

ORDINANCE NO. 4664

AN ORDINANCE PROVIDING RULES AND REGULATIONS FOR THE REGULATION AND OPERATION OF THE ALBANY WATER DEPARTMENT; DEFINING THE RIGHTS AND OBLIGATIONS OF THE CITY OF ALBANY AND ITS WATER DEPARTMENT CUSTOMERS IN CONNECTION THEREWITH; AND PROVIDING A PENALTY FOR A VIOLATION THEREOF AND HEREBY CREATING TITLE 11, WATER, OF THE ALBANY MUNICIPAL CODE.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Chapter 11.01

WATER SYSTEM RULES AND REGULATION

Sections:

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11.01.010 Definitions. For the purposes of this chapter the words set out in this section shall have the following meanings:

(1) "Applicants" means a person, corporation, association, or agency applying for water service.

(2) "City" means the city of Albany, a municipal corporation of the state of Oregon.

(3) "Commercial services" means provision of water to mercantile establishments, professional offices, public or governmental buildings, hospitals, retirement homes, churches, combined residential and commercial/mercantile business and to apartment houses, except those in which each unit is metered separately.

(4) "Customer" means a person, corporation, association, or agency receiving water service.

(5) "Consumption rate" means a charge placed on every hundred cubic feet (HCF) of water consumed.

(6) "Domestic service" means the provision of a metered service to a single living unit for purposes of normal domestic consumption including such uses as sprinkling lawns, gardens and shrubbery; the watering of livestock; the washing of vehicles; and other similar or customary uses.

(7) "High level service" means those areas served by the water utility that in the opinion of the City requires secondary pumping to provide adequate service.

(8) "Industrial service" means the provision of water to a customer for use in manufacturing or processing activities.

(9) "Mains" means distribution pipelines located in streets, highways, and public and private right-of-ways which supply water for general public usage.

(10) "Maximum flow" means the flow through each meter size as established by the American Water Works Association as listed in AWWA Standards, Section C700. (See definition for water equivalent unit.)

(11) "Main extensions" means extension of distribution pipelines, exclusive of service connections, beyond existing facilities.

(12) "Multiple-blocks" means where more than one service unit exists per water meter.

(13) "Municipal or public use" means the provision of supplying water to governmental or public entities.

(14) "Premises" means the property and/or unit(s) to which water service is being requested.

(15) "Rate schedules" means those rates, charges, rentals, and regulations as they are set forth and amended from time to time by the City Council.

(16) "Regular working hours" means the hours between eight a.m. and four p.m. Monday through Friday, except City holidays.

(17) "Service connection" means the pipes, valves, and appurtenances necessary to supply water from distribution mains through the meter, but this does not include the piping from the meters to the point of service.

(18) "Service unit" means each self-contained living unit or independent business activity that is served from a single meter.

(19) "Temporary service" means service that will not be of a permanent nature such as circuses, fairs, construction, etc.

(20) "Utility" means the City of Albany, a municipal corporation of the state of Oregon.

(21) "Water equivalent unit" (WEU) means a value assigned to each meter, based on the maximum rated flow of that meter size. The 3/4-inch meter is given the value of 1.00 and all others are assigned values according to the ratio of their maximum flow to that of the 3/4-inch meter as follows:

<u>Meter Size Inches</u>	<u>Maximum Flow in Gallons Per Minute</u>	<u>Water Equivalent Unit - WEU</u>
3/4	30	1.00
1	50	1.67
1 1/2	100	3.33
2	160	5.33
3	320	10.67
4	500	16.67
6	1,000	33.33
8	1,600	53.33
10	2,300	76.67

11.01.020 Service area. The area in which water service may be furnished at the utility's option, includes all that territory within the corporate limits of the City of Albany and certain areas adjacent or in reasonable proximity thereto.

11.01.030 Description of service. (1) Supply. The utility will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to its customers, and to avoid any interruption in the delivery of said service.

(2) Quality. The utility shall exercise reasonable diligence to supply safe and potable water at all times.

(3) Classes of Service. All service installed by the utility will be classified as follows:

(a) 60A Public Fire Protection (Inside City Limits.) Applies to fire hydrant service for public fire protection only.

(b) 60B Public Fire Protection (Outside City Limits.) Applies to fire hydrant service for public fire protection only.

(c) 61A Private Fire Protection (Inside City Limits.) Applies to standpipes, connections for automatic sprinkler systems, and fire hydrant service for private fire protection.

(d) 61B Private Fire Protection (Outside City Limits.) Applies to standpipes, connections for automatic sprinkler systems, and fire hydrant service for private fire protection.

(e) 62A Single-family Residential (Inside City Limits.) Applies to all single-family residences and to individual apartments or flats where service is furnished through a separate meter for each such individual apartment.

