

West Linn Code

request for review no later than 10 days after receiving the decision. The city manager's decision shall be subject to review by the city council upon filing of an appeal within 15 days of the notice of decision.

[Renumbered by Ordinance No. 1437, effective July 1, 1999. Previously numbered Section 4.600]

SIDE SEWER INSTALLATION

4.100 Adoption of Specifications.

Those specifications entitled "Regulations for Installation of Side Sewers," dated June 18th, 1970, attached to Ordinance 710, copies of which are on file in the city clerk's office, and by reference made a part of sections 4.100 to 4.110, shall become part of sections 4.100 to 4.110 as though they were fully set forth herein, and each and every provision therefore be and the same is adopted by reference by the city.

4.105 Council Findings. The council finds that to protect the citizens of West Linn and to assure adequate construction of sewers and the proper attachment thereof to the city sewer system it is immediately necessary to adopt the provisions of sections 4.100 to 4.110 providing for the licensing of sewer contractors.

4.110 Licensing of Sewer Contractors.

(1) No person other than the owner of the property on which the sewer is being installed or a licensed sewer contractor may install side sewers in the city.

(2) As a prerequisite to entering into contracts with the property owners in the city for the installation of side sewers, septic tanks, cesspools, septic tank drain fields and of soliciting such work, a contractor shall apply for and with the approval of the city, be licensed as a qualified sewer contractor.

(3) Before being issued a license, a sewer contractor shall submit to the city a

statement showing his qualifications for performing such work.

(4) A sewer contractor shall execute and deliver a dual obligee surety bond to be approved by the city in the amount of two thousand dollars in favor of the city and the owner of the premises to be served, conditioned that he will perform all sewer work in conformance with the laws of the city and the requirements of other governmental agencies and that he will indemnify and save the city and the owners of the premises harmless against all expenses, damages, costs, and claims arising out of his negligence or unskillfulness in performing such work.

(5) The licensed sewer contractor shall have and keep in full force and effect property damage and liability insurance in the minimum amounts of one hundred thousand dollars property damage and \$100,000.00/\$200,000.00 personal injury while performing any work in the city. A certificate of such insurance shall be filed with the city; said certificate shall indicate that coverage includes sewer excavation, including explosion, collapse, and underground exposure.

(6) The license of any sewer contractor may be revoked upon evidence of his failure to comply with any and all regulations of the city or other governmental agency or for fraud or abuse of owners.

WATER REGULATIONS

4.150 Connection Fees and Meter Charges. The charges for water connections and water meters shall be established by resolution of the West Linn city council.

4.155 Rates.

(1) The monthly water rates shall be established by resolution of the City

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Council. No monthly water rate increase may exceed 5% in any calendar year without first receiving voter approval pursuant to Charter Section 44. The City Council may increase monthly water rates by a percentage of no more than 5% in any calendar year after having considered a recommendation from the Utility Advisory Board for the percentage increase, if one is received. Any request for a monthly rate increase shall be referred to the Utility Advisory Board for consideration and recommendation to the City Council. If the Utility Advisory Board fails to refer a recommendation to the Council within sixty (60) days of receipt of the request for consideration, the Council may consider the request without a Utility Advisory Board recommendation.

(2) Reduced Charges for Low Income Citizens.

(a) There shall be no reduced water service charge for a water meter greater than 3/4" (inch).

(b) The monthly user charge for water service provided to the principal resident or family having a maximum income under the qualifying income limits shall be established by resolution of the City Council.

(c) Pursuant to Section 4.005, Subsection 13, the monthly user charge for sewer service provided to the principal resident or family having a maximum income under the qualifying income limits shall be fifty percent (50%) of the monthly sewer service charge.

(d) Pursuant to Section 4.085, the monthly user charge for storm drainage service provided to the principal resident or family having a maximum income under the qualifying income limits shall be fifty percent (50%) of the monthly storm drain charge.

(e) On July 1st of each year, the qualifying income limits shall be set at one hundred eighty-five percent (185%) of the most recently published poverty guidelines in the Federal Register by the U.S. Department of Health and Human

Resources under authority of 42 U.S.C.9902(2), and shall remain in force until the next July 1st. The qualifying income limit for a single person household shall be based on the federal poverty guidelines for a one-person household. The qualifying income limit for a family shall be based on the poverty guidelines for a two-person household.

(f) In order to be eligible for the reduced user charge: (i) the qualified person must be the person or family to whom the monthly user charge is billed and must have completed and filed with the City an application for the reduced rate on a form supplied by the City; and (ii) the premises to which the services are provided must be the primary residence of the qualified person or family.

