

ORDINANCE NO. 159

AN ORDINANCE ESTABLISHING THE REGULATIONS FOR THE CITY WATER SYSTEM, ALLOWING THE COUNCIL TO SET RATES BY RESOLUTION, PROVIDING PENALTIES; AND REPEALING ORDINANCES 119 AND 144 IN CONFLICT HEREWITH.

The City of Detroit ordains as follows;

SECTION 1. Definitions. For the purposes of this ordinance, the following words shall have their assigned meaning;

- (1) **Applicant:** any person making application for water service.
- (2) **Water Department:** An administrative unit of the City of Detroit.
- (3) **Water Commissioner:** The Council appointed person appointed by the Mayor to fulfill the duties of the office of water commissioner or his/her authorized representative.
- (4) **Customer:** The owner or authorized tenant of each premise receiving water service.
- (5) **Customer service line:** That part of the piping on a customer's premises that connects the service connection to the customers distribution system.
- (6) **Main:** A water line designed or used to service more than one premises.
- (7) **Month:** The period approximately one month in length and coinciding with the dates on which regular water usage is based.
- (8) **Person:** Individuals, corporations, associations, firms and partnerships.
- (9) **Premises:** A building or group of buildings occupied by a family unit or business entity; and used for residential, business, commercial, educational or religious purposes, or a building containing areas and spaces separately rented, or areas rented for occupancy by manufactured homes, or a tract of land for grazing , farming, park, playground or recreation purposes
- (10) **Service Connection:** That portion of the water distribution system that extends from the water main to the customers shutoff valve.
- (11) **Unit:** Each rentable space, or manager/owner dwelling on premises.
- (12) **System Development Charge:** The charge, as further defined in Ordinance No. 155, is reserved for capital improvements for the treatment plant, storage tanks and other components of the water system.

(13) Service Connection Charge: The Actual cost of installing the service connection.

(14) Special Service: Any water service that requires the installation of facilities and equipment other than normal standards.

(15) Standby Service: Water service which is used for fire protection purposes and not for any other purpose.

SECTION 2. Permit Required: No person shall connect premises to the city water system or make a change in water service, size or location without a permit to do so.

SECTION 3. Conditions for Granting Permits:

(1) Any person wishing to connect to the city water system or to make a change in water service size or location shall apply to the city council for a permit to do so. Except where city council action is necessary in subsections (2), (3) and (4) below, the city water commissioner shall have the authority to grant such permits.

(2) The primary purpose of the city water system is to provide services to property within the city. The city council may grant a permit for water service to property outside the city only if it finds that the city has an ample supply of water for its own present and future use and that the services proposed would be consistent in all respects with adopted resolutions, policies, plans and ordinances.

(3) Whenever an applicant's requirement for water are unusual, large or necessitate considerable special or reserve limitations or charges on the service or make special exceptions to otherwise applicable limitations or charges; these provisions shall be in writing on the water service permit.

(4) The city council may grant a permit where an extension or alteration of existing water mains is required only upon a finding that the extension would promote the public health, welfare and safety of the residents of the city, and would be consistent in all respects with adopted resolutions, policies and plans and ordinances. Where an extension of existing water mains is required, the application shall be submitted to the city council. The city council shall determine whether the city should bear all or part of the cost of water main extensions. If the city council determines that the applicant should pay the cost of the water main extension, if the applicant refuses to do so, the permit shall be denied.

SECTION 4. Connections Charges: Single Family Residential:

All applicants for water service and for changes in water service shall pay a service charge based on actual cost incurred by the city. The Council at its sole discretion, may charge different rates under this section to connections and changes in water service to customers living outside the corporate limits of the City of Detroit.

SECTION 5. Water Main Extensions or Alterations:

(1) When a permit has been issued and the city imposes the cost of extending or altering existing water mains on the applicant, the applicant may have the work done by a private contractor or by the city as determined by the City Council.

(2) The size of all main extensions shall be determined by the city water commissioner.

(3) If the applicant wishes to have the main extension done by a private contractor, the contractor shall be approved by the city council and required to carry liability insurance, naming the city as the insured party in an amount determined by the city council. All construction must be approved by the Oregon Health Division, all cost will be incurred by the property owner.

(4) If the city constructs the extension or alteration, the applicant shall deposit with the city prior to construction, either in cash or bond, the amount estimated by the city council as the cost of the extension or alteration. The applicant shall pay the total cost of the construction. If the amount deposited is greater than the total cost, the amount in excess of total cost shall be returned to the applicant.

