

ORDINANCE NO. 33

AN ORDINANCE PROVIDING FOR THE ADMINISTRATION OF THE WATER DEPARTMENT OF THE CITY OF DETROIT, OREGON: PROVIDING RULES AND REGULATIONS, SETTING RATES AND CHARGES, PROVIDING PENALTIES, AND DECLARING AN EMERGENCY.

THE CITY OF DETROIT, ORDAINS AS FOLLOWS:

- 33-1. ADMINISTRATION The operation & business of the water department of the City of Detroit shall be directed by the water commissioner, under the direction and supervision of the City Council, the water commissioner shall be a member of the council, appointed by the Mayor, the water commissioner shall be authorized to purchase supplies and materials for use of the water department, and is also authorized to employ the necessary labor for properly carrying out his duties & maintaining the water department facilities. The City Treasurer shall be responsible for the collection of water bills, deposits & charges, all revenue therefrom shall be accounted for in a manner satisfactory to the council & shall be deposited regularly in the City treasury in the same manner approved for other municipal deposits.
- 33-2.(a) RULES AND REGULATIONS The entire system, including all mains, service lines, meters, reservoirs, pumping stations, treatment plants, and all facilities and appurtenances shall be operated & maintained by the water commissioner. No person shall connect to any main or service of the system or interfere with the operation of any of the facilities whatsoever, or turn on any service, or operate any valves or fire hydrants; provided however, that members of regularly constituted fire departments shall be permitted to connect to and use fire hydrants for the express purpose of fighting fires, testing and use consistent therewith.
- 33-2.(b) RESPONSIBILITY AND LIABILITY OF THE WATER DEPARTMENT The water department shall maintain & repair its mains, service pipes, structures, facilities, & all appurtenances so as to keep them in repair & operative conditions at all times so far as practical & reasonable. The water department shall not be liable for damages or otherwise responsible because of interruptions or discontinuances of water service. The Council shall have the right in cases of inadequate supply or shortage of water to determine how water from the system may be used, establish regulations limiting water use, & give preference to those uses determined to be in the best interest of the public health and public convenience or necessity.
- 33-2(c) USE OF WATER The water department shall furnish water for ordinary domestic, business & community use & for sprinkling, irrigation, industrial, commercial & fire fighting purposes as the system may reasonably supply & may be approved by the council. No person shall take or use City water from premises other than his own, & no person shall sell or give away water from his premises for any purpose, no connection through which water from one property to another shall be

constructed, though the ownership of both properties be the same. Water shall not be allowed to be wasted through any faucets or fixtures in order to prevent freezing, or kept running at any time longer than is necessary in its proper use, when such waste is found to exist, the water will be shut off from the premises until the waste has been corrected. Sprinkling and irrigation are prohibited during a fire, & all such sprinkling and irrigation shall cease when the fire alarm sounds & may not be resumed until it is ascertained that the fire is out.

33-2 (d) FURNISHING WATER The water department shall not be obligated to furnish and install at its expense system facilities for all property within the City.

The water department shall, so far as reasonable & practicable & within its financial means, however, provide adequate source of supply, necessary primary feeder mains, storage facilities & other improvements necessary to make water service generally available for all areas within the City. Extensions to furnish water to areas at present not now obtaining water from the system shall, at the expense of those persons requesting service, be made by the water department or by those expressly authorized to do so,

33-2 (e) WATER SERVICE Application for water service shall be made in writing by the owner of the premises to be served, or by the owners agent duly authorized in writing, on regular application forms furnished by the water department.

No service shall be rendered until such application has been completed & the required payments made, all applications shall include signature of applicant, location of premises for which service is requested, address to which all bills shall be sent, & such additional data as the water department may require. Application for service shall be considered a request for service & shall not bind the water department or the City Council to provide service.

The owner of the property shall be responsible for the payment of all bills & charges made for water service installations & service, whether for his use or the use of other persons or customers whether they be occupants, renters, or holders of leases of the property to be served. Each dwelling or building shall be provided with its own water service connection, & no person shall furnish water to either buildings or premises without the written approval of the Council, and then only under specific terms of any such authorization which might be granted. Service connections approved & paid for shall be 3/4" unless otherwise requested, services larger than 3/4" may, in the discretion of the Council, be installed when requested in writing provided the system is able adequately serve such larger connection without interfering with the water service to others. The charge made for the installation of larger services shall be sufficient to cover all costs thereof & the minimum of water charge may be higher than for the standard 3/4" service connection. Service stops shall be set at the property line, and the service pipe from the main to the service stop, as well as the service stop shall be the property of the water department & not the person owning the premises or paying for the installation. A separate stop & waste valve shall be placed in the service pipe between the service valve & the premises being served, inside the property line of the customer. Service to persons residing outside the limits of the City shall be made only if the water department has sufficient surplus water, over and above its requirements

within the City, & such services, if provided, may be discontinued at any time if the interest & the needs of the City so require. The rate schedule for outside service shall in no instance be less than the rate charged for residents within the City, & it may be more in such additional amount as the Council may from time to time determine. Rate schedules for water service within and without the City shall be established, & may from time to time be revised by the City Council.

