsibility for Water Department Equipment. Water Department equipment on the customer's premises remains the property of the Water Department and may be repaired, replaced or removed by the Water Department employees at any time without the consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or removed Water Department equipment on his premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the Water Department operation and maintenance.

(3) Damage to Water Department Equipment. The customer shall be liable for any damage to equipment owned by the Water Department which is caused by an act of the customer, his tenants, agents, employees, contractors, licensees or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damages by hot water or steam, and damaged meter boxes, curb stops, meter stops and other appurtenances.

#### SECTION 18. Fire Hydrants.

(1) Operation. No person other than those designated and authorized by the Water Department shall open any fire hydrant belonging to the Water Department; attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than a special hydrant wrenches shall be used to operate a hydrant valve. In case where a temporary service has been granted and received water through a fire hydrant, an auxiliary valve will be provided to control the flow of water.

(2) Moving a Fire Hydrant. When a fire hydrant has been installed in the locations specified by the proper authority, the Water Department has fulfilled its obligation. If a property owner or other party desires to change the size, type of location of the hydrant, he shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the Water Department and the Fire Department.

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SECTION 19. Backflow Prevention Requirements

(1) A potable water supply system shall be designed, installed, and maintained in a manner that prevents contamination from the introduction of non - potable liquids, solids, or gases into the supply through cross-connections or any other piping connections to the system.

(2) An appropriate backflow prevention assembly is required on all fire line and irrigation services and all domestic services larger than one inch (1") in size. An approved double check valve assembly shall be the minimum backflow protection for all non-residential water service lines. The backflow assembly shall be installed as close to the right of way as is practical. Backflow prevention assembly are required on domestic services 2 inches and smaller if the buildings highest point of water use is greater than 32 feet above the water main, or if a known hazard exists on the premise of the service connection. The type of backflow prevention assembly required will be determined by the Public Works Director or his designee.

(3) Failure to comply with installation, inspection, testing and maintenance requirements for backflow prevention assembly may result in terminating of the water service.

(4) Before any assemble for the prevention of backflow or backsiphonage is installed, it shall be certified by a recognized testing laboratory acceptable to the state Health Division Director. Assemblies installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system. The Public Works Superintendent or his designee may inspect such assemblies and require the replacement of any that are found to be defective or inoperative.

(5) Building premise owners shall maintain all backflow prevention assemblies and vacuum breakers within the building or on the premises in good working order and make no piping or other arrangements for the purpose of bypassing backflow prevention assemblies.

(6) All approved backflow assemblies must be tested by a certified tester when installed, and prior to use when moved, when repaired and at least annually. All costs for testing and repair of backflow assemblies shall be the responsibility of the owner or agent.

SECTION 20. Irrigation.

(1.) Between April 15 and October 15 of each year, users in the City of Prineville water for irrigation shall comply with the following restrictions:

(a). Irrigation shall be permitted before 10 am and after 4 pm but shall be prohibited in the hours between.

(b). Irrigation shall be permitted following an odd/even irrigation schedule. Even house numbers may water on even numbered dates of the month and odd house numbers may water on odd number dates of the month. No watering is allowed on the 31<sup>st</sup> day of the month.

(2) The City Manager may restrict all use of city water for irrigation purposes upon any emergency situation or for essential purposes.

SECTION 21. Penalties. Any person violating any of the provisions of these rules and regulations, shall, upon conviction thereof, be punished by a fine not exceeding \$500.00.

SECTION 22. Suspension of Rules. No employee of the Water Department is authorized to suspend or alter any of the policies, rules and regulations cited herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy.

SECTION 23. Easement. Each applicant and user gives and grants the City of Prineville an easement and right-of-way on and across his property for the installation of water mains and the necessary valves and equipment in connection therewith.

SECTION 24. Prior Ordinances. Ordinances No. 910, 925, 933, 959, 1027, 1043, and 1092 are hereby repealed in their entirety and the provisions of any other prior ordinance of the City of Prineville that may be in conflict with any of the rules, regulations, or provisions herein contained are hereby repealed and superseded.