(5) If the extension or alteration is constructed by a contractor approved by the city council, all construction plans must be approved by the city council and the cost of the review shall be paid by the applicant. The work shall be done under the supervision of the city. The applicant shall pay the contractor directly and shall be solely responsible for the expenses incurred in employment of the contractor and shall hold the city harmless from any liability to the contractor whatsoever. The applicant shall deposit with the city in cash or bond an amount equal to the city councils estimate of the cost of repairing all city streets to be disturbed by construction. The cash or bond shall be returned to the applicant upon final approval of construction by the city council or applied by the city to any damages resulting from construction.

(6) Main extensions or alterations shall become the property of the city at the time water from the city water system is turned into the main extension and provided the system has been tested, disinfected and accepted by the city.

(7) Any plans, blueprints, specifications and ect. will become city property and remain in the city office as public documents.

(8) Local Improvement Districts may also be formed as provided by state law to defray the cost of system water improvements.

SECTION 6. Service Connections:

(1) The service connection line shall be a minimum of 3/4 inch in diameter.

(2) Property owners shall be responsible for having their own shutoff located on their property.

SECTION 7. City Property:

(1) No rent or other charges shall be paid by the city for equipment located on customers property.

(2) Only City personnel shall turn water on or off.

SECTION 8. Customer Service Lines:

(1) The City shall install a suitable valve, the operation of which will control the entire water supply from the customer service line.

(2) The cost of installing the customer Service line shall be borne solely by the customer.

SERVICE CHARGE and OTHER CHARGES

SECTION 9. Monthly Service Charge: Customers shall pay the monthly water charges established by resolution of the City Council.

SECTION 10. Multiple Units: There shall be a separate monthly charge for each dwelling, commercial or school unit on the property.

SECTION 11. Turn-on Fee: Each new customer and each customer setting up a new account other than a customer paying the fees described in section 4 shall pay a turn-on fee. A customer who has requested that the city turn off the water shall also pay a turn on fee when water service is restored. The applicable fee shall be set by resolution of the council.

SECTION 12. Account Deposit: Each customer shall deposit a sum determined by resolution of the council at the time a new account is established.

(1) The customer's water deposit shall be refunded upon discontinuation of service. Any amount due and owed the City for water services shall be deducted before a refund check is authorized.

SECTION 13. Restoration charge: The city shall charge a customer a fee as set by resolution of the city council for restoration of water service when service has been discontinued by the city, not at the request of the customer, under provisions of this ordinance. If discontinuation by the city is a result of non-payment of monthly service charge and the customer does not have a deposit with the city as is set forth in Section 12 above, the city shall require the customer to pay the city a new deposit as is required in Section 12 above.

ACCOUNTS and BILLING

SECTION 14. Billing

(1) Billing shall be on a monthly basis and shall be mailed on or about the first day of the month for the present month.

(2) Water charges are due when the bill is mailed and are delinquent on the 15th day of the month, in which the bill is mailed.

(3) Closing bills shall be collected at the time of discontinuance of service. If a deposit is held by the city it shall be applied to the closing bill.

(4) Each housing unit on a customers property shall be billed separately.

SECTION 15. Delinquent Accounts:

(1) If water charges are not paid on or before the date they become delinquent as set forth in Section 14 above, a written delinquent notice, including additional charge as set by resolution, shall be delivered as described in Section 15, Subsection (2) below, to the customer on the next business day after the bill becomes delinquent.

(2) Such notice shall provide an automatic shutoff date not less than seventy-two hours from the date the notice is mailed or submitted to the responsible party. If the delinquency is not corrected by the date printed on the bill the City shall shut off the water service.

(3) A posting fee as set by resolution may be charged for the hand delivery of the turn off notice in those cases where a mailed notice is not appropriate.

(4) A restoration fee as contained in Section 13 of this ordinance plus, the delinquent bill shall be paid in full before the city will restore water service.

SECTION 16. Responsibility for Payment of Bills. The property owner of record shall be responsible for the payment of all charges prescribed in this ordinance. If the property is rented and the renter fails to pay the charge, the city staff shall submit the bill to the property owner. The City staff will make an effort to notify the property owner if a tenant has not paid the bill by the 25th day of the month.

SECTION 17. Liens Against Property. All water charges as provided for in this ordinance shall be a lien against the property served from and after the date of billing and entry on the ledger or other records of the city pertaining to its municipal water system, and such ledger record or other record shall be made accessible for inspection by anyone interested in ascertaining the amount of such charges against the property. Whenever a bill for water service remains unpaid 60 days after it has been rendered, the lien thereby created may be foreclosed in the manner provided for by ORS 223.610, or in any other manner provided by law and city charter.

SECTION 18. Unsafe Apparatus.

(1) The city may refuse to furnish water and may discontinue service to a premise where an apparatus, appliance, or other equipment using water is dangerous, unsafe or is being used in violation of laws, ordinance or legal regulations.

(2) The City does not assume liability for inspecting apparatus on the customer's property. The city reserves the right of inspection, however, if there is reason to believe that unsafe or illegal apparatus is in use.

