TITLE V: PUBLIC WORKS

Chapter

CHAPTER 50: WATER

Section

Water Shortage Emergency

Administration and Enforcement

Rates and Charges

Cross-reference:

Financing Public Improvements, see Chapter 152

GENERAL PROVISIONS

§ 50.001 DEFINITIONS.

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

CUSTOMER. The owner of property which is served by the city water system. A person, corporation, association, or agency which rents or leases premises shall be considered an agent of the property owner.

DELINQUENT CHARGES. Any charge or surcharge for furnishing water that has not been paid by the twentieth day of every month.

MAINS. Distribution pipe lines that are part of the city water system.

PREMISES. The integral property or area, including improvements thereon, to which water service is or will be provided.

SERVICE CONNECTION. The pipe, valves, and other equipment by means of which the city conducts water from its mains to and through the meter, but not including piping from the meter to the premises served.

WATER USER CHARGE. Shall be based on the amount of water used by the customer as indicated by the water meter and/or the cost of providing water service to a structure and shall include a base rate and a consumption rate.
(Ord. 13, passed 3-19-1980; Am. Ord. 157-2014, passed 12-9-2014)

WATER SERVICE; CONSTRUCTION AND CONNECTIONS

§ 50.015 REGULAR SERVICE.

(A) The city shall furnish and install a service connection of a size and location as the customer requests, provided that the request is reasonable. The service will be installed from the main to a point between the curb line and the property line of the premises if the main is in the street, or to a point in a city right-of-way or easement.

(B) A continuous and uninterrupted supply of power is a precondition to receiving city water service. Use of the sewage disposal system in the absence of power will result in the sewer system backing up and creating a health hazard within the city. The customer shall, at his or her own risk and expense, furnish, install, and keep in good and safe condition equipment that may be required for receiving, controlling, applying, and utilizing water. The customer shall, in addition, at his or her own expense, furnish, install, and provide at all times at which water service is operated, electrical power. The city shall not be responsible for loss or damage caused by the improper installation of the equipment or the negligence, lack of proper care, or wrongful act of the customer in installing, maintaining, using, operating, or interfering with the equipment or supply of electrical power. The city shall not be responsible for loss or damage caused by any lack of power to the premises or any loss or damage caused by termination of water service caused by a discontinuation of city water service.

(C) The city shall not be responsible for damage to property caused by a spigot, faucet, valve, or other equipment, that is open when the water is turned on at the meter.

(D) A customer making any material change in the size, character, or extent of the equipment or operation utilizing water service, or whose change of operations results in a large increase in the use of water, shall give immediate written notice to the city of the nature of the change, and if requested, amend his or her application.

(E) The service connection, whether located on public or private property, is the property of the city; and the city reserves the right to repair, maintain, and replace it.
(Ord. 13, passed 3-19-1980; Am. Ord. 113-99, passed 9-14-1999) Penalty, see § 10.99

§ 50.016 METERS.

(A) Meters shall be furnished and owned by the city.

(B) No rent or other charges shall be paid by the city for a meter or other equipment located on the customer's premises.

(C) Meters shall be sealed by the city at the time of installation, and no seal shall be altered or broken except by one of its authorized agents.

(D) If a change in size of a meter and service is required, the installation shall be accomplished on the basis of a new installation.
(Ord. 13, passed 3-19-1980) Penalty, see § 10.99

§ 50.017 METER ERROR.

(A) A customer may request the city to test the meter serving his or her premises. The customer shall deposit an amount to cover the reasonable cost of the test. This deposit will be returned if the meter is found to register more than 2% fast.

(B) Whenever a meter fails to register accurately or cannot be read for any reason beyond the control of the reader, the charge shall be the minimum monthly rate.
(Ord. 13, passed 3-19-1980)

§ 50.018 APPLICATION.

All water service connections, installations, and alterations in the city shall be initiated by written application of each water customer. Each application shall be filed with the City Recorder and shall be

accompanied by full payment of a water installation charge and a water connection fee in the amount required by Council resolution as authorized by this chapter.
(Ord. 13, passed 3-19-1980) Penalty, see § 10.99

Cross-reference:

Rates and Charges, see §§ 50.085 et seq.

§ 50.019 SERVICE LINES; CONNECTION; MAINTENANCE.

Service lines of suitable size shall be furnished by the city upon prepayment of the water service connection and installation charges. The city shall furnish all labor and materials necessary for the connections, including tapping of mains, installation of corporation stops, meters, meter boxes, connections, and pipe or tubing that may be necessary. Size of meters, pipes, and other materials to be

used in water connections and installations shall be determined by the city. Water service connection from the main to and through the meter shall be maintained by the city from the date of installation without further cost to any specific water customer.
(Ord. 13, passed 3-19-1980)

§ 50.020 UNSAFE APPARATUS.

(A) The city may refuse to furnish water and may discontinue service to premises where an apparatus, appliance, or other equipment using water is dangerous, unsafe, or is being used in violation of laws, ordinances, or legal regulations.

(B) The city may refuse to furnish water and may discontinue service to premises which are not served by electrical power, or where electrical service is discontinued for any reason.

(C) The city does not assume liability for inspecting apparatus on the customer's property or determining the availability of electrical power. The city does reserve the right of inspection, however, if there is reason to believe that unsafe or illegal apparatus is in use or if the city has reason to believe that electrical power has been temporarily or permanently discontinued to the premises.
(Ord. 13, passed 3-19-1980; Am. Ord. 113-99, passed 9-14-1999)

§ 50.021 SERVICE DETRIMENTAL TO OTHERS.

The city may refuse to furnish water and may discontinue service to premises where excessive demand by 1 customer will result in inadequate service to others.
(Ord. 13, passed 3-19-1980)

§ 50.022 ABANDONED AND NON-REVENUE PRODUCING SERVICES.

When a service connection to a premises has been abandoned or not used for a period of 1 year or longer, the city may remove it. New service shall be placed only upon the customer's applying and paying for a new service connection.
(Ord. 13, passed 3-19-1980)

§ 50.023 POOLS AND TANKS.

When an abnormally large quantity of water is desired for filling a swimming pool, or tanks, or for other purposes, arrangements shall be made with the city prior to taking the water. Permission to take water in unusual quantities shall be given only if it can be safely delivered and if other customers will not be inconvenienced.
(Ord. 13, passed 3-19-1980) Penalty, see § 10.99

§ 50.024 WATER SOURCE DEVELOPMENT.

