

TITLE V: PUBLIC WORKS

Chapter

50. WATER

51. SEWERS

CHAPTER 50: WATER

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§ 50.01 TITLE.

This chapter shall be known as the “Rules and Regulations for the Operation of the Water Department of the City.”

(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.02 APPLICABILITY.

(A) The Water Department and all customers receiving service from the Water Department, whether inside or outside the city limits, are bound by these rules and regulations for the operation of the Water Department of the city.

(B) The city shall comply with all rules and regulations of the State Health Division, as contained in O.A.R. Chapter 333, Division 61.

(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

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§ 50.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. The person or persons, firm or corporation, making application for water service from the Water Department under the terms of these rules and regulations.

BACKFLOW. A reversal of normal flow in the water system caused by back siphonage, which is negative pressure in the supply line, or back pressure, which is an increase in the down stream pressure above that of the supply pressure.

COLIFORM. A bacteriological organism whose count is used to determine the presence of pollution in water.

CROSS-CONNECTION. Any actual or potential connection between the city's or consumer's potable water supply and any other water system or source, or any system or method through which any fluid, gas or substance could be introduced into the potable water.

CUSTOMER. An applicant who has been accepted under the terms of these rules and regulations and who receives water service from the Water Department.

CUSTOMER SERVICE LINE. That part of the piping on the customer's property that connects the service connection to the customer's distribution system.

RULES AND REGULATIONS. The rules and regulations for the operation of the Water Department.

SERVICE CONNECTION. The part of the water distribution system that connects the meter to

the main and normally consists of corporation stop, service pipe, curb stop and box, meter, meter yoke and meter box.

SUPERINTENDENT. The person appointed by the City Administrator to manage the affairs of the Water Department.

WATER. Potable drinking water.

WATER DEPARTMENT. The city Water Department.
(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.04 SERVICE AREA.

The area served by the Water Department shall be that area included within the corporate limits of the city and the other contiguous or neighboring territory as the Council shall, from time to time, determine to serve.
(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.05 DESCRIPTION OF SERVICE.

(A) (1) The Water Department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a proper pressure and to avoid any shortage or interruption in delivery.

(2) Temporary suspension of service by the Water Department for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected shall be notified prior to shut-downs.

(3) The city shall not be liable for damage resulting from the interruption in service or from lack of service.

(B) The Water Department shall exercise reasonable diligence to supply safe and potable water at all times, shall submit samples for bacteriological testing as required by the State Health Division, and shall otherwise meet requirements of the Division.

(C) All water mains, valves, fittings, hydrants, service connections and other appurtenances, except customer service lines, are the property of the Water Department.

(D) When the applicant's requirements for water are unusual or large or necessitate considerable special or reserve equipment or capacity, the Water Department reserves the right to make special contracts, the provisions of which are different from and have exceptions to the regularly published water rates and rules and regulations. These special contracts shall be in writing and signed by the applicant and the Superintendent. The Superintendent shall not sign a special contract until specific approval of the contract has been obtained from the Council.

(E) Resale of water shall only be permitted under special contract.

(F) In case of shortage of supply, the Water Department reserves the right to give preference in the matter of furnishing service to customers from the standpoint of public convenience or necessity. Water service to users outside the city limits shall, at all times, be subject to the prior and superior rights of the customers within the city.

(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.06 APPLICATION FOR SERVICE.

(A) (1) Each applicant for water service shall sign an application form provided by the Water Department.

(2) There shall be only one applicant per meter connection. Each applicant shall give the date of application, location of premises, whether they have been served before, the date on which the applicant desires to have service begin, purpose for which service is to be used, the address for mailing or delivery of bills, the applicant's address, the class and size of service and other information as the Water Department may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations of the Water Department.

(3) The application is merely a written request for service and does not bind the Water Department to serve.

(B) (1) At the time application for service is made, the applicant shall pay a deposit equal to three times the base unit charge as specified in the resolution. At the time the deposit is given to the Water Department, the applicant shall be given a receipt for the deposit. The deposit is not to be considered as a payment on account. The deposit will be returned to the customer when service to the customer is discontinued, provided that all outstanding bills have been paid. Interest shall not be paid on deposits.

(2) If an account becomes delinquent and it is necessary to turn off the service, the deposit shall be applied to the unpaid balance due. Water service shall not be restored to that customer at the same or different premises until all outstanding bills due the Water Department have been paid and the cash deposit replaced.

(3) Customers desiring a material change in the size, character or extent of equipment or operation

that would result in a material change in the amount of water used shall give the Water Department written notice of the change prior to the change and the application for service shall be amended. Customers desiring a change in the size, location or number of services shall fill out an amended application.

(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

USE REGULATIONS

§ 50.20 MAIN EXTENSIONS.

(A) (1) Water main extension to areas within the city limits not presently served with water from adequately sized mains of six inches or larger shall be installed by the Water Department or by contractors approved by the Water Department. The cost of the extensions shall be borne by the adjacent properties along which the extensions are made on a front-foot basis, except that the adjacent properties shall not be assessed in excess of the cost of installing a six-inch main, including all fittings and valves.

(2) If a water main is laid to serve property that has paid for a water service connection from another street, the Water Department shall install a new service connection of like size to the property line or parking strip without charge to the owner, provided that the property is assessed for the new water main.

(B) Water mains outside the city limits shall be extended only at the expense of the customers served. The Water Department shall determine the size of the main extension. Extensions outside the city limits shall be installed by the Water Department or by contractors approved by the Water Department. The installation procedures and materials used shall be in accordance with the Water Department's standards. The main extensions shall become the property of the

Water Department at the time water from the city water system is turned into the main extension. Prior approval of the County Boundary Commission must be obtained by the petitioning party.

(C) The Water Department will make water main extensions only on public rights-of-way, easements or publicly-owned property. The Council has final authority on granting connections outside of the city limits. Easements or permits secured for main extensions shall either be obtained in the name of the city or transferred to the city, along with all rights and title to the main prior to the time service is provided to the customers paying for the extension. (Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.21 OWNERSHIP; CONNECTIONS AND MAINTENANCE.

(A) The Water Department shall own, install and maintain all services and installations according to State Health Division standards. Maintenance shall only be performed by authorized employees of the Water Department. The customer shall own, install and maintain the customer service line.

(B) (1) A service connection charge shall be charged to any applicant who files for service where no service previously existed, or who files for a change in service size or location.

(2) The applicant shall submit with the application the minimum service connection charge. The charge is to cover the actual cost to the Water Department to install the service from the main to and including the meter and the meter housing.

(3) In addition to the cost of the installation, the service connection charge may include a system improvement fee.

(4) The amount of the service connection charge shall be set by Council resolution.

(C) The Water Department shall furnish and install a service of a size and at a location that the applicant requests, provided that the request is reasonable and that the size requested is one that is listed by the Water Department. The minimum size of a service pipe shall be $\frac{3}{4}$ inch. The Water Department may refuse to install a service line that is undersized or oversized, as determined by a study and report of the Superintendent to the Council.

(D) Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the Water Department for making the change.

