Chapter 3.05
WATER SYSTEM REGULATIONS

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3.05.010 Definitions.

(1) "Customer" means any natural person, firm, corporation or other entity which is served by the City water system.

(2) "Discontinuance of Service" means when a water service has not shown useage for at least thirty (30) days, and the customer chooses not to pay the minimum monthly charge for zero consumption.

(3) "Dwelling unit" is defined as follows:

Type of Development	Unit Basis
Single-family	1 minimum
Multiple dwelling	1 minimum per dwelling
Apartments	1 minimum per apartment
Manufactured homes	1 minimum per pad
Manufactured home parks	1 minimum per lot or pad

(4) "Fire protection service" means the provision of water to premises for automatic fire protection.

(5) "Main" means the distribution pipe lines that are part of the City water system.

(6) "Master Water Plan" means any master plan adopted by the City providing for the development of the water supply and distribution system.

(7) "Owner" means a person having any legal or equitable interest in the premises.

(8) "Premises" means the property or area, including improvements thereon, to which water service is or will be provided.

(9) "Service connection" means the pipe, valves and other equipment used to provide water from the City to and through the meter, but not including private piping and other equipment between the meter and the premises served.

(10) "System development" means water system infrastructure development.

3.05.020 Connection to City Water Service Required.

All new residences, other new buildings, or any other new use requiring domestic water must be connected to the City water service if the same is available at the time of construction.

3.05.030 Regular Service.

(1) The City shall furnish and install service connections of such size and locations as required by the City's Master Water Plan, or upon recommendation of the Public Works Director or City Engineer. The service shall be installed from the main to a point at or near the property line.

(2) Any customer receiving water service, shall, at their own risk and expense, furnish and keep in good condition any equipment required for utilizing water.

(3) The City shall not be responsible for damage to property caused by a spigot, faucet, valve or other equipment that is open when the water is turned on at the meter.

(4) A customer making any material change in the size, character or extent of the equipment of operation utilizing water service, or whose change in operations may or do result in a large increase in the use of water, shall give the City written notice of the nature of the change and, if requested, amend the customer's water service application.

(5) Service connections are the property of the City, whether located on public or private property. Any costs for the repair, maintenance or replacement of the service connection shall be borne by the customer.

(6) A customer receiving water service from the City agrees, as a condition of the receipt of water from the City, that City employees or their agents are authorized to enter the customer's premises at reasonable times for any purpose reasonably related to the provision of water to the premises.

3.05.040 Fire Protection Service.

Fire protection facilities shall be allowed inside and outside a building under the following conditions:

(1) The customer using a fire protection system shall furnish and maintain a service meter approved by the City. Service connection and meter installation shall be required by the City at the expense of the customer.

(2) When a building has a fire protection service, whether a wet or dry sprinkler system, separate from the regular water service to the building, an approved proportional meter or detector check may be used in place of a service meter. The customer shall agree in writing that water supplied through this service will not be used for any purpose except for extinguishing a fire. If an approved proportional meter or detector check registers water use other than to extinguish a fire, the City may install a service meter.

(3) No charge shall be made for water used to extinguish a fire if the customer reports to the City in writing within ten (10) days of the fire.

(4) Water may be obtained from fire protection facilities for filling a tank connected with fire service only if the City grants permission in writing and approves the means of measurement for filling the tank prior to obtaining water. The rates for general use of water will apply.

(5) The City may terminate water service to an approved fire protection system if water is used for purposes not related to extinguishing a fire.

3.05.050 Outside City Service.

The following conditions shall be applicable to every customer for water service outside of the City limits and for hydrant use, unless expressly provided by agreement with the City:

(1) Service will be provided subject to the capacity of the existing water system and the availability of surplus water to be determined by the Public Works Director or City Engineer.

(2) Water services will be provided at rates established by the City for water, meter installation, and deposits.

(3) A non-resident water service agreement , or hydrant permit must be entered into between the City and the customer. Water service may be terminated upon violation of the nonresident water service agreement or hydrant permit by determination of the Public Works Director or City Engineer that surplus water is no longer available.

