

## Athena Ordinances

**ORDINANCE NO. 320**

AN ORDINANCE PROVIDING FOR THE ADMINISTRATION OF THE WATER DEPARTMENT OF THE CITY OF ATHENA; PROVIDING FOR THE EXTENSION OF WATER LINES, FOR METERS, DEPOSITS, CONNECTION FEES; PROVIDING THAT ALL RESIDENTIAL OR COMMERCIAL WATER USERS INSIDE THE CITY LIMITS OF THE CITY OF ATHENA SHALL BE CONNECTED TO CITY WATER FOR THE HEALTH AND SAFETY OF THE RESIDENTS OF THE CITY OF ATHENA; SETTING GUIDELINES FOR WATER RATES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

The City of Athena, Oregon ordains as follows:

**Section 1. Administration.**

- (A) The supervisor of the public works department, hereinafter called the supervisor, shall have charge of the maintenance and operation of the water supply, treatment plant, pumping equipment, distribution system, fire hydrants, meters and all other appurtenances of the water works system under the supervision and direction of the city council. The superintendent shall supervise all extensions and alterations of the waterworks system, which are authorized by the city council. He shall also be responsible for the reading of all water meters, and shall report to the city recorder on all money due the City for deposits, fees and charges made for water services and connections.
- (B) The city recorder/treasurer shall be responsible for the collection of water bills, deposits and fees. All revenues therefrom shall be accounted for in a manner satisfactory to the council, and shall be deposited regularly in the same manner approved for other municipal deposits.

**Section 2. Water Main.**

- (A) The water mains of the city shall be under the complete control of the superintendent, and no person or persons other than employees of the water department shall tap, change, obstruct, interfere with or in any way disturb the water system.
- (B) Extensions to water mains will be made upon proper petition to the council or by initiative of the council. The council shall have the right to reject such petitions or to enter into any contract with the petitioners as the council may elect.
- (C) The superintendent shall require that such tests be made as he may consider necessary on any water main extension, and no water shall be

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admitted into such main extension until he accepts the installation on behalf of the council. The provisions of this paragraph shall also apply to any installation of water mains outside the corporate limits of the city where an agreement has first been made with the city to connect such mains to the existing distribution system.

- (D) No primary water main extensions shall be less than six inches minimum outside diameter, nor of a quality less than standard-gauge steel dipped and wrapped, or PVC water pipe.

### Section 3. Service Pipe.

- (A) All service pipes on either public or private property shall be laid not less than 30 inches below the grade of the street. Service pipe laid in the same trench with a sewer shall have at least 48 inches distance from the sewer horizontally, and if the sewer is laid at a greater depth, shall be shelved into the bank to a solid bottom.
- (B) From the main to a point inside the property line, all service pipe shall be of PVC, copper, galvanized iron or other material of like nature, not less than one inch in diameter, approved by the superintendent. Service cocks shall be at least three-fourths inch extra-heavy round-way stop-type placed on the influent side of the meter. The meter box shall be set so that the cover is not lower than the grade.
- (C) A separate stop and waste cock shall be placed on the service pipe just outside the building wall. Such stops shall be equal in quality to the service cock.
- (D) The corporation **cock and meter box** will be provided in place and maintained by the water department after a **connection fee**. The service from the property line to the building shall be installed and properly maintained by the subscriber.
- (E) All future service and water piping in all premises shall be installed in accordance with the state plumbing code. Any person, firm or corporation shall not interfere in any way with fixtures installed by the water department. Any plumber called upon to shut off water and drainpipes in any premises shall do so inside the property line only.
- (F) Before any connection is made to any water main, application for a permit must be made in writing by the owner of the premises to be served, or by his authorized representative at the office of the city recorder. Such application shall be reviewed by the superintendent and may be subject to approval by the council.
- (G) At the time a permit is issued, a deposit shall be made estimated to be sufficient to cover the cost of any street repairs made necessary by the installation of the water connection.

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**Section 4. Meters.**

- (A) All premises using water shall be metered, and payment shall be made for water at rates established by the fee schedule. In no case will water be supplied at fixed flat rates except in special cases reviewed and approved by formal resolution of the council.
- (B) Meters will be furnished by the water department, and will remain the property of the city, and will at all times be under its control.
- (C) Meters will be sealed by the water department, and no one except an authorized employee of the water department may break or injure such seals. No person other than an authorized employee of the water department may change the location of, alter, or interfere in any way with any meter.
- (D) The expense of installing and maintaining meters will be borne by the water department; provided, however, that where replacements, repairs or adjustments of a meter are made necessary by the act, negligence or carelessness of the owner or occupant of the premises, the expense to the water department caused thereby shall be charged and collected from the party that caused such act, negligence or carelessness whether owner or occupant of the premises.
- (E) In case of injury to the meter, or in case of its stoppage or imperfect operation, the owner or occupant of the premises shall give immediate notice to the water department. All water furnished by the city and used on any metered premises must pass through the meter unless said water is used for the exclusive purpose of fire protection. No by-pass or connection around the meter will be permitted. If any meter becomes defective or fails to register, the consumer will be charged at the average monthly consumption rate as shown by the meter over the period of the preceding three months when the meter was accurately registering.
- (F) The accuracy of the meter for any premises will be tested by the water department upon written request of the users, who shall pay in advance a fee. If, on such test, the meter shall be found to register over 10 percent more water than actually passed through it, another meter will be substituted therefore, and the fee will be refunded to the users, and the water bill may be adjusted in such manner as may be fair and proper.