No water source development will be made within the city limits without prior approval from the City Council.
(Ord. 13, passed 3-19-1980) Penalty, see § 10.99

CROSS CONNECTIONS

§ 50.035 DEFINITIONS.

For the purposes of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this subchapter is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the Oregon Administrative Rules, Chapter 333, or the most recent edition of the *Manual of Cross Connection Control* published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California (USC) and the PNWS-AWWA Cross Connection Control Manual.

APPROVED BACKFLOW PREVENTION ASSEMBLY or BACKFLOW ASSEMBLY or ASSEMBLY. An assembly to counteract back pressures or prevent back siphonage. This assembly must appear on the list of approved assemblies issued by the Oregon Health Authority.

BACKFLOW. The flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the city's water.

BORESIGHT or BORESIGHT TO DAYLIGHT. Providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drain pipe.

CITY or THE CITY. The City of Donald.

CONTAMINATION. The entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

CROSS CONNECTION. Any physical arrangement where a public water system is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, or any other device which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow.

Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross connections.

CROSS CONNECTION SPECIALIST. A person who has successfully completed and maintains all requirements as established by the Oregon Health Authority to be a specialist in the State of Oregon.

DEGREE OF HAZARD. The low or high hazard classification that shall be attached to all actual or potential cross connections.

DIRECTOR. The Director of Public Works of the City of Donald, or authorized agent.

DOUBLE CHECK VALVE BACKFLOW PREVENTION ASSEMBLY or DOUBLE CHECK ASSEMBLY or DOUBLE CHECK. An assembly which consists of two independently operating check valves which are spring-loaded or weighted. The assembly comes complete with a gate valve on each side of the checks, as well as test cocks to test the checks for tightness.

HEALTH HAZARD. An actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

HIGH HAZARD. The classification assigned to an actual or potential cross connection that potentially could allow a substance that may cause illness or death to backflow into the potable water supply.

LOW HAZARD. The classification assigned to an actual or potential cross connection that potentially could allow a substance that may be objectionable, but not hazardous to one's health, to backflow into the potable water supply.

MOBILE UNITS. Units that are temporary in nature, connecting to the water system through a legally-permitted hydrant, hosebib, or other appurtenance of a permanent nature that is part of the city's water system or a permanent water service to a premises. Examples can include but are not limited to the following: water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste hauler's trucks or units, sewer cleaning equipment, carpet or steam cleaning equipment other than homeowner use, rock quarry or asphalt/concrete batch plants or any other mobile equipment or vessel that poses a threat of backflow in the city water system. Uses that are excluded from this definition are recreational vehicles at assigned sites or parked in accordance with other city policies pertaining to recreational vehicles and homeowner devices that are used by the property owner in accordance with other provisions of this, or other, city policies pertaining to provision of water service to a premise.

PLUMBING HAZARD. An internal or plumbing-type cross connection in a consumer's potable water system than may be either a pollutional or a contamination-type hazard. This includes, but is not

limited to, cross connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems. Plumbing-type cross connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

POINT OF USE ISOLATION. The appropriate backflow prevention within the consumer's water system at the point at which the actual or potential cross connection exists.

POLLUTIONAL HAZARD. An actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

POTABLE WATER SUPPLY. Any system of water supply intended or used for human consumption or other domestic use.

PREMISES. Any piece of property to which water is provided including all improvements, mobile structures and structures located on it.

PREMISES ISOLATION. The appropriate backflow prevention at the service connection between the public water system and the water user.

REDUCED-PRESSURE BACKFLOW PREVENTION ASSEMBLY or REDUCED-PRESSURE BACKFLOW ASSEMBLY or RP ASSEMBLY. An assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly shall include properly located test cocks and tightly closing shut off valves at the end of the assembly.

SYSTEM HAZARD. An actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system or of a pollution or contamination which would have a detrimental effect on the quality of the potable water in the system,

THERMAL EXPANSION. Heated water that does not have the space to expand.
(Ord. 153-2013, passed 5-14-2013)

§ 50.036 PURPOSE.

The purpose of this subchapter is to protect the water supply of the city from contamination or pollution due to any existing or potential cross connections.
(Ord. 153-2013, passed 5-14-2013)

§ 50.037 CROSS CONNECTIONS REGULATED.

No cross connections shall be created, installed, used or maintained within the territory served by the city, except in accordance with this subchapter.
(Ord. 153-2013, passed 5-14-2013)

§ 50.038 BACKFLOW PREVENTION ASSEMBLY REQUIREMENTS.

(A) A cross connection specialist employed by or contracted with the city shall carry out inspections and surveys of each property and will require an assembly commensurate with the degree of hazard to be installed at the service connection.

(B) The minimum protection of an approved double check valve assembly must be installed at every service connection served by the city. If the type of premises is found on Table 48 of OAR 333-061-0070, the installation of a reduced-pressure backflow assembly will be required.

(C) The property owner is responsible for all cross connection control within the premises.

(D) The property owner is responsible for providing adequate protection against thermal expansion,

(E) Any mobile unit or apparatus which uses city water or water from any premises within the city's system shall first obtain a permit from the city and comply with all restrictions and fees.
(Ord. 153-2013, passed 5-14-2013)

§ 50.039 INSTALLATION REQUIREMENTS.

To ensure proper operation and accessibility of all backflow prevention assemblies, the following requirements shall apply to the installation of these assemblies.

(A) No part of the backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. If installed in a vault or basement, adequate drainage shall be provided.

(B) Assemblies must be installed immediately downstream of the water meter, before any branch in the line. Alternate locations must be approved in writing by the city prior to installation.

(D) The assembly must be protected by the property owner from freezing and other severe weather conditions.

(E) All backflow prevention assemblies shall be of a type and model approved by the Oregon Health Authority and the city.

(F) If written permission is granted to install the backflow assembly inside of the building, the assembly must be readily accessible between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday.

(G) Reduced-pressure backflow assemblies may be installed in a vault only if relief valve discharge can be drained to daylight through a "boresight" type drain. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends.

(H) An approved air gap shall be located at the relief valve orifice. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than one.

(I) Any water pressure drop caused by the installation of a backflow assembly is not the responsibility of the city.

(J) All new construction must install an approved assembly at the service connection. The type of assembly shall be commensurate with the degree of hazard as determined by a certified inspector. If the use of the property has not been determined, a reduced-pressure backflow assembly must be installed.
(Ord. 153-2013, passed 5-14-2013)

§ 50.040 ACCESS TO PREMISES.