(E) (1) Where the main is in a public right-of-way, the meter shall be placed at the right-of-way line nearest the property to be served for the standard connection fee, provided that the length of service does not exceed the width of the right-of-way.

(2) Where the main is on an easement or publicly-owned property other than designated public rights-of-way, the service shall be installed to the boundary of the easement of public property by the Water Department, provided that the length of service does not exceed 30 feet.

(3) If, in either case cited above, the length of service line to the meter location exceeds the maximum distance stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the Water Department for labor, materials and equipment rental, plus 20% of the total.

(F) (1) The Water Department may, at its option, serve two or more premises with one service connection, but shall not allow more than one applicant for service to be connected to the same meter.

(2) The inside diameter of joint service lines shall be sufficient to provide a carrying capacity not less than the combined capacity of the individual service lines of the same size as the meters installed.

(3) Service extensions from an existing service to occupancies or ownerships other than those for which the existing service was intended shall not be permitted.

(G) The owner of a single parcel of property may apply for and receive as many services as the owner and tenants require, provided that the application or applications meet the requirements of the rules and regulations.

(H) (1) Standby fire protection service connections of two-inch size and larger shall be installed only if adequate provisions are made to prevent the use of water from the services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered to have the provisions. The Water Department may require that a suitable detector-check meter be installed in the standby fire protection service connections to which hose lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the plumbing code of the city.

(2) Charges for standby fire protection service shall be as established by Council resolution. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system. The customer shall pay the full cost of the standby fire protection service connection, any required detector-check meters and any required special water meter or other device installed solely for the service to the standby connection.

(3) If water is used from a standby connection service in violation of these regulations, an

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estimate of the amount used shall be computed by the Water Department. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of the regular water rates.

(I) A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered an ordinary service and shall be metered. All water used through that service, regardless of its use, shall be charged at the regular rates.

(J) For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material owned and furnished by the Water Department. The applicant shall pay the water bill in advance, based on an estimate of the quantity to be used.

(1) Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the Water Department.

(2) Charges for water furnished through a temporary service connection shall be at the established monthly rates for regular users set forth in the current water rate resolution.

(3) The applicant for temporary service shall:

(a) Pay the Water Department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service;

(b) Deposit an amount sufficient to cover bills for water during the entire period the temporary service may be used; and

(c) Deposit with the Water Department an amount equal to the value of any equipment loaned by the Water Department to the applicant for use on temporary service. This deposit is refundable under the terms hereof.

(4) The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the Water Department. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit refund. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit shall be returned to the temporary customer at the termination of service.

(K) (1) The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry potable water, sewage or drainage, shall comply with the state plumbing code.

(2) Customers shall install a suitable gate valve and backflow prevention device, as required, in the customer service line as close to the meter as possible, the operation of which shall control the entire water supply to the premises served and to prevent the backflow of water into the city mains.

(3) The customer shall install additional pressure reducing valves, pressure-relief valves, expansion chambers, check valves, pop-off valves or other control devices, as the customer may desire or the Water Department may consider necessary to protect the customer's piping from abnormal high or low pressures, or the customer's supply from interruptions of service or cross-connections. Repair, replacement and testing of the control device shall be the responsibility of the customer.

(4) A customer shall not operate or cause unauthorized operation of the meter stop or any other appurtenances on the service connection.

(5) Where pumping is required to serve a customer at too high an elevation to be served by gravity, the Water Department may, at its option, require the customer to provide a suitable pump as a condition of service.

(6) The installation shall be subject to approval by the Superintendent.
(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.22 METERS; CROSS-CONNECTION CONTROL.

(A) (1) The Water Department shall own and maintain all water meters. The Water Department shall not pay rent or any other charge for a meter or other water facilities, including housing and connections, located on a customer's premises.

(2) Installation of water meters shall be performed only by authorized employees of the Water Department. All meters shall be sealed by the Water Department at the time of installation, and no seal shall be altered or broken, except by one of its authorized employees.

(3) An applicant may request and receive any size meter regularly stocked or furnished by the Water Department, provided that the request is reasonable, and further provided that the meter is not greatly oversized or undersized, as determined by the Superintendent. The Water Department reserves the right to determine the type of meter to be installed.

(4) Meters shall normally be placed at the property lines closest to the water main. The meter may be installed wherever the applicant desires, within reason, but the location must be approved by the Water Department. A meter shall not be located

in a driveway or other location where damage to the meter or its related parts may occur.

(5) The joining of several customers to take advantage of the single minimum charges or large quantity rates is prohibited, except under special contract.

(6) Where multiple users are receiving water from a single meter, the applicant for service shall be considered the customer and shall be responsible for all charges.

(7) If, for any reason, a change in size of a meter and service is required, the installation shall be accomplished on the basis of a new connection and the customer's application shall be amended. Meters or services moved for the convenience of the customer shall be relocated only at the customer's expense.

(B) (1) The Water Department shall conduct an active program for identifying and controlling cross-connections.

(2) The program shall comply with the requirements of the State Health Division.

(3) Backflow prevention device assemblies shall be installed on the customer's service line where an approved air gap does not exist and:

(a) There is an auxiliary water supply which is, or can be, connected to the potable water piping;

(b) There is piping for conveying liquids other than potable water, and where that piping is under pressure and is installed and operated in a manner which could cause a cross-connection;

(c) There is intricate plumbing which makes it impractical to ascertain whether or not cross-connections exist or where a customer will not allow

inspection to determine whether or not cross-connections exist;

(d) There is back siphonage potential;
and/or

(e) Cross-connections or potential cross-connections exist.

(4) (a) All backflow prevention device assemblies required under this section shall be of a type and model approved by the State Health Division.

(b) The type of backflow prevention device required to be installed shall be commensurate with the degree of hazard which exists:

1. An approved air gap of at least twice the inside diameter, but not less than one inch, of the incoming supply line measured vertically above the top rim of the vessel, or an approved reduced pressure device assembly shall be installed where the substance which could be backflow is hazardous to health, such as, but not limited to sewage treatment plants, sewage pumping stations, chemical manufacturing plants, plating plants, hospitals, mortuaries, car washes and medical clinics.

2. An approved double check valve assembly shall be installed where the substance which could be backflow is objectionable but does not pose an unreasonable risk to health.

3. An approved pressure vacuum breaker or an atmospheric vacuum breaker shall be installed where the substance which could be backflow is objectionable but does not pose an unreasonable risk to health and where there is no possibility of back pressure in the downstream piping. A shutoff valve may be installed on the line downstream of a pressure vacuum breaker but shall not be installed downstream of an atmospheric vacuum breaker.

(5) (a) All backflow prevention device assemblies shall be installed in accordance with Chapters II and IV, *Recommended Installation Practice, Accepted Procedure and Practice in Cross-connection Control Manual*, November 1985, Fourth Edition, published by the Cross-connection Control Committee, Pacific Northwest Section, AMIA.

(b) Backflow prevention device assemblies installed before the effective date of these rules, which were approved at the time they were installed but are not on the current list of approved device assemblies, shall be permitted to remain in service provided they are properly maintained, are commensurate with the degree of hazard, are tested at least annually and perform satisfactorily. When devices of this type are moved or require more than minimum maintenance, they shall be replaced by device assemblies which are on the list of approved device assemblies.

