

GARIBALDI ORDINANCES

ORDINANCE NO. 161

AN ORDINANCE RELATING TO THE USE OF CITY WATER AND SEWER SERVICES; PRESCRIBING RULES AND REGULATIONS FOR WATER AND SEWER RATES; PROVIDING FOR EXTENSION OF MAINS AND CONNECTIONS; ESTABLISHING PROCEDURES FOR COLLECTION OF WATER AND SEWER CHARGES; PROVIDING PENALTIES AND REMEDIES FOR NON-PAYMENT OF CHARGES; REGULATING SPRINKLING AND GENERAL OPERATION OF THE GARIBALDI WATER AND SEWER SYSTEM AND REPEALING ORDINANCE NO. 87, 126 and 128.

The City of Garibaldi ordains as follows:

Section 1. Definitions . As used in this Ordinance:

(a) The word "charge" means any sum of money assessed against any person by the City for water or sewer services supplied to such person.

(b) The word "City" means the City of Garibaldi, Oregon.

(c) The word "due" means the day the City deposits in the United States Post Office a written notice of a charge.

(d) The word "person" means any natural person, corporation, association, firm, partnership or legal entity.

(e) The word "sewer" includes all services rendered by the City for sewer users in connection with the transportation, treatment or disposal of sewage effluent.

(f) The word "water" includes all services rendered by the City for water users in connection with the supplying of water to each user.

Section 2. Discontinuance of Service .

(1) Whenever any person shall fail to pay a charge within 15 days after the same is due, City shall send a written Notice by certified or registered mail to such person stating that City will shut off the water or sewer service to a given building, place or premises unless the delinquent charge is paid not later than 5 days from the date the Notice is given. The Notice shall be deemed given when deposited by certified or registered mail in the U.S. Post Office, addressed to such person's file address and with postage prepaid.

(2) City may restore the water or sewer service to a person in possession of any building, place or premises where the water or sewer service has been shut off pursuant to this ordinance, only after all delinquent charges, costs and fees have been paid to City for water or sewer service previously supplied to such building, place or premises.

(3) In addition to the payment of delinquent charges required in Section 2 above, all costs incurred by City in carrying out the provisions of this ordinance, including but not limited to the cost of sending the Notice by certified or registered mail, extra postage and a sum not to exceed \$25.00 for restoring water or sewer service, shall be paid to City prior to the restoration

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of water or sewer service to any building, place or premises where the water or sewer service previously had been shut off pursuant to this ordinance.

(4) It shall be unlawful for any person to interfere with or prevent any agent or employee of City from shutting off the water or sewer service to any building, place or premises to which City has ordered the cessation of water or sewer service.

(5) Any person who violates this ordinance shall be subject to a fine not to exceed \$250.00.

### Section 3. Rules and Regulations .

From and after the passage and adoption of this ordinance, and its approval by the Mayor, the following rules and regulations for the distribution and use of water and sewer service by the City of Garibaldi, Oregon shall apply and be in full force and effect, to-wit:

#### RULE 1. RESPONSIBILITY FOR PAYMENT

All water and sewer charges for services provided by City to a property shall be the responsibility of the legal owner thereof, whether or not residing at said property.

#### RULE 2. ADDITIONNAL CHARGE FOR MULTIPLE USE:

Any person or family, on flat rate, who allows another person not connected with the main to draw water through his or her faucet or who allows another such person to tap his or her water or sewer pipe line, shall be charged additionally at schedule rates. One detection of such prohibited use is sufficient for such additional charge.

#### RULE 3. SEPARATE CONTROL OF WATER SERVICE:

A separate service direct to the tap in the main shall be required for each residence, building or business that is supplied with water, and service pipes must be placed so that the supply to each residence, building or business may be controlled by a separate stop-cock placed within and near the line of the street curb.

#### RULE 4. RECONNECTION FEE AFTER DISCONTINUED USE:

When water or sewer service is requested for premises, tp which such service has not been provided by City for at least a ten year period, such service shall be provided as and for a new connection, with charges being made for all applicable fees, including but not limited to a connection fee.

