

GENERAL ORDINANCE NO. 91-1133

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT AND ADMINISTRATION OF THE WATER DEPARTMENT, PROVIDING FOR THE ESTABLISHMENT OF RULES GOVERNING SERVICE, REPEALING GENERAL ORDINANCE NO. 84-1054, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF THE DALLES DO ORDAIN AS FOLLOWS:

Section 1: Definitions. As used in this ordinance the following words and phrases shall mean: [Section 1 amended by Ordinance No. 96-1202 passed by City Council and approved by the Mayor August 12, 1996.]

- a. Customer. The person, persons, firm, association, partnership, corporation or entity whose application for service has been approved by the City of The Dalles, who uses the water service provided by the City of The Dalles and agrees to comply with the City's rules and regulations for providing water service.
- b. Department. The Public Works Department of the City of The Dalles.
- c. Director. The Director of the Public Works Department of the City of The Dalles or authorized designee.
- d. City Standard. The quality of materials and standards for sizing and design adopted formally or informally for the construction of improvements to be added to or served from the City water system.
- e. City Manager. The duly appointed City Manager of the City of The Dalles, or authorized designee.
- f. Finance Director. The Director of the Finance Department of the City of The Dalles or authorized designee.

Section 2: Creation and Administration. There is hereby created a municipal Water Department for the City of The Dalles. Administration of the Water Department shall be under the management of the Director.

Section 3: Rates, Fees, and Charges. All rates, fees and charges shall be set by the City Council by resolution, except as provided in this section. Rates and fees in effect upon the date of passage of this ordinance shall remain in effect until modified, suspended, or repealed by resolution of the City Council. Fees may include, but are not limited to the following:

- a. Deposit for New Accounts. At the time a new account is established upon a customer's request, the customer shall pay a deposit, in an amount determined by the City Council by resolution. The sum shall be deposited in an account that allows for the return of interest at a rate determined by the Finance Director. The deposit, including interest earned, shall be returned to the customer at the end of one year of service, if the customer has maintained a favorable credit history, or upon termination of service, upon a determination that all charges have been paid in full. If all charges have not been paid, the Finance Department may apply the deposit to all sums due and owing to the City. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]
- b. Deposits for Terminated or Delinquent Accounts. For an account which has been terminated for non-payment, or for an account which has an established history of delinquent payments, the Director, in his discretion, may require a customer to pay a deposit which shall be sufficient to ensure that payments are made on a timely basis, if service is to be restored or continued. The deposit shall be returned to the customer at the end of one year of service from the date the deposit is made, if there have been no delinquent charges, or upon termination of service, provided that all charges owing to the City have been paid in full.
- c. Water Rate Charges. All customers shall be charged monthly for water service provided by the City of The Dalles in accordance with rates established by the City Council by resolution. The rate structure shall be designed to ensure charges are only imposed upon customers who request water service from the City of The Dalles. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]
- d. System Development Charge. Pursuant to General Ordinance No. 06-1266, a system development charge shall be levied upon each new building, structure, or fixture unit attached to the water system at the time of initial attachment, or upon resizing of a connection to accommodate a new service pipe larger than 3/4" inside diameter. [as amended by General Ordinance No. 06-1270, adopted July 24, 2006.]

- e. Turn On Fee. A non-refundable turn on fee shall be charged to turn on service. The turn on fee shall be set by the City Council by resolution. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]
- f. A Bad Check Fee. A bad check fee may be charged for each check or draft not paid upon presentment by the customer's bank or financial institution. The fee shall be in an amount set by the Council by resolution. The Finance Department shall have the right to waive this fee upon receipt of proof that dishonor by the bank or financial institution was improper.
- g. Special Service Fees. A special service fee in an amount set by the Council by resolution shall be charged when:
 - (1) The Department is requested to turn on or turn off service on a temporary basis. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]
 - (2) The Department provides a lockout service for non-payment of fees or charges or for failure to abide by City ordinances, rules and regulations, or State or Federal laws. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]
 - (3) Under other circumstances designated by the City Council.
 - (4) A customer requests the City to check adequacy of a meter.
- h. Surcharge. A surcharge is a temporary increase in a service charge imposed on a uniform basis upon all classes of customers to meet emergencies or to vitiate the effects of cash flow problems. The Council shall set surcharges by resolution. The resolution setting a surcharge shall identify the emergency or problem to be corrected, state the total amount to be raised, give the rate of surcharge imposed, and give the beginning and ending dates of the surcharge.
- i. Construction Fees. The cost of constructing stubs (from a main to the property served) or construction of any appurtenance, which construction is requested by the customer, shall be borne by the customer. If work is to be performed by the

City, the City may require a deposit sufficient to cover all fees and costs in advance of performing work. Fees and charges for work performed by City crews shall be set by the Director. The fees shall not exceed the actual cost of construction, including but not limited to material, labor, equipment, design, legal, and administrative expenses.