Authorized employees of the city, with proper identification, shall have access to all parts of premises and within the building to which water is supplied between the hours of 6:00 a.m. and 6:00 p.m. However, if any water user refuses access to premises or to the interior of a structure during these hours for inspection by a cross connection specialist appointed by the city, a reduced-pressure backflow assembly must be installed at the service connection to that premises.
(Ord. 153-2013, passed 5-14-2013)

§ 50.041 PLUMBING CODE.

As a condition of water service, customers shall install, maintain, and operate their piping and plumbing systems in accordance with the current version of all applicable plumbing codes, or as amended. If there is a conflict between this subchapter and the plumbing codes, the more stringent supersedes.
(Ord. 153-2013, passed 5-14-2013)

§ 50.042 ANNUAL TESTING AND REPAIRS.

All premises isolation backflow assemblies installed within the territory served by the city shall be tested immediately upon installation and at least annually thereafter by a state certified tester employed by or contracted with the city to perform required tests. All such assemblies found not functioning properly shall be promptly repaired or replaced at the expense of the property owner. If any such assembly is not promptly repaired or replaced, the city may deny or discontinue water to the premises. The city may set fees to cover the cost of this service. All point-of-use assemblies must be tested immediately after installation and at least annually thereafter by a state certified tester. It is the responsibility of the property owner to have internal assemblies tested.
(Ord. 153-2013, passed 5-14-2013)

§ 50.043 THERMAL EXPANSION.

If a closed system has been created by the installation, of a backflow prevention assembly, or other appurtenances, it is the responsibility of the property owner, the occupant, or person in control of the property to eliminate the possibility of damage from thermal expansion in accordance with all applicable plumbing codes.
(Ord. 153-2013, passed 5-14-2013)

§ 50.044 MOBILE UNITS.

Any mobile unit or apparatus, as defined in § 50.035, which uses the water from any premises within the city water system, shall first obtain a permit from the city and be inspected to assure an approved air gap or reduced-pressure backflow assembly is installed on the unit.
(Ord. 153-2013, passed 5-14-2013)

§ 50.045 TEMPORARY METERS AND HYDRANT VALVES.

Backflow protection will be required on all temporary meters and hydrant valves before any use. The type of assembly will be commensurate with the degree of hazard and will be determined on a case-by-case basis by a cross connection specialist employed by or contracted by the city.
(Ord. 153-2013, passed 5-14-2013)

§ 50.046 COSTS OF COMPLIANCE.

All costs associated with purchase, installation, inspections, testing, replacement, maintenance, parts, and repairs of the backflow assembly are the financial responsibility of the property owner.
(Ord. 153-2013, passed 5-14-2013)

§ 50.047 RECOVERY OF COSTS.

(A) Any water customer violating any of the provisions of this subchapter and who causes damage to or impairs the city's water system, including, but not limited to, allowing contamination, pollution, any other solution or used water to enter the city's water system, shall be liable to the city for any expense, loss or damage caused by such violation. The city shall collect from the violator the cost incurred by the city for any cleaning, purifying, repair or replacement work or any other expenses caused by the violation. Refusal to pay the assessed costs shall constitute a violation of this subchapter and shall result in the termination of service.

(B) All cost associated with any disconnect or reconnect fees resulting from the enforcement of this subchapter is the sole responsibility of the property owner.
(Ord. 153-2013, passed 5-14-2013)

§ 50.048 TERMINATION OF SERVICE.

Failure on the part of any customer to discontinue the use of all cross connections and to physically separate cross connections is sufficient cause for the immediate discontinuance of public water service to the premises.
(Ord. 153-2013, passed 5-14-2013)
Statutory reference:
Similar provisions, see O.A.R. 333-061-070(1)

§ 50.049 CONSTITUTIONALITY AND SAVING CLAUSE.

If any provision, section, sentence, clause or phrase of this subchapter, or the application of same to any person or set of circumstances are for any reason held to be unconstitutional, void, invalid, or for any reason unenforceable, the validity of the remaining portions of this subchapter or its application to other persons or circumstances shall not be affected thereby, it being the intent of the City Council in adopting, and the Mayor in approving this chapter that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation.
(Ord. 153-2013, passed 5-14-2013)

§ 50.050 EFFECTIVE DATE.

Inasmuch as this subchapter is necessary for the immediate preservation of the public health, peace and safety of the city, an emergency is hereby declared to exist, and this subchapter shall be in full force and effect from and after its passage by the City Council and approval by the Mayor, pursuant to the City Charter.
(Ord. 153-2013, passed 5-14-2013)

WATER SHORTAGE EMERGENCY

§ 50.055 DECLARATION OF EMERGENCY.

When the Mayor is informed that the city water supply has become, or is about to become depleted to an extent so as to cause a serious water shortage in the city, the Mayor shall have the authority to declare an emergency water shortage and to direct that the provisions of §§ 50.056 - 50.059 of this code be enforced.
(Ord. 13, passed 3-19-1980)

§ 50.056 NOTICE OF DECLARATION.

When a declaration of emergency is pronounced by the Mayor, the City Recorder shall make the declaration public in a manner reasonably calculated to provide actual notice to the public. This provision shall not be construed as requiring personal delivery or service of notice or notice by mail.
(Ord. 13, passed 3-19-1980)

§ 50.057 PROHIBITED USES DURING EMERGENCY.

When a declaration of emergency is pronounced and notice has been given in accordance with §§ 50.055 and 50.056 above, the use and withdrawal of water by any person for the following purposes shall be prohibited:

(A) Sprinkling, watering, or irrigating shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation;

(B) Washing automobiles, trucks, trailers, trailer houses, railroad cars, or any other type of mobile equipment;

(C) Washing sidewalks, driveways, filling station aprons, porches, and other surfaces;

(D) Washing the outside of dwellings; washing the inside or outside of office buildings;

(E) Washing and cleaning any business or industrial equipment and machinery;

(F) Operating any ornamental fountain or other structure making a similar use of water;

(G) Swimming and wading pools not employing a filter and recirculating system; or

(H) Permitting the escape of water through defective plumbing.
(Ord. 13, passed 3-19-1980) Penalty, see § 10.99

§ 50.058 EXEMPTION.

At the discretion of the Mayor 1 or more of the above uses may be exempted from the provisions of this subchapter. The exemption shall be made public as provided in § 50.056 of this code.
(Ord. 13, passed 3-19-1980)

§ 50.059 EXCEPTION TO MAINTAIN SANITATION.