**Section 5. Use of Water.**

- (A) When new service pipes are installed for any premises, the service cock in the meter box shall be left closed and thereafter will be opened by an authorized employee of the water department, and only upon written request by the owner or his agent.

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- (B)** Each single-family residence and each separate apartment or dwelling unit used for separate occupancy in any apartment building, multi-family dwelling house or other multiple occupancy unit in the city of Athena, excepting, however, hotels, motels and rooming houses designed for transient occupancy, shall have a separate water supply, individually metered.

All commercial water users shall have a meter for each user; provided, that is if any owner of any store building divides or separates his building in such manner as to provide a separate place for business, each of said business places shall have separate water meters, or in lieu thereof, the owner of the building may apply for one meter to serve multiple store buildings; and in such an event, the billing shall be computed in the same manner and in accordance with the same formula as provided in the preceding paragraph for multiple units using one meter.

It is further provided that the council may from time to time make separate agreements for businesses using a large volume of water in accordance with rates, which the council may establish for such commercial users. And in the event that large commercial meters are installed, the consumer requesting said meter shall pay the cost of said meter and the installation costs thereof.

- (C)** No person shall take or use city water from premises other than his own. No connection through which water may pass from one residence to another shall be constructed, though ownership of both residences be the same. Any such connection in existence at the time of the passage of this ordinance shall be disconnected within a reasonable length of time.
- (D)** Where the water has been turned off by the water department for any reason, no person or persons except authorized employees or agents of the water department may turn it on again. Any violation hereof shall be punishable in accordance with the penalty provisions of this ordinance.
- (E)** No steam boiler or hot water heater shall be directly connected to their service pipe. The owner shall make such provisions as may be required by the water department before the water may be supplied to such an installation, including safety valves and check valves.
- (F)** The water superintendent or any of his authorized agents shall have free access at all reasonable hours to inspect the premises supplied with water. No person shall refuse to admit authorized agents of the water department to any premises for such purpose. In case any authorized employee be refused admittance or is in any way hindered in making the necessary inspection or examination, the water may be turned off from such premises after giving 24 hours notice to the owner or the occupant thereof.

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- (G) Where pipes are provided for fire protection on any premises or where hose connections for fire apparatus are provided, each connection or opening of the service pipes shall have not less than 25 feet of fire hose constantly attached thereto and no water shall be taken through such opening or hose for any purpose other than test of such fire equipment. No test of fire equipment may be conducted except by the city fire department unless a special permit is first secured from the water department.
- (H) Fire hydrants and standpipes may be opened and used only by the water and fire departments of the city or by such persons as may be specifically authorized by the water superintendent. No person, firm or corporation shall in any manner obstruct or prevent free access to any fire hydrant by placing or storing temporarily or otherwise any vehicle, object or material of any kind within 10 feet.

**Section 6. Water Rates and Charges.**

- (A) For the purpose of making and collecting charges for water used by consumers, all water bills for each month shall be due and payable 10 days after the date of the billing. The bills may be mailed to any address specified by the water user.
- (B) If any water user served by the City of Athena shall be delinquent more than 30 days in the payment of water bills due the city, the city recorder shall send the user a notice of such delinquency, if the user is not the owner of the premises being served, a supPLICATE copy of said notice shall be sent to the owner. Said notice shall state that unless said account is paid within 10 days, the water service shall be discontinued. If said account is not paid and brought current within the 10-day period, the city water superintendent shall cut off the water service to said user without further notice.
- (C) All persons requesting water service from the City of Athena shall pay a connection fee according to the fee schedule.
- (D) In case of a temporary vacancy of any premises, water will be turned off at the service cock and/or the meter removed by the water department upon written request of the owner of the premises, at the office of the city recorder, and will be turned on again and the meter reinstalled when requested and upon payment of a turn on fee. No allowance will be made for any water registered by a meter that may leak or waste through the plumbing or fixtures.
- (E) All rates and charges for use of city water shall be established by the city council by resolution. The city retains jurisdiction to alter such rates and charges from time to time.

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**Section 7. General Provisions.**

Should it become necessary to shut off the water from any section of the city because of an accident or for the purpose of making repairs or extensions, the water department will endeavor to give timely notice to the consumers affected thereby, and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from and such causes; but the failure to give such notice shall not render the city responsible or liable in damages for an inconvenience, injury or loss which may result there from.

**Section 8. Penalties.** Any person, firm or corporation violating any of the provisions of this ordinance, upon conviction thereof in the municipal court, shall be fined according to the fee schedule.

**Section 9. [Severability.]**

Each section of this ordinance and every paragraph of each such section is hereby declared to be separable; and the holding of any section or part thereof to be void, ineffective or unconstitutional for any cause shall not affect any other section or part thereof.

**Section 10. [Repeal.]**

All ordinances and/or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Passed by the council and approved by the mayor February 12, 1991.

Passed by the council and approved by the mayor November 15, 2007.