

ORDINANCE NO. 2319

AN ORDINANCE AMENDING CHAPTER 52 REGARDING WATER SERVICE
OF THE HERMISTON MUNICIPAL CODE.

Whereas, the staff of the City of Hermiston is conducting a major review of the City's Code of Ordinances, now, therefore,

The City of Hermiston ordains as follows:

(New language is in red and underlined and repealed language has a line through it.)

Section 1. The title of Chapter 52 of the Hermiston Municipal Code is amended to read:

~~GENERAL WATER SERVICE PROVISIONS~~

Section 2. Section 52.01 of the Hermiston Municipal Code is amended to read:

52.01 DEFINITIONS.

For the purpose of this Chapter ~~subchapter~~, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CLASSIFICATION OF ACCOUNTS. The accounts of all consumers shall be classified by the Water Department as follows:

- (1) **COMMERCIAL.** Water service to apartment and boarding houses, hotels, offices, office buildings, retail and wholesale commercial establishments, laundries, private schools and colleges, private hospitals and other like premises where water is not used primarily for industrial purposes.
- (2) **INDUSTRIAL.** Water service to manufacturing and industrial consumers, including aircraft and metal product manufacturers, public utilities, stockyards, packing houses, grain elevators, bottling works, food processors and similar enterprises. On premises where manufacturing is the principal business, all services shall be classified as INDUSTRIAL.
- (3) **MISCELLANEOUS.** Water service for building and construction purposes to parties other than the City ~~city~~; for water sold at the pumping station; water service to temporary uses, including festivals and events ~~circuses and other uses where the connection is of a temporary nature~~.
- (4) **MUNICIPAL.** Water service for MUNICIPAL and other public purposes other than public fire protection including usage for sewer and street flushing, street and sidewalk construction when done by the city; parks; schools; churches and Municipal buildings; county, state and

federal agencies and departments.

(5) RESIDENTIAL. Water service to private residences of one family or more than one family when each is supplied through a separate meter.

CONSUMER. ~~Any~~ Includes any person, firm or corporation furnished water by the Water Department.

CONSUMER SERVICE LINE. A supply pipe installed, maintained and owned by the consumer extending from the outlet side of the meter to the premises served.

CROSS CONNECTION. A connection direct or indirect, with water mains or street service lines leading to any other source of water or source of possible contamination.

MASTER METER. One meter measuring the water furnished to serve two or more premises.

METER. A mechanical device which measures and records the quantity of water furnished to the consumers.

METER SETTING. A box, vault or tile, with coverings, containing a meter and connecting appurtenances.

PREMISES.

(1) A building or group of buildings occupied by persons ~~a family unit~~ or business entity and used for residential, business, industrial or commercial purposes;

(2) A building or group of buildings used and operated as a hospital, educational or religious institutions;

(3) A separate dwelling unit within a structure designated for multi-family occupancy;

(4) A building containing areas and spaces separately rented to tenants;

(5) A single tract of land upon which areas are rented for occupancy by mobile homes used for residential purposes;

(6) A tract of land used for park, a playground or recreational purposes; or

(7) Any other structure or structures, public or private, the use or occupancy of which requires water and water service.

SPECIAL SERVICE. Any water service that involves the installation of facilities and equipment other than designated as standard service which involves a use of water other than for normal residential, commercial or industrial purposes.

STANDARD SERVICE. Facilities normally installed for residential, commercial or industrial usage not requiring special or unusual methods of installation, construction and engineering.

STREET SERVICE LINE. A pipe with appurtenances connected to a water main for the purpose of controlling the flow of water and extending from the water main to the inlet side of the meter.

WATER MAIN. A water pipe owned by the City ~~city~~ under the control of its Water Department to which street service lines may be connected.

WATER DEPARTMENT. An administrative unit consisting of City ~~city~~ personnel headed by a Superintendent of Waterworks designated by the City Manager or designee to conduct all operations in connection with the supplying and furnishing of water and water service by the City ~~city~~ to consumers in the city and environs pursuant to the provisions of this Chapter ~~subchapter~~. (Ord. 429, passed 6-14-61)

Section 3. Section 52.02 of the Hermiston Municipal Code is amended to read:

52.02 CONSENT OF USERS; SERVICE TO BE FURNISHED ONLY TO PREMISES IN COMPLIANCE WITH RULES.

(A) Every person, firm or corporation using water from ~~a city's~~ the City's waterworks system shall thereby be deemed to have consented and agreed to the terms and provisions of this Chapter ~~subchapter~~ and to have acknowledged the right of the Water Department to discontinue water services ~~without notice~~ in the event of failure of the consumer to make timely payment of all rates and charges herein below fixed and established or to otherwise comply with the terms and provisions of this Chapter ~~hereof~~.