The Mayor of the city shall have the authority to permit a reasonable use of water necessary to maintain adequate health and sanitation standards.
(Ord. 13, passed 3-19-1980)

ADMINISTRATION AND ENFORCEMENT

§ 50.070 FRAUD AND ABUSE.

The city shall have the right to refuse or to discontinue water service to a premises to protect itself against fraud or abuse.
(Ord. 13, passed 3-19-1980)

§ 50.071 NONCOMPLIANCE.

The city may discontinue water service to a customer for noncompliance with a city regulation if the customer fails to comply with the regulation within 5 days after receiving written notice of the city's

intention to discontinue service. If that noncompliance affects matters of health, safety, or other conditions that warrant the action, the city may discontinue water service immediately.
(Ord. 13, passed 3-19-1980) Penalty, see § 10.99

§ 50.072 WATER WASTE.

Where wasteful or negligent water use seriously affects the general welfare and service, the city may discontinue the service if the conditions are not corrected within 5 days after the customer is given written notice.
(Ord. 13, passed 3-19-1980) Penalty, see § 10.99

§ 50.073 TEMPORARY DISCONTINUANCE OF SERVICE.

Should a customer desire discontinuance of water service to a premises for a period of not less than 1 month, notice in writing shall be given to the Public Works Director and payment shall be made for unpaid charges, if any there be, at the office of the City Recorder. Within 24 hours after this notice and payment, the water shall be turned off and shall be turned on again upon application. There shall be a reconnection charge made for this service.
(Ord. 13, passed 3-19-1980)

§ 50.074 DAMAGE TO CITY PROPERTY.

The customer shall be liable for damage to a meter or other equipment or property owned by the city which is caused by an act of the customer, or his or her tenants or agents. The damage shall include the breaking or destruction of seals by the customer on or near a meter, and damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The city shall be reimbursed by the customer for this damage upon presentation of a bill.
(Ord. 13, passed 3-19-1980) Penalty, see § 10.99

RATES AND CHARGES

§ 50.085 WATER SERVICE INSTALLATION CHARGES.

(A) The water service installation charges in the city shall be set by Council resolution.

(B) All payments received by the city shall be deposited in and credited to the water fund of the city.
(Ord. 13, passed 3-19-1980)

§ 50.086 WATER CONNECTION FEES.

(A) The water connection fees of the city shall be set by Council resolution.

(B) All payments for new connections received by the city shall be deposited in and credited to the water reserve account for water service as provided in § 50.087(E).
(Ord. 13, passed 3-19-1980; Am. Ord. 157-2014, passed 12-9-2014)

§ 50.087 WATER RATES AND CHARGES.

(A) The water user charge shall be adjusted annually to reflect any increase in the Consumer Price Index (Portland-Salem CPI) measured by the United States Bureau of Labor and Statistics.

(B) The rates and charges for water service established by the Council shall be reviewed each year in June. The Council shall revise or amend the rates by Council resolution at least annually, which rates and charges shall reflect the actual cost to the city to provide water service.

(C) Except for increases in water rates and charges required by an increase in the Consumer Price Index, the City Council may raise, lower or maintain water rates and charges in whole or in part. If the City Council decides to raise any part of the city's water rates and charges (except for increases to reflect increases in the CPI) it shall hold a public hearing on the resolution prior to its adoption. At least one week prior to the hearing, the City Recorder shall publish notice of such hearing in a newspaper of general circulation in the city and shall post notice of such hearing at City Hall and in two other public places. Nothing in this section shall prohibit the City Council from reviewing or amending city water rates and charges at such other times as the Council deems appropriate.

(D) A rate equal to 1.5 of the charge for water service, prescribed by division (B) above, shall be charged for any water service outside the city limits of the City of Donald.

(E) In establishing rates and charges for the provision of water service in the city, the Council may include a fee to fund a reserve account for water service to fund repairs to components of the city water system which are unscheduled or obsolete. The City Manager shall establish a fund or account within the city budget for the water reserve fund. Water reserve fund monies received by the city shall be allocated to the fund in amounts established by resolution of the City Council. Except as otherwise

provided or allowed by state law, the utility funds or accounts shall be used solely for the purposes described in this section. Water reserve funds shall be billed and collected with and as part of a customer's water bill.
(Ord. 13, passed 3-19-1980; Am. Ord. 157-2014, passed 12-9-2014)

§ 50.088 OWNER RESPONSIBILITY; RESALE PROHIBITED.

(A) The property owner of record shall be responsible for the payment of all charges or surcharges incurred when the city furnishes water service. The property owner is responsible for the cost of water services to a rental unit if the renter fails to pay the charges.

(B) No water customer shall resell or retransmit any water obtained through the city water system.
(Ord. 13, passed 3-19-1980; Am. Ord. 112-99, passed 1-7-1999) Penalty, see § 10.99

§ 50.089 BILLING; TERMINATION OF SERVICE.

(A) Water billing is mailed during the last week of each month. All water charges are due and payable on the fifteenth of the following month and any balance outstanding at that time is considered past due. Past due balances are subject to a late fee and a door hanger fee. If any bill is delinquent for a period in excess of 15 days written notice shall be provided to the customer at the address shown on the city's records advising the customer that, unless the bill is paid in full, water service will be discontinued by the city on the sixteenth of the following month, or the next business day. A customer may make application for installment payments in lieu of payment in full of all outstanding sewer charges and associated late fees chargeable by the city under the provisions of this Code. Eligibility for, and the terms and conditions of, an installment payment plan authorized by this section shall be determined by the City Manager.

(B) If water services are discontinued for delinquency of payment, they shall not be restored until the payment in full of:

(1) All delinquent billings;

(2) Any service restoration charges; and

(3) Any required fees for the commencement of service.

(C) Unpaid water charges shall become a city lien upon the property served. The provision for collection herein shall be in addition to any other rights or remedies that the city may have under the laws of the State of Oregon.

(D) Nothing in this section shall prohibit the city from summarily and immediately discontinuing water service in cases of emergency.

(E) *Refusal of service.* The city may refuse to furnish water service to any premises where any apparatus, appliance or equipment connected to the system or any other use of the system is dangerous, unsafe, or is being used in violation of law, ordinance or regulation.

(F) *Damage to city equipment.* The property owner shall be liable for any damage to the city's water system or equipment caused by the customer or his or her tenants or agents and shall reimburse the city in full upon presentation of a bill for that damage.
(Ord. 13, passed 3-19-1980; Am. Ord. 83, passed 5-5-1993; Am. Ord. 157-2014, passed 12-9-2014) Penalty, see § 10.99

CHAPTER 51: SEWERS

Section

Cross-reference:

Financing Public Improvements, see Chapter 152

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.

