

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: SOLID WASTE

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§ 50.01 PURPOSE.

The City Council finds that maintenance of health, sanitation, and energy conservation requires compulsory and universal collection, removal, disposal and recycling of solid waste and such other requirements as detailed herein. In priority order the desire of the city is to:

- (A) Reduce the amount of solid waste generated;
- (B) Reuse as many items of solid waste as possible;
- (C) Recycle as much of the remaining products as is economically feasible;

(D) Compost yard waste when and where practicable; and

(E) Dispose of the remaining waste in a manner which is both economically and environmentally sound.
(Ord. 91-19, passed 12-9-91)

§ 50.02 DEFINITIONS.

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

NON-PUTRESCIBLE SOLID WASTE. For purposes of this chapter, non-putrescible material includes, but is not limited to, inoperable vehicles, vehicle parts and tires; residential, commercial and industrial appliances, equipment and furniture; scrap metal; residential, commercial and industrial building demolition or construction waste; plastic, glass, cardboard, and wastepaper.

PUTRESCIBLE SOLID WASTE. Solid waste or waste material, including bones, meat and meat scraps, fat, grease; fish and fish scraps; food containers contaminated with food wastes, particles or residues; bio-medical waste; vegetable and fruit food wastes; manure, small dead animals or similar organic wastes which cause offensive odors or create a health hazard or which are capable of attracting or providing food for potential disease carriers such as birds, rodents, flies and other vectors.

RECYCLABLE MATERIAL.

(1) Those materials designated as such by the Department of Environmental Quality and by the city.

(2) Inoperable vehicles are recycled in accordance with city ordinances and state laws, and are excluded from this chapter.

RESOURCE RECOVERY. The process of obtaining useful material or energy resources from solid waste which includes:

(1) **ENERGY RECOVERY.** Any process in which all or a part of solid waste materials are utilized to extract heat content or other forms of energy of or from the material.

(2) **MATERIAL RECOVERY.** Any process of obtaining from solid waste, by pre-segregation or otherwise, materials which still have useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled for the same or other purpose.

(3) **MINIMUM SERVICE FEE.** The charge made to each residence based on the basic minimum collection of one can per month.

(4) **RECYCLING.** Any process by which solid waste materials are transformed into new products in such manner that the original products may lose their identity, and includes collection, transportation, storage and transfer of solid waste and placing the solid waste in the stream of commerce for resource recovery.

(5) **REUSE.** Return of a commodity to the economic stream for use in the same or a similar application as before without change in its identity.

SERVICE. Collection, transportation, storage, transfer, disposal of or resource recovery of solid waste, including solid waste management.

SOLID WASTE.

(1) All putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper, cardboard, yard waste, grass clippings, compost, tires, equipment and furniture; commercial, industrial, demolition and construction wastes; discarded home or industrial appliances; manure, vegetable or animal solid and

semi-solid wastes, dead animals. The term specifically excludes:

(a) Hazardous wastes as defined in O.R.S. 466.005. These materials are the responsibility of the owner and must be disposed of in accordance with state law.

(b) Sewer sludge and septic tank and cesspool pumping, chemical toilet waste or other sludge.

(c) Reusable beverage containers as defined in O.R.S. 459A.700 through 459A.740.

(d) Material used for fertilizer or for other productive agricultural operations in growing or harvesting crops and raising animals.

(2) The fact that materials which would otherwise come within the definition of solid waste may from time to time have value and thus be utilized does not remove them from this definition.

SOLID WASTE MANAGEMENT. Prevention or reduction of solid waste; management of storage, transfer, collection, transportation, treatment, utilization, processing and final disposal of solid waste; or resource recovery from solid waste; and facilities used for those activities.

SOURCE SEPARATION. Separation or setting aside of waste, by the source generator or producer of the waste, for recycling or reuse. Total source separation means complete separation by the source generator or producer of waste by type or kind of waste from all other types or kinds of waste. Total source separation requires each type or kind of recyclable material such as newsprint, computer paper, cardboard, glass, ferrous cans and aluminum cans to be distinctly segregated in a separate package, container or stack in preparation for collection.

UNCONTAMINATED COMBUSTIBLE. Paper, lumber and wood or paper products which are free from plastic, petroleum products, preservative or other substances which, when burned, emit toxic gases or other pollutants regulated by state or federal environmental agencies.

WASTE. Material that is no longer wanted or usable by the source, source generator or producer of the material, and which is to be disposed of or recovered by another person, and includes both source-separated material and non-separated materials.

(Ord. 91-19, passed 12-9-91)

§ 50.03 SEGREGATION AND CONTAINMENT OF SOLID WASTE.

All solid waste intended for disposal shall be segregated and contained as described below:

(A) *Commercial.* A commercial waste container shall be of such size, volume and construction as will require a mechanical device to empty it into the collection vehicles.

(B) *Residential.* All waste shall be placed in a watertight, galvanized metal container or approved plastic container of not more than 32 gallons net capacity and of a design satisfactory to the City Manager and franchisee. The container when loaded shall not weight more than 60 pounds. The container shall be strong, capable of enclosing all contents, have handles at the sides, have a tight-fitting lid, and shall be kept clean and continuously closed except when refuse is being dumped into or removed therefrom.

(C) Ashes, soot, cat litter, dog droppings and styrofoam plastic packing material shall be securely wrapped and bagged before placement in container for disposal.

(D) Bio-medical waste is to be kept separate from the refuse container. The franchisee is to be contacted and arrangements made for disposal of this material.

(E) Liquid waste, chemicals, paint, insecticides and hazardous waste shall not be combined with rubbish or garbage in a container and are to be disposed of in accordance with current state regulations.

(F) Yard waste may be composted at its source or at a site designated by City Council, may be

segregated and placed out for collection or may be hauled to the transfer station.

(G) Construction and demolition waste shall be separated into uncontaminated combustible materials and other waste for collection or hauling to the transfer station or an approved disposal site. Uncontaminated combustibles may be burned in compliance with § 50.09(B) of this chapter.

(H) Recyclable and reusable waste may be segregated and put out for collection, donated to an approved fund-raising drive, placed in a designated drop facility or hauled to the transfer station.

(Ord. 91-19, passed 12-9-91) Penalty, see § 50.99

§ 50.04 SOLID WASTE CONTAINER LOCATIONS.

(A) (1) A tenant, occupant or owner of a dwelling, or the keeper of a hotel, restaurant or boarding house or a building where meals are furnished shall provide and properly maintain a container as specified in § 50.03(A) or (B) of this chapter.

(2) Except on the day before or day of pick-up, no person may place a container for receiving refuse in or on any public street, alley, sidewalk, footpath or other public place. Municipal containers for public use are exempt.

(B) Residential solid waste containers, on the scheduled day of pick-up service or the day immediately prior to pick-up service, shall be placed at any of the following locations:

(1) At the edge of the roadway or curb or sidewalk, or within an unobstructed five feet from the curb and without obstructing vehicular or pedestrian traffic.

(2) For any location on the property not described in division (1) above, a "sideyard" surcharge will be added to the collection fee.

(3) Customers with special physical needs may have refuse picked up in a convenient and accessible area at no additional charge. Customers

needing this service must obtain a no-cost permit from the franchisee in order to avoid a surcharge.

(4) Residences grouped into a multi-family arrangement shall have garbage containers in a central and convenient location.

(C) The container location shall be free from surrounding obstructions and easily accessible to the collector.

(D) A tenant, occupant or owner of a building requiring a commercial container shall provide and maintain a hard and durable, rigid, level surface for the container which is easily accessible to the collector.

(E) Dogs shall be restrained or segregated from the refuse container pick-up area on collection day. (Ord. 91-19, passed 12-9-91) Penalty, see § 50.99

§ 50.05 NONPROFIT ORGANIZATION SPECIAL FUND-RAISING DRIVES.

(A) Paper drives, recycling or other approved fund-raising drives may be conducted from time to time by non-profit institutions or organizations under permit from and in accordance with any rules and regulations prescribed by the City Manager. Such drives require advance permission from the City Manager. No charge may be made against solid waste customers for the removal of such items and no claim may be made by the franchisee because of loss of business.

(B) It is recognized that some people remove recyclables from public containers. This practice shall be allowed upon obtaining a no-cost permit from the City Manager or his designee.

(C) Permits in this section may contain regulations to protect the health, safety, and welfare of the public, and will include provisions for accounting for amounts and disposition of such recyclables when disposed of outside of the city. Such permits are renewable monthly. (Ord. 91-19, passed 12-9-91)

§ 50.06 SOLID WASTE COLLECTION CONTRACT.

(A) The city may contract for a franchise for the collection and disposal of solid waste and recyclable material. The franchise contract shall cover the right to collect, remove and dispose of all solid waste for a period not to exceed 20 years. The franchise contract may be awarded with or without public bids.

(B) No franchise contract for the collection and disposal of solid waste, or any interest therein, granted by the City Council pursuant to the provisions of this chapter, may be sold, assigned, mortgaged or otherwise transferred without prior consent of the City Council by ordinance. The City Council may grant or deny consent, or may impose such conditions with respect to transfer of the franchise contract or any interest therein as are in the interest of the public health and general welfare. The city shall not arbitrarily withhold consent and a City Council decision must be made within 90 days of the request for the transfer or the transfer is granted.

