



CITY OF BEAVERTON

CITY ORDINANCES

ORDINANCE #0551 - PROVIDING FOR A PUBLIC UTILITIES CODE, DEFINING TERMS,
MAKING REGULATIONS, REQUIRING PERMITS, AND PRESCRIBING WATER RATES

NUMBER OF PAGES 12

ORDINANCE No. 551

ALL ENTERED
IN DECEMBER
TO INCLUDING
551

AN ORDINANCE PROVIDING FOR A PUBLIC UTILITIES CODE FOR THE CITY OF BEAVERTON; DEFINING TERMS; MAKING CERTAIN REGULATIONS; REQUIRING CERTAIN PERMITS AND FEES; PRESCRIBING RATES TO BE CHARGED FOR WATER; PROVIDING PENALTIES FOR VIOLATION THEREOF; AND DECLARING AN EMERGENCY.

THE CITY OF BEAVERTON DOES ORDAIN AS FOLLOWS:

Section 1. SHORT TITLE. This code shall be known as the Public Utilities Code and may be so cited and pleaded.

Section 2. PERSON. The term "person" shall mean and include any natural person, firm, co-partnership, association or corporation, whether he or it is acting for himself or itself or as the clerk, servant, employee or agent of another; and the singular number shall include the plural, and the plural the singular.

Section 3. PENALTY. Any person violating any of the provisions of this code shall, upon conviction thereof in the Municipal Court, be punished by a fine not exceeding \$500.00, or by imprisonment in the City Jail for a period not exceeding six months, or by both such fine and imprisonment.

Section 4. CONSTITUTIONALITY, SAVING CLAUSE. If any clause, sentence, paragraph, section 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 the clause, sentence, paragraph, section or portion of this code directly involved in the controversy in which judgment is rendered.

Section 5. APPLICATION FOR CONNECTION OR DISCONTINUANCE OF WATER SERVICE. Applications for permits to connect premises with the City water system or requests to turn water on or off at any premises shall in all cases be made in writing at the Water Office, City Hall, and be signed by the owner or agent of the owner of the premises served or to be served. Such applicants must agree to conform to all City ordinances and regulations

concerning the use of water.

Section 6. WATER CHARGES TO PREMISES. All charges for furnishing water within the City of Beaverton, and to premises outside the City served by the City water system shall be chargeable to the premises where the water is supplied. Water shall not again be furnished thereto until all outstanding obligations for water supplied to such premises shall have been paid in full.

Section 7. INSTALLATION OF SERVICES FROM MAIN TO PROPERTY. No service connection less than three-fourths (3/4) inch in size shall be installed. The fees for the installation of water service as hereinbefore provided shall be as follows:

For a 3/4-inch meter connection and service line to the street side of the sidewalk or sidewalk area - - - - - \$85.00

For a 1-inch meter connection and service line to the street side of the sidewalk or sidewalk area - - - - - \$150.00.

The installation of all service connections of over one inch in diameter, from the main to the street side of the sidewalk or sidewalk area, including the construction of a suitable chamber or box for housing the meter, shall be made by the City Water Department. The charge therefor shall be the actual cost of labor and material furnished plus 10% for overhead expenses. Provided that where the basement extends to the curb line or under the sidewalk, the City Water Department shall furnish at the expense of the owner of the property a steel frame and cover for the meter chamber. The owner of the property shall install a suitable chamber so constructed that the meter can be read or removed from the sidewalk area.

An advance payment of the estimated cost of the work shall be made before a permit is granted for such installation. Provided that whenever the estimated cost is not sufficient to cover the total expense for labor and material and overhead, the deficit shall be charged to the property for which such installation was made and to the owner thereof, and provided further than any excess payment shall be returned to the person applying

for the installation.

Section 8. INSTALLATION OF SERVICE PIPES. Pipes of all sizes, for all purposes, laid from the property line to the stop and waste cock in the building, must be in no case less than 3/4 inch in diameter of galvanized steel, iron or type "K" copper water tubing. Cast iron or steel pipe when properly dipped and treated may, with the approval of the City Superintendent, be used for fire protection purposes.

Services from the property line to the wall of the building shall be laid with not less than 24 inches of cover below the surface of the graded ground. Pipes laid for lawn sprinkling systems must be installed so that the systems may be properly drained to avoid freezing. Connections for sprinkling systems or for other use shall be made from the water service pipe on the owner's private property. No pipes shall be laid in sewer ditches.