APPLICANT. The person applying for a sewer connection permit. The ***APPLICANT*** shall be the owner of the premises to be served by the sewer for which a permit is requested, or his or her designated agent authorized in writing to act on his or her behalf.

BOD or ***BIOCHEMICAL OXYGEN DEMAND.*** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20°C, expressed in milligrams per liter.

BUILDING. Any structure used for human habitation, employment, place of business, recreation, or any other purpose, containing sanitary facilities.

BUILDING DRAIN. The part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes within or adjoining the building or structure and conveys the same to the building sewer which begins at a point 5 feet outside the established line of the building structure including any structural projection except eaves.

BUILDING SEWER. The part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to the public sewer, individual sewage disposal system, or other point of disposal.

CLEANOUT. A sealed aperture permitting access to a sewer pipe for cleaning purposes.

DWELLING UNIT. A facility designed for permanent or semi-permanent occupancy and provided with minimum kitchen, sleeping, and sanitary facilities.

FIXTURE UNITS. Fixture unit load values for drainage piping as specified in this chapter, or if not included herein, then as specified in the following: O.R.S. 447.010 - 447.140, the state plumbing regulations, and administrative rules of the Director of Commerce adopted pursuant to O.R.S. 447.020.

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

IMPROVED PARKING LOT. Any lot used for the purpose of parking vehicles that is hard surfaced or paved to the extent that water drains off into catch basins or onto a public right-of-way.

INDUSTRIAL USER. Includes:

(1) Any non-governmental, non-residential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under 1 of the following divisions; and

(2) Any non-governmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates a hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

INDUSTRIAL WASTES. Any liquid, gaseous, radioactive, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business, or from the development or recovery of any natural resources, as distinct from sanitary sewage.

MAY. The act referred to is permissive.

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

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

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and the dispensing of food, and the handling, storage, and sale of produce, that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWER. A sewer that is owned and controlled by the city. This includes the system from the point of connection of the building drain or building sewer to the septic tank effluent pump station (STEP) to the sewage treatment process.

PUBLIC WORKS DIRECTOR. The Public Works Director of the city, or the authorized deputy, agent, or representative of the City Council.

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

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

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

SHALL. The act referred to is mandatory.

SLUG. Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

STEP SYSTEM. The septic tank effluent pump system that is owned, operated, and maintained by the city. It is usually installed on private property under an easement to the city. It is required as a condition for service to pretreat sewage and pressurize septic tank effluent for delivery to a street sewer.

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

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.
(Ord. 36, passed 4-3-1985)

§ 51.02 USE OF PUBLIC SEWERS REQUIRED.

(A) No person shall place or deposit in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

(B) No person shall discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter and a permit issued by the Department of Environmental Quality.

(C) Except as may hereinafter be provided, no person shall construct or maintain any privy vault, cesspool, or any other subsurface sewage system intended or used for the disposal of sewage.

(D) The owner of any building or dwelling unit used for human occupancy, employment, recreation, or any other purpose, situated within the city and abutting on any street, alley, or right-of-way in which

there is now located or may in the future be located a public sanitary sewer of the city, is required at his or her own expense to install a STEP system and connect to the public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

CONSTRUCTION AND CONNECTIONS; BUILDING SEWERS

§ 51.15 SEWER CONNECTION; APPLICATION; INSTALLATION; DEPOSIT AND FEE.

(A) *Connections by city crews.* All connections to sewer lines within the confines of public streets or city owned easements shall be made by city crews or contractors employed by the city.

(B) *Connection charge.* An application for sewer service where no connection previously existed, or an application for a change in service, size, or location shall be accompanied by a fee for each unit as defined in division (E) of this section.

(C) *Application for connection.* Applications for sewer connections shall be made to the City Manager with payment of the fee at the time of the application. A form shall be provided by the City Manager for this purpose.

(D) *Connections must be directly to sewer lines.* No sewer connection to premises may be installed or maintained unless the same is connected directly to the sewer line coming from the buildings on the premises. No connections may be made indirectly to cesspools or septic tanks. Parallel water and sewer lines shall be laid at least 10 feet apart horizontally. Where it is necessary for sewer and water lines to cross each other, the crossing shall be made at an angle of approximately 90 degrees and the sewer shall be located 3 feet or more below the water line. The Public Works Director may, at his or her discretion, allow minor variations of the foregoing if he or she finds that it is uneconomical or practically impossible to comply with these conditions. Before any backfilling is done in the trench for the sewer on the private property of one making a new connection to the sewer, the city's Public Works Director shall be notified. No backfilling shall take place until the Public Works Director or his or her designee shall have made an inspection. If the Public Works Director desires he or she may, at his or her discretion, require a test for leakage to be carried out under his or her direction and in his or her presence, and in that case the person installing the sewer shall make the test at no expense to the city. Upon completion of the test, any Ts or openings in the pipe shall be capped tightly and secured against back pressure. If the sewer is properly installed and the joints are tight, the Director shall give written approval of the same. If he or she does not approve it, he or she shall state the deficiencies in writing.

(E) *Sewer service connection charge.*

(1) An application for sewer service where no service previously existed, or an application for a change in service size or location, shall be accompanied by a service installation fee based upon the actual cost of labor, materials, and equipment used in making the service connection plus 25% for administrative costs.

(2) Upon application for sewer connection, the Public Works Director shall make an estimate of the costs of making the service connection and shall advise the applicant of the amount of the estimate and the applicant shall be required to deposit with the city cash in the amount of the estimate. When the deposit has been made, the Public Works Director shall order the connection. When the connection has been completed, the cost thereof shall be paid from the applicant's deposit. If the deposit is insufficient to pay the actual cost of labor, materials, and equipment used in making the service connection plus 25% for administrative overhead, the applicant shall be billed and shall pay for the difference. If the cost of the connection is less than the deposit, the excess shall be returned to the applicant.
(Ord. 107-97, passed 3-6-1997) Penalty, see § 10.99

§ 51.16 PERMIT REQUIRED.

(A) No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance. Only the city may tap and install public sewers or contract with others under the supervision of its Public Works Director. Applications for permits shall be made at the City Hall. Before the permit may be issued, the applicant must pay a connection fee. The connection fee shall be set by the City Council by resolution. When the connection to be made is more than 50 feet from the street sewer, the applicant shall also pay the estimated cost of that part of the installation which is more than 50 feet from the street sewer. After the appropriate fees have been paid, the city shall install a connection from the adjacent street sewer to the applicant's property. However, in cases where the connection made is more than 50 feet from the street sewer, sewer service shall not be provided to the applicant's property until the applicant has paid the amounts, if any, which the actual cost of installation over 50 feet exceeds the estimated costs previously paid.