(f) 62B Single-family Residential (Outside City Limits.) Applies to all single-family residences and to individual apartments or flats where service is furnished through a separate meter for each such individual apartment.

(g) 63A Multi-family Residential and Commercial (Inside City Limits.) Applies to all commercial customers, including industrial and mercantile establishments, stores, offices, public buildings not otherwise classified, public and private hospitals, schools, churches, mercantile and industrial establishments combined with residences, and apartment houses except those in which service to each apartment is metered separately.

(h) 63B Multi-family Residential and Commercial (Outside City Limits.) Applies to all commercial customers, including industrial and mercantile establishments, stores, offices, public buildings not otherwise classified, public and private hospitals, schools, churches, mercantile and industrial establishments combined with residences, and apartment houses except those in which service to each apartment is metered separately.

(i) 64 Special Contracted Services. Applies to all residential, commercial and industrial customers who have need for special services and for which rates will be negotiated.

11.01.040 Application for service. (1) Application. Each applicant for water service may be required to sign a form provided by the City setting forth:

- (a) Date of application;
- (b) Location of property to be served;
- (c) Date for which service is being requested;
- (d) Class of service (commercial, residential, etc.);
- (e) The address to which bills are to be delivered;
- (f) Whether the applicant is an owner, or tenant of the property;
- (g) Owner of property, address, etc.;
- (h) Such other information as the City may reasonably request.

(2) Deposits

(a) New Turn-on's. Deposits shall be required of residential users and deposits equal to an estimated three months usage shall be required of commercial and industrial users, except under the following circumstances:

(1) If the applicant is a present user, at a different address, and has had an acceptable payment record for the preceding twelve month period. An acceptable payment record exists if the applicant has not had service discontinued during the previous twelve months for nonpayment;

(2) If the applicant presents satisfactory evidence of ownership of the property where service is to be provided unless other information exists that indicates that the applicant is not an acceptable credit risk.

(b) Existing Users. All existing users, if service is discontinued for nonpayment, shall be required to comply with the deposit requirements of Subsection A of this section before service will be restored.

(c) Refund of Deposits. Deposits will be refunded to the applicant as follows:

(1) On termination of service, less any amount then due and payable;

(2) On the fifteenth of the month following twelve months of continuous service, provided the applicant has not had service discontinued for nonpayment during the same period.

(d) Interest on Deposits. Interest will be paid on any deposit at a rate determined by Council resolution.

(3) Changes in Customer's Equipment. A customer making material changes in the size, character, or extent of the equipment or operation utilizing water service and if such change results in the consumption of larger or smaller amounts of water, said customer shall immediately give the utility written notice of the change. Changes shall be made in accordance with Subsections 4 and 5 of Section 11.01.100 of these rules and regulations.

(4) Special Contracts. Contracts, other than applications, may be required prior to service where, in the opinion of the utility, special circumstances warrant special consideration.

(5) New Account Fees. A charge will be collected for the activation of any account.

11.01.050 Bills and payment. (1) Rendering of Bills.

(a) Meter Readings. Meters will be read at regular intervals for the preparation of monthly bills and as required for the preparation of opening, closing, and special bills.

(b) Bills for water service will be rendered monthly unless otherwise provided in the rate schedule.

(c) New Accounts and Closing Accounts. Accounts will be prorated to the day of the demand charge plus consumption to date.

(2) Payment of Bills.

(a) All bills are due and payable on presentation. Payment may be made at the utility's office.

(b) Closing bills will be collected at the time of discontinuance of service.

(c) When bills are delinquent, the utility will follow the procedure as outlined in Section 11.01.060.

(3) Billings of Separate Meters Not Combined.

(a) Each meter on a customer's premises will be considered separately, and the readings of two or more meters will not be combined unless the utility's operating convenience requires the use of more than one meter or of a battery of meters. The minimum demand charge for such combined meters will be based on the diameter of the total combined discharged areas of the meters.

11.01.060 Delinquent Accounts (1) A water account is delinquent if it is not paid within thirty days following the date of billing of said account.

(2) A delinquent notice will be mailed to all past due accounts on or about forty-five days following the original billing date; said notice will state that water service will be discontinued after the fifth day following the date of mailing the delinquent notice.

(3) In all cases of delinquent turn-offs, a notice shall be left on the door or mailed to the customer stating that water has been turned off until all delinquent amounts and penalty charges are paid.

(4) In all instances where water has been turned off because of a delinquent account, a service charge established by Council resolution will be collected in addition to the delinquent amount prior to restoring any service during regular working hours.

(5) The City Manager or his agent, in the case of extreme hardship or by prior arrangement with the user, shall have the discretion of not discontinuing or renewing service to a delinquent account upon acceptance of a valid plan for the payment of all past due charges.