(B) Water service will be furnished only to premises complying with the applicable plumbing and sanitary codes and regulations of the city and state. (Ord. 429, passed 6-14-61)

Section 4. Section 52.03 of the Hermiston Municipal Code is amended to read:

52.03 APPLICATIONS FOR WATER SERVICE, ACCOUNT SET-UP FEE.

(A) Requests for water service shall be made at the office of the Finance Director/~~Recorder~~ by or on behalf of the person, firm or corporation requesting water and/or water service. Persons requesting water ~~and/or water~~ service will be bound by the terms of this Chapter ~~subchapter~~ and all rules and regulations as may be adopted by the City Council in implementation of this Chapter ~~subchapter~~. A non-refundable account set up fee, as set by City Council resolution, is due at the time of requesting water service. The account set up fee covers administrative costs including, but not limited to setting up an account, reading the meter, verifying that water is on and other related matters. ~~The amount and duration of the account set up fee will be and is set by resolution of the City Council from time to time.~~

(B) If the application is for water service to premises not previously served, the following requirements shall be met:

(1) Where water mains exist adjacent to the property to be served and upon submission to the Water Department of information as to the location and nature of the premises to be served with water, the applicant will be furnished with information as to the proposed location of the meter setting. If the ~~consumer's~~ customer's service line has been installed prior to the application for service, it shall be the applicant's responsibility to clearly mark the location thereof. The Water Department shall have sole jurisdiction, however, to determine the location of the street service line, and the feasibility of a connection to the customer's service line. It shall be the applicant's responsibility at the applicant's ~~his~~ own expense to run ~~his~~ the service line from the premises being served to the meter setting at or near the curb line. Service pipes and connections from the water main to and including the meter setting shall be placed within the line of the public right of way and shall be installed at the consumer's expense by the Water Department. The City Manager or ~~his~~ designee shall determine a reasonable installation charge based on the actual average cost. All installation charges are payable in advance.

(2) Where water mains adjacent to the consumer's property have been installed under a construction reimbursement agreement as provided herein, the customer shall pay the construction charge established per front foot of property abutting the line in addition to all other charges prescribed.

(3) Where water mains adjacent to the consumer's property have been installed by the Water Department without assessment of the costs to the benefiting property, the consumer shall pay an SDC, Connection fee or construction charge to the City ~~city for exclusive credit to the utility fund as prescribed by resolution of the City Council~~. The charges shall be in addition to all other charges.

(4) The applicant shall be responsible for the maintenance, repair and any leakage in the piping from the meter to place of use. Installation of the consumer's service lines shall be done by the consumer personally or by a licensed plumber in accordance with city design and specifications and in accordance with the building and plumbing codes of the city. Installation shall avoid cross connections. Upon notification of the Water Department that a cross connection exists, service shall be refused until the same is eliminated to the satisfaction of the Water Department and/or the City Plumbing Inspector.

(5) The Water Department shall determine the size of the meter to be installed, based upon information furnished by the applicant. Any change in meter size requested by a consumer after the initial meter installation shall be granted insofar as is reasonable, but the entire cost shall be borne by the consumer. ~~In cases of dispute as to meter size, the~~ decision of the Water Department regarding the size of the meter shall be final ~~have sole jurisdiction~~.

(6) The size of the street service line shall be determined by the Water Department after consideration of ~~based upon~~ information furnished by the applicant. However, in no case shall the street service line be the same size or any greater size than the water main to which it is connected. Any change in size or location of the street service line after the original installation shall be done at the consumer's expense. Installation charges cover all cost of excavation, installation, connecting and resurfacing from the water main to the point where the meter is installed, including the meter box and the meter. Where service lines must be run a distance

greater than 40 feet, the consumer ~~customer~~ shall pay all costs incident to the excess footage.

(a) Installation and maintenance. The installation and maintenance of service connections shall be performed only by the duly authorized employees of the Water Department.

(b) Meters. Meters shall be installed at the customer's end of the service connection and shall be owned by the Water Department and installed at the applicant's expense.

(c) Care of meter. It shall be the duty of the property owner or consumer ~~his agent~~ to keep the meter box free of debris and to take all reasonable precautions to protect the meter from freezing. The cost of repairing any damage arising from failure to protect the meter shall be charged to the consumer or property owner. ~~If the property owner or his agent shall neglect or refuse to protect the meter from freezing, he shall be charged with the cost of repairing any damage which may result from neglect or refusal.~~ (Ord. 429, passed 6-14-61; Am. Ord. 1653, passed 3-14-88; Am. Ord. 1736, passed 6-24-91; Am. Ord. 1913, passed 11-25-96; Am. Ord. 2160, passed 8-10-09)

Section 5. Section 52.04 of the Hermiston Municipal Code is amended to read:

52.04 WATER TO BE METERED; INSTALLATION OF METERS AND STREET SERVICE LINES.

(A) All water furnished to consumers shall be metered, except in cases where the Superintendent of Waterworks shall determine that the nature of a particular usage necessitates a measurement by other means.

(B) The installation of meters and street service lines shall be in accordance with the following specifications and requirements:

(1) One and only one street service line, meter setting, and meter shall be installed for each premise. Additional meters, meter settings, street service lines and other appurtenances may be installed as approved by the Superintendent of Waterworks, and all additional costs shall be borne by the applicant.

(2) Street service lines shall be at right angles to the water main and street service lines shall not be installed unless sufficient footage of water main exists adjacent to the premises requesting service to allow meter setting installation free of obstructions such as fences, trees, driveways, culverts, and mail boxes.

(3) Except as provided in this paragraph and paragraph (4), ~~if~~ the Water Department shall permit no master metering of water. Each and every unit, business, or place of business shall be on a separate service and meter excluding service to transient occupancy such as hotel, motel, recreational vehicle park and "hotel" as defined by the transient room tax ordinance. ~~Where water is now supplied through one service to one or more separately owned premises through pipes previously installed, the Superintendent of Waterworks may, at his discretion, refuse to furnish water until separate services are provided. However, if the owner of premises whereon more than one unit or business is receiving water through a single meter and approval for same is granted by the Superintendent of Waterworks, service may be continued under the following~~

conditions:

(4) Where water is now supplied through one service to one or more separately owned premises through pipes previously installed, the Superintendent of Waterworks may require conversion to separate service and meter if:

(a) the existing service is causing a risk of harm to the public water system or the public or persons using water on the property or problems with accurately billing for water;

(b) the water service is or is in need of being replaced or repaired;

(c) the property is being substantially remodeled or redeveloped; or

(d) any additional residential units or space for additional businesses is being created.