3.05.060 Temporary Service.

(1) An applicant for temporary service will be required to:

(a) Pay in advance, the cost of installing and removing the facilities required to provide water service;

(b) Deposit an amount pursuant to Section 3.05.170;

(c) Separate from the amount in (b) above, deposit an amount equal to the value of equipment to be used by the customer; and

(d) Pay for the cost of making repairs to the meter or other equipment if there is any damage.

(2) Temporary service connections shall be terminated within thirty (30) days after installation unless an extension is granted in writing by the City.

3.05.070 Shut-off for Repairs.

The water may at any time be turned-off from the mains for repairs or other necessary purposes, and the City will not be liable for any consequent damage. If possible, customers affected will be notified prior to turning-off water.

3.05.080 Application for Service.

(1) No water service will be provided without an application signed by the customer and owner.

(2) No customer supplied with water from the City will be entitled to use it for any purpose other than that stated on the customer's application.

(3) Two or more parties who join to make application for a single service shall be jointly and severally liable and shall be sent a single billing.

(4) The application form for water service will be established by the City and an application fee required at the time of request for service as set forth by resolution.

(5) Hydrant permits expire after 30 days. An application renewal shall be required for continued use.

(6) The information provided in the application for water service shall include the following:

(a) The date of application.

(b) The location of premises to be served.

(c) The date on which the applicant will be ready for service.

(d) The signature of the customer and owner.

(e) The size of the service.

(f) The address to which bills are to be mailed.

(g) Whether the applicant is an owner or tenant of the premises.

(h) An agreement to abide by all rules, regulations and chapters of the City governing water service.

(i) Other information that the City determines is necessary for the provision of water services.

(7) Water service shall be furnished to new applicant within seventy two (72) hours of service request date.

3.05.090 Meters.

(1) Meters shall be furnished and owned by the City.

(2) Meters shall be read by the City monthly. No resident shall park a vehicle (ie: car, boat, trailer, etc.) over a meter or in otherwise obstruct the reading of the meter.

(3) No rent or other charges shall be paid by the City for a meter or other equipment located on the customer's premises.

(4) Meters shall be sealed by the City at the time of installation, and no seal shall be altered or broken except by one of its authorized agents.

(5) If a change in size of a meter and service is required or requested, the customer must reapply for water service with the City.

(6) Any costs for installing meters shall be paid by the customer.

(7) Individual meters are required for single-family dwellings and each dwelling unit for two-family dwellings, manufactured homes, manufactured home parks, and manufactured home subdivisions. Individual meters are not required for boarding or rooming houses, multi-family dwellings including 4 or more units , hotels, motels, trailers, or travel trailer parks.

(8) All water taken from a hydrant must be metered. Meters for hydrant use will either be issued by the City, or can be provided by the customer, and shall be inspected by the Public Works Department prior to use.

3.05.100 Deposits.

(1) Any new customer for each water service connection shall pay a utility deposit. In the case of a delinquent account resulting in a 72 Hour Notice, the City may require the existing deposit for the customer be brought up to the current required deposit for new accounts. A utility deposit is required for each dwelling unit.

(2) The City may require, in addition to the deposit set forth in (1), a supplemental deposit prior to receiving water service under the following circumstances:

(a) Where water service to a property has been terminated; or

(b) A person or customer's violation of any of the provisions of this Chapter or Chapters 3.10; 3.15; 3.20.

(3) A utility deposit shall be required for any permitted hydrant use. Hydrant deposit shall be as established by resolution.

3.05.110 Meter Error.

(1) A customer may request the City to test the meter serving his premises.

(2) Prior to testing the customer's meter, the customer shall deposit with the City Recorder an amount sufficient to cover the cost of the test. This deposit will be returned if the meter is found to register more than two percent (2%) fast.

(3) A written report giving the results of the test shall be available to the customer within 10 days after completion of the test.

(4) Adjustment of bills for meter error will be made according to the provisions of Section 3.05.180.

3.05.120 Main Extensions or Enlargements.

(1) Notwithstanding the public improvements Chapters of this Code, City Council may approve an application for the extension or enlargement of a water main as long as the following conditions are met:

(a) Costs for preliminary engineering work shall be deposited with the City as determined by the Public Works Director or City Engineer.