(6) The water user or the owner of the premises where one or more reduced pressure device assembly, double check valve assembly or pressure vacuum breaker has been installed shall have the device tested at least once per year. Devices installed at facilities which pose an extreme health risk and devices which repeatedly fail shall be tested on a more frequent basis as determined by the Water Department. Backflow prevention devices found not to be functioning properly shall be promptly repaired by the water user or owner of the device or the Water Department may deny or discontinue service as provided herein. Devices shall be tested immediately after installation and after they are moved. Reports on the tests shall be prepared by the tester and copies of the reports shall be provided to the water user or the owner of the premises, to the Water Department and to the Health Division. Tests shall be performed by certified testers in conformance with procedures established by the Foundation for Cross-Connection Control and Hydraulic Research, *Manual of Cross-Connection Control*, Seventh Edition, June 1985,

University of Southern California. Tests shall be completed and reports submitted within 30 days of the anniversary of the installation date or as otherwise determined by the Water Department. When the customer fails to perform required tests, the Water Department may, at its option, perform the tests or have the tests performed and bill the cost to the customer, including any necessary repairs.

(C) (1) An approved air gap of at least twice the inside diameter, but not less than one inch, of the incoming supply line measured vertically above the top rim of the vessel, or an approved reduced pressure backflow device assembly shall be installed where the substance which could be backflow is hazardous to health, such as, but not limited to sewage treatment plants, sewage pumping stations, chemical manufacturing plants, plating plants, hospitals, mortuaries, car washes and medical clinics.

(2) An approved double check valve assembly shall be installed where the substance which could backflow is objectionable but does not pose an unreasonable risk to health. An approved double check valve assembly shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or which does not provide for periodic flow through during each 24-hour period.

(D) (1) All backflow prevention device assemblies shall be installed in accordance with Sections (1) through (4) of O.A.R. 333-61 through 333-071. Double check valve and reduced pressure device assemblies shall have resilient seated gatevalves or fully ported ball valves provided by the manufacturer for both shut off valves and test cocks.

(2) Backflow prevention device assemblies installed before the effective date of these rules which were approved at the time they were installed but are not on the current list of approved device assemblies, shall be permitted to remain in service provided they

are properly maintained, are commensurate with the degree of hazard, are tested at least annually and perform satisfactorily. When devices of this type are moved, or require more than minimum maintenance, or are on services that are modified, changed size or remodeled, they shall be replaced by device assemblies which are on the list of approved device assemblies.

(E) The water user or the owner of the premises where one or more reduced pressure device assembly, double check valve assembly or pressure vacuum breaker has been installed shall have the device tested at least once per year. Devices installed at facilities which pose an extreme health risk and devices which repeatedly fail shall be tested on a more frequent basis, as determined by the Water Department. Backflow prevention devices found not to be functioning properly shall be promptly repaired by the water user or owner of the device or the Water Department may deny or discontinue service as provided herein. Devices shall be tested immediately after installation and after they are moved. Reports on the tests shall be prepared by the tester and copies of the reports shall be provided to the water user or the owner of the premises, to the Water Department and to the Health Division. Tests shall be performed by certified testers in conformance with procedures established by the Foundation for Cross-Connection Control and Hydraulic Research, *Manual of Cross-Connection Control*, Eighth Edition, June 1988, University of Southern California. Tests shall be completed and reports submitted within 30 days of the anniversary of the installation date or as otherwise determined by the Water Department. When the customer fails to perform required tests, the Water Department may, at its option, perform the tests or have the tests performed and bill the cost to the customer, including any necessary repairs, or may discontinue service to the customer until the device has been tested.

(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.23 DISCONTINUANCE OF SERVICE.

(A) (1) Each customer about to vacate any premises supplied with water service by the Water Department shall give the Water Department a request to discontinue service prior to the specific date service is to be discontinued.

(2) The customer is responsible for all water supplied to the premises until water service is actually discontinued by the city or two days after the city receives notice, whichever occurs first.

(B) A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in these rules and regulations.

(C) (1) The Water Department may refuse to furnish water and may discontinue service to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with the state plumbing code.

(2) (a) Neither cross-connections nor physical connections of any kind shall be made to any other water supply, whether private or public, without the written approval of the Water Department. Included in this category are all pipelines, appurtenances and facilities of the Water Department's system and all pipes, appurtenances, pumps, tanks, storage reservoirs, facilities, equipment and appliances of other systems, whether located within or on public or private property, or the premises of a water user.

(b) The Superintendent or other authorized representative shall have the right, without being considered guilty of trespass or unlawful act, to check the premises of users for physical connections with other water supplies. Any connection shall be removed immediately by the customer, otherwise the

Water Department shall discontinue any connection that it may have for the serving of water to the premises.

(c) All plumbing within the building served by the Water Department shall be so installed and all plumbing fixtures so constructed as to prevent pollution of water supply by back siphonage or cross-connections. Water service to any premises known or found to have defects and hazards shall be disconnected and not restored until the defects and hazards have been eliminated.

(D) Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the Water Department may discontinue service if the conditions are not corrected after due notice by the Water Department.

(E) The Water Department may refuse to furnish water and may discontinue service to any premises where excessive demand by one customer will result in inadequate service to others.

(F) (1) The Water Department will refuse or discontinue service to any premises where it is considered necessary to protect the Water Department from fraud or abuse.

(2) Discontinuance of service for one or both of these causes will be made immediately upon receipt of knowledge by the Water Department that the condition or conditions exist.

(G) Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be computed at actual cost to the Water Department, plus 15% overhead, but not less than \$10. These charges shall be billed to the offending customer and water shall not be furnished to

the premises until the charges are paid and the Water Department has reasonable assurance that the violation will not recur.

(H) (1) The Water Department may, upon five days notice, discontinue service to a customer's premises for failure to comply with any of the provisions of these rules and regulations.

(2) This division does not prevent immediate continuance when authorized by this chapter.
(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.24 RESTORATION OF SERVICE.

(A) Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past-due charges, plus any restoration charge that may be provided by Council resolution, and posting a deposit as provided by this chapter.

(B) Restoration of service after discontinuance of service for the customer's convenience, or for unsafe facilities, water waste, fraud, abuse or for noncompliance with any of the rules and regulations, shall only be made after adjustments have been made to ensure that the irregularity will not recur. The restoration charge shall be as provided by Council resolution, plus any other charges, due or past due, that the Water Department may have incurred to correct the irregularity.

(C) (1) The Water Department may refuse to furnish water and may discontinue service to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with the state plumbing code or State Health Division requirements.

(2) Cross-connections or physical connections with other water supplies or systems.

(a) Neither cross-connections nor physical connections of any kind whether private or public shall be made to any city water supply, nor shall a water user of the city's water system treat the water in any way or add any chemical or substance to the water without the written approval of the Water Department. Included in this category are all pipelines, appurtenances and facilities of the Water Department's system and all pipes, appurtenances, pumps, tanks, storage reservoirs, facilities, equipment and appliances of other systems, whether located within or on public or private property or the premises of a water user.