(5) The rate and billing method for structures in which one or more units receive water through a single meter shall be as provided by resolution of the City Council.

~~(a) The minimum charge for the service shall be determined by multiplying the established minimum charge for the meter size installed in the service by the number of dwellings, units or businesses served through the single meter;~~

~~(b) For the purpose of calculating the charge for water used through the meter the established rate structure shall be revised as follows: the number of gallons in each bracket of the established rate structure shall be increased by multiplying that number of gallons by the number of dwellings, units or businesses served through the single meter.~~ (Ord. 429, passed 6-14-61; Am. Ord. 1972, passed 10-12-98)

Cross-reference:

Transient room tax, see Chapter 112

Section 6. Section 52.05 of the Hermiston Municipal Code is amended to read:

52.05 WATER METERS.

(A) It shall be unlawful for any person, ~~firm or corporation~~ to open, interfere or tamper with, ~~injure~~, deface or in any way impair the working of any water meter. It shall also be unlawful for any person, other than a duly authorized representative of the Water Department, to remove any meter from its setting.

(B) No meter shall be installed or water used through a new consumer's service line until approval therefor has been obtained from the office of the City Plumbing Inspector.

(C) All meters now in service and hereinafter installed shall remain the sole property of the Water Department. Meters shall be installed only in public ways and it shall be unlawful for any person to obstruct access thereto by the Water Department.

(D) The Water Department shall have the right at any time to test meters but if the testing is not in pursuance of request of consumer, it shall be without charge.

(E) Whenever the Water Department finds a meter to be inoperative, an adjustment of charges for the preceding billing period shall be made by averaging the water used for the corresponding billing period of the three prior years, or, if the records are not extant, from the best other method practicable.

(F) Whenever the Water Department shall find a meter not measuring accurately according to the standards of the American Water Works Association, an adjustment of charges for the preceding billing period shall be made. (Ord. 429, passed 6-14-61; Am. Ord. 1560, passed 2-25-85) Penalty, see § 52.99.

Section 7. Section 52.06 of the Hermiston Municipal Code is amended to read:

52.06 APPLICATIONS FOR SPECIAL SERVICE; REQUIREMENTS.

Applications for special service shall be made in writing in the same manner as required for standard service and shall, in addition, conform to the following requirements:

(A) Applications for private fire service connections shall have attached a sketch showing pipes, valves, hydrants, tanks, openings and appurtenances contemplated. The sketch shall be submitted on a scale of one inch equals 50 feet. The applicant shall be required to pay the entire cost of the installation, including the connection to the main and necessary appurtenances. All new private fire service connections with the exception of the so-called "dry type" may be metered. All materials shall be approved by the Water Department, and all fire service lines must be provided with a suitable gate valve outside the building at or near the property line. The valve installed at the water main shall be under the exclusive control of the Water Department. All fire service lines shall be used exclusively for extinguishment of fires and no connection from any other use may be attached thereto. The size of fire service connections shall in no case be smaller than four inches and in no case attached or tapped to a water main of less than six inches. In the event a main extension is required for private fire service connection, the costs of same shall be borne by the applicant.

(B) All miscellaneous special service shall be installed and maintained at the sole cost of the applicant and an advance of the estimated costs of installation shall be required as a condition precedent to the granting of the application. The billing for the service shall be determined by the Water Superintendent.

(C) Any ~~person~~ customer seeking approval for water requiring pressures higher than normally maintained in the system, or abnormal quantities of water for fire protection or other special purposes, shall provide additional pumping and storage facilities within the property to be serviced ~~his or her property~~ and shall also pay for the additional expense to the ~~city~~ City in providing additional transmission mains or other facilities required to provide the special service; ~~either through rates or through contributions to the construction of additional facilities.~~ The terms and conditions of payment shall be set forth in an agreement between the City and the applicant.

(D) Service of a special nature will be rendered only at the option of the ~~city~~ City and under conditions which will not interfere with normal service to other customers. (Ord. 429, passed 6-14-61) Penalty, see § 52.99.

Section 8. Section 52.07 of the Hermiston Municipal Code is amended to read:

52.07 CONSUMER DEPOSITS. [RESERVED.]

~~(A) A separate account of each consumer deposit shall be made showing the date on which the deposit is received, the name of the depositor, and the amount thereof. The city shall pay to the consumer making the deposit (and to consumers who have made deposits prior to the enactment of this subchapter) interest at a rate as established by resolution of the City Council, the interest to be credited on the first day of January succeeding the deposit and on the first day of January thereafter, and shall be payable at the Finance Director/Recorder's office in the City Hall, in cash, on demand of the depositor. Any interest credited shall be subject to call and payment at any time, but shall not draw interest.~~

~~(B) Upon discontinuance of service the deposit shall be returned to the consumer together with unpaid interest on the same provided all bills for water, repairs, or other services rendered have been paid by the consumer and the consumer surrenders the original deposit receipt.~~

~~(C) The advance deposit, together with the interest due thereon, may be applied to the payment of any accrued bills, or bills due on discontinuance of service.~~

~~(D) Deposits received from consumers as security for the payment of service which remain uncollected for a period of two years after the discontinuance of service to the consumer may be transferred to the waterworks fund. The deposit money may be invested from time to time by the city. (Ord. 429, passed 6-14-61; Am. Ord. 1560, passed 2-25-85)~~

Section 9. Section 52.08 of the Hermiston Municipal Code is amended to read:

52.08 WATER SERVICE CHARGES.

The City Council may establish by resolution all fees, charges and rates provided for in this Chapter and such other water service related fees as it deems necessary.

