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ORDINANCE NO. 89-O-450

AN ORDINANCE AMENDING ORDINANCE NO. 66-O-190, SECTIONS 2, 5, 6 AND 10; AND DECLARING AN EMERGENCY. [Effective August 28, 1989]

[See Sections 2, 5, 6 and 10 of Ordinance No. 66-O-190 for amendments]

[See Ordinance No. 89-O-450 in its entirety in original ordinance books]

ORDINANCE NO. 89-O-450

AN ORDINANCE AMENDING ORDINANCE NO. 66-O-190, SECTIONS 2, 5, 6 AND 10; AND DECLARING AN EMERGENCY.

Sections:

- Section 1. Amendment to Section 2.**
- Section 2. Amendment to Section 5.**
- Section 3. Amendment to Section 6.**
- Section 4. Repeal of Section 10.C.**
- Section 5. Amendment to Section 10.D.**
- Section 6. Emergency clause.**

The City of Brookings ordains as follows:

Section 1. Amendment to Section 2. Section 2 of Ordinance No. 66-O-190 is hereby amended by adding Subsection H, as follows:

Section 2. Definitions.

H. Service extension or extension of water service. The term "service extension" or "extension of water service" shall mean the act of making application for service, tendering of the service deposit, approval of service by the City together with receipt for and establishment of a billing account and water turn-on by the City which provides water to the subject premises.

Section 2. Amendment to Section 5. Section 5 of Ordinance No. 66-O-190 is hereby amended to read as follows:

Section 5. Water service.

A. Water service may be extended to properties only when those properties have frontage on a public water main which has been built to current city standards to serve the requesting property and which is so constructed and extended as to provide service to adjacent property and which has been dedicated to and accepted by the city,

together with necessary easements and rights of way therefor, all in conformance with the requirements of this and other relevant ordinances of the city. Such service may be extended only after duly authorized by the city council after proper application, as described herein.

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B. In order to insure compatibility of utility systems and improvements within both the City and the Urban Growth Area of the City, water service extensions may be permitted to properties which are in all respects developed in accordance with adopted city development standards and regulations and with the charter and ordinances of the city.

C. For purposes of this ordinance, and for indivisible single lots or parcels existing on the effective date of this ordinance as amended by Ordinance No. 88-O-432, frontage on a public water main may be satisfied by means of either an easement or land in fee simple abutting a public right-of-way containing the water main. Water service to a single lot or parcel which has been created prior to adoption of this ordinance amendment may be provided by a water service lateral but service to more than a single lot or to such parcels which are divisible into more than a single lot shall be provided by means of the extension of a public water main meeting current adopted city standards, with provision for dedication of appropriate and necessary public utility easements for installation and maintenance purposes.

Section 3. Amendment to Section 6. Section 6 of Ordinance No. 66-O-190 is hereby amended to read as follows:

Section 6. Use of public water system.

A. The owner and the occupant of all houses, buildings, or

properties used for human occupancy, employment, commerce, industry, recreation, or other purposes, or requiring fire protection services, which is situated within or served by the City water system and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public water line, is hereby required at his expense to install suitable water facilities therein, and to connect such facilities directly with the proper public water main in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public water line is within three hundred (300) feet (91.5 meters) of the property line; except that, after the initial construction of the public water main is completed, connection to such facilities shall be completed within twelve (12) months after official notice to do so. The City Council may set a shorter time for correction or connection to public water main for users having problems which are determined to be a threat to public health, safety or general welfare.

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B. When, in the judgment of the city, the water lines and appurtenances of the city are of insufficient capacity or size or the reservoirs of the city are of insufficient capacity or size or cannot reasonably be expected to provide a safe and dependable supply of water for domestic use and for fire protection, or other reasonable justification exists relating to the health, safety and welfare of the customers and citizens of the city of Brookings, then applications for additional water service may be refused. The city council may, from time to time, designate sections of the city or areas served by the water system in which additional water services will be prohibited until such time as the conditions described in this section have been corrected.

C. No unauthorized person shall maliciously, willfully, negligently or otherwise, break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the municipal water system. Any person violating this provision shall be subject to immediate arrest by law enforcement personnel.

Section 4. Repeal of Section 10.C. Section 10.C. of Ordinance No. 66-O-190 is hereby repealed in its entirety.

Section 5. Amendment to Section 10.D. Section 10.D. of the existing Ordinance No. 66-O-190 is hereby renamed Section 10. C., and shall read as follows:

Section 10. Water outside city limits.

C. No municipal water service shall be extended outside the adopted Urban Growth Area Boundary of the city under any circumstances except for those lots of record existing on the date of this ordinance adoption and as depicted on that certain map exhibit attached hereto and by this reference made a part hereof, which lots are within and immediately contiguous to the Van Pelt Hills Ranchettes; together with the First Addition and Second Addition thereof, and also those 26 lots contained within the area shown in the Curry County Comprehensive Plan as Rural Land Exception No. 51, Shady Cove Area, as it exists on the date of adoption of this section.

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Section 6. Emergency clause. The matters contained herein concern the peace, health, safety and welfare of the people of the city of Brookings and therefore an emergency is hereby declared to exist and this ordinance shall become immediately effective upon its final passage by the council and approval by the mayor.

First Reading:

Second Reading:

Passage:

Signed by me in authentication of its passage this

day of _____, 1989.

Fred Hummel

Mayor

ATTEST:

**Beverly S. Shields
City Recorder**