SECTION 25. Constitutionality, Savings Clause. If any clause, sentence, paragraph, section or portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance but shall be confined in its operation to the clause, sentence, paragraph, section or portion of this ordinance directly involved in the controversy in which the judgment is rendered.

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Definition. The “service connection” shall be that part of the water distribution system which connect the meter to the main and shall normally consist of a corporation stop, service pipe, curb stop and box, meter, meter yoke and meter box. The “customer service line” shall be that part of the piping on the customer’s property that connects the service to the customer’s distribution system.

(2)

ORDINANCE NO.

AN ORDINANCE PRESCRIBING THE RULES AND REGULATIONS FOR THE CONDUCT AND OPERATION OF THE WATER SYSTEM OF THE CITY OF PRINEVILLE, REGULATING AND GOVERNING THE USE OF WATER FROM SAID SYSTEM, PROVIDING PENALTIES FOR NONPAYMENT OF WATER SERVICE AND FOR VIOLATION OF THIS ORDINANCE, AND REPEALING ORDINANCE 910.

THE CITY OF PRINEVILLE ORDAINS AS FOLLOWS:

SECTION 1. Rules and Regulations.

(1) Short title. This ordinance shall be known as "Rates, Rules and Regulations for the operation of the Water Department of the City of Prineville, Crook County", and may be so cited and pleaded.

(2) Scope. The Water Department and all customers receiving services from the Water Department, whether inside or outside the City limits, are bound by these rules and regulations of the Water Department.

SECTION 2. Definitions and General Terms.

(1) City. Whenever the word "City" is used, it shall mean the legally constituted municipal government of the City of Prineville, Crook County, Oregon.

(2) Water Department. Whenever the words "Water Department" are used, they shall mean the Water Department of the City of Prineville, Oregon.

(3) City Council. Whenever the words "City Council" are used, they shall mean the legally elected group of members composing the City Council, including the Mayor of the City of Prineville, Oregon.

(4) Superintendent. Whenever the words "Superintendent" is used, it shall mean the person appointed to superintend the affairs of the Water Department.

(5) Applicant. Whenever the word "applicant" is used, it shall mean the person or persons, firm or corporation making application for water service from the Water Department under the terms of these regulations.

(6) Customer or User. Whenever the words "customer or "user" are used, it shall mean an applicant who has been accepted under the terms of these regulations and who received water service from the Water Department.

(7) Cross Connection. A cross connection is defined as any physical connection between the Water Department's system and another source.

(8) Service Connection. The "service connection" shall be that part of the water distribution system which connect the meter to the main and shall normally consist of a corporation stop, service pipe, curb stop and box, meter, meter yoke and meter box.

(9) Customer Service Line. The "customer service line" shall be that part of the piping on the customer's property that connects the service to the customer's distribution system.

(10). Irrigation. Irrigation shall be defined as watering trees, lawns, soil, bushes, flowers, plants or other vegetation by any means, including but not limited to sprinklers, and held hoses or ditches.

### Section 3. Service Area.

The area served by the Water Department shall be all that area included within the corporate limits of the City of Prineville and such other contiguous and neighboring territory as the City Council, shall from time to time deem necessary to serve.

### Section 4. Description of Service.

(1) Supply. The Water Department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid so far as reasonably possible any shortage or interruption in delivery.

The Water Department shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the Water Department for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.

(2) Quality. The Water Department will exercise reasonable diligence to supply safe and potable water at all times.

(3) Ownership of System. All water mains, valves, fittings, hydrants and other appurtenances, except "customer service lines", as defined in Section 7, subsection (1) herein, shall be the property of the Water Department.

(4) Special Contracts. When the applicant's requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment or capacity, the Water Department, by authorization of the City Council, reserves the right to make special contract, the provisions of which are different rules and regulations. This special contract shall be in writing, signed by the applicant and approved by the City Council and City Attorney and signed by the Mayor and City Recorder of the City of Prineville.

(5) Resale of Water. Resale of water shall be permitted only under special contract, in writing, between the City Council and the persons, parties or corporation selling the water.

(6) Service Preference. In case of shortage of supply, the Water Department reserves the right to give preference in the matter of furnishing service to customers and interests of the Water Department from the standing of public convenience or necessity. Water service to users outside the City limits shall at all times be subject to the prior and superior rights of the customers within the City limits.

