

AFFIDAVIT OF POSTING

ORDINANCE #135

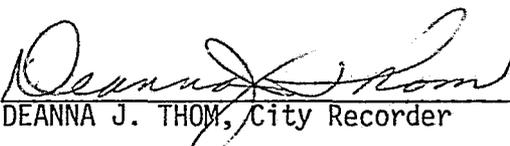
STATE OF OREGON)
)
COUNTIES OF CLACKAMAS)
 AND WASHINGTON)
)
CITY OF WILSONVILLE)

I, the undersigned, City Recorder of the City of Wilsonville, State of Oregon, being first duly sworn on oath depose and say:

On the 30th day of April, 1980, I caused to be posted copies of the attached Ordinance #135, an ordinance adopting new rules and regulations for the Water Department of Wilsonville, in the following four public and conspicuous places of the City, to wit:

Wilsonville Post Office
Wilsonville City Hall
Lowrie's Food Market
Kopper Kitchen

The ordinance remained posted for more than five (5) consecutive days prior to the time for said public hearing on the 5th day of May, 1980.



DEANNA J. THOM, City Recorder

Subscribed and sworn to before
me this 6 day of May, 1980.



NOTARY PUBLIC, STATE OF OREGON
My commission expires: May 10, 1981

ORDINANCE NO. 135

AN ORDINANCE ADOPTING NEW RULES AND REGULATIONS FOR THE WATER DEPARTMENT OF WILSONVILLE; PROVIDING FOR THE COLLECTION OF WATER BILLS; CREATING THE OFFICE OF WATER SUPERINTENDENT AND PRESCRIBING HIS DUTIES; ESTABLISHING RULES AND REGULATIONS PERTAINING TO THE SALE OF BULK WATER; PERMITTING THE EXTENSION OF SERVICE LINES AND SALE OF WATER OUTSIDE THE CITY LIMITS FOR OTHER AGENCIES OR DEPARTMENTS OF GOVERNMENT; ESTABLISHING RULES AND REGULATIONS FOR CONNECTION TO FIRE HYDRANTS; PROVIDING PENALTIES FOR VIOLATIONS: REPEALING ORDINANCES NO. 34 and NO. 57; AND DECLARING AN EMERGENCY.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: The following are hereby declared to be the rules and regulations governing the Water Department of the City of Wilsonville, provided, however, that nothing herein contained shall deprive the Wilsonville City Council of the right to annul, amend, revise or add to the same from time to time as it may deem necessary or advisable.

Section 2: There is hereby created the office of "Water Superintendent". The City Council shall appoint the Water Superintendent who shall have general control of the Water Department and Water System of the City of Wilsonville under the direction of the City Council or designee, and that person shall perform such duties as, from time to time, are prescribed by or assigned to that person by the Wilsonville City Council. The Water Superintendent shall be paid a salary or other remuneration as may be established by the Wilsonville City Council.

Section 3: Water will be furnished for ordinary domestic, business and community purposes and fire protection only. No service will be supplied, or water furnished, to any premises, be it residential, commercial or industrial except on the written application of the owner or occupant of said premise. Application for the use of water must be made on printed forms to be furnished at the office of the Water Superintendent. All applications must state fully and accurately, the purposes for which the water is required; and as a condition for the use of the water, the applicant must agree to conform to the rules and regulations of the Water Department and the applicable ordinances of the City of Wilsonville relating to the Water Department and the use and distribution of water.

Section 4: Water service lines shall not be extended outside the Wilsonville City limits and water shall not be metered or sold outside the City limits; EXCEPT

HOWEVER, when the Wilsonville City Council may approve and authorize by motion the extension of a line or lines outside the City limits for the purpose of furnishing City water to any property or facility which is owned, used, occupied, leased or operated by any agency or department of Federal, State, County or Special District.