(C) Contract to franchise shall be granted by the City Council on the basis of:

- (1) Service record;
 - (2) Financial status;
 - (3) Equipment and personnel capabilities to meet current and future needs; and
 - (4) Moral character and reputation related to business.
- (Ord. 91-19, passed 12-9-91)

§ 50.07 SERVICE PROVISIONS.

(A) The owner and/or occupant of any dwelling or business shall subscribe to and pay for service rendered to the dwelling or business. The contractor and owner may agree that occupant will initially be responsible for payment for service, but such agreement shall not relieve the owner in the event of non-payment by an occupant.

(B) Minimum service to any dwelling unit is pick-up of one solid waste container per month, except as provided in divisions (D) and (E) below. In the case of multi-family dwellings, minimum service is the equivalent of one solid waste container per dwelling unit per month, but service may be containerized. Minimum service for other developed property is that which is necessary to prevent accumulation or storage of solid wastes which create a fire, safety or health hazard or public nuisance, and to comply with § 50.03.

(C) The owner or occupant of any dwelling shall subscribe for service within seven days of occupancy. For purposes of universal garbage service, property shall be considered to be occupied if connected to city water and sewer service.

(D) Temporary exemption from universal service or minimum service fees may be granted by the City Manager upon presentation of evidence of financial hardship. Denial by the City Manager in such cases may be appealed to City Council.

(E) Unoccupied property not receiving water and sewer service may, by choice of the owner, be exempt from universal collection service by submitting written notification to the franchisee. Such exemption terminates upon initiation of water and sewer service.

(F) Franchisee shall bill the owner/occupant for all service provided to the residence/business. Owner and franchisee may agree to have the occupant billed on property occupied by a non-owner.

(G) Franchisee shall take all reasonable steps to collect the minimum service fee. Ninety days after a billing becomes delinquent franchisee may discontinue service. Such a discontinuation of service does not relieve the property owner from future minimum service fees.

(H) In the event of a dispute between franchisee and the owner or occupant of the property regarding the amount owed, franchisee shall resolve the dispute in any manner prescribed by law prior to terminating service and giving the city notice.

(I) Delinquent minimum service fees which are uncollected after one year may be submitted to the city for payment. Franchisee shall submit a statement indicating the service provided, address where provided, the time period and minimum service charges, and an affirmation that the amount owed is not in dispute.

(J) The city shall be authorized to take the following steps, to collect the delinquent fees:

(1) Charge a delinquent fee of \$25;

(2) Use of collection agency. The property owner will pay all costs of collection;

(3) Take appropriate legal action, including filing a claim for payment;

(4) Place a lien against the property and charge interest at 10% per annum;

(5) Use any other method of collection allowed by law;

(6) Any combination of the above.

(Ord. 91-19, passed 12-9-91) Penalty, see § 50.99

§ 50.08 USED BEDDING AND CLOTHING.

All refuse consisting of rags, used clothing, bedding, mattresses, shoes or other rubbish which may carry germs or communicable diseases shall be taken by the collector directly to the disposal area on the day of collection. The collector shall not pick up or retain any such described rubbish or carry any such rubbish to any barn, garage or premises for storage, segregation or use.

(Ord. 91-19, passed 12-9-91) Penalty, see § 50.99

§ 50.09 PROHIBITED DISPOSAL PRACTICE.

No person may:

(A) Deposit or dispose of solid waste anywhere except at the transfer station. The composting of vegetable matter may occur at a central site or on the owner's property. Upon written permission of the

City Manager or his designee, soil and clean fill material may be used for filling in holes, depressions and lots if the material is leveled and properly covered.

(B) Burn solid waste materials other than uncontaminated combustibles in fireplaces, stoves, incinerators, barrels or burn piles. However, yard waste and uncontaminated combustibles, demolition and construction waste may be burned by special permit from the Fire Department only.

(C) Dump, place or deposit upon any lot, property or in any solid waste container owned by any other person any waste material.

(D) Dump, place or deposit upon any of the public streets, alleys, parks, or lots of the city any waste material without prior written consent from the City Manager or his designee.

(E) Use a municipal solid waste container for residential or business disposal.

(F) Without permission of the owner or generator of recyclable material, take recyclable materials set out to be collected by a person authorized by the city to provide collection service for that recyclable material, except in accordance with this chapter.

(G) Remove any recyclable material from a container, box, collection vehicle, depot or other receptacle for the accumulation or storage of recyclable materials without permission of the owner of the receptacle.
(Ord. 91-19, passed 12-9-91; Am. Ord. 2004-05, passed 6-28-04) Penalty, see § 50.99

§ 50.10 RESPONSIBILITY OF CUSTOMERS.

(A) All solid waste disposal shall be performed by the franchisee, except for recyclable material which may be disposed of by the source generator or producer by delivery to the city's recycling center in a manner which promotes its recovery, or for waste

which, by authority of this chapter, may be taken by the source generator or producer to the transfer station or other authorized disposal site.

(B) The person in control of any residential property occupied within the city shall provide for collection and disposal of solid waste from any such structure.
(Ord. 91-19, passed 12-9-91) Penalty, see § 50.99

§ 50.11 OWNERSHIP OF SOLID WASTE.

All solid waste located, placed or deposited in a can, container, drop box or receptacle placed out by the customer for collection becomes property of the franchisee, subject to conditions stipulated by the city in Ordinance 91-20 (the current collection franchise ordinance). It shall be unlawful for any person other than the franchisee to remove any solid waste from such receptacles. Any person removing such materials in violation of this section, except as provided for in § 50.06(B), shall be subject to penalties defined in § 50.99 of this chapter.
(Ord. 91-19, passed 12-9-91)

§ 50.12 RECYCLING.

In the interest of promoting waste reduction and reuse, the city shall cooperate with franchisee in promoting effective recycling programs. The city shall provide information and, where possible, incentives that encourage the maximum community participation in recycling. Recycling is mandated by state law.

(A) *Residential recycling.* Franchisee shall provide the following services to all residences in the city:

(1) Establish a pick-up schedule for curbside and drop facility collection and provide

residential customers with suitable containers for recyclables. The schedule shall be reviewed for practicality by the City Manager prior to implementation, and for effectiveness, including overall rate of recycling, by the City Council annually.

(2) City Council shall designate by resolution the kinds of recyclable materials to be collected. This list may be amended from time to time by resolution and shall include minimum requirements of state and federal law.

(3) Franchisee shall not charge a customer separately or by surcharge for collection of recyclable materials.

(4) Provide "on call pick-up" for yard debris, appliances or bulk quantities of other recyclable materials. An additional charge may be made for pick-up and delivery of such items according to a fee schedule approved by City Council.

(5) Citizens shall separate recyclable materials for collection and properly prepare the materials in accordance with instructions provided by the franchisee to all residences.

(6) All multi-dwelling residences with three or more units shall provide a designated recycling collection area.

(B) Commercial recycling.

(1) All businesses operating within the city limits may separate recyclable materials from other solid waste.

(2) Franchisee may collect source-separated commercial recyclable materials on a regular basis, at least weekly, for deposit at the recycling center. Frequency of collection may be a function of quantity of material to be collected and storage space available at the source.

(C) The franchisee will prepare and present a bi-annual recycling report to the City Council. This report will contain total waste tonnage for the city, tonnage by category of recycled materials and level

of participation by residents and commercial customers.

(Ord. 91-19, passed 12-9-91)

§ 50.13 RATES; EXEMPTION.

(A) *Cost of collection.* Rates for service under this chapter shall be those rates adopted by the City Council by resolution. The Council shall establish and, as considered necessary from time to time, change rates by resolution after a public hearing. In determining the appropriate rate to be charged by the franchisee, the City Council may consider any or all of the following:

(1) Cost to the franchisee of providing the service.

(2) Anticipated increase in the cost of providing this service.

(3) Equipment replacement and the need for additional equipment to meet expanding service requirements; compliance with federal, state, local law, ordinances and regulations; or technological change.

(4) Investment of franchisee and value of the business, and the necessity that franchisee have a reasonable rate of return.

(5) Rates charged in other cities of similar size for similar service.

(6) Public interest in assuring reasonable rates which enable franchisee to provide efficient and beneficial service to residents and other users of the service.

(7) Local wage scales, cost of management facilities and disposal fee or charges.

(8) Revenues and/or expenses resulting from recycling.

(B) *Landfill fees and transfer fees.* Land fill fees, transfer fees and similar fees charged a franchisee shall be passed through to the customer on a proportional basis by resolution of the City Council.

(C) *Exemption.* Fees authorized under this chapter shall constitute a service charge, and are not considered a property tax and therefore are not subject to the property tax limitations of Section 11 (b), Article XI of the Oregon Constitution. (Ord. 91-19, passed 12-9-91)

§ 50.14 COMPLIANCE WITH REGULATIONS REQUIRED.

(A) The customer is responsible for complying with stipulations of this chapter regarding segregation and containment of solid waste (§ 50.03), solid waste container locations (§ 50.04), universal service (§ 50.07) and responsibility of customers (§ 50.10).

(B) Franchisee may refuse to pick up solid waste placed out for collection which is out of compliance with §§ 50.03, 50.04, 50.07 or 50.10 of this chapter. Franchisee shall leave written notice specifying the non-compliance and the franchisee's telephone number. (Ord. 91-19, passed 12-9-91)

§ 50.15 COMPLAINT RESOLUTION.