#### SECTION 5. Application for Service.

(1) Application Form. Each applicant for water service shall sign an application form provided by the Water Department giving the date of the application, location of premises to be served, the date applicant desires service to begin, purpose for which service is to be used, the address for mailing of the billings, the class and the size of the meter service and such other information as the Water Department may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations of the Water Department. The application is merely a written request for service and does not bind the Water Department to serve.

(2) Deposits and Establishment of Credit. At the time application for credit is made, the applicant shall establish his credit with the Water Department.

(a) Establishment of Credit. The credit of the applicant shall be deemed established:

1. If the applicant makes a deposit with the Water Department to secure the payment of bills for service. The deposit shall be reflected on the current City fee schedule.
2. Should the applicant have a history of delinquency in payment of his water bill, as determined by the City, and be requesting a new account, service may be denied.

(b) Deposits. At the time the deposit is given to the Water Department, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded. Following twelve (12) consecutive non-delinquent payments for water service, a customer may request and receive a refund of his deposit.

(c) Forfeiture of Deposit. If an account becomes delinquent and the service is turned off, the customer is required to pay all outstanding balances including fees associated with the suspension of service.

(3) Application of Amendments. Customers desiring a material change in the size, character or extent of equipment or operation which would result in material change in the amount of water used shall give the Water Department written notice of such change prior to the change and the application for service shall be amended.

Customers desiring a change in the size, location or number of services shall fill out an amended application.

#### SECTION 6. Main Extensions.

(1) Within the City Limits. Water main extensions to areas within the City limits not presently served with water shall be installed under procedures to be established by the City Council. Sub dividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council.

(2) Outside the City Limits. Water mains outside the City limits shall be extended only at the expense of the customers served. The main extensions shall become the property of the Water Department upon final acceptance and after one year from the date of final acceptance. The City Engineer shall determine the size of the main extensions and all extensions shall be constructed in compliance with the city's standards and specifications. .

(3) Location of Extensions. The Water Department will allow water main extensions only on rights-of-way, easements or publicly owned property. Easements or permits secured for main extensions shall be obtained in the name of the City of Prineville along with all rights and title to the main at the time the service is provided to the customers paying for the extension.

#### SECTION 7. Service

(1) Ownership, Installation and Maintenance. The Water Department shall own, install and maintain all services and installation and maintenance shall be



performed only by authorized employees of the Water Department as referenced in section 6 below. The customer shall own, install and maintain the customer service line.

(2) Service Connection Charge. At the time the applicant files for service where no service previously existed, or if he is filing for a change in size or location, he shall submit with his application the service connection charge.

This charge is to cover the actual cost to the Water Department to install the service from the main to the meter and includes the meter and meter housing. The service connection charge shall be as determined by the Water Department in the current published water rate schedule.

(3) Size of Service. The Water Department will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size requested is one that is listed by the Water Department. The minimum size of service shall be three-fourths (3/4) inch. The Water Department may refuse to install a service line which is undersized or oversized as determined by a study and report of the Water Superintendent.

(4) Change in Service Size. Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the Water Department for making the change.

(5) Length of Service. Where the main is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served for the standard connection fee, provided the length of service line does not exceed five (5) feet.

Where the main is on an easement or publicly owned property other than designated right-of-way, the service shall be installed to the boundary of the easement or public property by the Water Department, provided the length of service does not exceed five (5) feet.

If, in either case cited above, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the Water Department for labor, materials and equipment plus 15%.

(6) Joint Service Connections. The Water Department may, at its option, serve two or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed.

Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residencies be permitted to receive service through one meter except under special considerations approved by the City Council.

(7) Number of Service Connections on a Premise. The owner of a single parcel of property may apply for and receive as many services as he or his tenants may require, provided his application or applications meet the requirements of the policies, rules and regulations.

(8) Standby Fire Protection Service Connections.

(a) Purpose. Standby fire protection service connections of two inch size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The Water Department may require that a suitable detector check meter be installed in the standby fire protections service connections, to which hose lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the plumbing code of the State of Oregon.