(b) Prior to construction full payment is made to the City in an amount sufficient to cover all costs associated with the proposed enlargement or extension as determined by the Public Works Director. Full payment shall include funds necessary to provide an extension to the next adjoining property line unless the next adjoining property line cannot become a water customer.

(c) If the actual cost of the main extension or enlargement is more than the estimated cost, the person, firm, corporation or other entity requesting the extension or enlargement shall pay the difference. If the actual cost is less than the estimated cost, the excess shall be refunded to the person, firm, corporation or other entity who paid for such main extension or enlargement.

(2) Where a person, firm, corporation or other entity is developing, or desires to develop a subdivision, and has applied to the City for the construction of water mains therein, the City may proceed to construct the necessary mains upon payment by the sub-divider of the amount specified under the provisions of this section, or may require the sub-divider to construct said main themselves.

(3) Any water main extension or enlargement within the City shall become the property of the City.

(4) The Council may require that adequate water mains be installed prior to street improvement.

(5) Any water main extension or enlargement outside of the city limits will not be authorized unless the Public Works Director makes a determination that the proposed improvement will not unreasonably impair water supply or pressure to the existing water system.

(6) All extensions or enlargements of a water main shall be in accordance with specifications of the City Engineer and the American Public Works Association Standards.

3.05.130 Payment Records.

The Public Works Director shall keep records showing the location, cost and extent of all mains constructed by the City. Private developers shall submit all records showing the location, cost and extent of all mains constructed by them.

3.05.140 Turn-on Fee.

No fee shall be charged to any new customer for turning on water service during the regular working hours, except as provided in Section 3.05.160. If the service turn-on is made during other than regular working hours, a fee shall be charged to the customer for turning on water services and shall be paid prior to water turn-on.

3.05.150 Service Connection Charge / System Development Charge.

(1) All new service connections shall be charged a service connection charge to connect to the City's water distribution system.

(2) All new service connections shall be charged a system development charge (SDC) to connect to the City's water distribution system.

3.05.160 Charges / Billing.

(1) All charges related to the provision of water service both within and outside City limits is chargeable to the customer. The owner of the premises, if different than the customer, may be required to pay all charges, costs, delinquencies, and related fees associated with furnishing water to the premises.

(2) Bills for water service are payable on the 20th day of the month. Any bill not paid by that date is subject to a surcharge in an amount of not less than 10% of the original bill. Surcharge is compounded monthly.

(3) Beginning balances past due are due by the ninth day of the month. If the past due balance is not paid by the ninth, water service to the property may be terminated pursuant to Section 3.05.210 of this Ordinance.

(4) Each water meter shall be read monthly unless the City determines that conditions exist which make monthly reading impractical. If monthly reading is impractical the City shall determine the monthly use of water by any reasonable means. The failure by the City to read water meters or bill customers for water delivered shall not operate to relieve the customer from liability for water charges at the established rates.

(5) Each hydrant meter shall be read, for the purpose of billing, prior to permitted use and a final reading taken after discontinuance of use or at the end of 30 days, which ever is earliest.

(6) There shall be a monthly charge for water service to each dwelling unit, and or premises based upon meter size. The charge shall be a combination base charge and volumetric rate which shall be evaluated on an annual basis by the City Council to insure financial solvency of the City water system.

3.05.170 Rate Schedule.

All rates, fees, costs, connection charges, utility deposits and other expenses for water and water related services may be established and thereafter adjusted from time to time by resolution of the City Council.

3.05.180 Adjustment of Accounts.

Customer accounts shall be adjusted for any of the following circumstances:

(1) Accounts receiving 15 days or less of service in a month shall be billed one-half of the minimum monthly charge unless calculation of metered service results in a higher charge.

(2) When upon testing, a meter is found to be registering more than two percent (2%) fast, under conditions of normal operation, the City shall refund to the customer the full amount of the overcharge, based on corrected meter readings for a period not to exceed three (3) months.

(3) When, upon test, a meter is found to be registering more than five percent (5%) slow, the City may bill the customer for the amount of the undercharge, based upon corrected meter readings.

(4) The City may charge a customer for water consumed while a meter was not registering at the minimum monthly meter rate according to the customer's prior use during the same period of the prior year, or other appropriate method as determined by the City.