33-2 (f) DISCONTINUANCE OF SERVICE OR CHANGE OF OCCUPANCY

At any time specified by a customer that he expects to vacate premises where water service is provided & that he wishes service discontinued, the water department shall render a bill promptly, & the bill shall be payable at once. Bills for a portion of the month shall be pro-rated upon the actual days of use. If, at the customers request, a service is shut off & turned on more than once in a given month, such charge shall be made therefore as the Council shall determine from time to time & as set forth in the water rates hereto as amended or modified.

33-2 (g) CONTRACTS In case the premises of the applicant for water service are connected for water service as a result of the application made & accepted by the water department, the application given in writing shall be considered as a contract in which the applicant agrees to abide by all rules & regulations as are in effect at the time of signing the application, or as may be adopted or modified thereafter by the council, & to pay all bills promptly.

33-2 (h) LEAKAGE WITHIN PREMISES All leakage occurring beyond the curb valve installation shall be at the expense of the user, & he shall be responsible for the proper maintenance & repair of customers lines, stop & waste valves, gate valves, pressure regulators, plumbing fixtures, etc., within his premises.

33-2 (i) WATER DAMAGE OR INJURIES WITHIN PROPERTY

The water department shall not be liable for any damage or injury whatsoever for leakage or for the running of water on the premises from pipe lines, plumbing fixtures, open faucets, valves, fixtures, & hoses beyond the curb valve set at property lines.

33-2 (j) PAYMENTS FOR SERVICE

All charges for water service shall be due & payable monthly on the date of billing & become delinquent on the tenth day thereafter. Charges shall become a lien on the property served, and if not paid within thirty days after billing, the water service shall be disconnected. Water service disconnected for lack of payments of bills shall not be restored until all the past due bills are paid plus such other charges therefore as the Council shall determine proper from time to time & as set forth in the water rates hereto as amended or modified, & this requirement shall not be avoided by change of title or user. All payments shall be made to the water department either by mail or at the office of the City recorder, or such other place as the Council may from time to time designate.

- 33-2 (k) TURNING ON WATER SERVICES No person other than an employee of the water department shall turn on or off any service. Users desiring either discontinuance of service, a new service or restoration of service shall make arrangements therefore with the water commissioner.
- 33-2 (l) MAINTANANCE AND REPAIR OF CUSTOMERS LINES Customers shall install, maintain & repair all pipeing between curb valves & premises served, & shall install same at a depth sufficient to protect from damage and freezing. Leakage occurring in customers lines shall be the responsibility of the customer.
- 33-2 (m) PLUMBING All plumbing within buildings served by the water department shall be so installed, & all plumbing fixtures so constructed as to prevent pollution of water supply by back siphonage or cross connections. Water service to any premises known or found to have such defects & hazards shall be disconnected & not restored until such defects & hazards have been eliminated.
- 33-2 (n) SERVICE INTERUPTIONS The water department from time to time must interrupt service for repairing mains, makeing extentions, repairing valves, pumps & control devices, etc., & for cleaning, maintaining & reconditioning reservoirs & storage tanks. The water department shall not be responsible for any damages caused by such interuptions of service or fluctuations in pressure, but shall, whenever feasible to do so, give customers advance notice whenever it is known that service is to be interrupted for any appreciable length of time, but failure to give such notice shall in no manner cause the water department to become liable for loss or damage caused by service interuption.
- 33-2 (o) PRESSURE REGULATION Insofar as it is reasonably possible, feasible, & economical for the water department to do so, it will furnish water at desirable service pressures. In locations in which service pressures are higher than desired or needed by users, customers shall install & maintain within their premises any pressure regulators required. The water department shall not be responsible for damages or difficulties experianced by reason of variations within the system.
- 33-2 (p) MAINTANANCE AND REPLACEMENT OF MAINS The water department will maintain & replace mains within the distribution system at its expense, provided the original installation was made by the water department or with materials furnished and approved by the water department.
- 33-2 (q) EXTENTIONS The water department as a whole shall pay for the cost of supply, pumping stations, storage facilities and primary mains for the general distribution of water within the City, but it shall not pay the cost of main extentions to service additional customers, properties, tracts, or subdivisions. Such extentions when requested, shall be paid for by the persons requesting such extentions, at actual cost plus ten per cent 10% for overhead.