Section 9. SEPARATE SERVICE TO EACH HOUSE OR PREMISES. Upon the advance payment of the regular charges as herein prescribed, the City Water Department shall install a separate service from the water main to the street side of the sidewalk or sidewalk area of each house or other premises to be supplied with water.

Section 10. REPAIR AND PROTECTION OF WATER PIPES. The City Water Department reserves the right at any time, without notice, to shut off the water supply for repairs, extensions, non-payment of bills or for any other reason. The City Water Department shall not be responsible for any damage, such as the bursting of boilers, the breaking of pipes or fixtures or any other damage resulting from the discontinuance of service.

Section 11. TEMPORARY DISCONNECTION. Should it be desired by the property owner to discontinue the use of all water supplied to the premises, notice in writing must be filed with the City Water Department. The water shall then be turned off without charge, and a bill rendered for water consumed to the date of service discontinuance. Upon written request

to resume service, no charge shall be made for the turn-on.

Section 12. OUTSIDE CONNECTION. No faucets shall be allowed on the outside of any building excepting hose connections, which must be controlled with a separate stop and waste cock. No hose connections for domestic use will be allowed. All water pipes must be extended into the building.

Section 13. FIRE PROTECTION SERVICE. Fire protection pipes to be used in case of fire will be allowed within and without buildings on the following conditions:

(A) When the owner of a building desires, or when the building code requires a certain capacity pipe to supply water to a sprinkling system without hose connections, such pipe or pipes shall be metered with an approved proportional meter or detector check meter. The owner or agent of such building shall agree in writing that water supplied through this service will not be used for any purpose except for extinguishing a fire. If at any time it is found that hose connections have been added to the system or that registration is recorded on the meter or detector check, the immediate installation of a compound meter will be required and installed by the City Water Department and the cost of materials and labor thereof will be borne by the property owner.

(B) No charge shall be made for the water used in extinguishing of fires if the owner or agent reports such use to the City Water Department in writing within ten days of such usage.

Section 14. JURISDICTION, MAINTENANCE AND REPAIR OF SERVICE CONNECTIONS. All mains, laterals and service connections and other parts of the system are under the exclusive control of the City Water Department and no person or agency other than the Water Department personnel will be permitted to install any service connection or to remove, alter or tamper with the same, or to in any manner interfere with any main, service pipe, meter or any other part of the system, or to turn the water on or off at the meter.

A private valve shall be installed between the meter and the premises served for the owner's use. The City Water Department will maintain all service connections in good operating condition and will make all necessary repairs and replacements of the meter and other parts of the service connection at the expense of the Water Department. Each user is required to take all due precautions to protect the connection through which his premises is served from damage by freezing, hot water, traffic or malicious tampering, and any damage resulting through lack of such precaution shall be charged against the owner of the property served.

Section 15. STOP AND WASTE COCKS, PRIVATE SERVICE PIPES RESPONSIBILITY. A stop and waste cock of approved pattern, by the City Superintendent or Water Department, by means of which the pipes in the building may be drained, must in all cases be installed just inside the foundation wall in a convenient location. If the building is not provided with a basement, such stop and waste cock must be installed near the outside wall thereof and protected by a suitable box.

All pipes from the meter to the premises must be installed in accordance with good engineering practices and maintained in good order by the user. The user will be held responsible for any losses or damages occurring from the meter to and including the premises resulting from leaks, freezing, hot water, or otherwise.

Section 16. USE OF PRIVATE WATER AND CITY WATER. Premises using both a City water supply and a supply of water other than that furnished by the City of Beaverton water system may obtain City water at metered rates upon the following conditions and not otherwise:

Under no circumstances shall a physical connection, direct or indirect, exist or be made in any manner, even temporarily, between the City water supply and a private water supply. Where such a connection is found to exist, or where provision is made to connect the two systems by means of a spacer or otherwise, the City water supply shall be discontinued without notice.

In case of such discontinuance, service shall not be resumed until satisfactory proof is furnished that the cross connection has been completely and permanently severed.

Section 17. ACCESS TO PREMISES FOR INSPECTION. Employees of the City Water Department shall have free access, at proper hours of the day, to all parts of building or premises for the purpose of inspecting the condition of the pipes, fixtures and other appurtenances and the manner in which the water is being used.

Section 18. USE OF FIRE HYDRANTS. It shall be unlawful for any person to operate, alter, remove, disconnect, connect with or tamper in any manner with any fire hydrant owned or used by the City of Beaverton without first obtaining written permission from the City of Beaverton Water Department. The provisions of this section shall not apply to the members of the Fire Department of the City of Beaverton when acting in their official capacity or as agents of or on behalf of the City of Beaverton, or in the performance of their duties as firemen.