(b) Charges for Service. Charges for standby fire protection service will be stated in the published water rate schedule. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system. The customers shall pay the full cost of the standby fire protection service connection, any required detector check meters, and any required special water meter installed for the service to the standby connection.

(c) Violations of Regulations. If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the Water Department. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of regular water rates.

(9) Fire Service Connections other than Standby. A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the regular rate.

(10) Temporary Service Connections. For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material used by the Water Department. The applicant shall also pay his water bill in advance and based upon an estimate of the quantity to be used, or he shall otherwise establish satisfactory credit.

(a) Time Limit. Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the Water Department.

(b) Charge for Water Served. Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.

(c) Installation Charges and Deposits. The applicant for temporary service will be required:

1. To pay Water Department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service.

2. To deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used or to otherwise establish credit by the Water Department.

3. To deposit with the City an amount equal to the value of any equipment loaned by the Water Department to such applicant under the terms of Section 7, Subsection 11 (d) hereinafter.

(d) Responsibility for Meters and Installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the Water Department. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit refund. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of the service.

(11) Customer's Plumbing.

(a) Plumbing Code. The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures and

other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the plumbing code of the State of Oregon.

(b) Control Valves. Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this section.

It shall be a violation of these rules and regulations for the customer to operate, cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection.

## SECTION 8. METERS

(1) Ownership. The Water Department will own and maintain all water meters. The Water Department will not pay rent or any other charge for a meter or other water facility, including housing and connections on a customer's premises.

(2) Installation. Installation of water meters shall be performed only by authorized employees of the Water Department. All meters shall be sealed by the Water Department at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

(3) The Size and Type of Meter. Applicant shall request and receive any size meter regularly stocked or furnished by the Water Department, provided the request is reasonable and further provided that the meter is not greatly oversized or undersized, as determined by the Water Superintendent. The Water Department reserves the right to determine the type of meter to be installed.

(4) Location of Meters. Meters shall normally be placed at the curb or property lines, the meter will be installed wherever the applicant desires within reason, but the location must be approved by the Water Department. The meters will not be located in driveways or other locations where damage to the meter or its related parts may occur.

(5) Joint Use of Meters. The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, with the Water Department.

(6) Changes in Size and Location. If, for any reason, a change in the size of meter and service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be so amended.

Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

#### SECTION 9. Water Rates

The water rates to be charged for each class of service, including minimum charges, charges for water used over the minimum and service connection charges shall be as listed on the City's rate schedule. These water rates may be revised at any time.

#### SECTION 10. Notices

(1) Notices to Customers. Notices from the Water Department to the customer will normally be given in writing and either mailed to or delivered to the customer at their last known address. Where conditions warrant and in emergencies, the Water Department may notify the customer either by telephone or by messenger.

(2) Notices from Customers. Notices from customer to the Water Department may be given by the customer or their authorized representative orally or in writing at the office of the Water Department in City Hall or to an agent of the Water Department.

#### SECTION 11. Billing and Payment

(1) Meter Readings. Meters will be read and customers billed on the basis of the meter readings to the nearest one hundred (100) cubic feet.

The Water Department will keep an accurate account on its books of all readings of meters and such accounts so kept shall be offered at all times, places and courts as prima facie evidence of the use of water service by the customer.

#### (2) Rendering of Bills.

(a) Billing period. All meters shall be read and bills rendered therefore monthly.

(b) Bills for Other Than Normal Billing Period. Opening or closing bills or bills that for any other reason cover a period containing 10% more days or 10% fewer days than in the normal billing period shall be prorated.

(3) Disputed Bills. When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude suspension of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant suspension of service as provided under subsection (6) of this section.

(4) Failure to Read Meters. In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of thirty (30) days per month and the total water consumption for the billing purposes for that month shall be estimated.

(5) Owner of Record and Payment of Bills.

(a) The property owner of record as shown by the records of the Crook County Assessor shall be responsible for the payment of all water charges and fees prescribed in this ordinance. The responsibility for payment to the city does not pass to the tenant or other occupants, notwithstanding the fact that tenants or other occupants may be required by the property owner to pay the charges.

(b) Each bill rendered shall have a due date. If the bill is not paid by that date, the account shall be considered delinquent.

