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CHAPTER 50: SEWERS

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GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

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

BOD (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. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet 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.

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.

MAY. Is permissive.

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

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

PRIVATE SEWAGE DISPOSAL SYSTEM. A septic tank, lagoon or any other means of sewage disposal that is acceptable for use in the state and which is owned and maintained by a private party.

PROPERLY SHREDDED 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 ½-inch 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 groundwater are not intentionally admitted.

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.

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

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

SEWER. A pipe or conduit for carrying sewage.

SHALL. Is mandatory.

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

STORM DRAIN. (Sometimes termed “storm sewer”.) A sewer which carries storm and surface waters and drainage, but excludes sewer and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT. The Public Works Superintendent 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. 171, passed 1-4-82)

§ 50.02 PUBLIC SEWER USE REQUIRED.

(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 liquids and 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.

(D) The owner of any house, building, or property 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 hereby required at his own expense to install toilet and sewage disposal 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 the date of official notice to do so, provided that a public sewer is within 100 feet of his property line.
(Ord. 171, passed 1-4-82) Penalty, see § 50.99

§ 50.03 PRIVATE SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available under the provisions of § 50.02, 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 variance from the city if the proposed system is approved by the Oregon Department of Environmental Quality. Any other type of system may be used with the written approval of both the Oregon Department of Environmental Quality and the city.

(C) When a public sewer becomes available to a property being served by a private sewage disposal system, that property shall be connected to the public sewer within 30 days at the property owner's expense. The private sewage disposal system shall then be abandoned and removed, filled, and otherwise be rendered useless and safe to the general public in accordance with existing state law and this chapter at no expense to the city.

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

(E) Any private sewage disposal system shall be open to inspection by the city at any reasonable time.

(F) No statement contained in this section shall be construed to interfere with any requirements that may be imposed by the state, the Oregon Department of Environmental quality or its successor, or the city in the usual pursuit of the public welfare and safety.
(Ord. 171, passed 1-4-82) Penalty, see § 50.99

§ 50.04 DAMAGING, 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. 171, passed 1-4-82)

BUILDING SEWERS AND CONNECTIONS

§ 50.15 PERMIT REQUIRED FOR CONNECTIONS.

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. 171, passed 1-4-82) Penalty, see § 50.99

§ 50.16 CLASSES OF PERMITS.

There shall be two classes of building sewer permits: for residential service, and for commercial service and service to establishments producing industrial waste. In either case, the owner or his agent shall make application through the standard building permit procedure as established by the city. The permit application may be supplemented by any specifications, plans, or other information the city deems necessary. A permit, connection, and inspection fee for residential, commercial and industrial sewer hook ups shall be paid to the city at the time an application is made for sewer service. The fees shall be set by resolution of the City Council and may be revised from time to time.

(Ord. 171, passed 1-4-82; Am. Ord. 222, passed 3-25-96)

§ 50.17 COSTS TO BE 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. 171, passed 1-4-82)

§ 50.18 SEPARATE BUILDING SEWERS.

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.

(Ord. 171, passed 1-4-82)

§ 50.19 OLD BUILDING SEWERS USED WITH NEW BUILDINGS.

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. 171, passed 1-4-82)

§ 50.20 SPECIFICATIONS FOR MATERIALS AND CONSTRUCTION.

(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 backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in

appropriate specifications of the most current A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(B) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which an 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.

(C) 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.

(D) 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 most current A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(Ord. 171, passed 1-4-82) Penalty, see § 50.99

§ 50.21 SUPERINTENDENT TO BE NOTIFIED WHEN CONSTRUCTION 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. 171, passed 1-4-82) Penalty, see § 50.99

§ 50.22 EXCAVATIONS TO BE GUARDED; RESTORATION OF PUBLIC PROPERTY.

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. 171, passed 1-4-82) Penalty, see § 50.99

USE OF PUBLIC SEWERS

§ 50.35 DISCHARGES OF UNPOLLUTED DRAINAGE; DISCHARGES TO NATURAL OUTLETS AND STORM SEWERS.