(b) The Superintendent or other authorized representative shall have the right, without being considered guilty of trespass or unlawful act, to check the premises of users for cross-connections. Any hazardous connection shall be removed immediately by the customer, otherwise the Water Department shall discontinue any connection that it may have for the serving of water to the premises.

(c) All plumbing within the building served by the Water Department shall be so installed and all plumbing fixtures so constructed as to prevent pollution of water supply by backflow or cross-connections. Water service to any premises known or found to have defects and hazards shall be disconnected and not restored until the defects and hazards have been eliminated or corrected by the installation of an approved backflow prevention device.
(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.25 UNUSUAL DEMANDS.

(A) When an abnormally large quantity of water is desired for filling a swimming pool, log pond or for other purposes, arrangements must be made with the Water Department prior to taking the water.

(B) Permission to take water in unusual quantities will be given only if the Water Department facilities and other consumers are not inconvenienced.

(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.26 ACCESS TO PROPERTY.

The duly appointed employees of the Water Department, under the direction of the Superintendent, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purpose of inspecting connections, the conditions of conduits and fixtures and the manner and extent in which the water is being used. The Water Department does not, however, assume the duty of inspecting the customer's line, plumbing and equipment and shall not be responsible therefor. (Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.27 EQUIPMENT; RESPONSIBILITY.

(A) The Water Department shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing or equipment, nor shall the Water Department be liable for loss or damage due to interruption of service or temporary changes in pressure. The customer shall be responsible for valves on the premises being turned off when the water service is turned on.

(B) (1) Water Department equipment on the customer's premises remains the property of the Water Department and may be repaired, replaced or removed by the Water Department employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or remove Water Department equipment on the premises.

(2) The property owner and tenant shall exercise reasonable care to prevent damage to equipment and shall not interfere with its operation.

(3) The property owner and tenant must keep vicious dogs or other animals secure or confined to avoid interference with the utility operation and maintenance.

(C) (1) The Water Department may, at its option, install pressure-reducing valves at the expense of the Water Department, and for the purpose of reducing pressures from the distribution mains only in order to protect the Water Department's meter.

(2) The installation of a pressure-reducing valve is not designed nor intended to protect any property beyond the meter to the customer's lines. If any property of the customer, after water passes through the meter, is subject to damage by reason of water pressure or changes therein, the loss or damage that may result to the customer's property will be at the sole and exclusive expense of the customer and shall not be a responsibility of the Water Department.

(3) Failure of Water Department control valves or devices will not in any way indicate negligence by the Water Department or responsibility for damage caused thereby.

(D) (1) The customer shall be liable for any damage to equipment owned by the Water Department that is caused by an act of the customer, the customer's tenants, agents, employees, contractors, licensees or permittees.

(2) Damage to equipment shall include but not be limited to breaking of seals and locks; tampering with meters; injury to meters, including but not limited to damage by hot water or steam; and damaged meter boxes, curb stops, meter stops and other service appurtenances.

(E) When underground mains, valves and other Water Department equipment is damaged by a contractor or private individual, the entire cost of repairs shall be borne by that contractor or individual.

(F) (1) The Water Department shall be notified before excavation by others on city rights-of-way and easements, so location of water pipes and other buried utilities can be established by the city at no cost to the requesting party.

(2) Location of utilities will be made according to the best available maps and plans, but in no way relieve a contractor or individual from responsibility for damage.
(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.28 FIRE HYDRANTS.

(A) (1) No person or persons other than those designated and authorized by the Water Department shall open any fire hydrant or standpipe belonging to the Water Department, attempt to draw water from it or in any manner damage or tamper with it. No tool other than special hydrant wrenches shall be used to operate a hydrant valve.

(2) In cases where a temporary service has been granted and water is received through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.

(B) (1) When a fire hydrant has been installed in the location specified by the proper authority, the Water Department has fulfilled its obligation.

(2) A property owner or other party who desires to change the size, type or location of the hydrant shall bear all costs of the changes.

(3) Any change in the location of the fire hydrant must be approved by the Water Department. (Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95) Penalty, see § 50.99

§ 50.29 UNDERGROUND UTILITIES.

(A) (1) Location of underground utilities installed by electric, telephone, television and other companies on city streets, alleys and public rights-of-way within the city shall be recorded on an approved plat plan, showing the location of the utilities from property lines.

(2) When additions or deletions of the utilities are made, it shall be the responsibility of the company to update the plat plan. One copy of the plan shall be furnished to the Public Works Department at no charge, and one copy retained by the company.

(B) All wires shall be enclosed in a watertight, nonmetallic conduit, buried to a depth of no less than 24 inches from the surface. The conduit shall lie on a six-inch sand base with a sand cover of approximately eight inches. Conduits allowed to be laid in the same trench as water or sewer pipes shall be laid on one extreme bank side, as approved and in accordance with State Health Division standards.

(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.30 TAMPERING WITH SYSTEM.

No person or persons other than those designated and authorized by the Water Department shall operate, adjust or in any manner tamper with any part of the water system of the city.

(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95) Penalty, see § 50.99

RATES AND CHARGES**§ 50.40 RATES AND CHARGES FOR SERVICE.**

(A) The water rates to be charged, including base rate charges, charges for water used over the specified minimum, fire hydrant rates and service connection charges, shall be published in a separate water rate schedule adopted by Council resolution.

(B) All water used, with the exception of that used for fighting fires, shall be metered and a charge made according to the schedule of water rates.

(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.41 NOTICES.

(A) (1) Notices from the Water Department to the customer shall normally be given in writing and either mailed or delivered to the customer's last known address.

(2) Where conditions warrant, and in emergencies, the Water Department may notify by telephone or messenger.

(B) Notices from customers to the Water Department may be given by the customer or authorized representative orally or in writing at the Office of the Water Department, or to an agent of the Water Department duly authorized to receive notices or complaints.

(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.42 BILLING AND PAYMENT.

(A) (1) Meters shall be read and customers billed on the basis of the meter reading, according to the rate structure established by Council resolution.

(2) The Water Department shall keep an accurate account on its books of all readings of meters and the account so kept shall be offered at all times, places and courts as prima facie evidence of the use of water service by the customer.

(B) Where meters have not been installed, the customer shall be billed on the basis of the average monthly charge for the size and class of service supplied to the customer.

(C) (1) Meters shall be read and bills rendered monthly.

(2) Opening or closing bills or bills that for any other reason cover a period containing 10% more days or 10% less days than in the normal billing period shall be prorated.

(3) All meters supplying a customer's premises shall be billed separately, except that where the Water Department has, for operating purposes, installed two or more meters in place of one, the readings may be combined for billing.

(D) (1) A customer who disputes the correctness of a bill shall deposit the amount of the

disputed bill at the time the complaint is lodged to preclude discontinuance of service pending final settlement of the bill or bills.

(2) Subsequent bills shall be paid or placed on deposit in a similar manner.

(3) Failure of the customer to make the deposit shall warrant discontinuance of service as provided under this section.

(E) In the event that it is impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of 30 days per month, and the total water consumption for billing purposes for the period shall be estimated.