(6) Notice shall be given with the second billing (delinquent notice) that the customer shall have the opportunity, if they do not agree with the

billing, to have a hearing on their account. The hearing shall be held by a hearings officer appointed by the Finance Director and his/her decision shall be binding. Notice to the utility by the customer of his request for a hearing must be given prior to the water service being disconnected; otherwise, the customer must pay all past due accounts plus any restoration charges prior to service being restored. If the hearing is held and the hearings officer finds in favor of the customer, any or all of the appropriate charges may be returned to the customer based upon his/her findings.

(7) Final bills are due and payable upon receipt. After thirty days the account will be rebilled.

(8) In cases where termination of service for a delinquent account may cause severe hardship or loss of life, the City shall initiate other collection action against its customers. This action may include the use of small claims court and/or district court, if appropriate.

11.01.070 Notices. (1) Notices required to be given by the utility to the customer will normally be given in writing, and may be delivered to him personally or by mail to the address for which service is rendered.

(2) Notice from the customer to the utility shall be given by him or authorized representatives orally or in writing at the utility's office.

11.01.080 Discontinuance of service. (1) Nonpayment of Bills. A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures as listed in Section. 11.01.060.

(2) Unsafe Apparatus.

(a) The utility may refuse to furnish water and may discontinue service to any premises where apparatus, appliances, or equipment using water is dangerous, unsafe, or is being used in violation of laws, ordinances or legal regulations.

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

(3) Service Detrimental to Others. The utility may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

(4) Fraud and Abuse. The utility shall have the right to refuse or to discontinue water service to any premises to protect itself against fraud or abuse.

(5) Noncompliance. The utility may, unless otherwise provided, discontinue water service to a customer for noncompliance with any of these regulations any time after five days of the giving of written notice to the customer of the utility's intention to discontinue service. If such noncompliance affects matters of health or safety or other conditions that warrant such action, the utility may discontinue water service immediately.

(6) Customer Request for Service Discontinuance.

(a) A customer may have his water service discontinued by notifying the utility reasonably well in advance of the desired date of discontinuance. He will be required to pay all water charges until the date of such discontinuance.

(b) If notice is not given, the customer will be required to pay for the water service until the date the utility has learned that the customer has vacated the premises or otherwise has discontinued service.

(7) Restoration: Reconnection Charge. The utility shall charge as provided by Council resolution for restoring water service which has been discontinued because of noncompliance with these rules.

(8) Penalty for turning on water without authority. Should the water be turned on by any water consumer or other person without authority from the utility, the water may then be shut off at the main or the meter may be removed. The charge for shutting water off at the main shall be the actual cost plus fifteen percent overhead. The charge for removing the meter shall be established by Council resolution. All such charges shall be chargeable to the offending customer where the water is supplied, and water shall not again be furnished to such premises until said charges are paid.

11.01.090 Meter error. (1) Meter Test.

(a) Prior to installation, each meter will be tested, and no meter found to register more than two percent fast or slow under conditions of normal operation will be placed in service.

(b) On Customer Request.

(1) A customer may, giving not less than one week's notice, request the utility to test the meter serving his premises.

(2) The utility may require the customer to deposit an amount to cover the reasonable cost of the test as established by Council resolution.

(3) This deposit will be returned if the meter is found to register more than two percent fast.

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

(2) Adjustment of Bills for Meter Error.

(a) Fast Meters. When, upon test, a meter is found to be registering more than two percent fast under conditions of normal operation, the utility will refund to the customer the full amount of the overcharge based on corrected meter readings for a period not exceeding two billing periods that the meter was in use.

(b) Slow Meters.

(1) When, upon test, a meter used for domestic or residential service is found to be registering more than twenty-five percent slow, the utility may bill the customer for the amount of the undercharge, based upon corrected meter readings for a period not exceeding three months that the meter was in use.

(2) When, upon test, a meter used for other than domestic or residential service is found to be registering more than five percent slow, the utility may bill the customer for the amount of the undercharge based upon correct meter readings for a period not exceeding two billing periods that the meter was in use.

(c) Nonregistering Meters. The utility may bill the customer for water consumed while the meter was not registering. The bill will be at the minimum monthly demand charge plus an estimate of consumption based either upon the customer's prior use during the same season of the year or upon a reasonable comparison with the use of other customers receiving the same class of service during the same period and under similar circumstances and conditions.

(d) Adjustments on Account of Underground Leaks. Where a leak exists underground between the meter and the building and the same is repaired within ten days after the owner, agent, or occupant of the premises has been notified of such leakage, the utility may allow an adjustment of fifty percent of the estimated excess consumption.

11.01.100 New service connections and meters. (1) The utility may furnish and install a service of such size and at such location as the applicant requests, provided:

(a) Such requests are reasonable.