#### RULE 5. COMMERCIAL CUSTOMER CURTAILMENT:

When a commercial customer, whether new or old, requests water service, which will involve consumption at a rate in excess of 70,000 gallons per day or 50 gallons per minute, such customer shall be subject to curtailment of water services if a shortage of water supply develops within the city system. A priority as to water use shall be based upon the date of connection for each commercial customer and water use curtailment shall commence with the last

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commercial customer to receive service and shall then be extended backward in time to other commercial customers until an adequate water supply is available for all residential and other priority customers.

### RULE 6. TEMPORARY DISCONTINUANCE OF SERVICE:

Should a customer desire to discontinue water or sewer service supplied to any residence, building or business, notice shall be given to the City, together with payment of a \$25.00 disconnection fee and of all outstanding charges. There are no part time or vacation rates. (see Section 4 (5)).

### RULE 7. SHUT OFF FOR REPAIRS:

Should City at any time shut off water or sewer service from the mains for repairs or other necessary purposes without notice, City shall not be responsible for any consequent damages to boilers, pipes, fixtures or other equipment. The City, however, will give notice whenever possible.

### RULE 8. LIABILITY FOR LEAKAGE AND DAMAGE:

A customer shall keep all pipes, fixtures and other equipment associated with water or sewer service on the premises in good repair at his or her own expense and shall be liable for any leakage, overflow or breakage thereto and for all damages which may result from the failure to do so. When City becomes aware of any such leakage, overflow or breakage, the customer will be notified and, if appropriate repairs are not made within a reasonable time after such notice, the water or sewer service may be shut off and not restored until such repairs are made.

### RULE 9. DEFECTIVE FIXTURES:

City will not provide water or sewer service to customers on flat rates whose premises have defective or leaking faucets, toilets or other fixtures, whose premises have toilets or urinals lacking self-closing valves, or whose tanks lack self-acting float valves.

### RULE 10. WASTE OF WATER:

No customer shall allow water to run to waste through any faucet or fixture in order to prevent freezing, or allow water to run at any time longer than necessary for its proper use. No reduction shall be made by City in the charge for water service as the result of an interruption, shortage or wastage caused by freezing or leakage.

### RULE 11. PERMIT REQUIRED FOR CONNECTION WORK:

No plumber or other unauthorized person shall be allowed to make connections with the water or sewer mains of City, to make any alterations in any conduit, pipe or other fixture connecting therewith, to connect pipes when they have been disconnected by the City, or to turn water or sewer service off or on for any premises, without permission from the City.

### RULE 12. ACCESS TO PREMISES:

Agents of the City may have free access, at proper hours of the day, to all

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parts of the building and premises in which water or sewer service may be provided from the mains of City, for the purpose of inspecting the condition of the pipes and fixtures and to determine the purpose or manner in which the water or sewer service is being provided.

### RULE 13. SERVICE PIPES AND MAIN CONNECTIONS:

On streets where water or sewer mains are laid, City shall own, furnish, operate and maintain the replacement of the service connection between the main and the property lines or curb lines. A fee of \$25.00 shall be charged for renewal of a 3/4" service line upon request. A fee of \$200.00 shall be charged for a new 3/4" service connection. The fee for all other sizes shall be computed on a labor plus material basis.

### RULE 14. EXTENSIONS:

Extensions of a water or sewer main shall be made by City along streets, roads, highways or satisfactory right-of-ways and only in those cases where pressure conditions permit. City shall specify the size, character and location of pipes and appurtenance and all construction work shall conform to recognized standards. If the total length of a required main exceeds 100 feet per customer, the customers directly benefitted thereby may be required by the City to pay that portion of the construction cost for such main which exceeds the 100 feet per customer cost, plus interest at the rate of 12% on such charge, or \$3.00 per frontage foot, plus the hook up fee with payment being due when service connection has been completed.