Franchisee shall have two working days from time of receipt to report to the city regarding resolution of any complaint referred by the city. (Ord. 91-19, passed 12-9-91)

§ 50.16 ENFORCEMENT OFFICERS.

The Code Enforcement Officer, police officers and such other employees as designated by the City Manager shall enforce this chapter. (Ord. 91-19, passed 12-9-91)

§ 50.17 REMEDIES.

(A) In addition to the penalties in § 50.99, any condition caused or permitted to exist in violation of this chapter shall be deemed a public nuisance and the City Attorney may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate legal proceedings to

temporarily or permanently enjoin or abate such violation.

(B) Penalties and remedies provided in this chapter are not exclusive and are in addition to any other penalties and remedies available to the city under any other provisions of this code, city ordinance or law. (Ord. 91-19, passed 12-9-91)

§ 50.99 PENALTY.

Violation of this chapter constitutes a Class A Civil Infraction and shall be processed in accordance with the procedures set forth in O.R.S. Chapter 153. Each day a violation of this chapter continues shall be a separate violation. An assessment of a forfeiture for a Class A Civil Infraction shall not exceed \$500. (Ord. 91-19, passed 12-9-91)

CHAPTER 51: SEWERS

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GENERAL PROVISIONS

§ 51.001 DEFINITIONS.

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

BOD (DENOTING 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 milligrams per liter.

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

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

CODE. The Uniform Building Code and Uniform Plumbing Code as adopted by the City Council.

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

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

INDUSTRIAL WASTES. The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

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

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 of food 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 one-half inch (1.27 centimeters) in any dimension.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

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

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.

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

SEWER. A pipe or conduit for carrying sewage.

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 five times the average 24-hour concentration of flows during normal operation.

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 his 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.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 86-1, passed 1-27-86)

§ 51.002 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available under the provisions of §§ 51.015 and 51.016 the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the Oregon State Department of Environmental Quality.

(C) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in §§ 51.015 and 51.016, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facility shall be abandoned in accordance with state law at no expense to the city.

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

(E) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Oregon State Department of Environmental Quality. (Ord. 86-1, passed 1-27-86)

§ 51.003 TAMPERING WITH OR DESTROYING SEWAGE WORKS EQUIPMENT.

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 subject to immediate arrest under charge of disorderly conduct.

(Ord. 86-1, passed 1-27-86)

PUBLIC SEWER USE

§ 51.015 UNLAWFUL DEPOSITS AND DISCHARGES.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited 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) It shall be unlawful to 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.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.016 TOILET FACILITIES REQUIRED.

The owner of all houses, building, or properties used for human occupancy, employment, recreation, or other purposes, 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 or combined sewer of the city, is

facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet (30.5 meters) of the property line.

(Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.017 DISCHARGES OF STORMWATER AND UNPOLLUTED DRAINAGE.

(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) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

(Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.018 PROHIBITED DISCHARGES.

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

(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 singly 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 two mg/l as CN in the wastes as discharged to the public sewer.

(C) Any waters 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 such 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, shavings, metal, glass, rags, feathers, tar, 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.

(Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.019 HARMFUL DISCHARGES; ACTIONS OF SUPERINTENDENT.

(A) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as to 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. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150° F. (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° and 150° F. (0° 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 three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.

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

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

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5.

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended 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 chloride and 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 such quantities as to constitute a significant load on the sewage treatment works.

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

(10) 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 degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(B) (1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in division (A) of this section, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(a) Reject the wastes;

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

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 51.024 of this chapter.

(2) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

(Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.020 GREASE, OIL AND SAND INTERCEPTORS.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent,

they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendents and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.021 PRELIMINARY TREATMENT FACILITIES.

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 expense.

(Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.022 CONTROL MANHOLES.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.023 MEASUREMENTS, TESTS AND ANALYSES.

All measurements, tests, and analyses 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

said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. 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 analyses involved will determine whether a 24-hour composite of all out-falls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(Ord. 86-1, passed 1-27-86)

§ 51.024 SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern.

(Ord. 86-1, passed 1-27-86)

BUILDING SEWERS AND CONNECTIONS

§ 51.035 PERMIT REQUIRED FOR CONNECTION WITH PUBLIC SEWER.

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

(Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.036 CLASSES OF PERMITS.

There shall be two classes of building sewer permits: for residential and commercial service; and for service to establishments producing industrial

wastes. In either case, the owner or his agent shall make application on a special 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. A permit and inspection fee of \$24 for a residential or commercial building sewer permit and \$50 for an industrial building sewer permit shall be paid to the city at the time the application is filed. (Ord. 86-1, passed 1-27-86)

§ 51.037 COSTS BORNE BY OWNER.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 86-1, passed 1-27-86)

§ 51.038 SEPARATE BUILDING SEWERS FOR EACH BUILDING.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. An adequate cleanout shall be installed and approved by the Superintendent. (Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.039 OLD BUILDING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter. (Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.040 SPECIFICATIONS.

(A) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back filling the trench, shall all conform to the requirements of the code or other applicable rules and regulations of the city.

(B) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. (Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.041 ELEVATION OF BUILDING SEWER.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.042 CONNECTION OF SURFACE RUNOFF OR GROUNDWATER.

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. (Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.043 APPLICANT TO NOTIFY SUPERINTENDENT WHEN READY FOR INSPECTION.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

(Ord. 86-1, passed 1-27-86) Penalty, see § 51.999

§ 51.044 EXCAVATIONS TO BE BARRICADED.

All excavations 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. 86-1, passed 1-27-86) Penalty, see § 51.999

SEWER CONNECTION CODE

§ 51.060 TITLE.

This subchapter shall be known as the "sewer connection code," may be cited as such, and will be referred to herein as "this code."

(Ord. 62-21, passed 7-23-62)

§ 51.061 PURPOSE.

The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling waste disposal and the design, construction, type and quality of materials, location, and maintenance of all lateral connections to the public sewers within the city, including both sanitary and storm sewers.

(Ord. 62-21, passed 7-23-62)

§ 51.062 POLICE POWERS.

The city engineer is hereby authorized and directed to enforce all the provisions of this code. For such purpose he shall have the powers of a police officer, and may deputize such employees as may be necessary to carry out the provisions of this chapter. He shall keep a permanent record of all permits issued, fees collected, the names of the persons upon whose account the same were paid, date and amount thereof, together with the location of the building or premises to which they relate.

(Ord. 62-21, passed 7-23-62)

§ 51.063 ENTRY ONTO PREMISES.

Upon presentation of proper credentials, the city engineer or his duly authorized representatives may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon him by this code.

(Ord. 62-21, passed 7-23-62)

§ 51.064 STOP ORDERS.

Whenever any sewer connection is being made contrary to provisions of this code, the city engineer may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done; and any such persons shall forthwith stop such work until authorized by the city engineer to proceed with the work.

(Ord. 62-21, passed 7-23-62)

§ 51.065 LIMITATION OF LIABILITY.

The city engineer or any employee charged with the enforcement of this code, acting in good faith and without malice for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit brought against the city engineer or employee because of such act or omission

performed by him in the enforcement of this code shall be defended by the legal department of the city until final termination of the proceedings. The city engineer may request, and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials of the city.

(Ord. 62-21, passed 7-23-62)

§ 51.066 PROCEDURES TO OBTAIN PERMIT.

(A) No person, firm, or corporation shall connect, construct, alter, repair, or remove any lateral sewer connected to or to be connected to any public sewer in the city, or cause the same to be done without first obtaining a separate permit for each such lateral sewer connection, repair, alteration, or removal from the city engineer. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose.

(B) Every such application shall:

(1) Identify and describe the work (including materials) to be covered by the permit for which application is made;

(2) Describe the property on which the proposed work is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and locate the proposed work;

(3) Give such other information as reasonably may be required by the city engineer;

(4) Be signed by the permittee or his authorized agent, who may be required to submit evidence to indicate such authority.

(C) The application and any plans or supplementary data filed by an applicant for a permit shall be checked by the city engineer. If satisfied that the work described in the application conforms to the requirements of this code and other pertinent laws and ordinances and that the fee specified in § 51.068 has been paid, he shall issue a permit therefor to the applicant.

(Ord. 62-21, passed 7-23-62)

§ 51.067 REVOCATION OR SUSPENSION OF PERMIT UPON VIOLATION.

The issuance or granting of a permit shall not be construed to be a permit for or an approval of any violation of any provisions of this code; nor shall such permit prevent the city engineer from thereafter requiring the correction of errors or from preventing construction from being carried on thereunder when in violation of this code or any other ordinance of the city. The city engineer may, in writing, suspend or revoke a permit issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code.

(Ord. 62-21, passed 7-23-62)

§ 51.068 PERMIT FEE.

A fee of \$5 shall be paid to the city for each permit hereunder. Where work for which a permit is required by this code is started or proceeded with prior to obtaining said permit, the fee above specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

(Ord. 62-21, passed 7-23-62)

§ 51.069 INSPECTION.

All work for which a permit is required hereunder shall be subject to the inspection of the city engineer, and no piping shall be covered until inspected and approved. In order to assure that all joints are watertight, a pressure test may be required on the lateral sewer line or on the building waste system, or both.

(Ord. 62-21, passed 7-23-62)

§ 51.070 MANDATORY LATERAL SEWER CONNECTION.