(A) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, 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. 171, passed 1-4-82) Penalty, see § 50.99

§ 50.36 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 (2) 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. 171, passed 1-4-82) Penalty, see § 50.99

§ 50.37 DISCHARGE OF HARMFUL SUBSTANCES PROHIBITED.

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 tractability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

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

(B) Any water or waste containing fats, 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.

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the Superintendent.

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

(E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a 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.

(F) 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 and other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits

established by the Superintendent in compliance with applicable state and federal regulations.

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

(I) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to, sodium chloride and sodium sulfate);

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

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

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

(J) Waters or wastes containing substances which are not amenable to 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.

(Ord. 171, passed 1-4-82) Penalty, see § 50.99

§ 50.38 ACTIONS OF THE SUPERINTENDENT.

(A) 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 § 50.37 above of this chapter, 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:

(1) Reject the wastes;

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

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

(4) 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 § 50.42.

(B) 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. 171, passed 1-4-82)

§ 50.39 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 Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. 171, passed 1-4-82) Penalty, see § 50.99

§ 50.40 PRELIMINARY TREATMENT FACILITIES.

(A) 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.

(B) 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. 171, passed 1-4-82) Penalty, see § 50.99

§ 50.41 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 outfalls of a premise is appropriate or whether a grab sample of samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained for 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

(Ord. 171, passed 1-4-82)

§ 50.42 SPECIAL AGREEMENTS.

No statement contained in this subchapter 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. 171, passed 1-4-82)

RATES AND CHARGES

§ 50.55 DEFINITIONS.

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

CITY ENGINEER. The consulting engineer retained by the city.

COLLECTION SYSTEM. The system of public sewers to be operated by the city designed for the collection of sanitary sewage.

COMMERCIAL USER. Any premises used for commercial or business purposes which is not an industry as defined in this subchapter.

DOMESTIC WASTE. Any wastewater emanating from dwellings or from domestic activities

which are performed outside the home in lieu of a home activity directly by or for private citizens.

EQUIVALENT RESIDENTIAL UNIT or ERU.

A unit of wastewater which incurs the same costs for operation and maintenance as the basic minimum volume of domestic waste established as being discharged from a single-family residence in the treatment works service area. In the city, an ERU shall be equivalent to the established minimum of 4,725 gallons per month of domestic wastewater.

MAY. Is permissible.

OPERATION AND MAINTENANCE.

All activities, goods, and services which are necessary to maintain the proper capacity and performance of the treatment works for which such works were designed and constructed. The term shall include replacement as defined hereinafter.

PUBLIC TREATMENT WORKS. A treatment works owned and operated by public authority.

REPLACEMENT. Acquisition and installation of equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

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

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

SEWER DEPARTMENT. That department of the city or division thereof, which is designated to operate and maintain the sewage treatment works.

SHALL. Is mandatory.

TREATMENT WORKS. All facilities for collecting, pumping, treating, and disposing of sewage. "Treatment system" and "sewerage system" shall be equivalent terms for ***TREATMENT WORKS.***

USER. Every person using any part of the public treatment works of the city.

USER CHARGE. The periodic charges levied on all users of the public treatment works, and shall at a minimum, cover each user's proportionate share of the cost of operation and maintenance (including replacement).
(Ord. 184, passed 4-2-84)

§ 50.56 SEWER USER CHARGE.

(A) User charges shall be levied on all users of the public treatment works. These charges shall cover the costs of operation and maintenance, replacement, taxes, and other administrative costs of such treatment works. The user charge system shall distribute these costs in proportion to each user's contribution to the wastewater loading of the treatment works.

(B) There shall be established classes of users such that all members of a class shall pay a flat charge for a minimum volume of wastewater discharged from each residence, facility or other appropriate unit.