(B) An easement to construct, operate, and maintain the system will need to be given to the city prior to installation. It shall be the responsibility of the property owner to keep clean and maintain the building sewer from the building to the connection with the public sewer. Each permit shall be valid for 60 days from the date of issuance. Final payment for the installation shall be made 30 days from the date of billing. Nothing in §§ 51.16 - 51.18 of this code shall prohibit the City Council from authorizing improvement districts where a city hired contractor installs the public sewer where those sewers are assessed against the adjoining property.
(Ord. 36, passed 4-3-1985; Am. Ord. 61, passed 4-4-1990) Penalty, see § 10.99

Cross-reference:

Financing Public Improvements, see Chapter 152

§ 51.17 PERMIT CLASSES.

(A) There shall be 3 classes of building sewer permits:

(1) For residential;

(2) For commercial service; and

(3) For service to establishments producing industrial wastes.

(B) In any case, the applicant shall make application on a special form furnished by the city. The permit application shall be supplemented by site plan or other information considered pertinent in the judgment of the Public Works Director.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.18 FEES.

(A) All permit fees, installation charges, connection fees and user rates for the city shall be reviewed in June of each year by the City Council and set by Council resolution, which rates and charges shall reflect the actual cost to the city to provide sewer service. The City Council may raise, lower or maintain sewer rates and charges in whole or in part except that user rates for city sewer service shall be adjusted annually to reflect any increase in the Consumer Price Index (Portland-Salem CPI) measured by the United States Bureau of Labor and Statistics.

(B) All payments for new sewer connections received by the city shall be deposited and credited to the sewer reserve account for sewer service as provided in division (D) below.

(C) Except for increases in user rates required by an increase in the Consumer Price Index, the City Council may raise, lower or maintain sewer rates and charges in whole or in part. If the City Council decides to raise any part of the city's sewer rates and charges (except for increases to reflect increases in the CPI) it shall hold a public hearing on the resolution prior to its adoption. At least one week prior to the hearing, the City Recorder shall publish notice of such hearing in a newspaper of general circulation in the city and shall post notice of such hearing at City Hall and in two other public places. Nothing in this section shall prohibit the City Council from reviewing or amending city sewer rates and charges at such other times as the Council deems appropriate.

(D) In establishing rates and charges for the provision of sewer service in the city, the Council may include a fee to fund a reserve account for sewer service to fund repairs to components of the city sewer system which are unscheduled or obsolete. The City Manager shall establish a fund or account within the city budget for the sewer reserve fund. Sewer reserve fund monies received by the city shall be allocated to the fund in amounts established by resolution of the City Council. Except as otherwise

provided or allowed by state law, the utility funds or accounts shall be used solely for the purposes described in this section. Sewer reserve funds shall be billed and collected with and as part of a customer's sewer bill.
(Ord. 36, passed 4-3-1985; Am. Ord. 158-2014, passed 12-9-2014)

§ 51.19 COSTS AND EXPENSES.

All costs and expenses incident to the installation and connection of the building sewer to the public sewer shall be borne by the owner. All costs of extending the public sewers to the applicant's building drain or building sewer shall be borne by the applicant. The costs shall include engineering, construction management, excavation, installation, materials, backfill, street repair, and overhead. The applicant shall place on deposit the necessary funds as estimated by the city for that extension of the public sewer.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.20 SEPARATE BUILDING SEWER.

A separate and independent building sewer shall be provided for and from every building to a STEP system. Where required, 2 or more buildings on 1 tax lot under 1 ownership can share a single STEP system that is approved by the city and appropriately sized. Each separate and independent building shall pay the applicable connection fee and monthly charges.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.21 CONFORMANCE TO CONSTRUCTION STANDARDS AND REGULATIONS.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench, and the connection to the public sewer (STEP system), shall all conform to the requirements of any city building code, the State Plumbing Code, and the administrative rules of the Department of Consumer and Business Services, and other applicable rules, regulations, and resolutions of the city, as they presently exist or may hereinafter be amended.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.22 BUILDING DRAIN ELEVATION; LIFTS.

In all buildings in which any building drain is too low to permit gravity flow to the septic tank, sanitary sewage carried by that building drain shall be lifted by an approved means and discharged to the building drain or sewer prior to the septic tank.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.23 CLEAR WATER CONNECTION PROHIBITED.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or drain which in turn is connected directly or indirectly to a public sanitary sewer.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.24 NOTICE FOR INSTALLATION.

The applicant for the STEP system construction shall notify the Public Works Director at least 2 weeks prior to the need for that sewer in order for the city to arrange for the installation.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.25 RESTORATION.

Streets, sidewalks, parkways, and other public property disturbed in the course of the STEP system installation shall be restored in a manner satisfactory to the city and at the expense of the owner.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.26 CONFORMANCE TO CITY PLANS AND SPECIFICATIONS.

The materials, excavation, and installation of the STEP system by the city or its authorized personnel shall be in accordance with the plans and specifications of the city. Individual electrical and pump needs will have to be determined for each service connection.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

USE OF PUBLIC SEWERS

§ 51.40 DISCHARGE OF CLEAR WATER.

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

(B) Storm water and all other unpolluted drainage shall be discharged to sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Public Works Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Public Works Director and the Department of Environmental Quality, to a storm sewer or natural outlet.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.41 PROHIBITED DISCHARGES.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any sewer defined in § 51.01 of this code:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singularly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 2 mg/l as CN in the wastes as discharged to the public sewer;

(C) Any water or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;

(D) Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited

to, ashes, cinders, sand, mud, straw, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders; or

(E) Any substance prohibited by the Department of Environmental Quality of the state.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.42 RESTRICTED DISCHARGES.