The circumstances requiring land owners to construct sanitary sewers, timelines for compliance

and procedures for granting extensions of those timelines are established by this section:

(A) It shall be the responsibility of all owners of property abutting any street or alley in which a sanitary sewer has been or shall be constructed to install lateral sewers in conformity with this code, for the conduction of all sanitary wastes from buildings or premises on such property, and located within 100 feet of such street or alley, to the sanitary sewer within six months of the effective date of this chapter, or within six months of the levying of the assessment for each such sanitary sewer. After the effective date of this ordinance, all sanitary sewer assessment notices to property owners shall cite this requirement, and the requirement for obtaining permits for construction of lateral sewer connections.

(B) Upon written application to the City Council of the city, a property owner may, upon good cause shown, be granted an extension of time to comply with the provisions of this section. Said extension of time shall not extend the time for hookup, including the time provided for in this section, for a period of time in excess of one year. That is to say, that the time for hookup may be extended for an additional period of six months over and above the time set forth in the said section. The extension of time shall only be granted upon good cause shown, and the granting thereof shall be entirely at the discretion of the City Council.
(Ord. 62-21, passed 7-23-62; Am. Ord. 66-30, passed 9-26-66)

§ 51.071 APPROVED MATERIALS, MEASUREMENTS AND EXCLUSIONS.

(A) Approved piping materials for the construction of lateral sewers shall be:

- (1) Cast iron, no hub, pipe with mechanical, or rubber ring joints;
- (2) PVC pipe with rubber ring joints;
- (3) ABS pipe with glue joints.

(B) Prohibited pipe materials shall be:

- (1) Bituminized fiber pipe;
- (2) Concrete or clay pipe;
- (3) Black or galvanized wrought iron or steel pipe of all classes.

(C) Other materials may be approved if usage has shown them to possess the necessary structural strength, durability, resistance to abrasion, and flexibility and tightness of joints. All adapters for connections between two sizes or types of pipe shall be as approved by the City Engineer.

(D) Laterals shall be laid to a uniform slope and shall provide the following minimum slopes per foot:

	4"	6"	8"
Cast Iron and PVC in lengths less than ten feet	1/4"	1/8"	1/12"
PVC and ABS in lengths of ten feet or more	1/8"	1/12"	1/20"

(E) Pipe sizes may be increased but not decreased in the direction of flow. Minimum size in all cases shall be four inches (4"). Changes in horizontal or vertical alignment shall be made only with approved fittings.

(F) Sand bedding of pipe may be required, depending on soil conditions and type of pipe. Minimum depth of burial for pipe shall be three feet, unless special approval and the reasons therefor are stated in the permit. No waste piping shall be laid in the same trench with any potable water line.
(Ord. 62-21, passed 7-23-62; Am. Ord. 88-09, passed 5-23-88)

§ 51.072 MATERIALS REQUIRED WITHIN, AND IN PROXIMITY TO, PREMISES.

It shall be a condition precedent to the approval of any lateral sewer connection to any premises that all underground waste piping within a building, or within five feet of the exterior thereof, shall be of

cast iron pipe and watertight; that each such building shall have at least one vent of not less than three-inch pipe size, extended above the roof line; and that waste connections be separated as required by § 51.074 hereafter. All changes in existing waste piping required hereunder shall be accomplished in conformity with state law.

(Ord. 62-21, passed 7-23-62)

§ 51.073 WYE AND SLOPE SPECIFICATIONS.

Where installation of a lateral sewer involves the tapping of the main, as for connection to a storm sewer, for increase in size of an existing lateral, or for a sanitary sewer lateral where no wye has been provided, such connection shall be made only by insertion of a wye in the main for all mains eight inches and smaller in size and for ten-inch mains if the lateral is to be larger than four-inch pipe size. In other cases, a hole may be cut in the main and a

connection cemented on in an approved manner so as to provide a watertight joint of adequate strength, and with no projection into the interior of the main. Within the street right-of-way, the laterals projected from such connections shall be laid to the minimum slope specified in § 51.071. It shall be the responsibility of the owner of the property served to properly backfill all trenches in the street right-of-way and repair all sidewalks, curbs, other pipe lines, and pavement removed or damaged as a consequence of the work. If the owner shall fail to properly restore such street improvements, or if such restoration subsequently proves defective in any respect, such restoration or correction of defect shall be treated in the manner provided by the city charter for the repair of defective sidewalks.

(Ord. 62-21, passed 7-23-62)

§ 51.074 RESTRICTIONS ON DISCHARGE INTO SANITARY AND STORM SEWERS.

It shall be unlawful to connect or to discharge the effluent from any roof drain, storm drain, subdrain, or refrigeration condenser serving a refrigeration system of two horsepower or greater to the sanitary sewer system of the city. These may be connected to a storm sewer, if available, or shall be disposed of by means of dry wells. It shall likewise be unlawful to dispose of any sanitary wastes to any storm sewer. The conduction of any gasoline, oil, or other petroleum wastes to either a storm sewer or sanitary sewer shall be prohibited. Sewage effluent from any premises not served by a sanitary sewer shall be disposed of within the property by means of an adequate and properly maintained septic tank and dry well or drain field. No raw sewage or effluent from any septic tank shall be allowed to flow to any street, drain ditch, exposed ground surface, or stream. Any condition in violation of this section shall be abated by the property owner within 48 hours after written notice served by the city engineer on the owner or occupant of the premises.

(Ord. 62-21, passed 7-23-62)

§ 51.075 DISPOSITION OF CLOSED NON-SEWER WASTE SYSTEM.

Whenever any cesspool, septic tank, or dry well shall pass into disuse by reason of its replacement or the connection of the premises to the sewer system, or for any other cause, the same shall be uncovered and filled with sand. Sandfill shall be inspected and approved by the city engineer prior to backfilling.

(Ord. 62-21, passed 7-23-62)

§ 51.076 DISPOSITION OF ABANDONED LATERAL SEWER.

Whenever any lateral sewer shall pass into disuse by reason of its replacement, the demolition of the premises served, or for any other cause, the same shall be disconnected and effectively plugged at the street lot line.

(Ord. 62-21, passed 7-23-62)

SEWER USE CHARGE SYSTEM

§ 51.090 POLICY.

(A) The city provides a valuable public service by maintaining a sewer collection, treatment and disposal system within the city limits. This utility exists for the benefit of persons within the city who produce sewage and who have a present or future need for disposing of sewage within the city.

(B) Users of the sewer system are to pay rates which reflect direct and indirect costs of operation of the sewer system as a public utility. Persons not using the sewer utility should not pay utility rates. However, some use of the utility occurs when the sewer service is sized to provide sewer service to the property. These costs and the cost of maintaining these services so as to have sewer services available on demand constitute a cost that should be passed on to all customers through an access/demand charge.

(C) The rate structure of the city sewer utility shall be consistent with the above, shall reflect full actual costs of providing the service, and shall consist of a service charge which allows the customer a degree of control over the amount to be paid.

(D) This rate structure is intended to constitute a service charge, even if it is viewed as a charge against property or against a property owner as a direct consequence of ownership of the property.

(E) Effective July 1, 2009, as compensation for use of the city-owned rights-of-way, the sewer fund shall pay to the street fund an in-lieu-of-franchise fee in the amount of 7% of the sewer user receipts. (Ord. 91-27, passed 10-28-91; Am. Ord. 2009-05, passed 7-27-09)

§ 51.091 DEFINITIONS.

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

ACCESS/DEMAND CHARGE. The charge made to each user to cover direct and indirect costs attributable to sizing and maintenance of the sewer system, including treatment, so that sewer services are available for a customer upon immediate demand.

COMMERCIAL. All buildings or premises used for any purpose other than industrial and single-family dwelling purposes. Includes vacation rentals and bed and breakfasts with more than four bedrooms which rent rooms any time during the calendar year.

HIGH STRENGTH. Effluent with BOD greater than 450 mg/L and suspended solids greater than 460 mg/L.

INDUSTRIAL. Any enterprise discharging high strength effluent.

OPERATION AND MAINTENANCE. All expenditures during the useful life of the treatment

works for materials, labor, utilities and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed. The term **OPERATION AND MAINTENANCE** includes replacement.

PLANNING PERIOD. The period over which a works is evaluated for cost-effectiveness and shall be a period of 20 years.

RECONSTRUCTION. The "replacement" of equipment, equipment components, or other treatment works components which have been in service for more than 20 years.

REPLACEMENT COSTS. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

SERVICE CHARGE. The combination of the access/demand charge and user fee.

SINGLE-FAMILY DWELLING. A detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for one family. Includes bed and breakfasts and vacation rentals with four or fewer bedrooms.

TREATMENT WORKS. Any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection system and their appurtenances, extensions, improvements, remodeling, additions and alteration thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities, and any fixed assets, including site acquisition of land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge,

temporary storage of such compost and land used for the storage of treated wastewater, or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste).

USEFUL LIFE. An estimated period during which a treatment works will be operated, as defined by the planning period.

USER FEE. The charge to a user based on the delivery of water to the property.

WATER METER. A water volume measuring and recording device, furnished and installed by the city, or by a user, and approved by the city. (Ord. 91-27, passed 10-28-91; Am. Ord. 92-48, passed 1-11-93)

§ 51.092 ESTABLISHMENT OF SERVICE CHARGE.

The service charge is established by this subchapter.