Section 19. WATER FOR BUILDING PURPOSES. Water used for building construction shall be billed at meter rates and charged against the premises.

Section 20. OWNERSHIP, DAMAGE AND RECORDING OF METERS. All meters of the City Water Department are the property of the City of Beaverton and any repairs to said meters shall be made by the City Water Department. If a meter is damaged by hot water return through the meter or by the carelessness or negligence of the user or occupant of the premises, the City Water Department will repair the meter and the cost of such repairs shall be charged against the owner of the property. When a meter fails to register accurately, the charge shall either be based on the average quantity of water used, as recorded by the meter when in order, or if there be no such average consumption, then the minimum rate of the Water Department shall apply. If freezing or other inclement weather shall make reading

of the meters impracticable, the minimum charge shall be made for those months during which such conditions exist. Estimated readings for other just conditions affecting the reading of a meter shall be made only on approval of the Water Department Superintendent.

Section 21. SERVICE OUTSIDE THE CITY. Water service shall not be given to any property outside the corporate limits of the City of Beaverton except for prior connections and contracts in existence at the time of passage of this ordinance. Providing however, that the City Council may, by a subsequent ordinance, and upon written application, grant service outside the corporate limits of the City where, in the Council's opinion, extenuating circumstances exist or for any other reason that the City Council may deem justifiable. All regulations now or hereinafter in effect for users inside the City shall apply to users outside the City except as provided by the Council of the City of Beaverton. Service to users outside the City shall at all times be subject to the prior and superior rights of the people of the City of Beaverton to said water. The City of Beaverton reserves the right to refuse service to any consumer not complying with the requirements of this section.

Section 22. TESTING METERS. When any water consumer shall make a complaint that the bill for any particular period is excessive, the City Water Department will, upon request, have such meter re-read and service inspected for leaks. Should such consumer then desire that the meter be tested, he will be required to make a deposit of \$3.00 to cover the cost of making such test. The meter will then be tested. Should the meter on test reveal a registration in excess of three per cent. in favor of the City of Beaverton, the amount deposited shall be refunded and the bill adjusted accordingly. The excess registration on not to exceed the three previous readings shall be credited to the account. Where no such error is found, the amount deposited will be retained to defray the expense of the meter test.

Section 23. WATER METER BILLING, DUE DATE AND DELINQUENCY. Charges for water used shall be computed monthly, reading date to be between the 18th and the 24th day of each month. Bills for the preceding month shall become due and payable on the first day of the month following service, and become delinquent on the 10th day of such month. A "past due" reminder notice shall be mailed to all delinquent accounts with the notice that service may be discontinued without further notice if not paid by the 20th day of the same month. A \$3.00 fee shall be charged and collected before the service shall be renewed.

If the service is turned on without authorization, the meter may be removed and \$5.00 charged and collected before replacing the meter. This charge shall be in addition to all other charges.

That in the event the charges for water to any premises are not paid within 30 days after the same becomes due, the City Superintendent or appropriate official of the Water Department shall turn off the water supplied to said premises and the same shall not again be furnished with water until all charges for water and other charges imposed by this ordinance have been paid.

Section 24. PENALTY FOR TURNING WATER ON OR OFF WITHOUT AUTHORITY. Should the water be turned on or off by any person without authority from the Water Department, the service may then be shut off at the main, or the meter removed, at the discretion of the Water Department. The charge for shutting the service off at the main, or removal of the meter, shall be the actual cost of the work plus 10%. All such charges shall be made against the premises where the water is supplied, and the water shall not again be furnished to such premises until said charges are paid.

Section 25. ADJUSTMENTS AND REFUNDS. The City Water Department is authorized to refund overpayments of the water bill or deposits in excess of construction cost for water services in excess of one inch in size, and amounts due the user on account of adjustments upon certification and approval of the Water Department Superintendent of the amount due. Refunds due to

excess billing of water consumption shall be made either by City warrant or applied as credit to the following month's statement.

Section 26. MONTHLY METER RATES FOR PREMISES WITHIN THE CITY.