(b) The location is such that this City has in place a distribution main of sufficient size adequate to provide service to this location without detriment to existing customers.

(c) That such a distribution main is adjacent and extends at least midway along the right-of-way fronting the lot to be served. In cases where the main exists half way along the right-of-way fronting the lot to serve properties on the opposite side of the right-of-way, the requesting party must complete the extension through their lot to obtain service. The only exception to this rule will be that service can be made available through an easement which fronts the water line provided:

(1) that the easement is no more than two hundred feet long,

(2) that only one home on the premises is served by the easement,

(3) that the easement is the only feasible present or future access to the building lot,

(4) that fire protection can be provided to the property from the water line,

(5) that City shall be the sole judge in determining that the property requesting service under this rule meets all of the conditions.

(2) A service fee shall be paid by the party requesting the installation of the service, at the time said request is made. The service fee is established by Council resolution.

(3) Included in the charges are all meters and necessary appurtenances for installation and continued operation of the service which the City will supply.

(4) All meters shall be sealed by the utility at the time of installation and no seal shall be altered or broken except by an authorized agent of the City.

(5) Change in Location or Reduction in Meter Size or Service.

(a) Change in the location of service at the convenience or request of the customer shall be done at the customer's expense.

(b) Reduction in meter size requested by the customer shall be done only if the request is reasonable and approved by the City. Charges for these reductions are established by Council resolution.

(6) Increases in the Size of the Meter and Service. If for some reason a change in the size of a meter and service is required, the installation will be accomplished on the basis of a new connection.

(7) Ownership. The service connection, whether located on public or private property, is the property of the utility and the utility reserves the right to repair, replace and maintain it, as well as to remove it upon discontinuance of service.

(8) Charges for Service Pipes Connected without Permit. If the premises are connected without the application prescribed in this section, such premises shall be immediately disconnected. Before a new connection is made, the applicant shall pay double the rate for the estimated quantity of water consumed. A new connection shall only be made upon compliance with provisions of this chapter.

(9) Abandoned and Nonrevenue Producing Services. Where a service connection to any premises has been abandoned or not used for a period of one year or longer, the utility may remove such service or meter. If the service or meter has been removed, service shall be restored only upon the owner

making application and paying all costs associated with the reinstallation.

(10) Leaking or Unused Services. Where there is a leak between the main and the meter, the utility shall make all repairs. When a service pipe is damaged or destroyed by contractors or others, or where service pipes are destroyed by electrolysis, the person, contractor or company responsible for such damage or destruction shall pay the utility for the cost of repairing or replacing such pipes on the basis of the direct cost to the City in labor and in material, plus overhead. Where a customer service line is leaking or has a history of repair problems which has resulted in leak adjustments, service to this customer shall not be activated until the customer can demonstrate the problem has been eliminated. Action necessary may be in the form of partial or total replacement of the customer's plumbing and/or deposit of sufficient funds to cover estimated consumption.

Customers with serious water leaking which, in the judgment of the utility, will cause extreme financial hardship or detrimental service to other customers may have their water service terminated after twenty-four hours notice. In cases of leakage causing severe detriment to other customer's service, water service may be terminated immediately.

11.01.110 Multiple-block dwellings. (1) Number of Services to a Separate Unit. Separate service units under single or common control or management will each be supplied through individual service connections unless the City elects otherwise.

(2) For division of multiple-block dwellings not under common management, new service must be supplied to each unit.

(3) Service to Multiple-block Dwellings. Separate houses, buildings, living or business quarters on the same premises, or on adjoining premises, under a single control or management, may be served at the option of the utility by either of the following methods:

(a) Through separate service connections to each or any unit if that pipeline system for each service is independent of the others and is not interconnected;

(b) Through a single service connection to each physically separated structure.

(c) The liability for payment of charges for all water furnished to combined units, supplied through a single service connection of approved capacity, is that of the owner of the property.

11.01.120 Main extensions. (1) A main extension and/or special facilities shall be required to service all property which cannot obtain service as outlined in Section 11.01.100 of this chapter.

(2) The following rules shall apply to all extensions:

(a) The minimum size of the water main to be installed shall be six inches in diameter.

(b) The normal routing for the water main extension shall be in a dedicated street right-of-way.

(c) The Public Works Director shall design or approve extensions to the water system and shall have the sole right to determine size, location and type of facility to be constructed. All engineering shall be based on both domestic and fire protection design criteria. Those not designed by the Public Works Director shall be designed by a Registered Engineer licensed in the state of Oregon to design these facilities.

(d) The installation of all water facilities shall be by City forces or through a prequalified contractor approved by the utility.

