

ORDINANCE NO. ___8-9-07_____

WATER SYSTEM REGULATIONS GOVERNING THE SALE, LEASE, OR USE OF ALL WATER FROM THE WATER SYSTEM OF THE CITY OF OAKLEY INSIDE THE BOUNDARIES OF THE CITY LIMITS; AND REQUIRING A SIGNED USER AGREEMENT FOR WATER USE OUTSIDE THE CITY LIMITS; ESTABLISHING PENALTIES; RECINDING ORDINANCE 84-4 TITLED WATER SYSTEM REGULATIONS; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

Be it ordained by the Mayor and Council of the City of Oakley:

SECTION 1. MAYOR AND COUNCIL TO CONTROL

ORDINANCE: In all cases wherein, by this ordinance, any discretion is vested in the Public Works Director, or the City Clerk. Such discretion shall be subject to the control of the Mayor and Council.

SECTION 2. APPLICATION FOR USE OF WATER:

Application for use of water must be made at the office of the City of Oakley on such forms as shall be prescribed by the City Clerk. Said application must be made by the owner of the property and shall require the physical address, the desired placement of the meter, the purpose for which the water will be used, and an estimate of monthly water use. The application will require the signature of the property owner or his agent agreeing to abide by the water regulations of the City of Oakley, and agreeing to pay all fees and costs charged by the City. The Mayor and City council have discretion on the approval or disapproval of all water connection applications. The placement of the water meter shall be at the discretion of the Public Works Director of the City, and shall be as close to the street as is reasonable and safe.

SECTION 3. COST OF MAKING WATER CONNECTIONS:

The standard water connection to the City of Oakley shall be made using 1" iron pipe size pipe. The cost of all 1" connections shall be the same and the Mayor and City Council shall set the fee for a connection. The price for any connection larger than 1" shall be the actual cost of the connection and shall include but not be limited to parts, labor, equipment use and road repair.

SECTION 4. WATER METERS REQUIRED ON ALL

POTABLE WATER CONNECTIONS: All connections to the City's potable water system shall have a water meter installed on the line at a point designated by the City of Oakley between the water main and the point of use of the water. Any water connections found to be without a meter shall have a meter installed as soon as is practical for the City crew to make such installation. Said meters shall be the property of the City of Oakley and shall remain under the supervision and control of the City. The connection to the City's water main shall only be done by City work crews or persons designated by the Mayor and City Council. Any person found to have by-passed a water meter, to have altered a water meter in order to obtain unmetered water or to have made an unauthorized water connection to the City's water mains shall be guilty of a misdemeanor and shall be punished pursuant to the misdemeanor laws of the State of Idaho.

SECTION 5. CROSS CONNECTIONS: All water connections shall be equipped with a State of Idaho approved "Cross Connection Prevention Device". The cost of said device and its installation and maintenance shall be born by the water user. The City may require that said devices shall be tested by an accredited testing service in order for water service to continue. The City may require a copy of the test results when any cross connection device is subjected to testing.

SECTION 6. WATER SYSTEM CHARGES PAYABLE TO THE CITY CLERK: All charges will be due and payable at the office of the City Clerk as billed. Said charges shall be due and payable by the 15th day of the month following the billing date. Any water customer, who has not paid his or her water bill in full on or before the last business day of each month, shall be liable for a late payment fee the amount of which shall be determined by the Mayor and City Council. Any person who allows their water bill to be more than 60 days past due, is subject to having their water service turned off. Before any water service can be turned off by the City, a written “turn off notice” shall be placed on the door of the house, or business. If the water is not used in a building, then the “turn off notice” shall be placed on the meter box lid. All persons receiving a “turn off notice” shall have twenty four (24) hours or one (1) business day, whichever is longer, to pay the water bill current and avoid having the water turned off. If the bill is not paid in full, the water will be turned off, and will not be turned back on until the bill is paid current, and a \$25.00 reconnection fee is paid. Water charges include, but are not limited to, monthly water charges, overage charges, reconnection fee’s, charges for customer caused damages, capitol facilities fees and late fees. The dollar amounts for all fees and charges shall be set by the Mayor and City Council and shall be changed as needed to cover the costs of maintaining the system and providing water service to the people of the City pursuant to the laws of the State of Idaho.

All water connections are considered either household or business. For the purpose of this section, a household shall be defined as dwelling space primarily residential in nature and with both cooking and bathroom facilities. A business shall be defined as a building or use that is primarily commercial, manufacturing or agricultural production.

