

ORDINANCE NO. 55

A RESTATED ORDINANCE GOVERNING THE WATER SYSTEM OF  
THE CITY OF UKIAH, UMATILLA COUNTY, OREGON

THE CITY OF UKIAH ORDAINS AS FOLLOWS:

Section 1. Repeal of prior Ordinances. Ordinances 3, 31, and 50 of the City of Ukiah are repealed as of the effective date of this ordinance.

Section 2. General.

A. Water service will be supplied by the City through its water system as authorized by the City Council.

B. This ordinance shall apply to any individual, person, firm, corporation, or entity that is now or may hereinafter become a user of the City's water system.

Section 3. Water Connection Required.

All residences, other buildings, or any other use requiring domestic water use or connected to the City's sewerage system must be connected to the City's water system if it is available.

Section 4. Notice to Connect.

Whenever any property is required to be connected to the City's water system as provided in Section 3, the City shall serve upon the owner, agent or occupant a notice in writing, specifying the time within which such connection must be made, which time shall not be more than sixty (60) days from the date of delivery of the notice.

Section 5. Failure to Connect/Penalty.

If the owner, agent or occupant fails or refuses to connect to the City's water system within the time specified in the written notice, the City may make such connection. The cost shall be charged to the owner, agent or occupant, and a bill showing the amount shall be mailed, personally delivered or posted upon the premises. The amount shall be immediately due to the City.

Any person who fails to connect to the City's water system as required herein shall be guilty of a violation and be subject to a civil infraction in an amount not to exceed \$250 per violation.

Section 6. Failure to Pay Connection Fee.

If the owner, agent or occupant fails or refuses to connect to the City's water system within the time specified in the written notice, the City may make such connection. The cost shall be charged to the owner, agent or occupant, and a bill showing the amount shall be mailed, personally delivered or posted upon the premises. The amount shall be immediately due to the City.

Section 7. Application for Service; Deposit.

A. Prospective customers shall sign an application for service. Each application must be in writing on standard forms furnished by the City and shall set forth such information as the City may deem necessary. The application must also identify the owner of the property served by the water system. As a condition of service unpaid charges for water service shall be a lien against the real property served regardless of whether or not the owner of the property is the user of the water service unless such lien is not allowed by state law. Enforcement of any lien may be done by any means allowed by law.

B. The application is merely a written request for service and does not in itself bind the City to serve.

C. A deposit of \$35.00 shall be required from any new customer to guarantee payment of current bills. When service is disconnected the deposit, less any sum which may be due for unpaid water bills, will be returned to the customer.

Section 8. Water is not Transferable.

Water supplied by the City shall be used only on the customer's property. No person supplied with water from the City shall allow the use thereof for the benefit of other property or for the benefit of others except for those lawfully on the customer's property at the time of use.

Section 9. Refusal of Service.

A. The City may decline to serve any customer when the customer is not in compliance with any state or local statutes, ordinances, or regulations applicable to the customer's use of water on the property served.

B. The City may decline to serve or to increase the service to any customer if the customer does not have adequate facilities for the service or if the service is likely to unfavorably affect service to other customers.

C. The City may refuse to serve a customer if the customer's plumbing or equipment is inadequate for the safe or efficient delivery of water to the customer.

D. The City may refuse to reconnect service under the name of any member of a family when there has been no material change in the household and the service has previously been disconnected for non-payment of bill.

E. Without notice, the City may refuse to allow or continue service to any customer whose plumbing system is connected to a well or any other water source and if there is any cross connection between such other water source and the City's water system.

#### Section 10. Discontinuance of Service.

A. Any customer who for any reason wishes to discontinue water service from the City shall give two (2) days' written notice in advance of the specified date of discontinuance of service. A customer who fails to give such notice shall continue to remain legally responsible to pay for all water charges at the property served until two days after the City becomes aware that the customer has vacated the property served with no intent to return.

B. Upon three days' written notice by the City to a customer, water service may be discontinued for non-payment of water bills or for violation of any state or local statutes, ordinances (including this ordinance), or regulations applicable to the customer's use of water on the property served if within such three days the bill is not paid and/or the violation is not remedied. However, where a condition that presents a danger to the City's water system or to public health is found to exist on the customer's premises, water service may be discontinued without advance notice.

C. For services discontinued for non-payment of bills or for violation of any state or local statutes, ordinances, or regulations applicable to the customer's use of water on the property served, the customer shall pay a reconnection fee of \$80.00.

D. Any customer who violates Section 4 of this ordinance may have service disconnected, and before service is restored the customer shall pay a reconnection fee of \$80.00 as well as the estimated amount of any monetary loss to the City by reason of the violation.