(c) Payments for combined water/sewer bills shall be credited to the oldest bill. Said payments shall be applied first to amounts owing on the sewer account and then to amounts owing on the water account.

(6) Delinquent Accounts.

(a) Delinquent Notice. A reminder of account delinquency will be sent to each delinquent account on or about fifteen days after the account becomes delinquent.

If the property is rented the reminder will be sent to the premise and to the owner of record.

(b) Turn-off Notice. On or about fourteen (14) days after an account becomes delinquent, a turn-off notice will be sent to the customer. Said notice shall state a date on which water will be turned off if delinquent amount is not paid in full prior thereto.

If the property is rented the notice will be sent to the premise and the owner of record.

(c) Service Turn-off. On the turn-off date, the meter reader or other agent of the City shall deliver a written notice to the customer stating that the water service is being turned off until all current and delinquent amounts have been paid. The meter reader or other agent shall immediately thereafter turn off the service. A delivery of this notice, by the meter reader or agent, to the premises shall be considered a delivery of the notice to the customer.

(d) Restoration of Service and Service Charge. In all instances where water service has been turned off because of delinquent accounts, full payment of all amounts owing for City water and sewer services must be paid prior to restoration of the service. There shall be an additional service charge made prior to restoration of service after normal working hours. Cash may be required.

(7) Collection of Bills, Delinquent and Penalty Fees.

(a) The City of Prineville may enforce the collection of rates and charges for the use of the water and water facilities by any means that may be provided by the laws of the State of Oregon or permitted by the charter and ordinances of the City of Prineville. All water service charges shall be a lien against the premises served from and after the date of delinquency and entered in the City lien docket. The lien docket shall be made accessible for inspection by any one interested in ascertaining the amount of charges against the property. When a bill for the water service remains unpaid sixty (60) days after it is delinquent, the lien created thereby may be foreclosed in the manner provided for by ORS 223.610, or in any other manner provided by law or City ordinance.

(b) Delinquent Fees. Should an account become delinquent, there shall be added a delinquent fee

(c) Penalty Fees. In the event that it becomes necessary to certify the liens hereby established because of the non-payment thereof, there shall be added to such charges a penalty

(8) Refusal of Service

(a) The City may refuse water service to any property upon which a lien has been attached until the amount owing on the lien has been paid to the City along with the service charge for the restoration of services.

(b) The City may also refuse service to a customer with an outstanding delinquent balance until said account balance is paid in full.

## SECTION 12. Meter Error

(1) Meter Accuracy. All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of two (2) percent under conditions of normal operation.

### (2) Meter Test.

(a) Standard Test. Meter Tests will be conducted in accordance with standards of practice established by the American Water Works Association.

(b) On Customer Request. A customer may, upon giving seven days notice, request the Water Department to test the meter servicing his premises. The Water Department will require the customer to deposit a testing fee. The deposit will be returned to the customer if the test reveals that meter to over register more than 2 per cent (2%) under the standard test conditions. The deposit shall be retained by the Water Department if the meter tests within the 2 percent (2%) limitation. Customers may, at their option, witness any meter tests which they request.

(c) On Water Department Request. If, upon comparison of past water usage, it appears that a meter is not registering properly, the Water Department may, at its option, test the meter and adjust the charges accordingly. No charge for meter testing will be made to the customer for the meter test under these conditions.

(3) Adjustment of Bills for Meter Error. Should a meter be found to be out of the allowable tolerance for error, or found to be non-registering, the bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customer's receiving the same class of service during the same season and under similar circumstances and conditions.

## SECTION 13. Suspension of Service.

(1) On Customer Request. Each customer about to vacate any premises supplied with water service by the Water Department shall give the Water Department written notice of his intentions at least two (2) days prior thereto, specifying the date service is to be discontinued, otherwise, he will be



responsible for all water supplied to such premises until the Water Department shall receive notice of such removal.

At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desires to be discontinued, the meter will be read and a bill rendered which is payable immediately. In no case will the bill be less than the monthly minimum specified in the schedule applying to the class or classes of service furnished.

(2) Nonpayment of Bills. A customer's water service may be suspended if the water bills are not paid in accordance with the procedures listed in Section 11, subsection (6) of these rules and regulations.