(A) Miscellaneous charges.

(1) When water service shall have been terminated for any cause other than temporary discontinuance in the manner provided below, the consumer shall pay shut off charge which includes a reinstatement charge, both of which are nonrefundable. ~~be charged a sum of money as established by resolution of the City Council to cover the cost of shutting off water service, and in the event the service is reinstated, shall be charged an additional amount as established by resolution of the City Council to cover the cost of reinstating the service.~~

(2) If a consumer requests inspection and testing of a meter, ~~a sum of money as established by~~

~~resolution of the City Council as a testing fee shall be paid~~ to the extent practicable, the inspection and testing shall be conducted in the presence of the consumer or ~~his or her~~ representative. If the meter is found to be inaccurate or has the wrong size register according to the standards of the American Water Works Association, a meter will be substituted and the water bill for the preceding billing period shall be adjusted. If the meter is found to be accurate and the register is the correct size according to the standards of the American Water Works Association, the consumer shall pay for a testing fee.

(3) Any consumer desiring to temporarily ~~temporarily~~ discontinue the use of water must notify ~~make application therefor at the office of the Finance Director/Recorder~~ not less than two days prior to the date on which the service is desired to be discontinued, and after the effective date of the discontinuance all charges for water and water service shall cease for the period during which the service shall be shut off, provided that the period of discontinuance shall not be less than 30 days.

~~(B) All water bills rendered in accordance with the regular schedule of meter rates are due and payable when rendered and must be paid at the City Hall on or before ten days thereafter.~~

~~(C) This governing body retains continuing jurisdiction and authority to change from time to time the schedules of rates and charges and the regulations herein provided as changes shall be determined expedient and necessary.~~

~~(D) Charges for water used shall be as established by the City Council by resolution.~~
(Ord. 429, passed 6-14-61; Am. Ord. 1560, passed 2-25-85)

Section 10. Section 52.09 of the Hermiston Municipal Code is amended to read:

52.09 BILLING; DELINQUENCY; **SHUT OFF.**

(A) All bills for water service shall be rendered monthly at the same time that bills for sewage services and solid waste services and may be collected as a combined bill for water, sewage and solid waste services furnished to the consumer.

(B) All bills for water, sewage and solid waste services are due and payable within 10 days of issuance. All water, sewage and solid waste bills unpaid 10 days after the date of issuance shall be considered delinquent and an additional charge shall be imposed on the gross amount of the billing.

(C) All other charges arising under this Chapter, and not required to be paid in advance shall be due 10 days from the date of issuance of a statement of the amount owed. All such amounts unpaid, 10 days after date of issuance, shall be considered delinquent and an additional charge imposed.

(D) The City shall send the initial notice of delinquency to the consumer. If the account remains delinquent prior to terminating service, the City shall provide notice of delinquency by first class mail or personal service to the consumer and to the property owner if the property owner has provided to the City a mailing address for notification. It shall be the responsibility of

the owner to ensure that the City has a current address. The notice shall state that failure to pay the amount due may result in one or all such services being discontinued on the date specified in the notice which shall not be less than 10 days from issuance and that the City may impose a shutoff/reinstatement fee. It shall summarize the right to appeal provided in subparagraph (H).

(E) Unless other arrangements have been made satisfactory to the City, discontinued services shall not be restored until all charges, including but not limited to the delinquency and any shutoff/reinstatement fee have been paid.

(F) Water service may also be shut off if the consumer tampers or in any way interferes with any meter, connections, service pipes, valves or other appurtenances belonging to the City or for any violation by a consumer of the terms of this or any other applicable ordinance of the City or the statutes of the state relating to the waterworks system. Notice and opportunity to appeal shall be provided in the same manner as a delinquency.

(G) Notwithstanding any other provision of this Chapter, the City may immediately shut off services if there is an immediate threat of substantial harm to public health or safety. Notice shall be provided as reasonably practicable. The consumer or property owner may appeal the shut off within 10 days of notice or shutoff as provided in subparagraph (H), which appeal shall be expedited to the extent reasonably practicable.

(H) A person notified of a delinquency may appeal the determination in writing, stating the reasons therefor as provided in Chapter 136. Except in case of an immediate threat of substantial harm to public health or safety, service will not be shut off pending the outcome of the appeal provided the appeal is received by the City prior to the discontinuance. If the water has been shut off, the appeal shall be expedited to the extent reasonably practicable. The appeal authority may grant the appeal, deny the appeal or adjust the delinquency as appropriate, including providing for a payment plan. If the appeal is denied or adjusted and the amount established to be due is not paid within 10 days of notice of the decision or as otherwise provided in the decision, service may be discontinued.

(I) No user may receive water service at any location if the user has outstanding unpaid water bills at any other location until all outstanding amounts owed by the user are paid in full.

(J) The City does not guarantee to maintain any specific water pressure for its service and no complaint concerning the pressure shall give any right of claim against the City, its officers, employees or agents.