- j. Delinquent Charge. A delinquent charge, in an amount to be set by Council by resolution, shall be imposed pursuant to Section 9 of this ordinance, for each month in which the customer is delinquent in making payment. [Clerical correction August 21, 1996; subsection was incorrectly labeled as subsection "k", and there was no "j"].

Section 4: Application for Service. Any person, persons, firm, association, partnership, corporation or entity desiring to be served water from the City system shall submit an application in writing upon a form supplied by the City. The application shall include a service agreement whereby the customer shall agree to comply with all rules and regulations adopted by the City for the provision of water service, including notification to the City of any change in the customer's billing address. Applications shall be accompanied by any fees or deposits required and shall be signed by the customer.

Section 5: Processing of Applications; Denial of Applications. Applications shall be processed by the Finance Department. An application may be denied for any of the following reasons:

- a. The application is incomplete, not signed by the customer, or is illegible.
- b. The application requests service to a property location which would be difficult or impossible to provide without obtaining right of way or extending trunk or laterals.
- c. The application requests service to a customer who has a delinquent water or sewer account with the City.
- d. The property where the water service will be provided is located outside the City limits.
- e. The City's water system will be unable to supply the demand created by the proposed use without the acquisition of new sources of water, or capital improvements to the existing system.

- f. The customer has been convicted for a violation of water or sewer ordinances or rules, or a violation of water restrictions. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]
- g. The plumbing on the premises where services will be provided does not meet the standards required by City, State, or Federal law.

Persons whose applications are denied shall be notified in writing. The notice shall state the reasons for denial, and explain the applicant's right of appeal. Persons whose application has been denied under Section 5(b) shall be informed of the procedure for creating a local improvement district to extend existing mains or laterals. Notice of denial shall be mailed by the Finance Department to the applicant's address as shown on the application. Notice shall be effective as of the date of mailing.

Section 6: Termination of Service. Service to any customer may be terminated upon any of the following events:

- a. The purity of water in the system cannot be guaranteed.
- b. In case of emergency or damage by casualty to the system.
- c. The Finance Department does not have a current application and service agreement for the premises where water is being furnished to a customer.
- d. The customer has requested termination of service in writing.
- e. The customer has failed or refused to allow department personnel to inspect plumbing, water lines, sewer lines and appurtenances located upon the premises where water is being furnished.
- f. Customer has served water to a premises or persons in a vehicle or upon premises other than his own or has cross connected his water to serve another parcel of property, a mobile home or camper without the written consent of the director, or that an existing cross connection has not been removed.
- g. System capacity is no longer sufficient to provide adequate service.

- h. The City has discontinued its water utility or elected to discontinue service to a portion of its service area.
- i. The customer's account is past due as a result of non-payment of any charge due and owing.
- j. The customer owes a past due balance on another account which has not been satisfied.
- k. The customer has been convicted for a violation of water or sewer ordinances or rules, or a violation of water restrictions. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]
- l. The customer's service lock or meter has been tampered with. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]

Section 7: Notice of Termination. Notice of termination of service shall be provided by the Finance Department as follows:

- a. For termination listed in Section 6 paragraphs a, b, c, d, e, or f, no advance notice of termination is required.
- b. For termination listed in Section 6 paragraphs g, h, i, j, k, or l, a written notice of termination shall be mailed to the customer at least 7 days prior to the date of cessation of service. The notice shall be mailed to the customer's last billing address as shown upon the records of the Finance department. Notices shall state the reason for termination, the earliest date upon which termination may occur and the appeal rights of the customer.
- c. For termination listed in Sections 6 (a) and (b) the Department shall notify customers, by the most practical means possible under the circumstances, of the area of the system affected, the anticipated duration of service interruption and any recommended precautions for in-home treatment of drinking water. A written notice to each individual customer is not required.