That the monthly rates and charges for water services and supplied to premises served by the Municipal Water System of the City of Beaverton shall be as follows:

A minimum charge for each month's service and supply of water according to the size of the meter which shall entitle the user to the amount of water, without further charge, are as follows:

<u>METER SIZE</u>	<u>amount of water</u>	<u>CHARGE</u>
5/8 inch to and including 3/4 inch	500 cu. feet	\$ 3.00
One inch	1,100 cu. feet	5.30
One and one-half inch	3,800 cu. feet	12.00
Two Inch	7,500 cu. feet	21.33
Three Inch	18,000 cu. feet	45.00
Four Inch	36,000 cu. feet	85.29.

That in addition to the above minimum charges there shall be charged at the rates hereinafter in this section specified for water used each month, after deducting the amount of water allowed under the minimum rate applicable as above provided, as follows:

First 500 cubic feet of water used	\$3.00
Next 500 cubic feet of water used, at the rate of	.40 per 100 cubic feet
All over 1,000 cubic feet of water at the rate of	.25 per 100 cubic feet.

Section 27. OUTSIDE CITY LIMITS RATES. Monthly meter rates for premises located outside the boundaries of the corporate limits of the City of Beaverton that are served by its municipal water system shall be as follows:

A minimum charge for each month's service and supply of water according to the size of the meter which shall entitle the user to the amount of

water without further charge as follows:

<u>METER SIZE</u>	<u>AMOUNT OF WATER</u>	<u>CHARGE</u>
5/8 to 3/4 inch	500 cu. feet	\$ 5.00
One inch	1,100 cu. feet	9.05
One and one-half inch	3,800 cu. feet	20.40
Two Inch	7,500 cu. feet	36.26
Three Inch	18,000 cu. feet	76.50
Four Inch	36,000 cu. feet	145.00.

That in addition to the above minimum charge there shall be charged at the rates hereinafter in this section specified for water used each month, after deducting the amount of water allowed under the minimum rate applicable as above provided, as follows:

First 500 cubic feet \$5.00
The Next 500 cubic feet at the rate of .70 per 100 cubic feet
All over 1,000 cubic feet at the rate of .50 per 100 cubic feet.

Section 28. EFFECTIVE DATE OF CHARGES. That the water rates and charges herein provided for in this Ordinance shall be charged for all water used commencing with the water used from and after the date the various water meters were read in the month of July, 1960.

Section 29. COUNCIL TO HAVE CHARGE OF WATER SYSTEM. The City Council shall have charge of the waterworks system and water plant of the City of Beaverton, including the management and operation of same.

Section 30. REPEALING CLAUSE. Any and all ordinances and parts of ordinances in conflict herewith are hereby repealed and of no further force and effect except that the charges for sewage services shall remain the same as if this ordinance had not been passed.

Section 31. PREMISES WITHOUT PIPED-IN WATER. No water service charge will be made to any premises, building, store, office, warehouse or other places of residence or business where a water supply is not piped to said premises.

Section 32. SEPARATING USE OF WATER. Any commercial or industrial water user may install, at the owner's expense, a water meter of approved pattern, for the purpose of separating, for sewer service billing, domestic use from commercial or industrial use. (Domestic use being defined as that water used in the line of sanitation, i.e. toilet, washbasin, sink, laundry, etc., or any other use requiring disposal through the City sewer system.)

Section 33. EMERGENCY RESTRICTIONS ON USE OF WATER. That at any time the Common Council of the City of Beaverton deems it desirable or to the best interest of the City of Beaverton, they may on motion at any regular or special Council meeting prohibit or restrict the use of water by any or all persons using water from the City of Beaverton Municipal Water System and, thereafter, the City Recorder, or other official designated by the Common Council, shall send notices to each water user using water from the municipal water system of the provisions of said motion and any person who uses water in violation thereof shall after 48 hours from the time said notices were mailed, be deemed guilty of a violation of this ordinance and subject to the penalties herein provided, until such time as the Council shall by motion remove said restriction.

Section 34. EMERGENCY CLAUSE. That for the preservation of the peace, health, safety and general welfare of the City of Beaverton and the inhabitants thereof, it is necessary that this ordinance shall go into effect forthwith in order to obtain the additional funds and revenue from the operation of the municipal water system in order to pay the bonded indebtedness which the City is obligated to pay from such funds and revenue and fully to comply with terms of a contract between the City of Beaverton and the City of Portland, Oregon, concerning the supplying of water, now therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately from and after its passage by the Council and approval by the Mayor.

Passed by the Common Council this 8th day of August, 1960.

Approved by the Mayor this 8th day of August 1960.

Carl E. Fisher
Mayor

ATTESTED:

Robert O. Walsby
Recorder.