3.05.190 Responsibility for Payment of Bills.

The customer shall be responsible for all charges for water consumption, except as provided in Section 3.05.180. In addition to deposit, the City shall obtain a signed agreement from the owner of the premises that they accept liability for any charges accruing as a result of the provision of water service and that a lien can be filed against the premises if charges are not paid.

3.05.200 Termination of Water Service.

The City may, upon recommendation of the Public Works Director or City Engineer, terminate water service under the following circumstances:

(1) Where an apparatus, appliance or other equipment using water is dangerous, unsafe or is in violation of the laws, chapters or legal regulations;

(2) Where excessive demand by one customer will result in inadequate service to others;

(3) Where use seriously affects the general service, if such conditions are not corrected within five days after the customer is given written notice;

(4) Where a customer or other person uses water from a fire protection facility for purposes other than to extinguish a fire;

(5) If charges associated with the provision of water service are not paid in accordance with the provisions of this Chapter; upon recommendation of the City Recorder;

(6) Where a physical connection or provisions for a physical connection, direct or indirect, exists between the City water supply and a private water supply;

(7) A violation of the nonresident water service agreement or a determination by the Public Works Director or City Engineer that surplus water is no longer available for outside city service; or

(8) Where a customer is in violation of any of the provisions of this Chapter, Chapters 3.10, 3.15, 3.20 or the sanitary sewer system regulations under Chapter 3.01.

3.05.210. Process for Terminating Water Services.

(1) Prior to terminating water service, the City shall provide written notice to the customer, that water service to the property is subject to being disconnected unless the delinquent, stopped payment, and/or NSF (non-sufficient funds) payment amounts are paid in full immediately. Written notice shall be provided in a manner prescribed by the City according to the following:

(a) Written notice for delinquency shall provide that water service to the premises is subject to be terminated, that the customer has a right to request a hearing to contest the termination of water service, and information on how to request a hearing;

(1) Notice shall be sufficient if mailed to the address listed on the application for water services or to the owner of the property as listed in the City's records; and

(2) In the event a past due payment is not received by the 9 th of the month, the City shall post a 72-Hour Notice to Shut-off at each dwelling unit informing the customer that water service will be shut-off after seventy-two (72) hours if payment is not received. A Notice of Shut-off will be placed at the premise upon shut-off of the service. Fees will be assessed per each notice.

(b) Written notice for stopped payment or NSF (non-sufficient funds) shall provide that water service to the premises is subject to be terminated.

(1) Notice shall be sufficient in the form of a 72-Hour Notice to Shut-off posted at the dwelling unit informing the customer that water service will be shut-off after seventy-two (72) hours if payment is not received. A Notice of Shut-off will be placed at the premise upon shut-off of the service. Fees will be assessed per each notice as well as an NSF fee.

(2) If full payment arrangements satisfactory to the City, or a request for a hearing as provided for in this Section is not timely made, the City may, without further notice or process, terminate water service to the affected premises.

(3) A customer or owner wishing to request a hearing shall file a request with the City in writing which shall include the following:

(a) The name, mailing address and telephone number(s) of the person making the request;

(b) The address of the premises subject to the termination of water service; and

(c) A concise statement why the City's proposed termination of water service is illegal or improper.

(4) In the event a request for a hearing is timely received as provided in Section 3.05.210, the City shall schedule a hearing before the City Recorder within five (5) business days subject to the following:

(a) The customer and/or owner shall have the burden to show that termination of water service is illegal or improper;

(b) In the event that the customer and/or owner shows that termination of water service is illegal or improper, termination of water service shall not occur until such time as the City is able to cure the impropriety and notice is provided of the cure to the customer and/or owner; and

(c) In the event the customer and/or owner is unable to show the termination of water service is illegal or improper, water service to the property is subject to immediate termination.

3.05.215 Process for Appeal.

(1) A customer or owner wishing to request an appeal on a decision resulting from a hearing before the City Recorder shall file a request with the City in writing within 5 business days following the written decision of the City Recorder. The appeal shall be scheduled before the City Manager within 5 business days of receipt of the request, subject to requirements and process outlined in Section 3.05.210 (3)(a)(b)(c) and (4)(a)(b)(c).