If two or more households exist on one meter, each household shall be billed for a base water rate and any overage shall be divided between the two households. If two or more businesses operate off of the same meter, a water bill shall be sent to each business. If a home and a business operate off of the same meter, and are owned by the same person, one water bill shall be charged.

SECTION 7. FAULTY METER RATE: If for any reason any water meter fails to record the correct amount of water used by the customer, the customer will be billed for the average of the last two months water usage.

SECTION 8. ACCESSIBILITY OF METER AND VALVES ON WATER MAINS: All water users shall maintain access to and visibility of the water meter servicing their property. Any water customer who buries, paves over, or obstructs their water meter shall be assessed an additional monthly fine of twenty five dollars (\$25.00) until the obstruction is removed and ready access is reestablished to the meter. No person shall put gravel, dirt, concrete, asphalt or any other material upon the top of any mainline valves in the City's water system. Any person found to have obstructed a water main valve is guilty of a misdemeanor, and shall be punished pursuant to the laws of the State of Idaho, and shall also pay to the City of Oakley the associated costs of removing the obstruction, and any associated court costs.

SECTION 9. WATER TESTING: Officers and employees of the City shall have access to the premises where any water from the City's water system is used, for the purpose of collecting water samples for testing so that the City can comply with Federal and State laws. Water users may request a twenty-four (24) hour notice before access is granted to any property for these sampling and testing activities.

SECTION 10. LIABILITY OF THE CITY: The City of Oakley shall not be liable for any damages caused by the interruption of water service to any water user. Such interruptions are most often beyond the control of the City. The City shall make good faith efforts to notify known “water supply sensitive” customers of service outages when they occur. The water may be shut off without notice for the purposes of making repairs, extensions, or other necessary purposes.

SECTION 11. NEW WATER CONNECTIONS OUTSIDE OF THE CITY LIMITS: There shall be no new water connections, outside of the city limits.

SECTION 12. EXISTING WATER CONNECTIONS OUTSIDE THE CITY LIMITS: Water connections outside of the city limits which existed before the effective date of this ordinance shall remain active provided the user or authorized agent of the user signs a water user’s agreement supplied by the City of Oakley. Any water user outside the city limits who refuses to sign and return to the City, the City supplied water user’s agreement within fifteen (15) days of the date the agreement is sent to them by regular mail, shall have their water service terminated permanently.

SECTION 13. INTERFERENCE AND TAMPERING: If it becomes necessary to shut off any water service due to nonpayment of water charges or fees or for any other reason, the City’s authorized agent shall have the right to enter upon the property to effect the shutoff. Any person who interferes with the City’s agent in shutting off the water, reading the water meter, or repairing or replacing the water meter shall be guilty of a misdemeanor pursuant to the laws of the State of Idaho. Any person who shall tamper with, damage, alter, or otherwise damage a meter, or who turns water on which has been shutoff due to non payment of fees and charges or any other reason shall also be

guilty of a misdemeanor. Any unauthorized person who taps a city water main shall be guilty of a misdemeanor and is subject to punishment pursuant to the laws of the State of Idaho.

SECTION 14. PAYMENT OF DAMAGES: Any person who damages the City's water system or its meters shall pay to the City of Oakley the actual costs of repairing the damage. The only exception is if after a utilities location request is made by an excavation contractor, the City fails to mark the pipelines, or marks them in error, the excavator shall not be liable for damages caused by his excavation equipment if the excavator maintained a two (2) foot buffer from any utility markings designating buried utilities placed by City employees or others charged with marking buried utilities.

SECTION 15. DIRECTION OF WATER USAGE: Should the City's ability to deliver water in sufficient quantities for all types of uses (i.e. lawn & garden watering, livestock watering, commercial use, car washing or amusement) be insufficient, the Mayor and City Council shall have authority to limit water usage to culinary purposes. Any person who violates an order by the Mayor and City Council to limit water usage to culinary only shall be guilty of a misdemeanor and shall be punished pursuant to the laws of the State of Idaho.

SECTION 16. RESCINDING ORDINANCE 84-~~8~~: The passage of this ordinance shall rescind ordinance 84-~~8~~ titled WATER SYSTEM REGULATIONS.

SECTION 17. ESTABLISHING AN EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to the laws of the State of Idaho.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE
MAYOR of the City of Oakley this 9th day of August 2007.

Garth Greenwell, Mayor

Garth Greenwell

ATTEST: Beckie Clark, City Clerk

Beckie Clark