(A) No person shall discharge or cause to be discharged into a sewer, as described in § 51.01 hereof, the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Public Works Director or the Department of Environmental Quality, that those wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the irrigation field, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the Public Works Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

(B) Substances absolutely prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F or 65°C;

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F or between 0°C and 65°C;

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Public Works Director;

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(5) Any ground or unground fruit peelings and cores from canneries and packing plants; cull fruits and vegetables; fruit and vegetable pits and seeds;

(6) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement over 5 p.p.m. to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Public Works Director for those materials;

(7) Any waters or wastes containing phenols or other taste or odor producing substances, in concentrations exceeding limits which may be established by the Public Works Director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies or jurisdiction for discharge to irrigation lands;

(8) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Public Works Director in compliance with applicable state or federal regulations;

(9) Any waters or wastes having a pH in excess of 9.5;

(10) Materials which exert or cause:

(a) Unusual concentrations of inert solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate);

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(c) Unusual BOD, chemical oxygen demand, or chlorine requirements in quantities so as to constitute a significant load on the sewage treatment works; or

(d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

(11) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the irrigation lands.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.43 RIGHT TO REJECT WASTE OR REQUIRE PRETREATMENT.

(A) If any waters or wastes are discharged, or are proposed to be discharged into the sewers, as defined in § 51.01 hereof, which waters contain the substances or possess the characteristics enumerated in § 51.42 of this code, and which, in the judgment of the Public Works Director, may have a deleterious effect upon the sewage works, processes, equipment, or lands, or which otherwise create a hazard to life or constitute a public nuisance, the Public Works Director may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and

(4) Require additional payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under § 51.62 of this code.

(B) If the Public Works Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances, and laws.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.44 PRETREATMENT FACILITIES; OWNER RESPONSIBILITY.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.45 CONTROL MANHOLES; SAMPLING AND MEASUREMENT.

(A) When required by the Public Works Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Public Works Director. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times. The flow measurement device can be a Parshall flume, weir, venturi nozzle, magnetic flow meter, or any other type of device providing accurate and continuous flow indication. Pump timers or other indirect measurement devices will not be acceptable. The flow meter shall be suitable for indicating and totaling the flow in millions of gallons per day through the device, provided above, with an error not exceeding plus or minus 2%. The instrument shall be equipped with a set of electrical contacts arranged to momentarily close a circuit to energize a process timer and sampling device for every fixed quantity of flow. This quantity should be selected so as to ensure a minimum of 12 samples per operating day. Other control variations will be acceptable if it can be demonstrated that the sampling procedure will result in a waste sample which is proportional to the waste flow.

(B) The length of operation of the sampling device shall be dependent on the type of sampling arrangement used, but in no case shall the daily collected sample be less than 2 quarts in volume. The method of sampling used can be continuous pumping past a solenoid-operated valve, direct pumping into sample container, continuous pumping past a sampler dipper calibrated to remove a constant sample, by a proportional dipper sampler operating directly in the waste flow, or by any other approved means. All samples must be continuously refrigerated at a temperature of 39°F, plus or minus 5°. The flow measurement and sampling station shall be located and constructed in a manner acceptable to the city.

Complete plans on all phases of the proposed installation, including all equipment proposed for use, shall be submitted to the city for approval prior to construction. The person discharging the waste shall keep flow records as required by the city and shall provide qualified personnel to properly maintain and operate the facilities.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.46 SAMPLING AND ANALYSIS STANDARDS.

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analysis involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from 24-hour composites of all outfalls, whereas pH is determined from periodic grab samples.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.47 ADMISSION AND CONTROL OF INDUSTRIAL WASTES.

(A) This section shall apply to industrial wastes as previously defined, and further to wastes from industries which exhibit strengths or characteristics of BOD in excess of or equal to 200 milligrams per liter (mg/l) or suspended solids in excess of or equal to 150 mg/l based upon a composite sample of the waste. The composite sample shall mean not less than 12 individual samples taken at not less than 30-minute intervals for a period of not less than 6 hours.

(B) Review and acceptance of the city shall be obtained prior to the discharge into the public sewers of any waste having BOD greater than 200 milligrams per liter or a suspended solids content greater than 150 milligrams per liter.

(C) Where required, in the opinion of the Public Works Director, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the sewage treatment works, the person shall provide at his or her expense those preliminary treatment or processing facilities as may be determined necessary to render his or her waste acceptable for admission to the public sewers.

(D) Any industry discharging wastes from a canning, freezing, or food-packing operation shall not be allowed.

(E) The volume of flow used for computing industrial waste charges shall be metered water consumption of the person as shown in the records of meter readings maintained by the city. If the person discharging industrial wastes into the public sewers procures any part, or all, of his or her water from sources other than the City Water Department, all or a part of which is discharged into the public sewers, the person shall install and maintain at his or her expense water meters of a type approved by the Public Works Director for the purposes of determining the volume of water obtained from these other sources.

(F) Industrial plants may be required to have separate collection systems; 1 system to be installed for customary sanitary sewage connected directly to the city system; a second system to be installed to collect processing wastes from shop sinks, floor drains, wash stations, plating or cleaning works, and all other industrial waste sources. This system to discharge into an exterior concrete sump of sufficient capacity to hold at least 1 day's discharge from these sources and be connected to the city system only by a valved overflow. The sump shall be readily accessible for inspection and analysis by the city, and only properly treated or neutralized wastes will be allowed to flow in to the city system. The city reserves the right to require that city approval be secured for each incident of discharge.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT

§ 51.60 PROTECTION FROM DAMAGE.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be prosecuted in accordance with the State Criminal Code.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.61 INSPECTION; RIGHT OF ACCESS; SAFETY RULES.

(A) The Public Works Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of, but not limited to, installation of STEP systems and connections thereto, maintenance, inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The Public Works Director or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the Public Works Director or duly authorized employees of the city shall observe all applicable safety rules.

(C) The Public Works Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of, but not limited to, installation of building sewers, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within that private property.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

§ 51.62 CHARGES; TERMINATION OF SERVICE; LIABILITY FOR EQUIPMENT DAMAGE.

(A) *Responsibility for payment.* The property owner of record shall be responsible for the payment of all charges or surcharges for furnishing sewer service.

(B) Delinquent bills; termination of service.

(1) Sewer billing is mailed during the last week of each month. All sewer charges are due and payable on the fifteenth of the following month and any balance outstanding is considered past due. Past due balances are subject to a late fee and a door-hanger fee. If any bill is delinquent for a period in excess of 15 days written notice shall be provided to the customer at the address shown on the city's records advising the customer that, unless the bill is paid in full, service will be discontinued by the city on the sixteenth of the following month, or the next business day. A customer may make application for installment payments in lieu of payment in full of all outstanding sewer charges and associated late fees chargeable by the city under the provisions of this code. Eligibility for, and the terms and conditions of, an installment payment plan authorized by this section shall be determined by the City Manager.

(2) If sewer services are discontinued for delinquency of payment, sewer services shall not be restored until the city has received payment in full of all delinquent billings and reconnection fees set by the City Council and any required fees for commencement of services.