~~(A) All bills for water and water services shall be rendered monthly at the same time that bills for sewage services rendered by the sanitary sewage treatment plant and system of the city are rendered; provided, however, that bills for miscellaneous accounts shall be rendered at times as shall be determined by the Superintendent of Waterworks in each separate instance. The officers or employees of the city charged with the duty of preparing bills for water and water service shall calculate the amount thereof and shall add the same to the amount of any bills presented to the consumer for sewage service, and the bills shall be collected as a combined bill for water and sewage service furnished the consumer.~~

~~(B) All water bills shall be paid at the City Hall in the city or at other places as may be designated by~~

~~the City Manager. All bills unpaid ten days after date of issuance shall be considered delinquent and an additional charge of 5% shall be made on the gross amount of the billing and notification by mail shall be given to the consumer at the address of the premises being served that the bill, with the 5% delinquency charge, shall be paid within ten days or water service to the property will be disconnected and a disconnection charge in an amount of money established by resolution of the City Council will be assessed. Notification of termination of water service may be made by mail or hand delivery or posting at the consumer's place of use. If the bill not be paid within the period of ten days, water service to the property shall be disconnected and the service to the delinquent consumer shall remain disconnected until the consumer shall pay the full amount of all water and sewer bills, including the delinquency charge and also the disconnection charge and a reconnection charge in amounts of money as established by resolution of the City Council. It shall be the duty of the representative of the city at the time in charge of the collection of water bills to notify the Superintendent of Waterworks of all delinquencies in the payment of monthly bills and the Superintendent shall proceed immediately to disconnect the water service to any consumer who is in arrears for the period herein before specified.~~

~~(C) —Water service may also be shut off to any consumer by the Water Department without notice if the consumer shall tamper or in any way interfere with any meter, connections, service pipes, valves or other appurtenances belonging to the city or for any violation by a consumer of the terms of this or any other applicable ordinance of the city or the statutes of the state relating to the waterworks system.~~

~~(D) —In instances where the public health, safety or welfare so requires, the Water Department shall have the right to shut off the flow of water in its mains without notice but will endeavor insofar as possible to notify consumers affected of the intention to so interrupt the service. Interruption of service under the conditions shall not give rise to any claim on the part of any consumer against the Water Department of the city.~~

~~(E) —The Water Department does not guarantee to maintain any specific water pressure for its service and no complaint concerning the pressure shall give any right of claim against the city or the Water Department.~~

~~(Ord. 429, passed 6-14-61; Am. Ord. 1560, passed 2-25-85; Am. Ord. 1926, passed 4-14-97)~~

Section 11. Section 52.10 of the Hermiston Municipal Code is amended to read:

52.10 USE OF FIRE HYDRANTS; UNAUTHORIZED USE OF WATERWORKS SYSTEM.

(A) Water necessary for municipal uses, such as the flushing of streets and sewers, street sweepers and dust control may be obtained from fire hydrants by authorized employees of the City city. The use of water shall not be construed to include or authorize its use in connection with paving, sewer or other construction of public improvements performed by private contractors.

(B) It shall be unlawful for any person, firm or corporation to use water from any part of the waterworks system of the City city without proper permit or other authority therefor from the Water Department. It shall further be unlawful for any person, firm or corporation, other than an authorized representative of the City city, to shut off or turn on water from any part of the City's city's waterworks system, including fire hydrants; provided, however, that nothing in this section contained shall be construed as prohibiting plumbers duly licensed ~~under the ordinances of the~~ city from turning on or shutting off water service if such is necessary in the course of the work in which they are engaged.

(C) A person authorized by the City to use water from any part of the waterworks system, including fire hydrants, shall pay a deposit established by resolution. Billing for such service shall be provided monthly during the period of use and is subject to a delinquency charge and collection in the same manner as for regular water service. The person shall be responsible for the cost of repair or replacement by the City of any damage or unreturned equipment. (Ord. 429, passed 6-14-61) Penalty, see § 52.99.

Section 12. Section 52.11 of the Hermiston Municipal Code is amended to read:

52.11 SERVICE REFUSED TO PREMISES WITH CONDITIONS LEADING TO CONTAMINATION.

The Water Department may refuse to deliver water to any premises whereon any condition exists which ~~might~~ may lead to the contamination of the public water supply and may continue to refuse the delivery of water to any premises until the condition is remedied. (Ord. 429, passed 6-14-61)

Section 13. Section 52.12 of the Hermiston Municipal Code is amended to read:

52.12 SHUT-OFF WATER NOT TO BE TURNED ON BY UNAUTHORIZED PERSONS.

No person shall turn on water services that have ~~After the water has been shut off by the City~~ city without authorization from the Water Superintendent. In addition to any other remedy provided herein, unauthorized use of water may result in tampering fees or removal of the meter or both, if it should be turned on by any person but the Water Superintendent or a person authorized by him, the meter will be removed, and it will not be replaced until the cost of removing and replacing the meter, in addition to all charges and arrearage due, have been paid in full or other arrangements satisfactory to the City have been made. (Ord. 429, passed 6-14-61) Penalty, see § 52.99.