(F) (1) Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by that date, the account shall be considered delinquent unless other arrangements have been made with the City Recorder, in writing, that specify another due date.

(2) Bills not paid by the due date shall be assessed a penalty of 10% of the previous billing.

(G) (1) If a bill is not paid by the due date designated on the bill, a delinquent notice shall be mailed to the customer. If the bill is not paid in full within 30 days of the mailing of a delinquent notice, water service may be discontinued.

(2) Customers shall be notified of and have the opportunity to be heard by a city official or employee empowered to resolve any valid objections to the billing prior to the disconnection.

(3) On the turnoff date, an agent of the Water Department shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts have been paid. The

agent of the Water Department shall immediately thereafter turn off the service. A delivery to any person residing at the address served by the meter shall be considered a delivery to the customer. If there is no person present at the address served, then the notice may be left on the premises stating that water service will be discontinued on the following morning. The agent shall return to the premises the following morning, shut off the water service, and leave a notice that the water service has been turned off until all delinquent accounts have been paid.

(4) In cases of extreme hardship, the City Recorder shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount.

(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.43 METER ERROR.

(A) All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service that is known to have an error in registration in excess of 3% under conditions of normal operation.

(B) (1) Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.

(2) A customer may, giving not less than seven days notice, request the Water Department to test the meter serving his or her premises. The Water Department will require the customer to deposit the testing fee as established by Council resolution.

(3) The deposit will be returned to the customer if the test reveals the meter to over-register more than 3% under conditions of normal operation.

(4) If the meter is operating satisfactorily, or if the meter under-registers more than 3% under the standard test conditions, the deposit shall be forfeited to the Water Department. Customers may, at their option, witness any meter tests that they request.

(5) If, upon comparison with past water usage, it appears that a meter is not registering properly, the Water Department may, at its option, test the meter and adjust the charges accordingly if the meter either over-registers or under-registers. No charge for meter testing will be made to the customer for the meter test under these conditions.

(C) (1) When, upon test, a meter is found to be over-registering more than 3% under normal operating conditions, the Water Department will refund to the customer the full amount of the overcharge, based on corrected meter readings, not exceeding two regular billing periods that the meter was in use.

(2) When, upon test, a meter is found to be under-registering more than 3%, the Water Department may bill the customer for the amount of the undercharge, based upon corrected meter readings, not exceeding two regular billing periods that the meter was in use.

(3) The Water Department will bill for water consumed while the meter was not registering.

(4) The bill will be computed upon an estimate of consumption based on the customer's prior use during the same season of the previous year, or on a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions, or both.

(Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.44 AMENDMENTS.

(A) The City Council shall have the power to establish water rates and charges and amend these rules and regulations as may be necessary for the efficient operation of the Water Department.

(B) No employee of the Water Department is authorized to suspend or alter any of the rules and regulations cited herein without specific approval or direction of the Council, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy. (Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.45 FREE SERVICE PROHIBITED.

Except for service to the city, the Water Department shall not furnish any water or perform any service to any individual, firm, corporation, association or institution free of charge or at a reduced rate or for any other consideration than the regular established rate or charges levied through a contractual agreement approved by the Council. (Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

§ 50.99 PENALTY.

A violation of any provision of this chapter is punishable by a fine not to exceed \$500. (Ord. 699, passed 10-23-85; Am. Ord. 736, passed 4-21-88; Am. Ord. 746A, passed 6-1-89; Am. Ord. 802, passed 3-6-95)

CHAPTER 51: SEWERS

Section

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Cross-reference:

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GENERAL PROVISIONS

§ 51.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOD or ***BIOCHEMICAL OXYGEN DEMAND***. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in parts per million by weight.

BUILDING DRAIN. The part of the lowest horizontal piping of a sewer system which receives the discharge from sewer drainage pipes inside the walls of the building and conveys it to the building sewer, ending five feet (1.5 meters) outside the inner face of the building wall.

BUILDING OFFICIAL. The Building Official, as designated by the City Council.

BUILDING SEWER or SEWER SERVICE LATERAL. The extension from the building drain to the public sewer or other place of disposal.

COLLECTION AND TREATMENT WORKS. All publicly-owned and operated facilities for collecting, pumping, treating and disposing of sewage.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

CUSTOMER. Property owner, agent or tenant who applies for service.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL USER.

(1) Any non-governmental, nonresidential user of the public treatment works which is identified in the *Standard Industrial Classification Manual*, 1972, Office of Management and Budget under the following divisions:

- (a) Division A, Agriculture, Forestry and Fishing;
- (b) Division B, Mining;
- (c) Division D, Manufacturing;
- (d) Division E, Transportation, Communications, Electric, Gas and Sanitary Services; and
- (e) Division I, Services.

(2) A user in these divisions may be excluded from the industrial category if the Superintendent determines that the user will introduce primarily domestic waste and waste from sanitary conveniences.

INDUSTRIAL WASTES. The water-carried wastes of an industrial user, other than domestic waste from sanitary conveniences.

MAY. The act referred to is permissive.

NATURAL OUTLET. An outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

OPERATION AND MAINTENANCE. Activities required to ensure the dependable and economical function of collection and treatment works, including:

(1) **MAINTENANCE.** Preservation of functional integrity and efficiency of equipment and structures. This includes preventive maintenance, corrective maintenance and replacement of equipment.

(2) **OPERATION.** Control of the unit processes and equipment that make up the collection and treatment works. This includes keeping financial and personal management records, laboratory control, process control, safety and emergency operation planning, employment of attorneys and consultants, payment of court costs and payment of any costs or fees reasonably associated with any of the above.

PERSON. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDED GARBAGE. The wastes from the preparation, cooking and dispensing

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of food that have been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

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PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights and which is controlled by the city.

REPLACEMENT. Obtaining and installing equipment, accessories or appurtenances that are

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necessary during the design or useful life, whichever is longer, of the collection and treatment works to maintain the capacity and performance for which the works were designed and constructed.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SERVICE AREA. All the area served by the collection and treatment works and for which there is one uniform user charge system.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with the ground, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. All facilities for collecting, pumping, treating and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SHALL. The act referred to is mandatory.

STORM DRAIN or **STORM SEWER.** A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT. The director of public works of the city or an authorized deputy, agent or representative.

SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

USER CHARGE. The monthly charges levied on all users of the public collection and treatment works, and shall, at a minimum, cover each user's proportionate share of the cost of operation and maintenance (including replacement) of the works as provided under Section 204(b)(1)(A) of the Clean Water Act being 33 USC 1284.
(Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)

§ 51.02 AUTHORITY OF INSPECTORS.

(A) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

(B) The Superintendent or his or her representatives shall have no authority to inquire into any industrial processes beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
(Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)

§ 51.03 SEWAGE DUMPING.

(A) Persons authorized to engage in the business of cleaning septic tanks may be permitted to dump the sewage from septic tanks into the city's sewage system, subject to the following rules and regulations:

(1) Sewage dumped into the sewer system shall be of the type authorized to be placed into the system under the provisions of this chapter;

(2) All dumping shall be by permit and under the supervision of the Superintendent;

(3) The permit shall state date, time and location of dumpage into the sewer system; and

(4) (a) Charges for dumping of sewage shall be set by Council resolution; and

(b) Charges are to be paid to the city in advance.