(2) The decision of appeals by the City Manager is final.

3.05.220 Emergency Water Turn-off.

Where there is an imminent threat to the health and safety of the general public, the City may immediately turn-off water to any customer. A customer may request a hearing after turning-off water consistent with the provisions of Section 3.05.220.

3.05.230 Request for Water Turn-off / Temporary Discontinuance.

A customer may have water service turned-off or temporarily discontinued (no useage for up to thirty (30) days) by notifying the City at least seventy two (72) hours in advance of the desired date of turn off or temporary discontinuance. Water charges shall be paid by the customer prior to such date as the water is turned-off.

3.05.240 Discontinuance of Service.

Service connections not demonstrating water use after thirty (30) days, shall by the city be determined a discontinued service and the meter de-activated. To keep the service active, the customer will be required to pay the minimum monthly charge for zero consumption. If the service becomes de-activated, any future service to the premises will require payment of a re-activation fee, any connection charges in effect at that time, and filing of a new application with the city.

3.05.250 Large Withdrawal of Water.

When a customer or other person is interested in making a withdrawal of water greater than 7,500 gallons, arrangements shall be made with the City prior to withdrawing such water. Permission shall be given only if water can be withdrawn in a manner that will not adversely effect the existing water system or inhibit the ability of existing customers to maintain consistent water service as determined by the Public Works Director or the City Engineer.

3.05.255 Illegal Use of Fire Hydrants.

Except for use by the Public Works Department or the North Plains Fire Department, hydrants may only be used after issuance of a permit by the City. Any unauthorized person(s) using water from a hydrant without having first obtaining a proper permit shall be subject to the following:

(1) A $500.00 fine.

(2) The City will confiscate any and all hydrant nozzle adapters and appurtenances of which will become the property of the City.

3.05.260 Fire Hydrants.

If any person desires a change in the size, type or location of a fire hydrant, that change must be approved by the City and any costs shall be borne by the person requesting the change.

All water taken from a hydrant must be metered as outlined in this ordinance and by approved permit only. Non-compliance to any sections of this ordinance regarding hydrants will be considered illegal use of fire hydrants.

3.05.270 Damage to City Property.

The customer shall be liable for damage to a meter, hydrant, or other equipment or property owned by the City which is caused by an act or omission by the customer, tenants or agents. The damage shall include, but is not limited to, the breaking or destruction of seals and damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The City shall be reimbursed by the customer for any and all such damage. No person shall tamper or interfere with City water mains, hydrants, meters or other water service devices.

3.05.280 Control Valves.

The customer shall install a valve, as close to the meter location as practical, to control the entire water supply provided by the City. Operation or interference with the curb stop in the meter box by the customer or other person is not permitted.

3.05.290 Cross-Connection.

Refer to Chapter 3.20 for cross-connection requirements.

3.05.300 Resale of Water.

Except by special arrangement with the City, no customer shall resell water received from the City, nor shall water be delivered to premises other than those specified in the application for service.

3.05.310 Entry Upon Private Property.

(1) City employees or their agents are authorized at all reasonable times to enter the customer's premises for a purpose properly connected with the service of water to the premises to the full extent permitted by law.

(2) No person shall interfere with or attempt to prevent a City employee or agent from entering upon private premises when a water emergency exists.

3.05.320 Penalty.

It shall be unlawful for any person, firm or corporation to tamper with meters, meter locking devices, hydrants or water lines of the City, or to pipe around the same or in any manner divert water from the system except through approved outlets. Any person, firm, corporation or entity determined to be in violation of this subsection shall be fined in an amount not less than $100.00 for each violation.

3.05.330 Administration.

The City Recorder shall be responsible for the administration of this ordinance. He or she may:

(1) Adopt reasonable rules and regulations relating to any matter pertaining to the administration of this ordinance.

(2) Any appeals to this Ordinance may be made to the City Manager only after exhausting the hearings process as outlined in Section 3.05.210.

3.05.340 Indemnification.

Every customer shall be liable to the City for all expenses, including attorney fees, incurred by the City in defense of or paid by the City in settlement or satisfaction of any claim, demand, action or suit brought by reason of the customer's failure to satisfy the obligations imposed by this Chapter.

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