- d. For termination listed in Sections 6 (c), (e) and (f), a written notice of termination shall be mailed to the customer within 15 days after termination occurs. The notice shall state the reason for termination, the date of termination, and the customer's appeal rights.
- e. Notices provided under this section shall be deemed effective when addressed and deposited in the U. S. Mail. Failure of a customer to receive notice of termination shall in no way invalidate a termination action nor extend any period for appeal. This provision does not prevent the City Manager from entertaining a delayed appeal, provided, his/her sole discretion finds "good cause" for the delay.

Section 8: Appeals. Any person who is aggrieved, by denial of an application for service, by termination of water service, except for a termination pursuant to Section 6 (i), or who disputes the amount of a billing may appeal as follows:

- a. **Informal Appeal (step 1).** Within five (5) days of receipt of a disputed billing or five (5) days of notice of an adverse action on an application, or five (5) days of notice of termination, a person aggrieved thereby may appeal informally by presenting himself at the service desk of the Finance Department at City Hall and presenting to the clerk or person in charge at the desk such matters as the customer or applicant believes entitle him to relief, and the relief requested. If the clerk is satisfied on the basis of the discussion, that the action of the City was in error, the Clerk shall adjust the account accordingly and place a memorandum in the account file explaining the adjustment. If the clerk does not concur that the department was in error, the clerk shall issue the aggrieved person an appeal form after endorsing upon the face of the form the clerk's initials, the date and time the appellant appeared and the general nature of the appeal.
- b. **Formal Appeal (step 2).** Within five (5) calendar days of completion of step 1, an aggrieved person not satisfied with the decision of the Finance Department may appeal to the City Manager in writing. The appeal shall be filed upon the form provided by the Clerk. The appellant may add to the form as many sheets as may be necessary to fully explain the reasons for the appeal. Appellant shall indicate upon the form whether a hearing is desired. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]
- c. **Conduct of Appeal Hearings.** Within ten (10) days of the filing of the appeal, the City Manager shall set a time and place for the hearing. Appeal hearings conducted pursuant to Section 8(b) of this ordinance shall be informal by nature. The appellant shall have the right to appear in person or through an advocate, and

to present such testimony, evidence or witnesses as he desires. A representative of the Department and/or Finance Department may also be present and present evidence. No particular rules of evidence shall be followed in the hearing. The City Manager may give evidence presented such weight the Manager feels it deserves. Cross examination of any party or witness by a person other than the manager shall not be allowed, unless the manager deems it appropriate and helpful to him in reaching his decision. Any ground or issue not raised with the clerk in step 1 shall be considered to have been waived. In addition to considering matters raised by the appellant at the hearing, the Manager may examine the records of the Water or Finance Department, question department personnel, and seek the advice of legal counsel before rendering a decision. Such actions need not be taken in the presence of the appellant. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]

- d. **Written Decision, Date of Decision.** Following the hearing and any investigation conducted under Section 8(c) of this ordinance, the City Manager shall issue a written decision. The written decision shall be issued within 30 days from the date the appeal is filed. The decision shall be final upon the date that the letter with the decision is deposited in the mail to the appellant at the appellant's address as shown upon the records of the Water Department.

Section 9: Billing. Amounts owed to the Water Department shall be invoiced and paid as follows:

- a. Deposits. Deposits for new accounts shall be tendered in full at the time of application for service.
- b. Water Charges for Metered Accounts. All bills for metered accounts shall be due and payable upon receipt. Accounts which have not been paid in full by the 20th day of the month in which the bill was delivered to the customer for payment, shall begin to accrue interest at the rate of eighteen percent (18%) per annum on the 21st day of the applicable month. A late notice will be sent out on the 22nd day of the applicable month indicating the amount of any interest penalty, the date a "door hanger notice" will be posted, and the date that water service will be terminated if the account is not paid in full. Accounts which have not been paid in full by the end of the current month will be assigned a place on the "door hanger list" created by the City. Delinquent accounts assigned to the "door hanger list" will be assessed a delinquent fee established by a City Council

resolution. A termination notice will be placed upon the customer's premises advising the customer that water service will be terminated within seven (7) days unless the entire balance due and owing, including interest and delinquent fees, is paid in full within that seven (7) day period. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996 and 00-1237, passed by City Council and approved by the Mayor August 14, 2000.]