(B) The Superintendent may establish and enforce reasonable rules to ensure that the dumping is carried on in a sanitary manner and in a way as not to interfere with the proper operation of the sewer system.

(Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)

§ 51.04 SERVICE CHARGES; BILLING.

(A) (1) User charges for use of the city collection and treatment works shall be established by Council resolution. The charges shall include a surcharge of 50% in addition to the city's basic rate, when the service involves a lift station.

(2) User charges shall be levied on all users of the public treatment works and shall cover the cost of operation and maintenance, replacement and other administrative costs of the treatment works. The resolution establishing or revising user charges shall distribute the costs in proportion to each user's contribution to the wastewater loading of the treatment works. The resolution also shall establish or revise industrial waste surcharges that reflect each user's proportionate share of costs of treatment of the industrial waste loading of the treatment works.

(3) All sewer user charges are payable in advance by the customer. An administrative charge of

10% of the user charge shall be added each month on all charges that are delinquent.

(4) Where a sewer user is connected to the city water system, sewer user charges shall be billed to the customer so long as the customer receives water service. Sewer user charges shall not be billed if water service is terminated and the occupant makes no actual use of the sewer system.

(5) Where a sewer user is not connected to the city water system, sewer user charges shall be billed to the customer so long as the property is occupied. The property shall be deemed occupied until the property owner submits a written sworn statement or other proof that the property is vacant and that there is no actual use of the sewer system.

(6) The sewer user charges established herein shall, as a minimum, be reviewed annually and revised periodically to reflect actual costs of operation, maintenance and replacement of the treatment works and to maintain the equatability of the user charges with respect to proportional distribution of the costs of operation and maintenance in proportion to each user's contribution to the total wastewater loading of the treatment works.

(7) Each customer shall be notified at least annually, in conjunction with a regular bill, of that portion of the user charges which are attributable to the operation, maintenance and replacement of the wastewater collection treatment and disposal system.

(B) (1) A sewer user account may be opened and maintained by a customer agreeing to pay bills when due and to abide by all rules and regulations of the sewer utility as they now exist.

(2) (a) By resolution, the Council may require the payment of a deposit on a new or existing account when:

1. The account is opened by a new customer;
2. Water service has been discontinued for nonpayment of the customer's account at any service address during the previous 12 months; or
3. Sewer user charges have been delinquent by more than 60 days on the customer's account at any service address not connected to the city water system during the previous 12 months.

(b) Deposits shall be refunded to the customer upon termination of service, less any amount then due and payable, or following 12 months of continuous service without the requirement that a deposit be paid hereunder. No interest shall be paid on any deposit.

(3) Sewer service charges shall be billed monthly and are due upon receipt. Any charge not paid by the due date designated on the bill is delinquent.

(4) (a) If a bill is not paid by the due date designated on the bill, a delinquent notice shall be mailed to the customer. If the bill is not paid in full within 30 days of the mailing of a delinquent notice, water service may be discontinued.

(b) Customers shall be notified of and have the opportunity to be heard by a city official or employee empowered to resolve any valid objections to the billing prior to the disconnection.

(c) On the turnoff date, an agent of the Water Department shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent water and sewer accounts have been paid. The agent of the Water Department shall

immediately thereafter turn off the service. A delivery to any person residing at the address served by the meter shall be considered a delivery to the customer. If there is no person present at the address served, then the notice may be left on the premises stating that water service will be discontinued on the following morning. The agent shall return to the premises the following morning, shut off the water service and leave a notice that the water service has been turned off until all delinquent water and sewer accounts have been paid.

(d) In cases of extreme hardship, the City Recorder shall have the discretion of renewing service to a customer despite a delinquent account, upon receipt of a satisfactory installment plan for the payment of the overdue amount.

(e) Delinquent accounts may be collected without further notice at any time after 30 days of the mailing of a delinquent notice, by filing a collection action in an appropriate court against a customer who has failed to pay the delinquent user charges.

(f) Where a sewer user is not connected to the city water system, the Superintendent may disconnect the sewer user from the city's sewage collection and treatment system if a delinquent account is not paid in full within 30 days of the mailing of a delinquent notice. The Superintendent shall proceed in accordance herewith. The customer shall be liable for payment of the actual costs of disconnection of the sewer. Upon payment of all delinquent accounts, the customer shall be permitted to reconnect the sewer at the customer's own expense and in accordance with applicable building codes and other city regulations.

(C) Payments made on sewer service charges shall be credited and paid to the city's Sewer Fund. (Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)

§ 51.05 LIABILITY.

A person violating a provision of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of the violation.

(Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)

USE REGULATIONS**§ 51.20 DISPOSAL AND DISCHARGE.**

(A) No person shall place, deposit or permit the placement or deposit of any of the following on public or private property within the city or in an area under the jurisdiction of the city:

- (1) Untreated human excrement;
- (2) Animal excrement, garbage or other objectionable material in an unsanitary manner; and
- (3) Sewage or other polluted water which has not received suitable treatment according to the provisions of this chapter.

(B) Except as authorized by this chapter, no person shall construct or retain a privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage or human or animal excrement.

(Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91) Penalty, see § 51.99

§ 51.21 USE OF PUBLIC SEWERS REQUIRED.

(A) (1) The owner of a house, building or other property used for human occupancy, which is now or

hereafter situated within 200 feet of a public sanitary sewer, shall install suitable toilet facilities therein and connect the facilities to the public sewer according to the provisions of this chapter and within 60 days after official notice to do so.

(2) The owner shall be responsible for the cost of the connection, including the installation and maintenance of any necessary pumps, pipelines or equipment.

(B) The official notice to connect to the public sewer shall be given by the City Recorder by mailing a notice to each owner of property not connected to the sewer that is abutting a street, alley or right-of-way in which there is a public sanitary sewer, or to which public sewer service is otherwise available within 200 feet.

(C) In the event that the property owner believes making a sewer connection is presently impractical, the owner or the person lawfully in possession of the property may, during the period of 60 days, file written objections with the City Council stating the reason the owner believes connection should not be required. The city shall not enforce the provisions of this chapter after the filing of objections until the Council has heard the objections and rendered a decision.

(D) (1) An objection shall be heard by the Council not less than ten days nor more than 30 days from and after the date of filing the objection with the city. Not less than seven days prior to the date set by the Council for hearing the objection, the City Recorder shall give notice to the person objecting of the date set for the hearing. The Council shall make a final decision and no exception shall be granted based on mere inconvenience or expense.

(2) For good cause shown, the Council may permit a reasonable delay in making connection to the

public sanitary sewer without penalty to the owner requesting the delay.

(Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)

§ 51.22 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available as set forth herein, the building sewer shall be connected to a private sewage disposal system complying with the provisions hereof.

(B) Before commencement of construction of a private disposal system, the owner shall first obtain a written permit signed by the City Building Official. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information considered necessary by the Building Official. A permit and inspection fee, as set by Council resolution, shall be paid to the city at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Building Official. The Building Official shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the Building Official when the work is ready for final inspection, and before any underground portions are covered.