(C) There shall be assigned to each user class a number of Equivalent Residential Units (ERU's) (See § 50.55 of this subchapter) for each appropriate unit and this number of ERU's shall represent the ratio of the costs incurred by the wastes from the unit to the costs incurred by the wastes from the base ERU which is charged the minimum rate.

(D) Should any user believe that he has been incorrectly assigned a number of ERU's, that user may apply for review of his user charge as provided in § 50.61 of this subchapter.

(E) Should the City Engineer determine that a user is incorrectly assigned a number of ERU's, he shall reassign a more appropriate number of ERU's to that user and shall notify that user of such reassignment.

(F) Records of all assigned rates and any assigned wastewater volumes forming the basis of the ERU shall be kept on file with the City Recorder and shall be open for public inspection.

(G) The monthly sewer user charge shall be set by resolution of the City Council. The resolution may be revised from time to time by the City Council as provided in § 50.57.

(H) Any user which cannot be classified in any of the above user classes shall be considered a special user. Such user shall be placed in an open class and a special charge based on both volume and strength of waste shall be assigned to that user by the City Engineer.

(I) The sewer user charge for all occupied property shall begin 60 days after the sewer service becomes available, or the day that connection is made to the public sewer; whichever occurs first. The sewer user charge for all unoccupied property shall begin within 30 days after the property is ready for occupancy or on the first day of occupancy; whichever occurs first. All unoccupied property which is ready for occupancy at the time that the sewer service becomes available shall be treated as occupied property. Once the sewer user charge has commenced, no credit shall be given for vacancy unless it can be demonstrated that water service to that property from any and all sources, has been discontinued. The monthly sewer user charge shall be reinstated as soon as water service to that property from any source has begun. If the date upon which the user charge is commenced or altered does not fall on the first day of a billing period, the rate shall be appropriately pro-rated.

(Ord. 184, passed 4-2-84; Am. Ord. 220, passed 10-5-92; Am. Ord. 222, passed 3-25-96)

§ 50.57 REVIEW AND REVISION OF RATES; NOTIFICATION.

(A) The sewer user charges established in § 50.56 shall, as a minimum, be reviewed annually and revised periodically to reflect actual costs of operation, maintenance, and replacement of the treatment works and to maintain the equitability of the user charge with respect to proportional distribution of the costs of operation and maintenance in proportion to each user's contribution to the total wastewater loading of the treatment works.

(B) Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.

(Ord. 184, passed 4-2-84)

§ 50.58 RESPONSIBILITY FOR PAYMENT; BILLING PROCEDURE; DELINQUENCIES.

(A) The person who owns the premises served by the sewerage system shall be responsible for payment of the sewer user charge for that property, notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay the charges.

(B) The users of the sewerage system shall be billed on a monthly basis for services after rendered, in accordance with the rate schedule set forth in § 50.56 of this subchapter.

(C) The date of billing shall be the first day of the month for which the sewer user charge is calculated as provided in § 50.56.

(D) Sewer user charges shall be due and payable to the City Recorder no later than ten days after the date of billing.

(E) Sewer user charges levied in accordance with this subchapter shall be a debt due to the city and

a lien upon the property. If this debt is not paid within 30 days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both.

(F) Interest at the rate of 1.5% per month shall accrue on all accounts from the date of delinquency. In addition, a penalty shall be assessed at the rate of \$2 per month from the date of delinquency which shall be added to the account and shall accrue interest in the same manner as all other delinquent charges beginning the following month.

(Ord. 184, passed 4-2-84)

§ 50.59 DISCONNECTION FOR LATE PAYMENT.

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before that date, a notice will be mailed, or door hanger placed, containing a cutoff notice that if the bill is not paid within ten days of the notice, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility

billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$35.

Cross-reference:

Utility Service Agreement, see the Appendix following this chapter

§ 50.60 HANDLING OF FUNDS.