Section 14. Section 52.13 of the Hermiston Municipal Code is amended to read:

52.13 UNLAWFUL ACTS.

It shall be unlawful for any person, firm, or corporation not authorized by the City ~~city~~ to do, commit or assist in committing any act prohibited by this Chapter, including but not limited to the following ~~any of the following things or acts in the city:~~

- (A) To open or close any fire hydrant or stopcock connected with the waterworks system of the City ~~city~~, or lift or remove the cover of any gate, valve or shutoff thereof;
- (B) To interfere with, destroy, deface, impair, ~~injure~~ tamper or wantonly force open any gate, or door, or ~~in any way whatsoever destroy, injure, or deface~~ any part of any reservoir, standpipe, tank, building or buildings, or appurtenances, fences, trees, shrubs, or fixtures or accessories to property appertaining to the waterworks system;
- (C) To go upon or ascend the stairway or steps on any elevated water storage tank, reservoir, or

standpipe of the waterworks system;

(D) To place any telegraph, telephone, electric light pole, or any obstruction whatsoever within three feet of any fire hydrant;

(E) To resort to any fraudulent device or arrangement for the purpose of procuring water ~~for himself or others from private connections on premises~~ contrary to the City city regulations or ordinances;

(F) To interfere with or ~~injure~~ tamper with any reservoir, tank, fountain, hydrant, pipe, cock, valve, or other apparatus pertaining to the waterworks system, or to turn on or off the water in any street hydrant or other public water fixture or to hitch or tie any animal thereto;

(G) To make or permit to be made any connection with the main or service pipes of the waterworks system, or to turn on or use the water of the system without first obtaining a permit therefor;

(H) To cover over or conceal from view any water valve box, service or meter box;

(I) To remove any water meter that has been placed by the City city, or to in any manner change, interfere with or with any water meter;

(J) To turn on the water supply to any building or to any supply pipe where the supply has been turned off for the nonpayment of the monthly water charge or for the violation of any rule, regulation, or ordinance of the City city. (Ord. 429, passed 6-14-61) Penalty, see § 52.99.

Section 15. Section 52.14 of the Hermiston Municipal Code is amended to read:

52.14 NO RESALE OR DISTRIBUTION OF WATER.

No water shall be resold or distributed by the recipient thereof from the City city supply to any person except upon application to and approval by the City city. City water may be resold or distributed only at the rates, charges and fees established by the City city and subject to the other conditions as deemed reasonable by the City city. (Ord. 429, passed 6-14-61; Am. Ord. 1967, passed 9-14-98) Penalty, see § 52.99.

Section 16. Section 52.15 of the Hermiston Municipal Code is amended to read:

52.15 CONSTRUCTION OF WATER MAINS.

(A) The minimum size of water mains required to serve any part of the City city shall be eight inches in diameter. ~~Any developer or subdivider shall install~~ All the necessary water system and all appurtenant work shall be at the installer's its sole expense. Should a development require water main sizing in excess of eight inches, the City Manager, or ~~his/her~~ designee, will make the final decision on the size of mains required to be installed by the developer or subdivider. If the

City Manager, or his/her designee, requires the ~~developer or subdivider~~ person to install water lines in excess of eight inches in order to provide for future water line capacity, the City Manager, or his/her designee, may negotiate a reimbursement agreement or provide SDC credits with the ~~developer or subdivider~~ person for the balance between the ~~developer's or subdivider's~~ actual cost for materials of eight inch water mains and the size required by the City ~~city~~, ~~subject to budget fund availability.~~ Unless otherwise provided, Only only the cost for increases in materials is reimbursable.

(B) When any person ~~individual~~ constructs a water main through undeveloped areas, or adjacent to property not currently served by the City ~~municipal utility~~, the person ~~individual~~ initiating construction shall be required to pay for all construction in the manner provided in this Chapter ~~subchapter~~. If no assessment for improvement is levied against adjacent property, the person ~~individual~~ may request a reimbursement agreement or SDC credits with the City ~~city~~. The agreements shall provide for the City ~~city~~ to collect a ~~construction~~ charge from any individual who connects a service connection to the main; charges to be established based on a front foot or area basis shall not exceed the actual installation cost of the system. All agreements shall preclude any payment for individuals connecting a water main as described herein to the furthest extent of the water mains included in the agreement.

(C) ~~An individual's~~ A person's right to reimbursement through agreements shall not exceed ten years from the date of the completion of construction of the covered main. All payments to the original installer shall cease at the expiration of the agreement. A ~~construction~~ charge as provided herein may be collected by the City ~~city~~ ~~subsequent to~~ after the expiration of the agreement. ~~Any fees so charges~~ Amounts so received by the City shall be credited to the utility fund exclusively for the improvement of production or distribution facilities of the City ~~city~~. This section shall not affect those agreements in place at the time of adoption of this Chapter ~~Ordinance 429~~.

(D) The City ~~city~~ may establish a charge by front foot or area for all mains within the municipal system installed by municipal contract or by municipal employees. Charges shall be established by resolution of the City Council and shall be payable when benefitted properties connect to the water system.

(1) The ~~construction~~ charge shall apply to property which is not served by the water system at the time of construction and is not assessed for the costs of improvements. The ~~construction~~ charge established may vary by project and area dependent upon the costs of construction of the improvements.

(2) All ~~construction~~ charges shall be paid in addition to all other fees prescribed in this Chapter ~~ordinance~~. Failure to pay the charges, or provide for a payment agreement, shall be cause for denial of water service. (Ord. 429, passed 6-14-61; Am. Ord. 1653, passed 3-14-88; Am. Ord. 2028, passed 12-18-00).