(g) An approved application shall entitle the qualified person or family to reduced billings for the remainder of the City's fiscal year (July 1 through June 30) in which the application is approved. At least ten (10) days prior to July 1st of each year, a new application must be submitted to continue reduced billings for the entire subsequent fiscal year.

[Section 4.155, Subsection 2, amended by Ordinance No. 1468 effective March 16, 2001.]

(3) Bulk Water Rates.

(a) A special bulk water rate shall be charged to bulk users, such as commercial cleaning services, commercial spraying businesses, and other commercial bulk users of water recognized by the City. Bulk water users shall pay the rates established by resolution of the City Council.

(b) Each bulk user shall obtain a permit from the Public Works Department, which permit shall be free of charge. To acquire the permit, the applicant's tankers shall be inspected by the city water department personnel for cross connection control devices and valve compliance. The permit shall specify exactly the location of

the hydrant to which connection is permitted along with a tally sheet to log consumption. The permit holder shall submit the tally sheet to the City at the first of each month following usage in the past month for billing purposes.

(c) Failure of the bulk user to fulfill these conditions shall be justification for the city to cancel the permit.

(4) Water meter size requirements.

All services shall have the proper size meters as designated and approved by the public works director on existing and future installations.

[Amended by a vote of the people November 7, 1995; See City Charter, Section 44; Ordinance No. 1366 repealed by a vote of the people November 7, 1995; Ordinance No. 1234 (adopted April 13, 1988) reinstated. Amended by Ordinance No. 1420, by vote of the people 11-03-98, effective 12-01-98; amended by Ordinance No. 1436, by vote of the people 05-18-99, effective July 1, 1999]

4.160 Use of Water. No person supplied with water from the city mains will be entitled to use it for any purpose other than stated in his or her application, or to supply in any way other persons or families.

4.165 Service Pipe Standards. Service pipes of all sizes, within or without the premises, whether for domestic, commercial, or fire protection purposes, must be materials, quality, class, and size as specified by the state plumbing code or regulations of the city.

4.170 Installation of Service Pipes. The installation of all service pipes from the main to the meter shall be made by employees of the city public works department or the city's subcontractor.

4.175 Installation of Fire Services, Larger Diameter Meters, Infill Development and Infill Fire Hydrants,

and Related Minor Main Extensions or System Modifications.

(1) The public works department, or its subcontractor, will be the responsible party for the installation of water services, meters, and necessary appurtenances described in this section. Developers or their contractors or agents will not be allowed to make these connections in the public right-of-way.

(2) If the city designs these installations, design costs will be billed to the developer along with all construction costs pursuant to section 4.150. If the developer designs the installations, the design must be approved in advance by the public works department.

4.180 Service Pipe Maintenance. The service pipe within the premises and throughout its entire length to the water meter or to the property line if the water meter is set behind the property line, must be kept in repair and protected from freezing at the expense of the customer, lessee, or agent, who must be responsible for all damages resulting from leaks or breaks.

4.185 Discontinuance of Water Service by Customer.

(1) Whenever any water customer wishes to have their water service discontinued for a period of not less than 15 days, the customer shall apply in writing to the water office and pay their account balance in full. Water service will be turned off and turned on again at no charge to the customer, and any unbilled charges for services shall be prorated based on the actual days of service provided during the billing cycle.

(2) In the event a water customer wishes to have their water service discontinued for a period of less than 15 days, the customer shall apply in writing to the water office, pay their account balance in full and pay a \$20 service charge. Any unbilled charges for services shall be prorated, based on actual days of service provided during the billing cycle.

(3) Water service will not be turned off and turned on again without written notice and receipt of payment as prescribed in this section.

4.190 Separate Service Pipe Required.

A metered service connection will be required for each single-family residence that is to be supplied with water.

4.195 Prohibited Use of Water.

(1) Water will not be furnished where there are defective or leaking faucets, closets, or other fixtures, or where there are water closets or urinals without self-closing valves, or tanks without self-acting float valves; and when such may be discovered, the supply may be withdrawn.

(2) Water must not be allowed to be wasted by being kept running at any time longer than necessary in its proper use. When such waste is found to exist, the water may be shut off from the premises.

[Section 4.195(2) amended by Ordinance No. 1459, adopted August 28, 2000.]

(3) No new water service will be installed to any structure, building, or premises, until all provisions of the city's building, zoning, subdivision, and sewer ordinances have been complied with. Service may be installed on a temporary basis for use in the construction of a building or structure but such temporary service may be disconnected in the event of failure to comply with all provisions of such ordinances.