[Subsection deleted by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]

- c. System Development Charges. System development charges shall be tendered in full at the time of application for connection to the City water system, at the time a larger service is requested or at the time units are added to an existing service, in accordance with General Ordinance No. 06-1266. [Renumbered by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.][amended by Ordinance No. 06-1270 adopted July 24, 2006.]
- d. Turn On Fee. A turn on fee is due and payable at the time an account is opened. [Renumbered and amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]
- e. Bad Check Fee. A bad check fee shall be due and payable upon notice of dishonor of the check or draft to the department. The fee shall be added to any outstanding indebtedness of the customer. [Renumbered by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]
- f. Special Service Fees. Special service fees are due and payable in advance of the date service is performed. [Renumbered by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]
- g. Surcharge. A surcharge is due and payable in the same manner as service charges for water. [Renumbered by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]
- h. Construction Fees. Deposits for construction are due and payable upon the request for service. Final payment of construction fees is due 15 days after mailing of an invoice. All work performed shall be invoiced within thirty days of completion. Balances over 30 days shall accrue a late charge at the rate of 12%

per annum until paid. [Renumbered and amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]

- i. Errors in Billing. An error resulting in an account being underbilled or overbilled, such as application of incorrect rate schedule, meter mix-up, or other procedural problems, will be adjusted back to when the error first occurred or for a period of 24 months, whichever is the lesser. Amounts will be calculated as accurately as possible with estimates used when accurate data is not available.
 - (1) Filing a Claim. A customer having a claim against the City for an overpayment due to an error, as set forth in subsection (i), shall present the claim, with supporting evidence, to the City Finance Department, within two (2) years from the date the claim accrues. The maximum period for which a refund may be made shall be the twenty-four (24) month period as set forth in subsection (i).

[Subsection i added by Ordinance No. 91-1138, passed August 5, 1991; and renumbered (from "j" to "i") by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]

j. Rate adjustment due to leaks. Whenever a customer has cause to believe a leak may exist between the meter and the customer's premises, it is the customer's responsibility to contact the Department to allow the Department to determine the existence of the leak. Where a leak exists on the customer's side of the meter and the same is repaired within ten (10) days after notification to the Department, or within a time schedule approved by the Department, an adjustment in the customer's bill may be made of up to one-half of the total estimated excess consumption over the last thirty (30) days. [Added by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]

Section 10: System Standards. All parts of the water system and all service pipes, appurtenances, fixtures and devices attached to the system by any means shall be of a size, quality and construction acceptable to the Director. Fixtures and devices shall conform to the Uniform Plumbing Code as adopted by the State of Oregon and the City of The Dalles on the date of connection and such other standards as the Director may, from time to time, impose. When imposing standards, the Director shall be guided by the operating restrictions imposed by system design, good engineering practice, consideration of standardization, and industrial practice. The following guidelines will also be applied:

- a. Size. All mains, laterals, pipes, valves, building connections, devices and appurtenances shall be sized to provide appropriate flows and pressure throughout the system and any foreseeable extensions of it. Mains and pipes connected to hydrants or sprinklers shall be sized to accommodate fire flows. No service pipe or stub shall be less than 3/4 inches in size.
- b. Materials. All materials shall be of types approved by the Director. In making approvals, the Director shall consider the factors set out above, the durability of the item when in actual use under local conditions, and compatibility with system maintenance practices.
- c. Design. All component designs shall be compatible with maintenance, durability and standardization requirements of the system. The Director may refuse any component, the design of which has not been proven through laboratory testing and field use.
- d. Connections. [as amended by Ordinance No. 07-1280, adopted by City Council February 12, 2007.]
 - (1) All service lines shall be at least 3/4 inches in diameter and shall be sized to accommodate meters approved for use by the City. No electrical ground or device that may channel an electrical current to piping shall be attached to any piping or fixture directly or indirectly attached to the City system. For service connections on the public side which is from the distribution main to the meter, such connections shall be installed a minimum of 30 inches below ground level, and shall have a horizontal separation of not less than 10 feet from any sewer or waste water pipe. For service connections on the private side which is from the meter to the building, such connections shall be installed at a depth and with a horizontal separation from any other sewer or waste water pipe in accordance with applicable state building code requirements.
 - (2) The owner of all houses, buildings, or properties used for human occupancy, commercial, recreation, or other purposes, abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public water system operated by the City, is required at the owner's expense to install suitable facilities and to connect such facilities directly with the City's water system in accordance with the

provisions of this ordinance, or to make a prepayment for the costs of such improvements in accordance with the provisions of Resolution No. 07-007, implementing the policy for residential local improvement districts, within 90 days after being given notice to do so by the City, provided the City's water system is within 300 feet of the property line.