E. Knowingly using water from the City's water system for lawn or garden sprinkling or for other irrigation during the time a fire is in progress within the City is strictly prohibited. A customer who is aware that a fire alarm has sounded is required to refrain from such use of water until the fire has been extinguished. A knowing failure to comply with this paragraph may be grounds for discontinuance of water service without notice, and the customer shall pay a reconnection fee of \$80.00 before service is restored.

F. The customer shall assure that water from the City's water system shall not be wasted in any manner.

G. All reconnection fees referred to in this ordinance may be changed and set by the City Council by resolution from time to time, at the City Council's discretion.

Section 11. Rate Schedules and Contracts.

A. Schedules of water rates shall be fixed by the City Council by resolution, and may in like manner be amended or altered from time to time at the discretion of the City Council by further resolution.

B. All rate schedules are based on service to one customer at one point for each class of service.

C. When two or more detached buildings on the customer's property are served through one service, a monthly minimum for each building will be charged.

D. The City may require a contract for a period of one (1) year or more when the customer's requirements are unusually large or require special or unusual equipment.

Section 12. Responsibility

A. Customer shall have the sole responsibility to at all times maintain customer's plumbing in such a fashion as to comply with all applicable plumbing and building codes.

B. The customer shall be responsible for any and all damage to, or loss of, City's property located upon customer's premises, unless occasioned by circumstances beyond customer's control or by neglect of the City.

C. Customer shall be responsible for the installation and maintenance of customer's plumbing and equipment. The City shall not be liable for loss or damage of any nature whatsoever caused by any defect in, or failure of, the customer's plumbing and equipment. The City shall have no duty to inspect the customer's plumbing and equipment.

Section 13. Extension of Service and Original Service.

A. Extensions of water mains and other portions of the City's water system shall be made by the City as determined by resolution of the City Council in its discretion except as compelled by law.

B. No new service hereafter will be allowed outside the City limits except upon resolution of the City Council and upon agreement in writing as required by the City Council as to payment of cost of extension and future rates.

C. On written application and proper payment of required fees, the City will install new water service connections from the City's system to the edge of the customer's property line. At a location determined by the City, and according to City's specifications, customer, at customer's

sole expense, shall dig an appropriate hole at the edge of customer's property for installation of a water meter. The City may specify a location that is either inside the customer's boundary or in the public right of way.

D. The Service line from the City main lines to the customer's boundary line, the meter, and all cut-off valves, regardless of location, shall be and remain the property of the City. Such property may be removed by the City, and when doing so within the customer's boundary line the City shall restore the surface of the ground to the grade that existed prior to removal and shall have no other obligation or liability to the customer except to refrain from damaging the remainder of the customer's property.

E. The hookup fee for an initial hookup to the City's water system is \$750.00 per water connection. This fee may be changed and set by the City Council by resolution from time to time, at the City Council's discretion.

#### Section 14. System Management and Miscellaneous

A. Water service by the City is interruptible for a variety of reasons. The City has no obligation to furnish or supply continuous and/or uninterrupted water service to its customers, and shall not be responsible or liable to any customer for damages caused by interruption or delay in water service except where damage was intentionally caused by the City in bad faith.

B. The City will not be liable for high or low pressure conditions, chemical or bacteriological conditions, interruptions or shortage or insufficiency of supply or any loss or damage occasioned thereby. The use of water upon the premises of the customer is at the risk of the customer and is the customer's sole responsibility.

C. The City, whenever it shall find it necessary, including but not limited to for the purpose of making repairs or improvements to its system, shall have the right to temporarily suspend the delivery of water, but in all such cases reasonable notice thereof shall be given as circumstances will permit.

D. In case of shortage of water supply to the City, the City reserves the right to give preference in the matter of furnishing services to customers as in the judgement of the City shall be for the best interest of the city from the standpoint of public convenience or necessity.

E. Whenever in the City's judgment it becomes necessary for the City to issue an order restricting, limiting, or prohibiting the use of water, the City shall have the discretion to determine whether a certain class of service, certain locations on the system, certain uses, and/or certain customers are affected by the order which in the City's judgment may best mitigate the reason for the order. A user's knowing failure to abide by the order shall constitute a permissible reason for the City to discontinue service to the customer and require the customer to pay a reconnection fee of \$80.00 before service is restored.

Section 15. Declaration of Emergency.

Inasmuch as it is necessary for the welfare and public health of the City of Ukiah, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its passage by the City Council if passage is by a unanimous vote thereof. If the vote is not unanimous, then this ordinance shall take effect 30 days after its passage.

Adopted this 7 day of June, 2022, by the following polled votes:

Ayes 5

Nays \_\_\_\_\_

Chuck Barber

Mayor

ATTEST:

Danna K. Neumann

City Recorder

ORDINANCE NO. 55 WATER SYSTEM