Section 17. Section 52.25 of the Hermiston Municipal Code is amended to read:

WATER SHORTAGE EMERGENCY

52.25 PURPOSE AND INTENT DECLARATION OF EMERGENCY.

(A) ~~Whenever the City Council by resolution declares that a water shortage emergency condition prevails in the area served by the city due to drought conditions and that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the city to the extent that there would be insufficient water for human consumption, sanitation and fire protection, this subchapter shall be in effect until the City Council by resolution declares the emergency conditions over. This subchapter establishes a first and second level of water curtailment to be initiated as water shortage conditions prudently dictate.~~

(B) ~~In order to~~ The City Council may, by resolution, declare a water shortage emergency upon a finding that due to drought or other conditions, water reduction and such other steps, as the Council determines appropriate, are necessary to conserve the city's City's water supply for the greatest public benefit with particular regard for domestic use, sanitation and fire protection, ~~the City Council hereby adopts the following regulations and restrictions on the delivery and consumption of water to take effect immediately upon the passing of a resolution declaring an emergency.~~ The resolution shall specify the level(s) of water reduction and direct that such actions, as the Council finds necessary, be taken, including, but not limited to, restrictions on the type and quantity of water use. The following provisions shall govern unless superceded by the City's water management and conservation plan adopted pursuant to Oregon Administrative Rules 690-086.

(C) ~~The specific uses regulated or prohibited in this subchapter are nonessential, and if allowed would constitute wasted water and shall be regulated. (Ord. 1822, passed 6-28-93)~~

Section 18. Section 52.26 of the Hermiston Municipal Code is amended to read:

52.26 DEFINITIONS RESERVED.

~~For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~CUSTOMER. Any person using water supplied by the city.~~

~~PERSON. Any person, firm, entity, partnership, association, corporation, company or organization of any kind.~~

~~WATER. Water from the city, unless expressly provided otherwise or required by the contract. (Ord. 1822, passed 6-28-93)~~

Section 19. Section 52.27 of the Hermiston Municipal Code is amended to read:

52.27 APPLICATION OF PROVISIONS

The provisions of this ~~subchapter~~ Chapter shall apply to all customers using water provided by

the ~~City~~ city. (Ord. 1822, passed 6-28-93)

Section 20. Section 52.28 of the Hermiston Municipal Code is amended to read:

52.28 FIRST LEVEL OF ~~CURTAILMENT~~ WATER RESTRICTION.

(A) Nonessential residential uses defined; prohibiting nonessential water use. Uses of water for residential purposes in excess of the following daily usage allotment are determined to be nonessential and are prohibited:

- (1) The use of water to wash any motorbike, motor vehicle, boat, trailer, airplane or other vehicle, except at a commercial fixed washing facility existing prior to the enactment of this ~~Chapter~~ subchapter or one that recycles and/or reuses the water.
- (2) The use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced area, or building or structure.
- (3) The use of water to fill, refill or add to any indoor or outdoor swimming pools or jacuzzi pools except for neighborhood fire control (when deemed needed by the City Manager or designee), where the pools have recycling water systems and evaporative covers, or where the use of the pool is required by a medical doctor's prescription.
- (4) The use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support pre-existing fish life, e.g. goldfish, etc.

(B) Nonessential commercial or industrial use. The following commercial or industrial water uses are hereby determined to be nonessential and are prohibited:

- (1) The use of water to serve a customer in a restaurant unless requested by the customer;
- (2) The use of water for scenic and recreational ponds and lakes, except for the minimum amount required to support fish life;
- (3) The use of water from hydrants for construction purposes, (unmetered), fire drills or any purpose other than ~~fire-fighting~~ firefighting;
- (4) A minimum of 15% reduction in the use of water by a cemetery (owned by a separate taxing district), golf course or similar outdoor sport activities to irrigate any portion of its grounds except those areas designated as tees and greens or similar limited areas;
- (5) The use of water for dust control.

(C) Gutter flooding. No person or customer shall cause or permit water to run to waste in any gutter or drain.

(D) Regulation of applications for new water service. No applications for new, additional, further expanded or increased- in-size water service connections, meters, service lines, pipeline extensions, mains or other water service facilities of any kind shall be allowed, approved or installed during the period of this emergency, except for replacement of leaking water lines and interties (looping) of system.

(E) Discontinuance of service.

(1) The City Manager or designee may, after one warning by certified mail or delivered in person by staff, disconnect the water service of any person or customer whenever it is determined ~~he determines~~ that the person or customer has failed to comply with any provisions of this Chapter ~~subchapter~~. Service so disconnected shall be restored only upon payment of the turn-on charge, in an amount of money as established by resolution of the City Council, or as otherwise specified by law, and any other costs incurred by the ~~city~~ City in the discontinuance of service and the giving of suitable assurances to the ~~city~~ City that the action causing the discontinuance will not be repeated.

(2) In addition to the foregoing, the city may, prior to restoration of service, install a flow-restrictive device on the customer's service.

(F) Variances.

(1) The City Manager or designee may ~~in his sole discretion~~, in writing, grant temporary variances for prospective uses of water otherwise prohibited after determining that due to unusual circumstances to fail to grant the variance would cause an emergency condition affecting health, welfare, sanitation or fire protection of the applicant or the public.

(2) No variance shall be retroactive or otherwise justify any violation of this Chapter ~~subchapter~~ occurring prior to issuance of the temporary variance. (Ord. 1822, passed 6-28-93) Penalty, see § 52.99.

Section 21. Section 52.29 of the Hermiston Municipal Code is amended to read:

52.29 SECOND LEVEL OF ~~CURTAILMENT~~ WATER RESTRICTION.

In addition to the restrictions in §52.28, the following ~~curtailments~~ restrictions are to be enforced:

(A) One or two residential units - daily usage allotment.

One permanent resident	50 gallons
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Two permanent residents	85 gallons
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Three permanent residents 115 gallons

Each additional permanent resident 30 gallons

(B) Multi-residential units.