Section 5: All water service installations shall be made by the City of Wilsonville under the supervision of the Water Superintendent or a representative of the Water Superintendent, as the case may be. The City of Wilsonville shall not be responsible for extending or the cost of extending a water service line beyond the meter. Extensions of a water service line beyond the meter and to the premises to be served with water shall be at the property owner or applicant's expense; and such installations shall conform to all requirements imposed by the Water Superintendent or Public Works Superintendent as the case may be; and shall first be approved by such officials before connection is made to the City of Wilsonville water mains.

Section 6: Water mains, service lines, meters and any other water service facilities shall not be extended onto or installed in private property without the prior consent of the City Council, and not then unless an easement is acquired from the property owner to the City of Wilsonville for accessibility to the water line(s) for repair or replacement of those lines in the future. Each water line must also be constructed according to the City of Wilsonville Public Works Standard prior to acceptance by the City of Wilsonville of any water line or water line easement.

Section 7: In all cases where connections to the City of Wilsonville's water supply is to be made for meters larger than one and one half inches (1½"), an estimate of the charges shall be made by the Water Superintendent or designated staff person immediately upon filing of the application for such service, and such estimated charge shall be paid to the City Recorder before work is commenced. Each applicant in such case shall be furnished with an itemized statement of all costs incurred by the City of Wilsonville in making such connections to the City of Wilsonville's water mains upon applicant's request.

Section 8: The City of Wilsonville may at any time, and without notice, shut off the water supply from the water mains for repairs, extensions or other necessary

purposes, and neither the City of Wilsonville nor any officer, official, or employee thereof shall be held responsible for damage caused by shutting off said water supply or by collapsing or broken water mainline, boilers or tanks.

Section 9: No plumber or other person shall be allowed to make connection with the mains or other water lines of the City of Wilsonville or to make alterations in any conduit, pipe or fixture in connection therewith on any premise without approval of the Water Superintendent of the City of Wilsonville. All pipes from the meter to the premises must be installed in accordance with good engineering practices, with complete approvals from the building department of the City of Wilsonville, and maintenance to meet standards set by the above mentioned requirements by the water user. Water transportation pipes must be laid at least 18" deep and must be separated from all sanitary sewer lines by a minimum of 18" vertical distance above and 10 feet distance horizontally. Each water service line must be provided with stop cocks and drain plugs, and all standpipes or fittings of any kind must be so located, anchored and installed so as not to interfere with or endanger the meter.

Section 10: Neither cross connections nor physical connections of any kind shall be made to any other water supply whether private or public without the prior written approvals of the City of Wilsonville Water Superintendent, City Council and State Board of Health.

Section 11: The City of Wilsonville shall not be held responsible for or liable to any person(s) for any interruptions of water service, depletion or contamination of the City of Wilsonville's water source or water supply; and neither the City of Wilsonville nor its officers, officials, or employees shall be held responsible or liable for any injuries to persons or damage to property arising out of or caused by the City of Wilsonville's water or water service or for failure to furnish water to any applicant.

Section 12: (A) An individually owned apartment, cooperative, townhouse or condominium, etc., shall have a separate water meter for each unit, unless a homeowners' association is formed or the City Council gives their written approval to do otherwise.

(B) Apartment houses, mobile home parks and trailer courts may have a single

meter for the entire complex, and the property or land owner shall be responsible for payment of all water charges metered to the apartment house, mobile home park, or trailer court.

Section 13: A water valve shall be required at the end of any water mainline as designated by the Public Works Superintendent. Each property or land owner at the time of installation of water mains to or on the property or land owners' property shall install a valve of proper structural design as required in the City of Wilsonville's Public Works Standards at the location designated by the Public Works Superintendent to insure less complicated connections to the water mains by future users. The valve shall be installed at the cost to the property owner or land owner.