(A) Bills for sewer user charges shall be mailed to the address specified in the application for permit to make the connection unless or until a different owner or user of the property is reported to the Sewer Department.

(B) All collections of sewer user charges shall be made by the City Recorder by and through the Sewer Department. Sewer user charges shall be computed as provided in § 50.56 and shall be payable as provided in § 50.58.

(C) The City Recorder is hereby directed to deposit in the Sewer Fund all of the gross revenues received from charges, rates, and penalties collected for the use of the sewerage system as herein provided.

(D) The revenues thus deposited in the Sewer Fund shall be used exclusively for the operation, maintenance, and repair of the sewerage system; reasonable administration costs; expenses of collection of charges imposed by this chapter and connection fees provided for in this chapter; and may be used for payments of the principal and interest on any debts of the sewerage system of the city.

(Ord. 184, passed 4-2-84)

§ 50.61 APPEALS.

(A) Any sewer user who feels his sewer user charge is unjust and inequitable as applied to his premises within the intent of the foregoing provisions may make written application to the City Council requesting a review of his user charge. The written request shall, where necessary, show the actual or estimated average flow of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

(B) Review of the request shall be made by the City Council and the City Engineer and shall determine if it is substantiated or not, including recommending further study of the matter by the City Engineer or other registered professional engineer.

(C) If the request is determined to be substantiated, the user charges for the user shall be recomputed based on the approved revised flow and/or strength data and the new charges thus recomputed shall be applicable retroactively up to six months, as applicable.

(Ord. 184, passed 4-2-84)

ADMINISTRATION AND ENFORCEMENT

§ 50.75 RIGHT OF ENTRY; SAFETY RULES TO BE OBSERVED; INDEMNIFICATION.

(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 inspections, 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 other 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 § 50.40.

(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 said easement. All entry and subsequent work, if any, shall be done in full accordance with the terms of the duly

negotiated easement pertaining to the private property involved.

(Ord. 171, passed 1-4-82)

§ 50.76 VIOLATIONS.

(A) Any person found to be violating any provision of this chapter except § 50.04, 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. 171, passed 1-4-82)

§ 50.99 PENALTY.

Any person who shall continue any violation beyond the time limit provided for in § 50.76(A) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$100 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 171, passed 1-4-82)

APPENDIX: UTILITY SERVICE AGREEMENT

CITY OF MONROE
664 Commercial Street
P.O. Box 486
Monroe, OR 97456
PH. 847-5176/FAX 847-5177

APPLICANT NAME: _____

PHONE NUMBER: HOME (541) _____ BUSINESS _____
MAILING ADDRESS: _____

SERVICE ADDRESS: _____

DATE SERVICE TO BEGIN: _____

OWNER NAME: _____

OWNER ADDRESS: _____

LEGAL DESCRIPTION: Section _____ Township _____ Range _____ Lot _____

RESIDENTIAL _____ COMMERCIAL _____ INDUSTRIAL _____

DRIVER'S LICENSE # _____ SOC. SEC. # _____

PREVIOUS ADDRESS: _____

RESIDENTIAL RATES: Water Minimum - \$10.00 for the first 2,000 gallons
Water Excess - \$ 5.00 per 1,000 gallons or part thereof
Sewer Flat Rate - \$ 28.66

Commercial: Water Minimum - \$25.00 for the first 2,000 gallons
Water Excess - \$ 5.00 per 1,000 gallons or part thereof
Sewer Flat Rate - \$ 28.66

Refundable Deposit Required of \$75.00

The City bills in arrears. Payments are due by the 15th of the month. Any bill outstanding on the 16th of the month may be subject to a 1.5% penalty and/or turn off. In the event of a turn-off, all fees must be paid plus a \$35.00 service charge to restore service.

I have read the above conditions and agree to be the responsible party for payment of charges.

Signature

Date

GENERAL PROVISIONS

§ 51.01 SHORT TITLE.