(e) All main extensions shall extend to the extreme property line of the development or lot. If the property has excess frontage on the right-of-way and only partial development is to occur, then some consideration may be given to shortening the extension, provided sufficient assurance is given to insure the extension is extended at the time other development occurs. This determination shall be made solely by the utility.

(f) All main extensions to serve property outside the City except, in the core of another incorporated city, are required to annex to the City before service is rendered or if the property is not contiguous to the City, then a "delayed annexation" form obligating future annexation consideration must be executed.

(g) The City may pay for oversizing of main extensions over eight inches in residential development, provided the petitioner's individual needs do not dictate a larger line size. The oversize payment shall be limited to materials only on all projects.

(h) The City may, at its option, supply materials for main extension projects. All material supplied by contractors must meet strict material specifications set forth by the City. Failure to do so will result in nonacceptance of the projects. All materials supplied by the City to any main extension project shall be billed at the City's replacement cost, plus a fifteen percent overhead and handling charge.

(i) All main extensions and system design shall include fire hydrants and other devices necessary to meet requirements of the insurance service offices or fire district where the development occurs.

(j) Under conditions where hydrants are required within the property to be served, the main must be extended to the hydrant locations. Easements for these internal lines and hydrants must be provided by the developer.

(k) In large projects or projects where extensive engineering or design is required prior to preliminary estimates or design being obtained, the utility may require a cash advance to cover the cost of such engineering or design. All engineering work completed by the utility will be understood to be the property of the utility.

(l) In areas of service above the main system service elevation, special facilities will normally be required in addition to main extensions to provide service (Section 11.01.130).

(m) Financing of Extensions. There are three basic means of financing main extensions. They are outlined below:

(1) Total Project Cost. Under this method the developer is required to pay the total cost of the project. An estimate covering approximate costs related to the project including material, installation, inspection, disinfection, engineering, and overhead may be supplied by the City. If the developer is to install the project himself or through his own contractor and supply materials, a cash advance sufficient to cover the estimated cost for the utility services needed on the project (engineering, draftsmen, inspectors, etc.) must be advanced prior to starting the project. Upon completion of the project, actual costs will be computed and an adjustment made to the contractor or to the utility appropriately.

(2) In the case of extremely large projects or projects which require a large time frame to complete and the utility is extensively involved in the project, the developer may supply the utility a bond to cover the estimated cost.

(3) Local improvement districts may be formed and bonds sold to fund main extensions and special facility projects.

(n) Refunds may be made to the developer in areas where they are required to extend mains through other property. These refunds will be made in the form of a connection charge which will be assigned to the other benefited properties which front the main extensions. The connection charge must be paid for these benefited properties before water service will be rendered to the property. The connection charge normally will be based upon an area formula consisting of proportionately equal connection charges.

$$(\text{Total project cost}) \times \frac{(\text{Area of property requesting service})}{(\text{Total area served by the extension})}$$

The area served shall be based upon the product of the front footage times the depth of the lots benefited. In areas where no established lots exist, the depth shall be one hundred fifty feet or a logical approximation of the depths to be served, as established by the utility. The total cost of the project shall cover all costs related to the project including material, installation, inspection, disinfection, engineering, and overhead. If the developer is to install the project himself or through his own contractor and supply materials, he must secure three competitive bids for the installation and materials of the extension. These bids must be turned into the City with a bill for the installation and materials before it will be accepted and included in determining the total cost of the project. If the bill is higher than the low bid, then the low bid will be used in determining the cost of the project. No interest will be allowed in computing the total cost. The life of the connection charge agreement shall not be greater than five years starting after the completion and acceptance of the project by the utility.

(o) Installers of any and all water lines or appurtenances must meet minimum prequalified standards set by the utility. These standards shall include, but are not limited to, insurance requirements, bonding requirements, and experience in the field of water line installation. The water lines must be installed in accordance to the utility's specifications which are available upon request.

(p) If the developer installs and purchases the material himself he must guarantee the project for a period of one year from the date of acceptance of the project by the City.

(q) A contract agreement between the developer and the City outlining the above criteria must be signed before the start of the project.

11.01.130 Special facilities. (1) In any high level service area, special facilities in the form of booster pumps, storage tanks, control equipment, etc., will be required. The City shall engineer and design all high level, special facilities and shall have the sole right to determine the size, location and type of facility to be constructed.

(2) The party or parties requesting the service to the high level area shall pay the full cost of said facilities including materials, installation, engineering, surveying, etc., as may be required.

(3) A connection charge or bonding agreement as outlined in Section 11.01.120 may also be used to fund or refund expenditures of this nature.

11.01.140 Service outside City limits. (1) Application for Service. The City reserves the right to act on each application for service outside the City on its merits without regard to any other past or present application or service. If service is approved, the cost of service connection fees plus applicable rates will be those charges and regulations set forth and approved by the Council and the same as they may be amended from time to time.