(3) Nonpayment of Sewer Service Charges. If said sewer service charges are not paid when due by such person, firm or corporation whose premises are served or who are subject to the charges herein provided, water service provided to that customer by the City Water Department may be suspended because of the default in the payment of the sewer service charges. As an additional alternative method, if such rates and charges are not paid when due by any such person, firm or corporation, the amounts so unpaid may be certified by the City Recorder to the County Assessor of Crook County, Oregon, and shall be by him assessed against the premises served as provided by law and shall be collected and paid over to the City in the same manner as other taxes are assessed, collected and paid over, with interest. Such unpaid charges may also be recovered in action at law in the name of the City, with interest as aforesaid.

(4) Improper Customer Facilities.

(a) Unsafe Facilities. The Water Department may refuse to furnish water and may suspend service to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with the plumbing code of the State of Oregon.

(b) Cross Connections. The Oregon State Board of Health and the U.S. Public Health Service prohibit cross connections. The Water Department will not permit any cross connection and will suspend service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated.

(5) Water Waste. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the Water Department may discontinue service if such conditions are not corrected after due notice by the Water Department.

(6) Service Detrimental to Others. The Water Department may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

(7) Fraud or Abuse. The Water Department will refuse or discontinue service to any premises where it is deemed necessary to protect the water Department from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the Water Department that the condition or conditions exist.

(8) Unauthorized Turn-on. Where water service has been suspended for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be computed at actual cost to the Water Department plus overhead. These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such charges are paid and the Water Department has reasonable assurance that the violation will not reoccur.

(9) Noncompliance with Regulations. The Water Department may, upon five (5) days notice, suspend service to a customer's premises for failure to comply with any of the provisions of these regulations.

SECTION 14. Restoration of Service. Restoration of service after suspension for nonpayment of bills shall be made after payment of current and past due charges plus a service charge and posting a deposit as herein before provided.

Restoration of service after suspension of service for unsafe facilities, water waste, fraud, abuse or for noncompliance with any of the policies, rules or regulations will only be made after the irregularity has been corrected and the Water Department has been assured that the irregularity will not reoccur.

SECTION 15. Unusual Demands. When an abnormally large quantity of water is desired for filling a swimming pool, log pond, or other purposes, arrangements must be made with the City prior to taking such water. Permission to take water in unusual quantities will be given only if the Water Department facilities and other consumers are not inconvenienced.

SECTION 16. Access to Property. All duly appointed employees of the Water Department, under the direction of the Water Superintendent, shall have free access at all reasonable hours of the day to any and all part of structures and premises in which water is or may be delivered for the purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The Water Department does not,

however, assume the duty of inspecting the customer's line, plumbing and equipment and shall not be responsible therefore.

#### SECTION 17. Responsibility for Equipment.

(1) Responsibility for Customer Equipment. The Water Department shall not be liable for any loss or damage of any nature whatsoever caused by any defects in the customer's line, plumbing or equipment, nor shall the Water Department be liable for loss or damage due to interruption of service or temporary changes in pressure. The customer shall be responsible for valves on his premises being turned off when the water service is turned on.

(2) Responsibility for Water Department Equipment. Water Department equipment on the customer's premises remains the property of the Water Department and may be repaired, replaced or removed by the Water Department employees at any time without the consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or removed Water Department equipment on his premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the Water Department operation and maintenance.

(3) Damage to Water Department Equipment. The customer shall be liable for any damage to equipment owned by the Water Department which is caused by an act of the customer, his tenants, agents, employees, contractors, licensees or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damages by hot water or steam, and damaged meter boxes, curb stops, meter stops and other appurtenances.

#### SECTION 18. Fire Hydrants.

(1) Operation. No person other than those designated and authorized by the Water Department shall open any fire hydrant belonging to the Water Department; attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than a special hydrant wrenches shall be used to operate a hydrant valve. In case where a temporary service has been granted and received water through a fire hydrant, an auxiliary valve will be provided to control the flow of water.

(2) Moving a Fire Hydrant. When a fire hydrant has been installed in the locations specified by the proper authority, the Water Department has fulfilled its obligation. If a property owner or other party desires to change the size, type of location of the hydrant, he shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the Water Department and the Fire Department.