All such extentions shall be made by the water department or by a contractor approved by the City, & all materials used shall be purchased or approved by the water department & be of first quality and become a part of the permanent system of the water department. The Council shall decide the size of mains required, & in general they shall not be less than two inches (2") or four inches (4") in diameter. Fittings, valves, valve boxes & fire hydrants required shall be included in the cost of extentions. Extentions shall be made in the street to a point opposite the center of the property to be served, or to the end of the block if the property to be served extends to an intersection. Advance payments for extentions shall be made by the owner or owners of the property for which service is desired. After receipt of a written request for a main extention, the water commissioner or engineer for the City shall prepare an estimate of the cost & furnish the applicant with a copy thereof. The water department shall not proceed with the work until payments have been made for the full amount of the proposed work including ten per cent 10% for overhead. After completion of the work & tabulation of costs of the installation, any excess monies deposited prior to the work shall be refunded and any deficiency shall forthwith be paid to the City by the owner. The facilities after installation shall be the sole property of the water department & shall be maintained & operated by the water department personnel exclusively, & all connections for services thereto shall be made in the manner elsewhere set forth in these regulations, & the charges made for service connections shall be as therein set forth. Persons paying for main extentions passing developed or undeveloped property owned by others, shall, in accordance with the State law, be entitled to reimbursement from customers connecting to said main extentions whenever any such properties are served with water within a ten year period following installation of the extention. The reimbursement made shall be based upon total foot frontage of the property abutting the street in which extention was made. The water department will collect from the prospective new users located along such extention the proper and equitable share in cost of the main extention before providing water service to the premises requesting such service within a period of ten years following completion of the extention in question. The Water department shall immediately distribute to the appropriate person or persons the money collected, providing that the proper person or persons can be located by reasonable & diligent effort.

33-3 WATER RATES AND CHARGES

- (a) Installation charge for a 3/4" service pipe & curb valve from main to property line will be \$60.00 (modified July 11, 1967). Cost of larger service shall be determined by the Council after application has been made for service and applicant advised.
- (b) Charge for turning water off and on when water service is disconnected at customers request. \$ 2.00
- (c) Charge for turning water off and on when water service is disconnected for non-payment of bill \$ 4.00

33-3 (d) MONTHLY RATES FOR WATER WITHIN THE CITY AS SET FORTH

Permanent residents, houses, cabins, or dependant trailers.	\$ 4.75
Business establishments (each business).	6.00
Business establishments, with living quarters	9.00
Apartment houses, (Owners apartment).	4.75
(all other apartments).	2.40
Motels or Cabins as a transient business, (first five units) .	6.00
(each and every additional unit).	1.20
Motels or Cabins as a permanent rental business, (owners Apt.)	4.75
(all other units, bills to be paid by landlord, Each).	2.40
Trailer parks, as a transient business (first five spaces) . .	6.00
(each and every additional space).	1.20
Laundramats, (each and every washing machine)	1.50
School, (as amended July 11, 1967, Rate for 12 months of the year including irrigation)	30.00

(e) ANNUAL RATES FOR SUMMER HOMES AS SET FORTH

Houses, cabins, trailers used as summer homes, (July 1 to June 30, Payment to be made in advance)	30.00
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(f) DEPOSITS AND ESTABLISHMENT OF CREDIT

At the time written application is made for new water service, the applicant shall pay to the water department an amount sufficient to cover cost of installation in accordance with schedules established by the water department. After such installation is made, the facilities shall be the property of the water department, & the cost of installation shall not be refunded to the customer or owner of the premises served. The water department may require an advance deposit for water sufficient to cover two months of water service either for service at new premises or for turning on water at an inactive service if the credit of the applicant is unknown or has not been established. Advance deposits for water so collected shall be applied to bill rendered until all such deposits shall have been used to pay for water supplied to the premises. Deposits or payments made to cover costs of new service installations shall not apply on bills for water used.

(g) REVISION & MODIFICATION OF RULES, REGULATIONS & CHARGES

The Council may from time to time, as the occasion may demand or require & in the Councils sole discretion, make such modifications, revisions and additions to the rules and regulations as may be deemed necessary and in the interest of the City. Rates and charges for service, installations, service pipeing, main extentions, and any other item may likewise be revised as necessary & required in the interest of the water department and of the City.

33-4 PENALTIES

- (a) It shall be unlawful for any person to do any act, or to throw, place or deposit any article or substance in or near the City water Supply system whereby the water therein may be obstructed or rendered impure.
- (b) Each person convicted of a violation of this ordinance shall upon conviction thereof be punished by a fine of not less than \$10.00 or not more than \$100.00 or imprisonment in the County of Marion Jail for not more than 30 days.

33-5 GENERAL PROVISIONS

- (a) Each section of this ordinance, and every paragraph of each section is hereby declared to be separable, and the holding of any section or part thereof to be void, ineffective or unconstitutional for any cause, shall not effect any other section or part thereof.
- (b) All previous ordinances or parts of ordinances inconsistent with any of the provisions of this ordinance are hereby repealed.

33-6 EMERGENCY CLAUSE

It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of public peace, health & safety of the City of Detroit and an emergency is hereby declared to exist, and this ordinance shall take effect, and be in full force and effect, upon the completion of the addition to the water system, (development of Breitenbush river, modification of present system) and when signed by the Mayor. (Modified July 11, 1967 to read, to be in full force and effect August 1, 1967).

Passed by the Common Council this 13th day of September 1966.

Approved this 13th day of September 1966

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Mayor

ATTEST: CAROL RICE
City Recorder