(A) The service charge shall generate adequate annual revenues to pay costs of annual operation and maintenance.

(B) The city will perform cost of service analyses that shall include annual costs for operation and maintenance, including replacement. These costs will be adequate to ensure effective and dependable operation during the treatment system's planning period.

(C) The city will review the service charge at least every two years and revise the service charge rates as necessary to ensure the provisions of the cost-effectiveness analysis.

(D) Service charges, along with all charges and rates herein provided, shall be paid to the City Treasurer at such places as may be designated. All such payments so collected shall be placed and maintained in a fund designated as the Sewer Fund.

This fund will be kept in accounts designated in such a manner that funds for defraying the costs of those provisions are adequate to maintain the capability and performance over the useful life of the treatment works, that the funds for providing additional security against the retirement of sewerage system bonds, and for reconstruction, are set aside as may be appropriate.

(E) The Sewer Fund shall be managed in a manner consistent with sound accounting and management practices.

(F) The city will maintain adequate records to document compliance with the service charge requirements, including records of the biennial review, and such records will be available to the users. (Ord. 91-27, passed 10-28-91)

§ 51.093 DETERMINATION OF RATES.

Rates for this service under this subchapter shall be those rates adopted by the City Council by resolution. The City Council shall establish and, as considered necessary from time to time, change rates by resolution after a public hearing.

(Ord. 91-27, passed 10-28-91; Am. Ord. 92-26, passed 7-13-92; Am. Ord. 95-39, passed 9-11-95; Am. Ord. 98-14, passed 7-27-98)

Cross-reference:

System Development Charges, see §§ 32.45 through 32.61

§ 51.094 APPEALS.

Any individual or business paying a charge for a sewer service who feels his sewer charge is unjust and inequitable as applied to his premises may make written application to the City Manager requesting a review of his service charge. The decision of the City Manager may be appealed to the City Council. If the City Council finds an error has been made in the implementation of the intent of this subchapter, it shall direct the city staff to make such adjustment as the City Council may deem fair and equitable.

(Ord. 91-27, passed 10-28-91)

BILLING**§ 51.100 BILLING PROCEDURES.**

(A) *Rendering of bills.* Bills for sewer service shall be rendered bimonthly.

(B) *Payment of bills.*

(1) All bills are due and payable on presentation. Payment may be made at the city finance office or an authorized deposit location.

(2) Closing bills will be collected at the time of discontinuance of service.

(3) When bills are delinquent, the city will follow the procedure as outlined in § 51.101. (Ord. 2002-08, passed 6-25-02)

§ 51.101 PENALTY FOR DELINQUENT PAYMENT.

All bills are due and payable as of the billing date. If a billing is not paid in full within 40 days of the billing date, the account will be considered delinquent and a 10% late fee on the outstanding balance may be charged. If the account is not brought current within 30 days of the late fee charge then notice will be sent notifying the customer that shutoff proceedings will commence in 15 days if not paid in full. If after 15 days the account is not satisfied, notice will be posted/placed on the property stating when shutoff will occur. A minimum of 24 hours notice will be given. Whenever service has been discontinued because of continued delinquency, all charges related to reinstatement of services shall be collected, together with the delinquent amount including late fees, before service is resumed. (Ord. 2002-08, passed 6-25-02)

ADMINISTRATION AND ENFORCEMENT**§ 51.110 POWERS AND 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. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point 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 Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.022.

(C) The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 86-1, passed 1-27-86)

§ 51.111 VIOLATIONS; NOTICE.

(A) Any person found to be violating any provision of this chapter except § 51.003 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation.

(Ord. 86-1, passed 1-27-86)

§ 51.999 PENALTY.

(A) Any person who shall continue any violation beyond the time limit provided for in § 51.071(A), shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 86-1, passed 1-27-86)

(B) It shall be unlawful for any person, firm, or corporation to connect, construct, alter, repair, use, or maintain any sewer connection or lateral sewer, or cause the same to be done contrary to or in violation of any of the provisions of this code. Any person, firm, or corporation violating any of the provisions of this code shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this code is committed, continued, or permitted; and upon conviction of any such violation, such person shall be punishable by a fine of not more than \$500, or by imprisonment for not more than 180 days, or by both such fine and imprisonment.

(Ord. 62-21, passed 7-23-62; Am. Ord. 63-7, passed 2-25-63)

CHAPTER 52: WATER

Section

	<i>General Provisions</i>		<i>Rates and Charges</i>
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52.40	Purpose		
52.41	Backflow prevention device requirement		GENERAL PROVISIONS
52.42	Minimum requirements		
52.43	Installation requirements		§ 52.01 PURPOSE.
52.44	Fire sprinkler systems backflow protection requirements		(A) The city provides a valuable public service by maintaining a water collection, treatment, storage and distribution system which constitutes a public utility owned and operated by the city. This utility exists for the benefit of persons within the city who have domestic, commercial, industrial, fire protection, public or other water service needs.
52.45	Access to premises		
52.46	Annual testing and repairs		
52.47	Variances		
52.48	Costs of compliance		
52.49	Compliance time requirements		
52.50	Termination of service		

(B) Users of the water system are to pay rates which reflect direct and indirect costs of operation of

the water system as a public utility. Persons not using the water utility should not pay utility rates. However, some use of the utility is deemed to occur when the water service is sized to provide water service to the property and to provide for fire suppression whether water is being consumed or not, and therefore an access/demand charge shall be charged.

(C) The rate structure of the city water utility shall be consistent with the above, shall reflect full actual costs of providing the service, and shall consist of a service charge which allows the owner a degree of control over the amount to be paid.

(D) This rate structure is intended to constitute a service charge, even if it is viewed as a charge against property or against a property owner as a direct consequence of ownership of the property. (Ord. 91-28, passed 10-28-91)

§ 52.02 DEFINITIONS.

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

ACCESS/DEMAND CHARGE. The charge made to each user to cover direct and indirect costs attributable to sizing and maintenance of the water system so that water is available for a customer's requirements upon demand, including water for fire suppression.

AFTER HOURS. Any time other than that covered by "normal working hours" in the definitions section.

APPLICANT. Any person, corporation, association or agency applying for water service.

APPROVED BACKFLOW PREVENTION DEVICE. A device to counteract back pressures or to prevent back siphoning. This device must appear on the list of approved devices issued by the Oregon State Health Division.

AUXILIARY WATER SUPPLY. Any water source or system other than the public water system,

that may be available in the building or on the premises.

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.

CITY. The City of Seaside, its staff and/or designee (authorized agent).

CITY SERVICE LINE. Any pipe and fittings which connect a water main to a water meter or "customer service line" which may include corporation stop, pipe and fittings, curb stop, meter, meter box, or any other materials required for installation.

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, irrigation system, solar systems, fire sprinkler systems or other liquid of unknown or unsafe quality which may be capable of impairing contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross connections.

CUSTOMER. A person, corporation, association or agency who has requested and is receiving water service.

CUSTOMER SERVICE LINE. Any pipe, valves, and fittings leading from the water meter or city service line into the premise served or point of ultimate use. **CUSTOMER SERVICE LINE** shall include wheel valve and five feet metal service tail pipe at meter and may require backflow prevention or pressure reducing devices.

DOUBLE CHECK VALVE ASSEMBLY (DCVA). An assembly that contains two independently acting approved check valves. The device shall include properly located test cocks and tightly closing shut-off valves at the end of the

assembly. A double check valve assembly is approved if it appears on the list of approved devices issued by the Oregon State Health Department.

FIRE SERVICE. Any service installed for the specific purpose of fire protection (hose connection or sprinklers).

NORMAL WORKING HOURS. Any normal work day (Monday through Friday except holidays) between the hours of 8:00 a.m. and 4:30 p.m.

PREMISES. Any piece of land to which water is provided including all structures, improvements, and additions.

REDUCED PRESSURE PRINCIPLE DEVICE (RPBD). 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 device shall include properly located test cocks and tightly closing shut-off valves at the end of the assembly. A **REDUCED PRESSURE PRINCIPLE DEVICE** is approved if it appears on the list of approved devices issued by the Oregon State Health Division.

SERVICE. That combined facility comprised of both a "city service line" and a "customer service line," including that which may or may not have a meter installed to measure flow or consumption.

SERVICE CHARGE. A combination of access/demand and user fees.

USER. Any person, corporation, or other entity with the ability to use water through an established service line.

USER FEE. The charge to a user based upon delivery of water to property.

WATER MAIN. Any pipe owned by the city laid in a street, alley, or easement, and used or intended to be used for distribution of water to customers through service lines.

WATER METER. Any device used for measurement of water delivered to an individual location or user (service).

WATER SYSTEM. Any fixed assets used for the purpose of acquiring and conveying potable water from their source, treating in any manner, and conveying to users in the city and adjacent areas. (Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

WATER SERVICE REGULATIONS

§ 52.15 APPLICATION; DEPOSIT.

(A) *Application for water service.* Application for use of water shall be made to the Finance Department, and shall state fully and truly all the purposes for which water may be required. The applicant shall agree, as a condition for such use, to conform to the rules and regulations of the city concerning use of water.

(B) *Application for water service deposit.* Application for water service shall be accompanied by a \$100 deposit or, at the applicant's request, the city may allow the deposit to be waived if the property owner permits any unpaid amount to be placed as a lien against the property. The failure of a property owner to make the required deposit shall constitute approval for a lien. (Ord. 91-28, passed 10-28-91)

§ 52.16 FURNISHING OF WATER SERVICE.