(D) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations and regulations of the Department of Environmental Quality and plumbing codes of the state. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.

(F) (1) When a public sewer becomes available to a property served by a private sewage disposal system, as provided herein, a direct connection shall be made to the public sewer in compliance with this chapter.

(2) Any septic tanks, cesspools or other private sewage disposal facilities shall be abandoned and filled as required by state plumbing codes and to the satisfaction of the Building Official.

(G) Temporary use of portable privies may be authorized by the Superintendent where found necessary to serve workers on a construction project or to otherwise serve a short-term or emergency need. (Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)

§ 51.23 DISCHARGE OF STORMWATER.

(A) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(B) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(C) (1) Stormwater and all other unpolluted drainage, including industrial cooling water or unpolluted process water, shall be discharged to the sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent, and upon issuance of a permit.

(2) A permit fee, as set by Council resolution, shall be paid prior to issuance. (Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91) Penalty, see § 51.99

§ 51.24 PROHIBITED DISCHARGE.

(A) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any liquid or vapor having a temperature higher than 150°F;
- (2) Any water or waste which may contain more than 100 parts per million, by weight, fat, oil or grease;
- (3) Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
- (4) Any garbage that has not been properly shredded;
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- (6) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the sewage works;
- (7) Any waters or wastes containing a toxic or poisonous substance as listed by EPA or any other waters or wastes in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard in the receiving waters of the sewage treatment plant;

(8) Any waters or wastes containing suspended solids of the character and quantity that unusual attention or expense is required to handle the materials at the sewage treatment plant;

(9) Any noxious or malodorous gas or substance capable of creating a public nuisance; or

(10) Any waters collected from any source other than an approved sewage disposal system.

(B) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the handling of the wastes. Interceptors, however, shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the Superintendent, and be located so as to be easily cleaned and inspected.

(C) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation.

(D) (1) No person shall discharge any industrial waste into a public sewer without first obtaining an industrial discharge permit from the Superintendent.

(2) The permittee shall comply with all applicable local, state and federal regulations and pay sewer user charges including an industrial waste surcharge that reflects the permittee's proportionate share of costs of operation and maintenance of the collection and treatment works.

(Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91) Penalty, see § 51.99

§ 51.25 PROTECTION FROM DAMAGE.

No unauthorized person shall maliciously, wilfully, or negligently break, damage, destroy, cover or uncover, deface or tamper with any structure,

appurtenance or equipment that is a part of the municipal sewage works.
 (Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91) Penalty, see § 51.99

§ 51.26 SEWER RENOVATION.

(A) (1) Any building sanitary sewer connected to the sewer system, whether within the city’s right-of-way or within the bounds of the sewer user’s property, which is determined by the city to be causing infiltration of surface, storm or groundwater into the sewer system, shall be repaired within 60 days after the date of official notice to the legal property owner to do so.

(2) All repairs shall be made at no cost to the city.

(3) These obligations are necessary to protect the public health, and the continued existence of the condition after 60 days of the date of the official notice may be treated as a nuisance and abated by the city at the property owner’s expense in accordance with the nuisance abatement procedures specified herein, or its successor ordinance.

(B) When repairs are made within the city right-of-way, repairs shall be under city specifications.

(C) Before being covered, each repair must be inspected and approved in writing by the city’s Building Official.

(D) All storm sewers, including building storm sewers, which are on private property and connect directly to the building sanitary sewer shall be disconnected and properly capped or connected to the appropriate system within 30 days after the date of official notice to the legal property owner to do so.

(E) If the repair corrections required by this section are not made, the city may enter the property and make them and cause the expenses to become a lien upon the property, which shall become due and payable upon entry in the lien docket. The city shall attempt to serve, by certified or registered mail, a written notice upon the owner of the property at the time the lien is entered on the city lien docket, which notice shall state the amount of the lien and give the property owner notice that the lien will be deemed delinquent if not paid within 60 days after the date the lien was entered on the city lien docket. If the owner fails to pay the lien within 60 days after entry of the lien on the lien docket, the city may enforce or foreclose the lien in the manner provided by law.

(F) Notwithstanding division (A) above, the city is authorized to take immediate abatement action in the event of an emergency that creates an unreasonable risk to the public health or safety. The city shall make a reasonable attempt to notify the person in charge of or using the property, and the owner if that is a different person, prior to the city’s entering the property to make the repairs. The city may cause the expenses to become a lien on the property in the manner provided herein.
 (Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)

CONNECTIONS

§ 51.40 PERMIT REQUIRED; FEES.

(A) (1) No unauthorized person shall uncover, make any connections with, or open into, use, alter or disturb any public sewer or appurtenance without first obtaining a written permit from the Superintendent.

(2) Improper or unauthorized connections may be summarily abated by the city and the costs assessed against the property upon which the connection was made.

(B) The owner of any private sewer line, or the owner's agent, may apply to have the private line connected with the sewer system of the city on a form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. An inspection and connection fee, as set by Council resolution, shall be paid to the city at the time the application is filed. (Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91) Penalty, see § 51.99

§ 51.41 SEPARATE CONNECTIONS.

A separate sewer connection shall be provided for every building, unless special written permission is obtained from the city. If more than one building is permitted to be connected on one connection, the property owner shall pay a connection and inspection fee, as described herein, for each building served. (Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)

§ 51.42 EXCAVATIONS.

All excavations for sewer connections shall be open trench unless approved by the Superintendent and no backfill shall be placed until the work has been inspected. (Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)

§ 51.43 USE OF EXISTING SEWERS.

Old service laterals or building sewers may be used in connection with new buildings only when they

are found, upon approved examination and test, to meet all requirements of this chapter. The applicant/customer shall be responsible for the costs of the test. (Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)

§ 51.44 CONSTRUCTION STANDARDS.

The size, slope, alignment, materials of construction of a service lateral, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the state Plumbing Code and the city's standards. (Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)

§ 51.45 ELEVATION OF BUILDING SEWER.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In a building in which a building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)

§ 51.46 CONNECTION TO PUBLIC SEWER.

The connection of the building sewer to the public sewer shall conform to the requirements of the state plumbing code. Each connection shall be made gas-tight and water-tight. In no event shall the diameter be less than four inches. (Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91) Penalty, § 51.99

§ 51.47 INSPECTION.

(A) The applicant for the building sewer permit shall notify the Building Official when the building sewer is ready for inspection and connection to the public sewer.

(B) No installation shall be covered until approved by the inspectors.
(Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)

§ 51.48 BARRICADES REQUIRED.

All excavations within the public right-of-way for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91) Penalty, see § 51.99

STORM DRAINAGE FUND**§ 51.60 TITLE.**

This subchapter shall be known as "The Storm Drainage Fund Ordinance."
(Ord. 861, passed 8-1-02)

§ 51.61 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY PUBLIC WORKS DIRECTOR. The person serving in that capacity, as designated by the City Administrator.

DEVELOPMENT. Any man-made change to improved or unimproved real property including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

EQUIVALENT RESIDENTIAL UNIT or ERU. An area which is estimated to place approximately equal demand on the city's storm drainage system as a single-family unit. One *ERU* shall be equal to 2,500 square feet of impervious surface.