(1) Daily usage allotment for each unit shall be 100 gallons per day.

(2) Each customer in whose name water is supplied to a residence, or residences or apartment or other dwelling units, shall upon request of the City Manager or designee advise the City ~~city~~ under penalty of perjury the number of permanent residents using water supplied to the residence, ~~residences~~, apartments or other dwelling units. If the customer fails to advise the City Manager or designee, each residence, apartment or dwelling unit shall be permitted the water allocation herein provided for one permanent resident.

(C) Nonessential commercial uses defined. Uses of water for commercial purposes in excess of the following amounts are determined to be nonessential and are prohibited:

(1) The use of water for schools (irrigation), parks, cemeteries, recreation areas, golf courses, community food gardens, residential gardens, and similar recreation or memorial type facilities in excess of 75% of the amount consumed in the same time period of the previous year.

(2) The use of water for schools (domestic), for nursery facilities, restaurants, shopping centers, gasoline service stations, health and swim clubs, and all other commercial uses in excess of 90% of the amount consumed in the same time period as the previous year.

(D) Nonessential industrial uses defined. Uses of water for industrial purposes in excess of the following amounts are determined to be nonessential:

(1) The use of water for manufacturing, food processing, cooling or cleaning of equipment in excess of 85% of the amount consumed in the same time period as the previous year. Customers may, with proper documentation of need, obtain a variance from the City Manager or designee, granting the level of relief needed.

(2) The use of water for agricultural irrigation in excess of 75% of the amount consumed in the same time period as the previous year.

(E) Other nonessential uses. All other uses of water not expressly set forth in this Chapter ~~subchapter~~ in excess of 75% of the amount consumed in the same time period as the previous year are determined to be nonessential.

(F) Determination of amount of prior water consumption. The amount of water consumed in the same time period as the previous year shall be determined by the City ~~city~~ from its records. Where no records exist, the amount shall be the average use of similar existing services as determined by the ~~city~~ City from its records.

(G) Evaluation of applications for new water service. No applications for new, additional, further expanded or increased-in-size water service connections, meters, service lines, pipeline extensions, mains or other water service facilities of any kind shall be allowed, approved or installed during the time this emergency is declared by City Council resolution to be in effect, except for replacement of leaking water lines, making interties (looping), areas where the pressure provided by the ~~city~~ City is very low and relief can only be obtained by providing a larger Service line(s). (Ord. 1822, passed 6-28-93)

Section 22. Section 52.30 of the Hermiston Municipal Code is amended to read:

52.30 ENFORCEMENT.

Each ~~city~~ City law officer ~~of the city's police force shall diligently~~ enforce the provisions of this Chapter subchapter. All employees of the City ~~city, Public Works Department and Fire Department~~ have the duty and are hereby authorized and directed to notify the City Manager or designee of violations of the provisions of this Chapter subchapter. (Ord. 1822, passed 6-28-93)

Section 23. Section 52.31 of the Hermiston Municipal Code is amended to read:

52.31 VARIANCES.

(A) The City Manager or designee ~~in his sole discretion~~ may, in writing, adjust any consumer's usage allotment if it is determined that due to unusual circumstances to fail to do so would cause an emergency condition affecting health, sanitation or fire protection of the applicant or the public.

(B) No variance or adjustment shall be retroactive or otherwise justify any violation of this Chapter subchapter occurring prior to issuance of temporary variance or adjustment. (Ord. 1822, passed 6-28-93)

Section 24. Section 52.32 of the Hermiston Municipal Code is amended to read:

52.32 PROVISIONS CONTROLLING.

The provisions of this Chapter subchapter shall prevail and control in the event of any inconsistency between this Chapter subchapter and any other rules or regulations of the City ~~city~~. (Ord. 1822, passed 6-28-93)

Section 25. Section 52.99 of the Hermiston Municipal Code is amended to read:

52.99 PENALTY.

(A) Any person violating any of the provisions of §§52.01 through 52.15 commits a Class A B violation. (Ord. 429, passed 6-14-61; Am. Ord. 1632, passed 6-22-87; Am. Ord. 1976, passed 10-26-98)

(B) ~~(1)~~ Any person violating any provision of §§52.25 through 52.32 commits a Class A violation.

~~(12)~~ ~~After notice, each day is a separate violation.~~ In addition, the City Manager or designee may, after written notice ~~or personal warning~~, disconnect the water service of any customer that repeatedly violates §§52.25 through 52.32. Water service disconnected shall be restored only upon payment of any turn-on charge and any other costs incurred by the assurances that the action causing the discontinuance will not be repeated.

~~(23)~~ In addition to the foregoing, the ~~city~~ City may, prior to restoration of service, install a flow-restrictive device on the customer's service.

(C) After issuance of a warning or notice of violation, each day of continuing violation shall constitute a separate violation.

(D) Nothing in this Chapter limits the authority of the City to seek judicial remedies available by law, including but not limited to injunctive relief. Violation of this Chapter may be deemed a public nuisance subject to abatement as provided in Chapter 92. (Ord. 1822, passed 6-28-93; Am. Ord. 1976, passed 10-26-98)

Section 26. Effective date. This ordinance shall take effect on the 30th day after its adoption.

ADOPTED by the Common Council this 8th day of February 2021.

SIGNED by the Mayor this 8th day of February 2021.

Dr. David Drotzmann, Mayor

ATTEST:

Lilly Alarcon-Strong, CMC, City Recorder