(A) A water service line and a meter of suitable size shall be furnished by the city upon application to the Finance Department. The city shall furnish all labor and materials necessary for construction, including meter adapter for customer's service line. The fee to be charged for a water service is given in the fee schedule, § 52.65.

(B) Within the city limits, the city maintains the city service from the main, to and including the water meter, without further cost to the property owner.

(C) The access/demand charges are based on water meter size and depend on the volume of water thereby requiring for standby service and fire suppression.

(Ord. 91-28, passed 10-28-91)

§ 52.17 UNLAWFUL CONNECTIONS.

(A) No person may connect to the city water system unless previously authorized by the city.

(B) A person shall obtain permission from the city before a customer service line is connected to a water meter. Such work shall be performed at the expense of the customer. All charges owed by the applicant shall be paid in full, or arrangements for payment be made, prior to permission to connect with the city water system is granted.

(Ord. 91-28, passed 10-28-91)

§ 52.18 SERVICE LINES.

(A) Service lines used from the meter to the property line and within the bounds of the premise shall meet standards of the current edition of the Oregon State Plumbing Code. Installation charges for the city service line are to be paid by the customer. After installation the service line and meter becomes the property of the city.

(B) Pressure reducers or devices which restrict backflow installed on a customer's service line shall be provided by the customer, shall meet standards of the current edition of the Oregon State Plumbing Code, and shall be inspected and tested as required.

(C) Any service line between the main and the wall of the building shall be laid not less than two feet below the surface of the finished grade.

(D) All customer service lines shall be kept in repair and protected from freezing at the expense of the customer, who is also responsible for all damages resulting from leaks or breaks.

(E) The customer shall be liable for any damage to a meter or other equipment or property owned by the utility which is caused by an act of the customer

or the customer's agents. Such damage shall include the breaking or destruction of locks on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premise. The city shall be reimbursed promptly by the customer upon presentation of a bill for any such damage.

(Ord. 91-28, passed 10-28-91)

§ 52.19 PERMITS FOR CHANGE OF SERVICE.

When a permit for a change in service is granted, the charge is the same as the charge for a new service, less credit allowed for salvageable materials from the original service.

(Ord. 91-28, passed 10-28-91)

§ 52.20 SERVICE DISCONNECTION.

(A) *Wheel valves.* The city encourages the installation of wheel valves at the meter for customer use. There shall be no connect or disconnect fees associated with installation of wheel valves. No customer shall be allowed to operate meter valves on city service lines. Customer shall be responsible for any damage to city service due to tampering with meters.

(B) *Temporary service interruption.* At the owner's request, water service may be turned off for a period of five days without removal of the meter. A turn-on fee may be required to reinstate service (see Fee Schedule, § 52.65).

(C) *Service change.* When the customer requests a service interruption for more than five days, service shall be locked in the off position or the meter removed. Turn-on shall be only after receipt by the city of the turn-on fee and any amount owed to the city. Turn-on fee is indicated in the Fee Schedule, § 52.66.

(Ord. 91-28, passed 10-28-91)

**§ 52.21 SEPARATE CONTROL OF SERVICE;
JOINT USE.**

(A) When more than one house or premise is connected to a single water meter, customer service lines shall be so arranged as to permit supply control by a single valve for each separate house or premise. One person shall be designated as the customer for billing purposes for all the water used through such service.

(B) Where water is supplied through one service line to more than one user, the city may decline to furnish water until separate customer service lines are provided. The city may supply water to more than one user on the condition that one person is designated to pay for all water used through the service line. The charge for water consumed shall be based on the access/demand charge and the amount of water used.

(Ord. 91-28, passed 10-28-91)

**§ 52.22 SHUT OFF BECAUSE OF WASTE;
CUSTOMER RESPONSIBLE FOR
CONSUMPTION.**

(A) Water shall not be furnished to a premise where there is a defective or leaking faucet, closet, or other fixture, or where there is a water closet or urinal without self-closing valves, or a tank without a self-acting float valve. When there is a defective or leaking fixture or when there is not a shut off device, the water supply may be shut off.

(B) Water may be kept running to prevent freezing when conditions require, subject to a determination of necessity made by the city. Customer is responsible for water consumption per Fee Schedule, § 52.62, unless approved adjustments are authorized by the city.

(Ord. 91-28, passed 10-28-91)

§ 52.23 INTERRUPTIONS IN SERVICE.

(A) Water may be turned off from the mains without notice for repair or other necessary purposes. The city is not responsible for any damages as a consequence of interruption in service.

(B) Water for steam boilers shall not be furnished by direct pressure from the city mains.

(C) Any damage to the city water system or service line as a result of faulty customer equipment or backflow shall be the responsibility of the customer or user.

(Ord. 91-28, passed 10-28-91)

**§ 52.24 ACCESS TO PREMISES FOR
INSPECTION.**

Any person designated by the city may inspect, at reasonable hours of the day, all parts of the building and premise in which water is delivered from the city mains to determine the condition of the pipes and fixtures and the manner in which the water is used. Such designated representative will present proper identification upon request.

(Ord. 91-28, passed 10-28-91)

§ 52.25 SERVICE OUTSIDE CITY.

The city may furnish water to a user or water district outside of city limits, by approval of City Council. The City Council shall establish such rules and regulations as it deems necessary and convenient. The charge for outside water service is established in the Fee Schedule, § 52.63, unless special rates have been established by an easement agreement.

(Ord. 91-28, passed 10-28-91)

§ 52.26 AUXILIARY WATER SUPPLY.

Approved backflow prevention devices for protecting community water systems shall be installed on the service connection to a premise where there is an auxiliary water supply which is or can be connected to the water service, such devices shall be inspected in accordance with state and city regulations.

(Ord. 91-28, passed 10-28-91)

§ 52.27 FIRE HYDRANTS AND FIRE SERVICE LINES.

(A) No person may cut, change, remove, disconnect, connect, operate, repair, interfere or tamper in any manner with a fire hydrant owned by the city unless a permit has been issued by the Public Works Director.

(B) "Fire service lines" may be installed at the expense of customer. All such lines shall be approved by the Public Works Director. No use or connection other than fire protection is permitted on fire service lines. If any connection or use other than fire protection is discovered, the entire service will be disconnected and the appropriate insurance company notified. No further service shall be permitted until necessary correction measures are made and approved by the city.
(Ord. 91-28, passed 10-28-91) Penalty, see § 52.99

§ 52.28 WATER METERS.

(A) *Requirements.* No person may use city water, except through an approved water meter. When a water meter fails to register accurately, the charge for water shall be based upon the average daily water consumption as shown by the water meter when in order.

(B) *Changes.* Unless authorized by the city, no person may cut, change, remove, disconnect, connect, repair, interfere, meddle or tamper in any manner with any installed water meter.

(C) *Accessibility.* The occupant of a building or premise where a meter is located shall keep the water meter free from obstructions and accessible at all times for reading, turn-on/turn-off, inspecting, or repairing.

(D) *Water meter checks.* Water meter accuracy checks requested by the user shall be billed to the user at the rate given in the Fee Schedule, § 52.68, if the water meter test proves accurate. If the meter proves inaccurate there shall be no charge.
(Ord. 91-28, passed 10-28-91)

CROSS-CONNECTION REGULATIONS

§ 52.40 PURPOSE.

(A) The purpose of these regulations is to protect the water supply of the city from contamination or pollution due to any existing or potential cross-connection.

(B) No cross-connection shall be created, installed, used, or maintained within the territory served by the city water system except in accordance with these regulations.
(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95) Penalty, see § 52.99

§ 52.41 BACKFLOW PREVENTION DEVICE REQUIREMENT.

Approved backflow prevention devices shall be installed at the expense of the user, either at the service connection or within the premises, as determined by a certified cross connection inspector employed by the city in each of the following circumstances:

(A) When the nature and extent of any activity of the premises, or the materials used in connection with the activity of the premises, or materials stored on the premises, could contaminate or pollute the drinking water supply.

(B) When the premises has one or more cross-connections as that term is defined in § 52.02.

(C) When internal cross-connections are not correctable, or intricate plumbing arrangements have made it impractical to ascertain whether or not cross-connections exist.

(D) When there is a repeated history of cross-connections being established or re-established.

(E) When there is unduly restricted entry so that inspections for cross-connections cannot be made with sufficient frequency or with sufficient notice to assure that cross-connections do not exist.

(F) When materials of a toxic or hazardous nature are being used such that, if backflow should occur, a health hazard could result.

(G) When there is any mobile apparatus which uses the city water system or water from any premises within the system.

(H) When any temporary connection is made to the city water system or water from any premises within the system by contractors, builders, or any other temporary or transient water user.

(I) When there is a premises where installation of an approved backflow prevention device is deemed to be necessary to accomplish the purpose of these regulations in the judgment of a certified cross-connection inspector employed by the city.

(J) Any premises having a private well or other private water source shall be required to install a backflow prevention device at the service entrance if a private water source is maintained, even if it is not cross-connected to the city water system.

(K) Any existing backflow preventer shall be allowed by the City Water Department to continue in service unless the degree of hazard is such as to supersede the effectiveness of the device, or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow device must be replaced with an approved device suitable for the degree of hazard.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

§ 52.42 MINIMUM REQUIREMENTS.