Authorization of Bulk Sales of Water. The City of Wilsonville will sell bulk water from the City's municipal water supply providing:

- A) The Water Superintendent or designated City staff determines there is sufficient City water for any requested bulk water sale.
- B) A written application for the purchase is first filed with the City Water Superintendent or designated City staff on such forms as he may prescribe.
- C) The application is first approved by the City Water Superintendent.
- D) The applicant agrees in his application to comply with the terms thereof and the provisions of this ordinance, and pay in full, the total purchase price for the water purchased and within the time limited thereof.
- E) No bulk water is to be transported or used outside the City limits of Wilsonville unless approval is granted by the City Council or its designee.

All connections to the City water or fire hydrants for purchase of bulk water shall be made at such time and places as directed by the Water Superintendent, or designated staff person, and the connection location shall be indicated on the application form. No bulk water is to be transported or used outside the City limits of Wilsonville unless authorized in writing by the City and approved by the City Council. Connections shall be made with an appropriate hydrant valve which shall either be furnished by a deposit or approved by the Water Superintendent or designated staff person.

Requirements for Connection to Hydrants. It shall be unlawful for any person other than an employee of the Water Department in the normal performance of their duty,

to operate valves and appurtenances connected with the municipal water system. In addition, fire hydrants shall be operated by personnel of the Fire Department in performance of their regular duties. Fire hydrants shall not be used for purposes other than fire fighting or by the City of Wilsonville for flushing water and sewer mains unless an application for service has been made and a portable or permanent meter set to measure water used for private purposes. Operation of fire hydrants by the use of any wrench other than the standard fire hydrant wrench designed for that purpose is prohibited.

It shall be unlawful for any person, or persons to willfully break, dig up, injure, damage, or destroy any meter, pipe or water main, or any building appurtenance or other facility of the City of Wilsonville's water system; or to break, damage, or remove any locking seal on a water meter, or to open or cause to be opened any faucet, valve, fire hydrant attached to the water mains or service pipes of the water system in any other manner than that provided by the rules and regulations now or hereafter established by the City of Wilsonville.

Section 14: Any person convicted of violating any provision of this Ordinance, except provisions relating to the payment of water bills and service connection charges, and anyone causing damage to City water hydrants, meters, waterlines, or other City property, and anyone suing or taking, or attempting to use or take City water from a City waterline or hydrant, or other source of City water supply, without an approved permit, shall be guilty of a Class B misdemeanor and punished upon conviction by a fine of not more than \$500.00 or by imprisonment in the County jail for not more than six months or by both such fine and imprisonment. Also, the City Administrator may institute and prosecute a civil action in the name of the City for the recovery of damages to City property and/or the taking of City water without payment and/or a permit, and for the City's reasonable attorneys' fees as may be allowed by the trial court having jurisdiction of such matter and reasonable attorneys' fees that may be allowed by the appellate court or any appeal.

Section 15: Repeal of Ordinance No. 34 and No. 57: Ordinance No. 34, enacted February 26, 1973, and amended by Ordinance No. 49 and No. 77, and Ordinance No. 57,

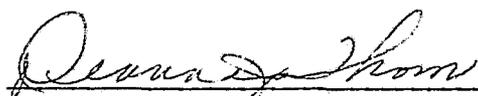
enacted November 18, 1975, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 16: Emergency Declared and Effective Date: In order that there should be no suspension or interruption of the other rules and regulations of the City's Water Department, which are set forth in Ordinances No. 34 and No. 57, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its enactment after final reading.

Submitted to the Council and read the first time at a meeting thereof on the 21st day of April, 1980, and scheduled for second reading at a regular meeting of the Council on the 5th day of May, 1980, commencing at the hour of 7:30 o'clock P.M. at the Wilsonville City Hall.


DEANNA J. THOM, City Recorder

ENACTED by the Council on the 5th day of May, 1980,
by the following vote: YEAS 4 NAYS 0.


DEANNA J. THOM, City Recorder

Dated and signed by the Mayor this 6 day of May, 1980.


WILLIAM G. LOWRIE, Mayor