IMPERVIOUS SURFACE. Any surface area which either prevents or retards saturation of water into the land surface, or a surface which causes water to run off the land surface in greater quantities or at an increased rate of flow from that present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to, rooftops, concrete or asphalt sidewalks, walkways, patio areas, driveways, parking lots or storage areas, graveled, oiled or macadam surfaces or other surfaces which similarly impede the natural saturation or runoff patterns which existed prior to development.

IMPROVED PREMISES. Any area which the City Public Works Director determines has been altered such that the runoff from the site is greater than that which could historically have been expected. ***IMPROVED PREMISES*** does not include public ways under the jurisdiction of the city, county, state or federal government.

PERSON RESPONSIBLE. The person with the right to occupy property, and may include the occupant, tenant, owner, contract purchaser, or the agent of any of the foregoing.

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SINGLE-FAMILY UNIT or ***SFU***. That part of a building or structure which contains one or more rooms with a bathroom and kitchen facilities designed for occupancy by one family and where the units are sold and deeded as individual units. A ***SFU*** is presumed to have 2,500 square feet of impervious surface area for purposes of this chapter. The term ***SFU*** shall be inclusive of those units identified as detached single-family residences, unit ownership, and condominiums.

STORM DRAINAGE FACILITIES. Any structure or configuration of the ground that is used or by its location becomes a place where storm water flows or is accumulated including but not limited to pipes, sewers, curbs, gutters, manholes, catch basins, ponds, open drainage ways and their appurtenances.

STORM DRAINAGE SERVICE. The collecting of storm water discharged from property on which development exists and its deposit directly or indirectly into public storm drainage facilities. (Ord. 861, passed 8-1-02)

§ 51.62 CITY RESPONSIBILITY.

The city shall manage public storm drainage facilities located on city-owned property, city right-of-way, and city easements. Other public storm drainage facilities that may be managed by the city include but are not limited to:

(A) A piped drainage system and its related appurtenances which have been designed and constructed expressly for use by the general public and accepted by the city;

(B) Roadside drainage ditches along unimproved city streets but not access drive culverts;

(C) Flood control facilities (such as levees, dikes, overflow channels, detention basins, retention

basins, dams, pump stations, and groundwater recharging basins) that have been designed and constructed expressly for use by the general public and accepted by the city;

(D) Retention systems constructed with city financial participation. (Ord. 861, passed 8-1-02)

§ 51.63 POLICY.

(A) Pursuant to the general laws of the State of Oregon and the powers granted in the Charter of the city, the Council does hereby declare its intention to acquire, own, construct, reconstruct, equip, operate and maintain within the city limits of the city, and outside the city limits when consistent with the Council's adopted policies or intergovernmental agreements, storm drainage facilities, and also to require persons responsible to construct, reconstruct, maintain and extend storm drainage facilities.

(B) The improvement of both public and private storm drainage facilities through or adjacent to a new development shall be the responsibility of the developer. Said improvements shall comply with all applicable state laws and goals, the city comprehensive plan, and city ordinances, policies and standards.

(C) It is the policy of the city to participate within budgetary limits in improvements to storm drainage facilities when authorized by the Council. To be considered for city financial participation, a facility must either:

(1) Be public and be of major benefit to the community such that the facility has capacity over that required to serve the property on which it is located and provided it is placed and sized in conformance with the storm drainage master plan;

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(2) Be a rehabilitation or replacement of an existing public facility.

(D) No portion of this subchapter or statement herein or subsequent interpretations or policies shall relieve any property owner of assessments levied against real property for a local improvement project or for abating conditions on the property that violate any provision of this city ordinance. (Ord. 861, passed 8-1-02)

§ 51.64 PRIVATE RESPONSIBILITY.

(A) A storm drainage facility to be managed by the person responsible includes but is not limited to:

- (1) A storm drainage facility not located on city-owned property, city right-of-way, or city easement;
- (2) A private parking lot storm drain;
- (3) Any roof, footing or area drain;
- (4) A storm drainage facility not designed and constructed for use by the general public;
- (5) Access drive culverts in the public right-of-way or on private property;
- (6) A retention system in the construction of which the city did not financially participate.

(B) Any person responsible for a facility defined in division (A) of this section shall maintain it so as to prevent flooding or damage to other property not owned or controlled by the person responsible and to prevent injury to any person on property not owned or controlled by the person responsible.

(C) The failure of any person responsible to comply with the obligation stated in division (A) or (B) of this section is a violation.

(D) The conditions on private property which may result in situations proscribed by division (B) of this section are declared to be a danger to public health and safety and therefore are a nuisance, to be abated as provided by City Ordinance No. 828, governing nuisances. (Ord. 861, passed 8-1-02)

§ 51.65 CHARGES FOR STORM DRAINAGE SERVICES.

(A) The City Council shall establish storm drainage fees by resolution.

(B) Except as the fees may be reduced or eliminated under division (C) of this section, the obligation to pay storm drainage fees arises when a person responsible uses storm drainage services. It is presumed that storm drainage services are used whenever there is an improved premises.

(C) Unless another person responsible has agreed in writing to pay and a copy of that writing is filed with the city, the person(s) paying the city's water or sewer utility charges shall pay the storm drainage fees as set by City Council resolution. If there is no water or sewer service to the property or if water service is discontinued, the storm drainage fees shall be paid by the person(s) having the right to possess the property. (Ord. 861, passed 8-1-02)

§ 51.66 STORM DRAINAGE UTILITY FUND.

(A) There is hereby created a storm drainage utility fund and all charges imposed under this subchapter and the revenue collected therefrom shall be deposited therein.

(B) Except as provided in division (C) of this section, money in the drainage utility fund shall be used for planning, design, construction, operation, maintenance and administration of storm drainage facilities, including repayment of indebtedness, and for all expenses for the operation and management of the storm drainage utility. Expenditures from this fund need not be identified to any particular revenue source.

(C) Notwithstanding the provisions of division (B) of this section, money in the drainage utility fund attributable to a systems development charge imposed by city ordinance shall be limited to the purposes stated in that section.

(Ord. 861, passed 8-1-02)

§ 51.67 ENFORCEMENT.

In addition to other lawful remedies, the City Administrator may enforce the collection of charges required by this subchapter by withholding delivery of water or disconnecting utility services to any premises where the storm drain utility charges are delinquent or unpaid.

(Ord. 861, passed 8-1-02)

§ 51.68 INITIATION OF BILLING.

A request for water or sewer service will automatically initiate appropriate billing for storm drainage services as established in this subchapter. If development of a parcel does not require initiating water or sewer service, the creation of an impervious surface from which storm water may be discharged into public drainage facilities shall initiate the obligation to pay the fees and charges established in this subchapter.

(Ord. 861, passed 8-1-02)

§ 51.99 PENALTY.

Violation of any provision of this chapter is punishable by a fine not to exceed \$500. Each day that a violation continues shall be considered a separate offense.

(Ord. 702, passed 12-5-85; Am. Ord. 763, passed 5-9-91)