(2) Rules and Regulations.

(a) All customers outside the City receiving water from the City shall comply with and be bound by the rules and regulations established to operate and maintain the utility.

(b) Customers shall cooperate to a reasonable and practical extent with other customers with regard to the extension or enlargement of common facilities.

11.01.150 Fire protection service. Fire protection service shall be allowed under the following conditions:

(1) When the owner of a property or building desires such service, and a main of sufficient size and volume is present adjacent to or which may be extended to the property (See Section 11.01.120, Main Extensions) in such a manner as to provide the service required.

The fee for fire services shall be an advance payment of the estimated cost, including overhead, of the work to be done before the installation of the service connection. When the estimated cost is not sufficient to cover the actual cost, the deficit shall be billed to the applicant and must be paid prior to activation of the service. Any excess payment shall be returned to the applicant.

(2) The owner or agent of such a building shall agree and understand that no water is available from the system except for extinguishing fires or periodic testing. Before any water for testing can be used the owner or agent must receive written permission from the utility.

(3) In any case where the fire system is wet or has hydrants or hose connections, such a system must have a detector check valve or proportional meter.

(4) In the case of existing fire services which do not meet the conditions of Subsection 3 of this section, the utility reserves the right to seal the hydrants or hose connection in such a manner as to indicate use thereof. If the seal is found to be broken, the utility has no recourse but to assume water is being used from the fire service which is a violation of these rules and which results in action being taken as outlined in Subsection 5 of this section.

(5) Any violation of any of the above subsections shall cause service to be discontinued immediately.

In the case where no detector or proportional meter exists, then one will be required before service is restored. In cases where there is a detector or proportional meter, then the owner or agent must satisfy the utility that the use of water will cease or appropriate means are provided to insure payment for all the water used. The customer will also be required to pay for all water used. The utility shall estimate this amount in cases where it cannot be determined. The bill must be paid prior to service being restored.

(6) No charge will be made for water used in the extinguishing of fires.

(7) All fire services six inches or larger shall be outfitted with state approved, double-check valve assemblies. All wet fire systems shall be outfitted with the proper backflow prevention devices (See Section 11.01.220).

(8) The cost of all detector checks, proportional meters, backflow devices and related appurtenances shall be borne by the customer.

(9) Ownership of service connections and all equipment appurtenant thereto, including the meter, shall be the sole property of the utility.

(10) Standby monthly charges for automatic fire service are established

by Council resolution.

(11) Pressure and Supply. The utility assumes no responsibility for loss or damage because of lack of water or pressure, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

11.01.160 Temporary service. (1) Time Limit. Temporary service connections shall be disconnected and terminated within six months after installation unless extension of time is granted in writing by the utility.

(2) Charge for Water Served. Charges for water furnished through a temporary service connection shall be at the established rates for other customers.

(3) Installation Charge and Deposits. The applicant for temporary service will be required:

(a) To pay the utility, in advance, the estimated cost of installing and removing all facilities, and overhead charges, necessary to furnish such service; or at the utility's option, if service is supplied through a fire hydrant, the applicant will be charged applicable fees as established by Council resolution.

(b) To deposit an amount sufficient to cover bills for water during the entire period, such temporary service may be used, or to establish credit approved by the utility;

(c) To deposit with the utility an amount equal to the value of any equipment loaned by the utility to such applicant for use on temporary service. This deposit is refundable under terms of Subsection 4 of this section.

(4) Responsibility for Meters and Installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the utility which are involved in furnishing the temporary service from the time they are installed until they are removed, or until forty-eight hours notice in writing has been given to the utility that the contractor or other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs, including overhead charges, shall be paid by the customer.

11.01.170 Pools and tanks. When an abnormally large quantity of water is desired for filling a swimming pool, log pond, or for other purposes, arrangements must be made with the utility prior to taking such water.

Permission to take water in unusual quantities will be given only if it can be safely delivered through the utility's facilities and if other consumers are not inconvenienced.

11.01.180 Fire hydrants. (1) Unauthorized Use of Fire Hydrant. No person or persons other than those designated and authorized by the proper authority, or by the utility, shall open any fire hydrant or attempt to draw water from it in any manner. Violation of this regulation will result in a water-use fee due and payable immediately. Any future water service request will be denied until this fee has been paid. Continual violation of this rule shall lead to prosecution.

(2) Damage of Fire Hydrants. No person or persons shall damage or tamper with any fire hydrant. Any violation of this regulation shall lead to prosecution.

(3) Authorized Use. In order to obtain authorization to use a fire

hydrant, the customer must contact both the utility and the fire department. The utility will determine a hydrant the customer may use, after which they must get the fire department's written permission.