4.200 Alteration to or Operation of the System. The operation and repair of the city's water system, including pipes, valves, pumps, reservoirs, fixtures, etc. is the complete responsibility of the city's public works department. No plumber, contractor, or other person will be allowed to connect to or operate any part of the city's water system up to and including the water meter.

4.205 Water Shut Off--Notice.

The water may at any time be shut off from the mains for repairs or other necessary purposes with notice to be given as hereinafter provided, and the city will not be responsible for any consequent damages. Water for steam boilers for power purposes will not be furnished by direct pressure from the city mains; tanks for holding an ample reserve of water shall always be provided by the customer. Except in the event of emergency repairs, such as necessitated by a broken water line, the West Linn public works department will give at least four hours' notice of shut off to the affected customers.

4.210 Right of Inspection.

Agents of the West Linn public works department may have free access at proper hours of the day to all parts of the building and premises in which water may be delivered from the city mains for the purposes of inspecting the condition of the pipes and fixtures, and the manner in which the water is used.

4.215 Buildings Not Supplied With City Water.

Buildings supplied with water other than that furnished by the city may obtain city water at meter rates, providing that no physical connection shall in any way, directly or indirectly, exist between the private system and the city's water system. When such connection is found to exist, the water will be shut off.

4.220 Meter Test. The public works department will, upon request, have a meter tested for accuracy. Should a consumer desire the meter to be tested, consumer will be required to make a deposit of \$20 to cover the cost of making such test. The meter will then be tested. Should such meter show an error of over five percent in favor of the West Linn public works department, the \$20 deposit will be refunded to the consumer. If the test of such meter would show an accurate measurement of the water, or should it show an error in favor

of the consumer, the \$20 deposit will be retained by the public works department to cover the expense of such test.

4.225 Violation. Violation of any of the provisions of sections 4.150 to 4.265 shall constitute a class A infraction.

4.230 Compliance Required. The foregoing rules and regulations must be strictly complied with in every instance and water must be paid for by all premises supplied according to the "schedule of water rates."

4.235 Responsibility for Water Charges, Delinquent Payment, Water Shut Off for Nonpayment, Security Deposit Required and Charge for Nonsufficient Funds.

(1) The customer shall be responsible for all charges for water service.

(2) Whenever any water charge is not paid when due, the water department may discontinue service by shutting off water service for nonpayment. Water shall not be returned to service until the customer pays their account balance in full and a \$30 service charge is paid. Upon receipt of these payments at the city water office during regular office hours, the customer's water service will be restored by the city during regular working hours. Written notice for discontinuing water service for nonpayment of water charges shall be given to the customer by regular mail, or by posting a notice on the premises at least 10 days in advance of the shut off. The notice shall state that if the charges are disputed, the responsible customer may request an informal conference with the city manager or his/her designee. Such request must be received not later than 2 days prior to the scheduled shut off date.

(3) The city may require security (cash) deposits prior to providing, or to continue to providing, water service to any customer. The amount of the security deposit may not be less than one or more than four

months minimum billing charges. In lieu of a deposit, the city may accept a signed agreement from the property owner (whether the customer or not) stating that they will be ultimately liable for any and all charges for services provided to the premises, and that the city may use a lien as one method for securing payment if the charges are not paid. However, the city may not require a property owner to sign such an agreement. If the property owner elects to authorize the use of a lien on real property to secure payment of charges in lieu of a security deposit, all water charges shall be a lien against the premises served from and after the date of billing. The entry of charges on the city's ledgers or other records pertaining to its lien shall be made accessible for inspection by anyone interested in ascertaining the amount of such charges against the property. Whenever a bill for services remains unpaid, the lien hereby created may be foreclosed in the manner provided for by ORS 223.610, or in any other manner provided by law or city ordinance.

(4) When a customer's check is returned for nonsufficient funds, the City shall charge a fee in an amount to be set by resolution of the City Council.

[Section 4.235(4) amended by Ordinance No. 1492, adopted December 18, 2002.]

4.240 Permits--Customer's Consent Required. Applications for permits to connect premises with the city water system, or requests to turn off water, or to turn on water, shall, in all cases, be in writing and signed by the customer.

4.245 Limitations on Use. The public works director shall have full power and authority at any time to declare that a shortage of water exists and to prescribe definite hours for use or nonuse of water through hose or other sprinkling devices; such regulations are to be immediately effective and are to be enforced by the pub-

lic works director. Violation of these rules may be because for turning off water.

4.250 Findings and Declaration of a Water Emergency. Upon a finding that the municipal water supply system is incapable of providing an adequate water supply for normal usage due to a prolonged drought, system failure, or any other event, the city council may declare that water usage must be curtailed. The declaration shall include the effective date, the reason for the declaration, and the level of prohibition declared. The city council may include an estimated time for review or revocation of the declaration.