### RULE 15. SPRINKLING AND IRRIGATION:

A person shall not use water for sprinkling or irrigation, except between the hours established by the City and only through an approved nozzle or spray stand. Upon vote of the Common Council, City may refuse water for sprinkling or irrigation.

### RULE 16. BILL PAYMENT SCHEDULE:

A. Flat Rates: Flat rates are payable in advance on or before the 1st day of each month, and shall be deemed delinquent if not paid on or before the 15th day of each month.

B. Meter Rates: Meter rates are payable on or before the 15th day of each month immediately following, and shall be deemed delinquent if not so paid.

C. A person who pays his or her nonmetered water and sewer charges 1 year in advance shall be entitled to a 5 per cent discount of such advance payment.

In all cases, whether flat or metered rates apply, if bills are not paid before delinquency, the water or sewer service may be shut off from the premises as provided in Section 2(1) and Rule 17 of this ordinance.

### RULE 17. PENALTY FOR DELINQUENCY:

Upon failure of a person to comply with the rules and regulations established as a condition for the use of water or sewer service, or to pay the water or sewer rates in the time and manner provided herein, City, after 15 days

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written notice, may shut off use of water or sewer service to such person and may refuse further service until all rules are complied with and until all charges, including a \$25.00 turn off fee and a \$25.00 turn on fee, have been paid in full. Until paid, all charges shall become and shall remain a lien upon the affected property.

RULE 18. PENALTY FOR TURNING SERVICE ON WITHOUT AUTHORITY:

If water or sewer service, which has been shut off at the stop-cock at the curb, is turned on by a person who was not authorized to do so by the City, City may excavate the street and shut off the water or sewer service at the tap of the main and City may refuse further service until all charges, including the cost of cutting and replacing the street, a \$25.00 turn off fee and a \$25.00 turn on fee, have been paid in full.

Section 4 Rates

(1) The water and sewer rates shall be as they presently are until the Common Council shall from time to time change the same or establish new rates by amendment to this ordinance.

(2) Water Rates:

Water connection: \$200.00

Water main extension is \$3.00 per foot over 100 feet per customer, plus charges set forth in Rule 14 above.

A. Meter rates per month based on sizes of service line:

SIZE LINE	3/4"	1"	1 1/2"	2"	3"	4"	6"	8"
MIN RATES	\$7.50	\$9.25	\$11.00	\$14.00	\$20.00	\$32.50	\$44.00	\$57.00

The above minimum rates are applicable for the use of the first 5,000 gallons per month; additional water usage shall be charged at the rate of \$0.35 per 1,000 gallons.

B. Flat rate per month:

For all property with one corporation cock \$ 7.50

The above rate of \$7.50 applies, except where water is used for a combination or having the classifications listed below:

C. Business and residence combination \$ 9.00  
Public Schools \$49.00

(3) Sewer Rates:

Flat rate of \$7.50 is to be charged on sewer accounts, except on meter accounts where the sewer rate shall be 145% of the water charge.

Sewer connection: \$500.00

Sewer main extension is \$3.00 per foot over 100 feet per customer, plus

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charges set forth in Rule 14 above.

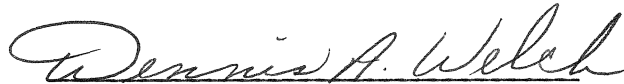
(4) Any person desiring to have his or her water service metered may do so by paying for the cost of the meter, which meter shall remain the property of City, or without requiring payment for the cost of a meter City may require a person's use to be metered.

(5) There are no part time or vacation rates in the City. There shall be a \$25.00 charge for each request to shut off water service and there shall be a \$25.00 charge for each request to turn on water service after it has been shut off. Prior to reconnection of water service, all past due charges must be paid in full.


Section 5. Repeal of Ordinances

Ordinances No. 87, 126, 128 and any other inconsistent ordinance(s) hereby are repealed.

PASSED by the City Council and APPROVED by the Mayor this 12th day of September, 1988.

  
DENNIS WELCH Mayor

ATTEST:

  
SAUNDRA JONES Recorder