SECTION 19. Service Detrimental to Others. The City may refuse to furnish water and may discontinue service to premises where excessive demand by one customer will result in inadequate service to others.

SECTION 20. Fraud and Abuse. The City may refuse or discontinue water service to a premise to protect itself against fraud or abuse.

SECTION 21. Water Waste. The City may refuse or discontinue water service where wasteful or negligent water use seriously affects the general service.

SECTION 22. Abandoned and Non-Revenue Producing Services. Where a service connection to a premise has been abandoned or not used for a period of one year or

longer, the city may remove it. New service shall be placed only upon the customers application and paying for a new service.

SECTION 23. Theft of Services. Theft of services shall include, but is not limited to, using a water service that has been discontinued by either the owner of the property in question, or the City. Supplying water to a service that has been discontinued. (i.e., by hose or other means) Water may only be turned on by authorized city personnel..

SECTION 24. Notice of Discontinuance Unless an emergency exist affecting health, safety or welfare, the city shall not discontinue service under any of the provisions of this ordinance without giving at least seventy-two hours written notice, personal notice or notice posted on the premises, of its intention to do so.

SECTION 25. Sprinkling and Irrigation: Water from the city system may be used for sprinkling only through a nozzle, or a spray stand in the form of a spray. At the discretion of the city sprinkling may be limited in use. Irrigation is not allowed with city water.

SECTION 26. Leaking Services: The water department shall repair, free of charge, any leaks between the main and the property line, unless the leak is in an unused or non-revenue producing service. In such case the water department shall shut off the service at the main. Where a water service pipe has been disconnected from the main, the owner of such property must pay for a new service connection when water service is desired.

SECTION 27. Sale of Water Prohibited.

(1) The sale of water within the city of Detroit in competition with the city is prohibited.

(2) The sale of city water is prohibited.

SECTION 28. Application for connection: On forms provided by the city water department the property owner or authorized agent shall make written application for connection with the city system. The applicant shall agree to abide by the city of Detroit's regulations governing the use of water.

GENERAL

SECTION 29. Pools and Tanks: When an abnormally large quantity of water is desired for filling a swimming pool, log pond, or for other purposes, arrangements shall be made with the city prior to taking such water. Permission to take water in unusual quantities shall be given only if it can be safely delivered and if other customers will not be inconvenienced.

SECTION 30. Fire Hydrants:

(1) If a property owner or other party desires a change in size, type or location of a fire hydrant, he or she shall bear the cost of such change. A change in location of a fire hydrant must be approved by the city.

(2) No person other than those designated and authorized by the city council or the water superintendent shall open any fire hydrant, attempt to draw water from it or in manner tamper with fire hydrants belonging to the water department.

SECTION 32. Damage to City Property. The customer shall be liable for damage to any and all city equipment that is caused by an act of the customer, his/her tenant or agent. The damage shall include but is not limited to the breaking of seals or locks belonging to the city. The City shall be reimbursed by the customer for such damage promptly on presentation of a bill.

SECTION 33. Access to Premises. The City or its duly authorized agents shall, during reasonable hours, have the right to enter or leave the customer's premises for a purpose properly connected with the service of water to the premise.

SECTION 34. Restricted Use.

(1) During the period of June 1st through September 30th, use of water shall be discontinued between the hours of 11:00 am to 5:00 PM for outside watering of gardens and lawns. The city council reserves the right to lengthen, shorten or delete the dates and times before or during this summer period as water demands change.

(2) On the declaration of a shortage by the water commissioner or water superintendent, this section may be amended by resolution.

(3) During periods of limitations on use as defined by this section, the city may discontinue service immediately for noncompliance with such limitations if the condition is not corrected after 24 hours personal notice or notice posted on the premises.

SECTION 35. Penalties. A person violating a provision of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 per day. Each day in which any such violation shall continue shall be deemed a separate offense.

SECTION 36. Responsibility for Equipment.

(1) The water department shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customers 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) Equipment belonging to the city water department, if any, on the customers premises remains the property of the water department and may be replaced, repaired or removed by city employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain replace or remove water department equipment on his/her premises.

SECTION 37. Saving Clause: If any clause, sentence, paragraph sections 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.

SECTION 38. Emergency Clause: It is necessary for the peace, health and safety of the city of Detroit that this ordinance become effective immediately and an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon passage by vote of the council present.

Vote 3 Yeah 0 Nay 1 Excused 1 Absent

Passed by the Common Council of Detroit this 5th day of June, 1998.

Approved by the Mayor this 5th day of June, 1998.

Effective Date: June 31, 1998

Martha Millican
Martha Millican, Mayor

Attested:

Alberta C. Phillips
Alberta C. Phillips, City Recorder