- e. Backflow Preventers and Pressure Reduction and Enhancement Devices. Pressure reduction valves and backflow preventers shall be installed by customers in new or existing systems when required by the Director. Installation shall be at customer expense. Standards or requirements for materials, installation, and testing of backflow prevention devices shall conform with the applicable provisions of the State plumbing specialty code and administrative rules in effect at the time of connection of the device, and the provisions of General Ordinance No. 91-1146. No booster pump or pressure enhancement device shall be attached to the system without the expressed permission of the Director which permission shall be in writing. Customers requesting permission to install pressure enhancement equipment shall bear the cost of the equipment, maintenance of the equipment, and the operating costs of the equipment. Requirements for materials and installation shall at a minimum conform to current State Plumbing code and State Health Department requirements. No expense for such equipment shall be borne by the department or non-benefitted rate payers. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]

Section 11. Meters.

- a. All premises using water shall be metered. Upon the advance payment of any applicable charges, the City shall install a separate service from the water main to the property or other location designated by the City. Where water is now supplied through one service to more than one residence, business or premises, the Department may notify the owner of the necessity to provide separate installation of services from the water main to the meter or shutoff. If the customer fails to pay the applicable charges within thirty (30) days after notice is delivered, the City shall terminate water service to the property.
- b. For ordinary metered consumption of water, a 3/4 inch by 5/8 inch meter will be furnished by the Department. Where application is made for a meter larger than 3/4 inch by 5/8 inch, the Director shall determine whether a meter of such size is required.

- c. The installation of all service connections from the main to the property or other action designated by the City, including the construction of a suitable chamber or box for housing a meter and/or shutoff assembly, shall be made by the Department. Meters shall be placed in an accessible location and set in a manner satisfactory to the Director. No person other than an authorized employee of the Department may change the location of, alter, or interfere in any way with the meter.
- d. The Department will maintain all service connections in good order, and will make all necessary repairs and replacements of the City-owned meters and other parts thereof, at the expense of the City. Each customer is required to take all due precautions to protect the connection through which the customer is served.
- e. All water furnished by the City and used on any metered premises must pass through the meter. A by-pass or connection around the meter will be permitted only with the prior written approval of the Director.
- f. All meters of the City water system are the property of the City, and any regular maintenance to the meters shall be made by the City. If a meter is damaged by the carelessness or negligence of the owner or occupant of the premises, the Department will repair the meter, and the cost of such repairs shall be charged to the customer. When a meter fails to register accurately, the charge for water used shall either be based on the average quantity of water used in a comparable period as shown by the meter when in order, or if there is no such average consumption, then the minimum rate established by the City shall apply. If conditions make reading of meters impractical, an estimated reading shall be made by the Department during the time such conditions exist. Estimated readings under other conditions affecting reading of a meter shall be made only on approval of the Director.
- g. When any customer makes a complaint that the bill for any particular period is excessive, the Department will, upon request, have such meter re-read and the service inspected for leaks. A customer disputing the accuracy of a meter may have the meter tested by the Department upon submission of a written request to the Director. In the event the test results establish the meter is registering on an accurate basis within guidelines established by the American Water Works Association (from 98.5% to 101.5%), the City and the customer shall equally share all costs associated with the testing of the meter. In the event the test results establish the meter is not reading on an accurate basis, the City shall pay for the costs of testing and shall install another meter at no cost to the customer. Any

error in billing shall be handled in accordance with the procedures outlined in Section 9(i).