(3) Unpaid sewer charges shall become a lien upon the property served. The provision for collection herein shall be in addition to any other rights or remedies that the city may have under the laws of the State of Oregon.

(4) Nothing in this section shall prohibit the city from summarily and immediately discontinuing sewer service in cases of emergency.

(D) *Refusal of service.* The city may refuse to furnish sewer service to any premises where any apparatus, appliance or equipment connected to the system or any other use of the system is dangerous, unsafe or is being used in violation of law, ordinance or regulation.

(E) *Damage to city equipment.* The property owner shall be liable for any damage to the city's sewer system or equipment caused by the customer or his or her tenants or agents and shall reimburse the city in full upon presentation of a bill for that damage.
(Ord. 36, passed 4-3-1985; Am. Ord. 84, passed 5-5-1993; Am. Ord. 158-2014, passed 12-9-2014) Penalty, see § 10.99

§ 51.63 VIOLATIONS.

(A) Any person found to be violating any provision of this chapter, except § 51.60, shall be served with written notice stating the nature of the violation with notification that the violator is given 10 days to satisfactorily correct the violation. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(B) Any person who shall continue any violation beyond the time limit provided for in division (A) of this section shall upon conviction be subject to penalties as set for in § 10.99 of this code.

(C) Persons violating any of the provisions of this chapter shall become liable to the city for any expense, including reasonable attorney's fees, loss, or damage occasioned the city by reason of that violation, and an action or suit in the name of the city may be instituted against that person for the recovery of the expense, loss, or damage; and the same may be undertaken in addition to other penalties imposed under the provisions of the chapter.
(Ord. 36, passed 4-3-1985) Penalty, see § 10.99

CHAPTER 52: GARBAGE

Section

§ 52.01 GARBAGE DISPOSAL REGULATIONS ADOPTED.

The provisions of Ord. 73, passed 11-6-1991, regarding garbage hauling and garbage cans are adopted by reference and shall be a part of this chapter as if set forth in full herein.

Cross-reference:

Franchise ordinances, see TSO III

CHAPTER 53: STREET UTILITY FEE

Section

§ 53.01 CREATION AND PURPOSE OF FEE.

A street utility fee is created and imposed for the purpose of maintaining the city's streets. The street utility fee shall be paid by the responsible party for each billing unit or occupied unit of real property as defined and provided in this chapter. The purposes of the street utility fee are to charge users for the service the city provides in maintaining public streets and to ensure that maintenance occurs in a timely fashion, thereby reducing increased costs that result when maintenance is deferred. (Ord. 180-2022, passed 9-13-2022)

§ 53.02 DEFINITIONS.

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

OCCUPIED UNIT. Any structure or any portion of any structure occupied for residential, commercial, industrial, or other purposes. An ***OCCUPIED UNIT*** may include more than one structure if all structures are part of the same dwelling unit or commercial or industrial operation. Property that is undeveloped or, if developed is not in current use, is not considered an ***OCCUPIED UNIT***.

RESPONSIBLE PARTY. The person or persons who by occupancy or contractual arrangement are responsible to pay for utility and other services provided to an occupied unit. The person(s) paying the city's water utility bill for an occupied unit shall be deemed the ***RESPONSIBLE PARTY*** as to that unit.

STREET MAINTENANCE. Any action to maintain or improve city streets, including repair, renewal, resurfacing, replacement, and reconstruction. ***STREET MAINTENANCE*** shall include, but not be limited to, resurfacing of existing streets; the repair, replacement, or addition of curbs and gutters; updating ADA access; repair or replacement of the entire street structural sections; repair or

replacement of existing street shoulders, pavement markers, striping, and other street markings; repair or replacement of existing channelization devices; adjustment of existing utilities to match finish grades; and any other related work within existing streets.
(Ord. 180-2022, passed 9-13-2022)

§ 53.03 STREET FUND.

All street utility fees received shall be deposited into the street fund. Other revenue sources may also be used for street maintenance. Amounts in the street fund may be invested by the city in accordance with state law. Earnings from such investments shall be dedicated to the street fund. The street fund shall not be used for other governmental or proprietary purposes of the city, except to pay for an equitable share of the city's administrative overhead, including accounting, management, and other costs related to the street maintenance program.
(Ord. 180-2022, passed 9-13-2022)

§ 53.04 PAYMENT OF STREET UTILITY FEE.

Based upon fees set by Council resolution, the city shall charge a per unit street utility fee to the responsible party for each billing unit with an active utility account. Street utility fees shall be included as part of the water and sewer bill for billing units with active utility accounts. The street utility fee shall be included on the city's utility billing and collected on the same billing cycle as city water/sewer, and shall be subject to the provisions of § 50.089 of this code for non-payment of charges and delinquency of account.
(Ord. 180-2022, passed 9-13-2022)

CHAPTER 54: STORM WATER UTILITY FEE

Section

§ 54.01 INTENT AND IMPOSITION OF FEE.

It is the intent of this chapter to provide a utility based funding mechanism to pay for the costs of operating, maintaining, and expanding the city's storm water utility, which exists for the promotion of the safety and health of city residents and businesses.

(A) City water customers are deemed to use the city's public storm water system, and shall pay a storm water fee set by Council resolution, which fee shall reflect the actual costs of operation, maintenance, replacement, and capital improvements needed to serve existing development, and for future maintenance.

(B) The city may choose to base a customer's storm water fee, and may impose a special assessment, on actual impervious area or other criteria which most equitably assesses the customer's impacts on the utility and its costs.

(C) There shall be a storm water fund. All storm water fees imposed and collected under this code shall be deposited in the storm water fund.

(D) Money in the storm water fund shall be used for planning, designing, and constructing the public storm water system; for the regulation, maintenance, and administration of the public storm water system; for providing all storm water services, including the repayment of any indebtedness incurred before or after the effective date of this chapter; and for all expenses related to the operation and management of the storm water utility.

(E) The storm water fee is a fee for service and not a charge against property. The person responsible for paying for city water and/or sewer service is responsible for paying the storm water fee, which in most cases is the occupant of the property served by city services. The storm water utility fee shall be included on the utility bill and collected on the same billing cycle as city water/sewer charges, and shall be subject to the provisions of § 50.089 of this code.
(Ord. 181-2022, passed 9-13-2022)

§ 54.02 AMOUNT OF STORM WATER FEE.

The storm water fee shall be set by resolution of the City Council.
(Ord. 181-2022, passed 9-13-2022)