4.255 Levels of Prohibition.

(1) Level I - Limited. The following activities or actions are prohibited under a Level I declaration:

(a) Watering, sprinkling or irrigating lawn, grass or turf; exceptions:

(i) New lawn, grass or turf that has been seeded or sodded 90 days prior to declaration of a water shortage may be watered as necessary until established;

(ii) High-use athletic fields that are used for organized play.

(b) Watering, sprinkling or irrigating flowers, plants, shrubbery, ground-cover, crops, vegetation, or trees except from 6:00 p.m. to 10:00 a.m.;

(c) Washing, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas; exceptions:

(i) Where there is a demonstrable need in order to meet public health or safety requirements, such as: to alleviate immediate fire or sanitation hazards; for dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality;

(ii) Power washing of buildings, roofs and homes prior to

painting, repair, remodeling or reconstruction, and not solely for aesthetic purposes.

(d) Washing trucks, cars, trailers, tractors or other land vehicles or boats or other water-borne vehicles, except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes, or by bucket and hose with shut-off mechanism; exceptions:

(i) Where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as: to clean garbage trucks and vehicles that transport food and other perishables, or otherwise required by law. Owners/ operators of these vehicles are encouraged to utilize establishments which recycle or reuse the water in their washing process.

(e) Cleaning, filling or maintaining decorative water features, natural or manmade, including but not limited to, fountains, lakes, ponds and streams, unless the water is recirculated through the decorative water feature. Water features which do not include continuous or constant inflowing water are not included.

(f) Wasting water by leaving unattended hoses running.

(g) Other actions deemed necessary.

(2) Level II - Moderate. The following activities or actions are prohibited under a Level II declaration; where not covered, the Level I restriction still applies:

(a) Watering of any lawn, grass or turf, regardless of age or usage.

(b) Watering, sprinkling or irrigating flowers, plants, shrubbery, ground-cover, crops, vegetation, or trees.

(c) Washing of vehicles other than in establishment which recycles.

(d) Power washing of buildings, regardless of purpose, is prohibited.

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(3) Level III - Severe. In addition to the restrictions in Level II, the following actions may be taken under Level III:

(a) Restriction or limitation of residential usage.

(b) Restriction or limitation of activities which require or may require the need for water supplies. By way of example, this restriction might be placed upon a fireworks display which would otherwise be allowed under state law and local ordinance.

(c) Any restriction which is identified by the director of public works.

(d) Any restriction which is identified by the director of public safety or his designee within the fire department.

4.260 Enforcement.

(1) Warning. Each violation shall receive a warning. The letter of warning shall be in writing, shall specify the violation, may require compliance measures, and shall be served upon the resident either personally, by office or substitute service, or by certified or registered mail, return receipt requested.

(2) Citation. After the resident has received a warning letter, any subsequent violation shall be treated as a civil infraction pursuant to sections 1.215 to 1.260 of the West Linn Municipal Code. No forfeiture assessed for violation of this ordinance shall be less than \$100 nor more than \$500 for each violation.

4.265 Penalties.

(1) First violation - Warning letter.

(2) Second violation of same type - Class C infraction \$100.

(3) Third violation of same type - Class B infraction \$250.

(4) Fourth and subsequent violation - Class A infraction \$500.

(5) Third and subsequent violations under Level III may include water shut-off.

4.270 Amendments, Special Rules, Contracts. The city council shall have the power, at any time, to amend, change, or modify any rule, rate, or charge, and to make special rules, and contracts, and all water service is subject to such power.

WATER SUPPLY CROSS CONNECTION

4.300 Purpose and Scope.

The purpose of sections 4.300 to 4.330 is to protect the public health of water consumers by the control of actual and/or potential cross connections to customers.

4.305 Definitions. West Linn Municipal Code sections 4.300 to 4.330 are amended to read as follows:

Backflow. The flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any sources other than its intended source, and is caused by backsiphonage or backpressure.

Backpressure. An elevation of pressure downstream of the distribution system that would cause, or tend to cause, water to flow opposite of its intended direction.

Backsiphonage. A drop in distribution system pressure below atmospheric pressure (partial vacuum) that would cause, or tend to cause, water to flow opposite of its intended direction.

Backflow prevention assembly (approved). A Reduced Pressure Principle Backflow Prevention Assembly, Reduced Pressure Principle-Detector Backflow Prevention Assembly, Double Check Valve Backflow Prevention Assembly, Double Check-Detector Backflow Prevention Assembly, Pressure Vacuum Breaker Backsiphonage Prevention Assembly, or Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly of a make, model, orientation, and size