The following are minimum requirements for backflow protection. Higher protection may be determined necessary by a certified cross-connection inspector employed by the city:

(A) The following shall require the minimum backflow protection of a reduced pressure principle device if connected to the city water system: Auto repair shops, RV trailer parks, car washes, fire

system antifreeze loops, commercial laundries, dry cleaners, film processors, air conditioning systems, autoclaves, CO₂ beverage dispensers, boilers, chemical feed tanks, chilled water systems, cooling towers, fertilizer injection equipment, water cooled refrigeration units, laboratory equipment, mobile carpet cleaners, radiator flushing equipment, sterilizers, swimming pools and X-ray processors.

(B) The following shall require the minimum backflow protection of a double check valve assembly device if connected to the city water system: Fire sprinkler systems, any building with plumbing higher than 30 feet above the street surface, water service connections of two inches and above, irrigation systems, auxiliary water supply, mobile home parks, shopping centers, pressure washers, wells and hydraulically operated equipment.

(C) Pressure vacuum breaker assembly's and atmospheric vacuum breakers will not be permitted as backflow prevention devices by the City Water Department. Air gaps will be permitted providing they are inspected and approved by the City Water Department with periodic inspections made by the Water Department to assure the air gap is not bridged or defeated.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

§ 52.43 INSTALLATION REQUIREMENTS.

To ensure proper operation and accessibility of all backflow prevention devices, the requirements found in OAR 333-61-71 as well as the following requirements shall apply to the installation of these devices:

(A) *Irrigation backflow installation requirements.*

(1) Prior to the installation of any type of irrigation system on property served by the city a set of plans, prints, drawings, or diagram of the system must be submitted to the City Water Department.

(2) The plans shall include location of system (street and lot number), owner's name and address, layout of system and size and description of

backflow device. This irrigation plan will be reviewed and kept on file at the City Water Department. Within ten working days the City Water Department will return to the submitter initial plan approval or required changes, and a copy of the city backflow device installation requirements.

(3) The city requires that the minimum backflow prevention on an irrigation system shall be the installation of an approved double check valve assembly.

(4) The following are the city's requirements for the installation and approval of a double check valve assembly on all irrigation systems:

(a) In order for a backflow prevention device to be approved by the city, the city has depended upon the Foundation for Cross Connection Control and Hydraulic Research at the University of California to provide a list of devices that have passed its stringent testing procedure.

(b) All devices installed after January 1, 1994, must be state approved and have resilient seated gate valves or fully ported ball valves. These valves are to be an integral part of the device assembly as sold by the local distributor. Lists of approved devices are available at the City Water Department.

(c) Double Check Valve Assembly (DCVA) - Installation.

1. The DCVA shall be installed with adequate space to facilitate maintenance, testing and to easily obtain the make, model and serial number of the assembly. It shall be inspected and tested after installation to insure its satisfactory operation and proper installation. The DCVA must be tested by a certified state tester, at the time of installation.

2. Care must be used to insure that the DCVA is not installed where the pressure will be maintained above the device's rated and labeled capacity.

3. Pit or below grade DCVA installations must have pipe plugs installed in test cock tapplings to lessen the danger of cross-connects if the device becomes submerged.

4. The DCVA must be protected from freezing but must facilitate testing and maintenance. There shall be no connections installed between DCVA and source of supply for the purpose of draining.

5. Thoroughly flush the lines prior to installation of the DCVA.

6. Owner or representative must call for an inspection by the City Water Department. Backflow device installation service line and all premises plumbing to the DCVA must be exposed on visual inspection.

7. Water service will not be turned on until final approval is granted, following the acceptance of the DCVA installation and receipt of certified test results.

(5) Prior to backfill, this installation must be inspected between the DCVA and the source of supply by the City Water Department. Inspection will be made by the City Water Department within two working days of notice to inspect.

IMPORTANT: Failure to notify the City Water Department prior to backfill will result in re-excavation of the device and point of connection to facilitate inspection.

(6) Final approval shall be granted following the acceptance of the installation and receipt of certified tester results.

(7) All devices must be tested annually by a state certified backflow device tester and a completed test report submitted to the City Water Department. The City Water Department may require that a backflow prevention device be tested more frequently if the device has a history of repeated failures.

NOTE: The installation of a backflow prevention device on the water service line will eliminate the

thermal expansion of hot water into the distribution system. Therefore, the city hereby notifies the water user that it is the water user's responsibility to maintain temperature pressure relief valves and expansion tanks within the premises plumbing.

(B) Commercial backflow installation requirements.

(1) Prior to the installation of any commercial water service (any service other than residential) in the city service area, a set of plans, prints, drawings, or diagram of the system must be submitted to the City Water Department.

(a) The plans shall include locations of buildings, irrigation systems and landscaping, street address, owner's name and mailing address, plumbing and mechanical plans, size of service line and description of intended use of property. This plan will be reviewed and kept on file at the City Water Department.

(b) Within ten working days the City Water Department will return to the submitter initial plan approval. The approval notice will include type of backflow device required (minimum requirement is a double check valve assembly), a copy of the city backflow device installation requirements and a list of local state certified backflow device testers.

(2) To ensure proper operation and accessibility of all backflow prevention devices, the requirements found in OAR 333-61-71 as well as the following requirements shall apply to the installation and approval of a double check valve assembly on all commercial services.

(3) All devices installed after January 1, 1994, must be state approved and have resilient seated gate valves or fully ported ball valves. These valves are to be an integral part of the device assembly as sold by the local distributor. Lists of approved devices are available at the City Water Department.

(4) Double check valve assembly (DCVA) installation.

(a) The DCVA shall be installed with adequate space to facilitate maintenance, testing and to easily obtain the make, model and serial number. It shall be inspected and tested after installation to insure its satisfactory operation and proper installation. The DCVA must be tested by a certified state tester, at time of installation.

(b) Care must be used to insure that the DCVA is not installed where the pressure will be maintained above the device's rated and labeled capacity.

(c) Pit or below grade DCVA installations must have pipe plugs installed in test cock tappings to lessen the danger of cross-connects if the device becomes submerged.

(d) The DCVA must be protected from freezing but must facilitate testing and maintenance. There shall be no connections installed between DCVA and source of supply for the purpose of draining.

(e) Thoroughly flush the lines prior to installation of the DCVA.

(f) Owner or representative must call for an inspection by the City Water Department. Backflow device installation service line and all premises plumbing to the DCVA must be exposed on visual inspection.

(g) Water service will not be turned on until final approval is granted, following the acceptance of the DCVA installation and receipt of certified test results.

(h) All devices must be tested annually by a state certified backflow device tester and a completed test report submitted to the City Water Department. The City Water Department may require that a backflow prevention device be tested more frequently if the device has a history of repeated failures.

NOTE: The installation of a backflow prevention device on the water service line will eliminate the thermal expansion of hot water into the distribution system. Therefore, the city hereby notifies the water

user that it is the water user's responsibility to maintain temperature pressure relief valves and expansion tanks within the premises plumbing. (Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

**§ 52.44 FIRE SPRINKLER SYSTEMS
BACKFLOW PROTECTION REQUIREMENTS.**

(A) Pursuant to Chapter 333-61-070 (6)(b) of the Oregon State Health Division Administrative Rules an approved double check valve assembly (DCVA) shall be the minimum backflow protection for fire sprinkler systems.

(B) To ensure proper operation and accessibility of all backflow prevention devices, the requirements found in OAR 333-61-71 as well as the following requirements shall apply to the installation of DCVA's on fire sprinkler systems.

(1) DCVA's may be installed vertically as well as horizontally provided that the device assembly:

- (a) Is internally spring loaded - not weighted checks.
- (b) Is four inches or smaller.
- (c) Is recommended by the manufacturer for vertical installation.
- (d) Has the normal flow upward.

(2) DCVA's may be installed below grade in a vault provided plugs are installed in the test cocks. Maximum height of installation shall not exceed five feet for any DCVA unless there is a permanently installed platform meeting Occupational Safety and Health (OSHA) standards to facilitate servicing the device.

(3) Clearances for device assemblies two inches or smaller must provide enough room so that there is easy accessibility for testing, repairing and to easily obtain the make, model and serial number of

the assembly. Adequate drainage must be provided except that the drain shall not be connected to a sanitary or storm water drain.

(C) When intricate plumbing arrangements exist that make it impractical to ascertain water usage or consumption, the City Water Department may require the installation of an approved double detector check valve assembly.

(D) Prior to establishing water service to the fire sprinkler system, the City Water Department must inspect and approve the device installation.

(E) Prior to establishing water service to the fire sprinkler system the backflow prevention device must be tested by a state certified tester and a test report filed at the City Water Department.

(F) All backflow prevention devices installed on fire sprinkler systems must be tested annually by a state certified backflow device tester. A completed test report form must be submitted to the City Water Department. The City Water Department may require that a backflow prevention device be tested more frequently if the device has a history of repeated failures.

(G) Fire sprinkler systems that incorporate an antifreeze loop containing any kind of chemicals shall have an approved Reduced Pressure Principle Backflow Device (RPBD) installed on the antifreeze loop.

(H) Installation requirements for RPBD's are as follows:

- (1) RPBD's shall always be installed horizontally, never vertically.
- (2) Relief valves shall never be extended or plugged.
- (3) Protection from freezing shall be provided.
- (4) A provision for an air gapped drain shall be provided.