At the time the customer signs up for water service, he must supply the utility with an estimate of water to be used, address and name of who will be responsible for the bill, and the time and date water will be taken from the system. This information will be placed on the appropriate form and signed by the customer or his authorized agent. The bill will be generated from the information ten days after the service is used. If the estimate of water is incorrect, then the customer has this ten-day period to adjust the amount. If an account is to be active more than sixty days a partial bill will be prepared.

Any party using a hydrant must install an auxiliary control valve on the hydrant. This valve will be used to control the volume of water discharged from the hydrant.

(4) Water Bill. The amount to be paid for the water used shall be based upon a standard account: Set-up fee plus a bulk rate charge established by Council resolution.

(5) Moving of Fire Hydrants. When a fire hydrant has been installed in the location specified by the proper authority, the utility has fulfilled its obligation. If a property owner or other party desires a change in the size, type or location of the hydrant, he shall bear all costs of such changes. Any change in the location of a fire hydrant must be approved by the utility.

(6) Charge for Installation and Annual Maintenance for Rural Hydrants.

(a) All rural fire hydrants will be installed at cost, providing a City water main of sufficient size is located in the desired hydrant location.

(b) All maintenance for hydrants shall be the responsibility of the local governmental fire district or City fire department district in which they appear.

(c) A standby charge for each hydrant shall be charged per the rate resolution.

(d) In the event of nonpayment of maintenance expense charges, the utility may refuse service from the fire hydrant.

11.01.190 Responsibility for equipment. (1) The customer shall, at his own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying, and utilizing water. The utility shall not be responsible for any loss or damage caused by the improper installation of such water equipment, or the negligence, want of proper care, or wrongful act of the customer or any of his tenants or agents in installing, maintaining, using, operating, or interfering with such equipment. The utility shall not be responsible for damage to property caused by spigots, faucets, valves and other equipment that are open when water is turned on at the meter, either when the water is turned on originally or when turned on after a temporary shutdown.

(2) No customer shall interconnect between water furnished by the utility and water from another source.

(3) No customer shall allow the extension of their service to another property or customer.

11.01.200 Damage to utility's property. The customer shall be liable for any damage to a meter or other equipment or property owned by the utility which is caused by an act of the customer, his tenants, or agents. Such damage shall include the breaking or destruction of locks by the customer or

others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The utility shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

11.01.210 Customer control valves. The utility shall install a suitable control valve on all new or replacement customer service lines one inch and smaller. This valve shall be located in the meter box for the convenience of the customer in controlling the entire service line. The valve from that period forward shall be the responsibility of the customer to maintain.

All customer services larger than one inch shall install their own customer control valve as close to the meter as possible. This valve shall be housed in a separate vault or box. The maintenance of this valve is also the responsibility of the owner.

The operation of the utility's angle meter valve located on the utility's side of the meter is not permitted.

11.01.220 Cross-connection. (1) Definition of a Cross-connection. Any physical arrangement whereby the public water supply is connected directly or indirectly with any nonpotable or unapproved water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, liquid, gases, sewage, or other waste of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow.

(2) Customer's Responsibility.

(a) All customer water systems should be open for inspection at all reasonable times to authorized representatives of the Albany Water Department to determine whether cross-connection exists.

(b) If a cross-connection is found in the customer's water system he will be informed of this condition in writing and given sixty days to correct the problem or install an approved backflow prevention device. If he does not comply within the sixty days his water will be subject to being discontinued. Service will not be established until satisfactory proof is furnished that the cross-connection has been completely and permanently severed, or that an approved backflow protection device has been installed. If a cross-connection is found, within the opinion of the utility, to endanger the system, the service shall be discontinued immediately and not restored until the situation is corrected.

(c) It shall be the duty of the owner of the property at any premises where backflow protection devices are installed to have them inspected and tested at least once a year or more often in those instances where successive inspections and tests indicate failure. Those inspections and tests shall, at the expense of the owner of the property, be performed by a certified backflow device tester.

(3) Responsibility of Certified Backflow Device Tester. It shall be the responsibility of the backflow device tester to submit records of such test to the City.

(4) Backflow prevention devices shall be installed whenever the following conditions exist:

(a) On any premises where there is an auxiliary water supply which is not of safe bacteriological quality and which is connected to the customer's system, the potable water system shall be protected by an approved airgap separation or an approved reduced pressure backflow prevention device. A double-check valve assembly may be used if the auxiliary water is of proven

safe bacteriological quality.

(b) On any premises where there is any material dangerous to health which is handled in such a fashion as to permit entry into the potable water system, it shall be protected by an approved airgap separation or an approved reduced pressure backflow prevention device. If on premises, protection is desirable to protect the health of those persons on the premises, a pressure vacuum breaker may be used.