[Section 11 Amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]

Section 12. Ownership of Improvements. All pumps, mains, laterals, valves and other devices and appurtenances located within easements or public rights of way shall be deemed to belong to the City at the time of connection to the City water system, provided, such items meet City standards as to size, construction and quality. Meters shall be considered City property, regardless of location, and shall be maintained in accordance with the provisions in Section 11. All pipes, valves, fixtures, service stubs, and pressure enhancement equipment not located in easements or public rights or way shall be the property of the owner of the premises upon which the improvements are located. The Department shall be responsible for maintenance of City property. The customer shall be responsible for maintenance and repair of private property. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]

Section 13: Tampering with Water Department Property. No person shall trespass upon, mark, destroy, or tamper with any property or equipment of the Department unless authorized by the Director. If the Department discovers that services have been restored, by means of tampering with a meter, to a premises to which service has been terminated, the customer or other person(s) who commits the act of tampering shall be responsible for all costs associated with repairing any damage done to the system improvements. If the Department documents a second incident of tampering which illegally restores service to a premises, the Department has the right to terminate service and excavate the service at the corporation stop. The customer or other person(s) who commits the second act of tampering shall be responsible for all deposits, fees, and labor and material costs required to restore service. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]

Section 14: Initiation or Termination of Service. No person, except an authorized employee of the Department, an emergency service personnel acting in the line of duty, a contractor employed by the City to work on the system, or a licensed plumber with permission of the Director, shall open or close a service lock or operate a meter in such a manner as to commence or to terminate the flow of water to a premises. Plumbers shall obtain permits from the Director prior to initiating or interrupting service. [As amended by General Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996.]

Section 15: Right of Inspectors and Meter Personnel to Enter Premises. Department employees and persons assigned to read meters shall be authorized to enter upon customer or applicant premises without prior notice for the purposes of reading meters, inspecting customer equipment or investigating violations of this ordinance or department rules. Entry shall normally occur during daylight hours, except in the event of an emergency. Failure to grant entry shall be grounds to terminate service under Section 6 (e). Presence of an unrestrained domestic animal, dog, or a vicious animal upon the part of the premises to be inspected shall be deemed refusal of entry.

Section 16: Declaration of Water Emergency - Water Restrictions. The City Manager of the City of The Dalles shall upon receiving reliable information that system function or capacity is about to be impaired or has been impaired, declare a water emergency. Upon declaration of such an emergency the City Manager shall impose such restrictions upon the use of water as is deemed necessary to protect the health, safety, and welfare of the citizens of the affected area. The City Manager shall use reasonable means to notify the public of the restrictions imposed. At the next City Council meeting following imposition of restrictions, the City Manager shall present a report describing the nature of the emergency, the expected duration of the emergency, and the steps taken to alleviate the emergency. The City Council may, at any meeting subsequent to the emergency, confirm, alter, amend or terminate the restrictions imposed by the City Manager by resolution. No person shall violate the terms of any restriction or condition placed upon the use of water by the City Manager or the City Council pursuant to this provision. It shall be no defense to a charge of violation that the person cited had no knowledge of the terms of the restriction.

Section 17: Service Area Limits. Under no circumstances shall water service be extended to persons or premises located outside of the City limits of the City of The Dalles without the express permission of the City Council, which may include, but shall not be limited to, a petition for consent to annexation and installation of the necessary improvements to receive water service by the applicant requesting such service, or prepayment by the applicant for the costs of such improvements in accordance with the provisions of Resolution No. 07-007 implementing the policy for residential local improvement district. [As amended by Ordinance No. 07-1280, adopted by City Council February 12, 2007.]

Section 18: Violations. Violation of any provision of this ordinance is punishable by imprisonment for a period not to exceed one year, or a fine not exceeding the sum of \$6,250.00, or a combination of the two penalties. Where applicable, the City shall be entitled to seek restitution for the costs of terminating service and repairing any damage done to the system improvements. [As amended by Ordinance No. 96-1202, passed by City Council and approved by the Mayor August 12, 1996 and Ordinance 05-1264, passed and adopted by City Council November 28, 2005.]

Section 19: Severability. Each sentence, paragraph and section of this ordinance shall be deemed severable. A declaration by a competent court that any provision of this ordinance is invalid shall have no effect upon the portions remaining.

Section 20: Repeal. General Ordinance No. 84-1054, as amended, is hereby repealed.

Section 21: Whereas, Article XI, Section 11(b) of the Oregon Constitution requires that certain revisions be made to the City's water ordinance by July 1, 1991; and whereas, the amendments to the ordinance will promote the health and safety of the citizens of The Dalles; NOW, THEREFORE, an emergency is declared to exist, and this ordinance shall go into effect immediately upon its passage and approval.

Passed by City Council and Approved by the Mayor June 17, 1991.