(5) RPBD's shall not be installed in an enclosed vault or box unless a bore-sighted drain to daylight is provided.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95) Penalty, see § 52.99

§ 52.45 ACCESS TO PREMISES.

Authorized employees of the city, with proper identification, shall have access during reasonable hours to all parts of a premises and within the building to which water is supplied. However, if any water user refuses access to a premises or to the interior of a structure at reasonable times and on reasonable notice for inspection by a cross connection inspector appointed by the city, a reduced pressure principle device (RPBD) will be required to be installed at the service connection to that premises or service must be disconnected.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

§ 52.46 ANNUAL TESTING AND REPAIRS.

(A) All backflow devices installed within the service area served by the City Water Department shall be tested immediately upon installation and annually thereafter by a state certified tester. Backflow prevention devices that have a history of repeated failures may be required to be tested more frequently. All such devices found not functioning properly shall be promptly repaired or replaced by the water user. If any such device is not tested or, if tested and fails, is not promptly repaired or replaced, the City Water Department may have the backflow prevention device tested or repaired or replaced with the costs of such charged to the owner of the device or the City Water Department may deny or discontinue water to the premises. All testing and repairs are the financial responsibility of the water user.

(B) Notice will be given to the City Water Department of any backflow prevention device test failure which can not be repaired the same day of failure.

(C) The city may on occasion send an employee to observe in the field any certified backflow device tester competence at testing devices. Any tester who is not found competent will be taken off the Certified Backflow Device Tester's list.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

§ 52.47 VARIANCES.

Any variances from these requirements shall be requested in writing by the owner and approved by the city prior to device installation.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

§ 52.48 COSTS OF COMPLIANCE.

All costs associated with purchase, installation, inspections, testing, replacement, maintenance, parts, and repairs of the backflow device are the responsibility of the water user.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

§ 52.49 COMPLIANCE TIME REQUIREMENTS.

Customer may ordinarily have 90 days to comply with these regulations. If the city determines at any time that a serious threat to public health exists, the water service will be terminated immediately.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

§ 52.50 TERMINATION OF SERVICE.

(A) 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 immediate discontinuance of public water service to the premises. (OAR 333-061-070, 1(b))

(B) The city may elect to have an appropriate backflow prevention device installed and the cost of such installation charged to the water user instead of discontinuance of the public water service to the premises.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-24, passed 6-12-95)

RATES AND CHARGES

§ 52.60 FEE SETTING POLICY.

City Council, by this chapter, sets fees and rates for water service and related activities as described in this chapter in accordance with the following requirements:

(A) Water service rates shall be based on the combination of an access/demand charge plus a consumption charge for the volume of water consumed.

(B) Water service rates may also provide for payment of the costs of, or repayment of indebtedness incurred for, capital improvements to the water system. Rates may be adjusted for this purpose system-wide or with reference to specifically benefitted properties. Rates shall be reviewed by the City Manager during each fiscal year.

(C) Account fees, administrative fees, and charges for other water service activities, including service connection charges, shall be based on the actual direct and indirect costs to the city for providing the service.

(D) Effective July 1, 2009, as compensation for the use of city-owned rights-of-way, the water fund shall pay to the street fund an in-lieu-of franchise fee in the amount of 7% of the sewer user receipts.

(Ord. 91-28, passed 10-28-91; Am. Ord. 2009-06, passed 7-27-09)

§ 52.61 ACCESS/DEMAND CHARGES.

Access/demand charges under §§ 52.61 through 52.64 shall be those rates adopted by the Council by resolution. The Council shall establish and, as considered necessary from time to time, change charges by resolution after public hearing.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-38, passed 8-28-95; Am. Ord. 2001-08, passed 7-23-01)

§ 52.62 CONSUMPTION CHARGE.

The consumption charge under §§ 52.61 through 52.64 shall be the rate adopted by the Council by resolution. The Council shall establish and, as considered necessary from time to time, change charges by resolution after public hearing.

(Ord. 91-28, passed 10-28-91; Am. Ord. 95-38, passed 8-28-95; Am. Ord. 2001-08, passed 7-23-01)

§ 52.63 WATER CHARGES OUTSIDE CITY.

All users outside the city limits, except those within a water district, shall pay two times the rates adopted by resolution as referenced in §§ 52.15, 52.61 and 52.62 above.

(Ord. 91-28, passed 10-28-91; Am. Ord. 2001-08, passed 7-23-01; Am. Ord. 2002-09, passed 6-25-02)

§ 52.64 WATER DISTRICT CHARGES.

Water districts with a contract with the city for water service shall pay the fees adopted by resolution as referenced in §§ 52.61 and 52.62 above.

(Ord. 91-28, passed 10-28-91; Am. Ord. 2001-08, passed 7-23-01)

§ 52.65 SERVICE INSTALLATION CHARGES.

The charge for water service installation is based on the actual cost of labor and materials plus 20% for billing, administration and overhead.

(Ord. 91-28, passed 10-28-91)

§ 52.66 TURN-ON FEES.

Unless turn-off and turn-on is at the convenience of the city, the fee for turn-on shall be \$75.
(Ord. 91-28, passed 10-28-91)

§ 52.67 SPECIAL WATER METER READING.

A special water meter reading requested for a real estate closing may be charged a fee of \$25.
(Ord. 91-28, passed 10-28-91)

§ 52.68 WATER METER ACCURACY CHECK.

The water meter accuracy check fee shall be \$25.
(Ord. 91-28, passed 10-28-91)

§ 52.69 BILLING PROCEDURES.*(A) Rendering of bills.*

(1) Meters will be read at regular intervals for the preparation of bimonthly bills and as required for the preparation of opening/closing of accounts and for special bills.

(2) Bills for water service shall be rendered bimonthly.

(B) Payment of bills.

(1) All bills are due and payable on presentation. Payment may be made at the city finance office or an authorized deposit location.

(2) Closing bills will be collected at the time of discontinuance of service.

(3) When bills are delinquent, the city will follow the procedure as outlined in § 52.82.

(C) Billings of separate meters not combined. Each meter on a customer's premise will be

considered separately, and readings of two or more meters will not be combined unless the city's operating convenience requires use of more than one meter.
(Ord. 91-28, passed 10-28-91)

ADMINISTRATION AND ENFORCEMENT**§ 52.80 TURN-OFF FOR NONCOMPLIANCE.**

(A) Water turn-off. If a water user fails to comply with the rules and regulations described herein or otherwise established as a condition to the use of water, or fails to pay charges for water service in the time and manner provided, the water supply may be turned off. To reinstate service the turn-on fee shall apply.

(B) Turn-on fee. When a turn-on is requested, the turn-on fee is to be paid in the Finance Department. The charge for turn-on during and after normal working hours is indicated in the Fee Schedule, § 52.66. This fee is based on the cost of turning off and turning on the water, making appropriate account changes, preparing final billings, overhead and administration.
(Ord. 91-28, passed 10-28-91)

§ 52.81 UNPAID SERVICE CHARGES.

(A) In the event of failure or refusal to pay charges for water service, the City Finance Department shall use the customer's funds on deposit or if the customer has selected the option allowing a lien to be placed on the property in accordance with § 52.15(B), the city shall declare the amounts unpaid charges and place a lien upon the premise. The city may foreclose the lien by any method authorized by law to enforce collection of delinquent liens. The lien docket shall be the utility billing register.

(B) Provisions of division (A) of this section for collection and enforcement of charges for water service are not exclusive remedies, but are in addition

to all other methods of enforcing payment and collection thereof.

(C) If civil action is required because of violations of these rules, violator shall be liable for court costs and reasonable attorney fees to be set by the court, including appellate court fees, in the event the city is successful in its legal action.

(Ord. 91-28, passed 10-28-91)

§ 52.82 PENALTY FOR DELINQUENT PAYMENT.

All bills are due and payable as of the billing date. If a billing is not paid in full within 40 days of the billing date, the account will be considered delinquent and a 10% late fee on the outstanding balance may be charged. If the account is not brought current within 30 days of the late fee charge then notice will be sent notifying the customer that shutoff proceedings will commence in 15 days if not paid in full. If after 15 days the account is not satisfied, notice will be posted/placed on the property stating when shutoff will occur. A minimum of 24 hours notice will be given. Whenever service has been shutoff because of continued delinquency, charges as stipulated in § 52.66 shall be collected, together with the delinquent amount including late fees, before service is resumed.

(Ord. 91-28, passed 10-28-91; Am. Ord. 2002-09, passed 6-25-02)

§ 52.83 CITY MAY IMPOSE WATER USE RESTRICTIONS.

In the event of a shortage of water, the city may impose restrictions on water usage.

(Ord. 91-28, passed 10-28-91)

§ 52.84 APPEALS.

Any individual or business paying a charge for water service who feels his water charge is unjust and inequitable as applied to his premise may make

written application to the City Manager requesting a review of his user charge. The decision of the City Manager may be appealed to the City Council. If the City Council finds an error has been made in the implementation of the intent of this chapter, it shall direct the city staff to make such adjustment as the City Council may deem fair and equitable.

(Ord. 91-28, passed 10-28-91)

§ 52.99 PENALTY.

Any violation of these regulations may subject violator to water turn-off, \$250 fine, or both, in addition to any other legal remedies available to the city.

(Ord. 91-28, passed 10-28-91)