## SECTION 19. Backflow Prevention Requirements

(1) A potable water supply system shall be designed, installed, and maintained in a manner that prevents contamination from the introduction of non-potable liquids, solids, or gases into the supply through cross-connections or any other piping connections to the system.

(2) An appropriate backflow prevention assembly is required on all fire line and irrigation services and all domestic services larger than one inch (1") in size. An approved double check valve assembly shall be the minimum backflow protection for all non-residential water service lines. The backflow prevention assembly shall be installed as close to the right of way as is practical. Backflow prevention assemblies are required on domestic services 2 inches and smaller if the building's highest point of water use is greater than 32 feet above the water main, or if a known hazard exists on the premise of the service connection. The type of backflow prevention assembly required will be determined by the Public Works Director or his designee.

(3) Failure to comply with installation, inspection, testing and maintenance requirements for backflow prevention assembly may result in terminating of the water service.

(4) Before any assembly for the prevention of backflow or backsiphonage is installed, it shall be certified by a recognized testing laboratory acceptable to the state Health Division Director. Assemblies installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system. The Public Works Superintendent or his designee may inspect such assemblies and require the replacement of any that are found to be defective or inoperative.

(5) Building premise owners shall maintain all backflow prevention assemblies and vacuum breakers within the building or on the premises in good working order and make no piping or other arrangements for the purpose of bypassing backflow prevention assemblies.

(6) All approved backflow assemblies must be tested by a certified tester when installed, and prior to use when moved, when repaired and at least annually. All costs for testing and repair of backflow assemblies shall be the responsibility of the owner or agent.

## SECTION 20. Irrigation.

(1.) Between April 15 and October 15 of each year, users in the City of Prineville water for irrigation shall comply with the following restrictions:

(a). Irrigation shall be permitted before 10 am and after 4 pm but shall be prohibited in the hours between.

(b). Irrigation shall be permitted following an odd/even irrigation schedule. Even house numbers may water on even numbered dates of the month and odd house numbers may water on odd number dates of the month. No watering is allowed on the 31<sup>st</sup> day of the month.

(2) The City Manager may restrict all use of city water for irrigation purposes upon any emergency situation or for essential purposes.

SECTION 21. Penalties. Any person violating any of the provisions of these rules and regulations, shall, upon conviction thereof, be punished by a fine not exceeding \$500.00.

SECTION 22. Suspension of Rules. No employee of the Water Department is authorized to suspend or alter any of the policies, rules and regulations cited herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy.

SECTION 23. Easement. Each applicant and user gives and grants the City of Prineville an easement and right-of-way on and across his property for the installation of water mains and the necessary valves and equipment in connection therewith.

SECTION 24. Prior Ordinances. Ordinances No. 910, 925, 933, 959, 1027, 1043, and 1092 are hereby repealed in their entirety and the provisions of any other prior ordinance of the City of Prineville that may be in conflict with any of the rules, regulations, or provisions herein contained are hereby repealed and superseded.

SECTION 25. Constitutionality Savings Clause. If any clause, sentence, paragraph, section or portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance but shall be confined in its operation to the clause, sentence, paragraph, section or portion of this ordinance directly involved in the controversy in which the judgment is rendered.



ORDINANCE NO. 959

**AN ORDINANCE AMENDING ORDINANCE NO. 910, WATER SYSTEM REGULATIONS.**

**The people of the city of Prineville ordain as follows:**

**Section 1.** Paragraph (a) of subsection (6) of section 11 of Ordinance No. 910 is amended to read:

"(a) Delinquent Notice. A reminder of account delinquency will be sent to each delinquent account on or about fifteen days after the account becomes delinquent. If the property is rented, the reminder will be sent to the premises and to the owner of record."

**Section 2.** Section 19 of Ordinance No. 910 is amended to read:


"Section 19. Penalties. A violation of a provision of this ordinance is punishable by a fine not to exceed \$1000."

Passed by the council this 12th day of March,  
19 91.

Approved by the mayor this 12th day of March,  
19 91.

  
Mayor, Steve Jiffelman

ATTEST:

  
Recorder Henry Hartley