(c) On any premises where a substance that would be objectionable but not hazardous to health, if introduced into the potable water system, shall be protected by an approved double-check valve assembly or an approved pressure vacuum breaker.

(d) Irrigation systems shall be protected by approved atmosphere or pressure vacuum breaker or double-check valve assemblies, except when fertilizers or other toxic substances are introduced through the irrigation system, an airgap or reduced pressure backflow prevention device shall be used.

(5) Approval of Backflow Devices. All backflow prevention devices used shall be a model approved by the Oregon Department of Human Resources, State Health Division.

(6) New Construction. Where possible, a plan check should be made prior to construction to determine the degree of hazard and the class of backflow prevention device, if any, required at the point of delivery from the public potable water system to a consumer's premises. Where adequate plans and specifications are not available and no realistic evaluation of the proposed water uses can be determined, the consumer, architect, engineer, or other authorized person should be advised that eventually circumstances may require the installation of maximum backflow protection at the water service connection.

(7) Backflow Prevention Device Permit. When it is found that a customer needs a backflow prevention service, the utility will issue a permit for such a device. This permit will identify the type, size, model, etc., of the backflow prevention device and also assign each device a number. This number and permit will enable the utility to ensure that testing and other requirements of this section are met. The permit number should be used in all correspondence in reference to each installation to eliminate confusion of devices.

(8) Customer's Liability. Violation of any of the provisions as set forth in this section shall place the burden of responsibility on the violator(s) and subject him to all claims of damage, etc.

11.01.230 Water waste. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the utility may discontinue the service if such conditions are not corrected.

11.01.240 Access to premises. (1) The utility shall at all reasonable times have the right to enter or leave the customer's premises for any purpose properly connected with the service of water.

(2) Any inspection or recommendations made by the utility on plumbing or appliances or use of water on the customer's premises, either as the result of a complaint or otherwise, will be made or offered without charge.

11.01.250 Interruptions in service. The utility shall not be liable for damage resulting from an interruption in service. Temporary shutdowns may be restored by the utility for improvements and repairs. Whenever possible, and as time permits, all customers affected will be notified prior to such shutdowns. The utility will not be liable for interruption, shortage or insufficiency of supply, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war, or any other cause not within its control.

11.01.260 Resale of water. Except by special agreement with the utility, no customer shall resell any of the water received by him from the utility, nor shall water be delivered to premises other than those specified in this application for service.

11.01.270 Penalty. Willful or continued violation of any of the provisions herein established shall be deemed a misdemeanor and anyone convicted of such misdemeanor shall be subject to penalties as provided in Section 1.04.010 of Title 1 of this Code.

11.01.280 Water main services and hydrants in local improvement districts. (1) In areas of the city where residents request local improvement districts in order to improve their streets, storm drainage and/or sewer system, the following policy for water main and service replacement shall be in effect:

(a) In areas where no water main exists, such main shall be installed totally at the owner's expense. This applies in all cases except in residential areas where water mains in excess of eight inches in size are installed. In those cases the City shall pay for the oversizing of materials only above eight inches.

(b) In areas of the system where existing lines are substandard or inadequate, six inches or less in size, or at such age or construction which requires excessive maintenance, the replacement of such lines shall be at the City's expense. In the case of cul-de-sacs or dead-end streets, line size may be reduced.

(c) In areas of the system where existing lines are adequate and the replacement or relocation of such lines are to conform to the street, storm or sewer plans, all costs shall be at the owner's expense.

(d) All service relocations and/or replacements completed in conjunction with local improvement district projects shall be done at the owner's expense.

(2) In all cases, the adequacy or condition to any line shall be the sole determination of the City.

(3) All fire hydrant requirements within local improvement districts shall be installed under the following policy:

(a) In areas where no fire hydrant exists they shall be installed at the owner's expense.

(b) In areas where four inch or smaller hydrants exist they shall be replaced at the City's expense.

(c) In areas where hydrants exist which are adequate, six inches in size, and relocation or replacement is needed to conform to street, storm and/or sewer plans, all costs shall be at the owner's expense.

11.01.290 Constitutionality; Savings Clause. If any clause, sentence, paragraph, section, article, or portion of this Code 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 Code, but shall be confined in its operation to the clause, sentence, paragraph, section, or portion of this Code directly involved in the controversy in which judgment is rendered.

Passed by the Council: December 12, 1984

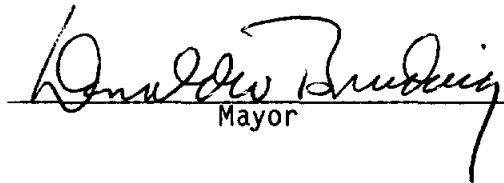
Approved by the Mayor: December 13, 1984

Effective Date: January 11, 1985

ATTEST:



City Recorder



Mayor