This chapter shall be known as “Rates, Rules and Regulations for the Operation of the Water Department of the City of Monroe, Benton County, Oregon,” and may be so cited and pleaded.
(Ord. 216, passed 6-3-91)

§ 51.02 SCOPE.

The Water Department and all customers receiving services from the Water Department, whether inside or outside the city limits, are bound by these rules and regulations of the Water Department.
(Ord. 216, passed 6-3-91)

§ 51.03 DEFINITIONS.

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

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

CITY COUNCIL. The legally elected group of members composing the City Council, including the Mayor, of the city.

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

SUPERINTENDENT. The person appointed by the City Council to superintend the affairs of the Water Department.

WATER DEPARTMENT. The Water Department of the city.
(Ord. 216, passed 6-3-91)

§ 51.04 FIRE HYDRANTS.

(A) *Operation.* No person or persons other than those designated and authorized by the Water Department shall open any fire hydrant belonging to the Water Department, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and receives water through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.

(B) *Moving a fire hydrant.* When a fire hydrant has been installed in the locations specified by the proper authorities, the Water Department has fulfilled its obligation. If a property owner or other party desires to change the size, type or location of the hydrant, he shall bear all costs of such changes. Any change in the location of a fire hydrant must be approved by the Water and Fire Departments.
(Ord. 216, passed 6-3-91)

WATER SERVICE

§ 51.15 SERVICE AREA.

(A) The area served by the Water Department shall be all that area included within the corporate limits of the city and such other contiguous and neighboring territory as the City Council shall, from time to time, deem necessary to serve.

(B) The owner of any house, building, or property 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 municipal water line is hereby required to connect to the water system of the city in accordance with the provisions of this chapter, within 30 days after the date of official notice to do so. After 30 days notice, a charge not lower than the minimum water rate will be charged and will continue each month thereafter. (Ord. 216, passed 6-3-91)

§ 51.16 DESCRIPTION OF SERVICE.

(A) *Supply.* The Water Department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid so far as reasonably possible any shortage or interruption in delivery. The Water Department shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the Water Department for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.

(B) *Quality.* The Water Department will exercise reasonable diligence to supply safe and potable water at all times.

(C) *Ownership of system.* All water mains, valves, fittings, hydrants and other appurtenances, except "customer service lines," as defined in § 51.19 herein, shall be the property of the Water Department.

(D) *Classes of service.* The classes of service shall be residential, commercial, and contract as further qualified by the number after the class as follows: inside city limits; outside city limits.

(1) *Residential service.* Residential services shall consist of all services for domestic purposes, single-family dwellings, homes and municipal services.

(2) *Commercial service.* Commercial services shall consist of those services where water is used for commercial services, such as businesses, multi-family dwellings, churches and institutions.

(3) *Contract service.* Contract services shall consist of those services for industrial or independent water district purposes under contracts authorized by the City Council.

(E) *Special contracts.* When the applicants's requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment or capacity, the Water Department, by authorization of the City Council, reserves the right to make special contracts, the provisions which are different from and have exceptions to the regularly published water rates, rules and regulations. Any special contract shall be in writing, signed by the applicant, approved by the City Council and City Attorney, and signed by the Mayor and City Recorder.

(F) *Resale of water.* Resale of water shall be permitted only under special contract, in writing, between the city and the persons, parties or corporation selling the water.

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

(Ord. 216, passed 6-3-91)

§ 51.17 APPLICATION FOR SERVICE.

(A) *Application form.* Each applicant for water service shall sign an application form provided by the Water Department giving the date of application, location of premises to be served, the date applicant desires service to begin, purpose for which the service

is to be used, the address for mailing of the billings, the class and size of the service and any other such information as the Water Department requires. The application is merely a written request for service and does not bind the Water Department to provide service.

(B) *Deposits and establishment of credit.* At the time application for service is made, the applicant shall establish credit with the Water Department.

(1) *Establishment of credit.* The credit of the applicant will be deemed established when the applicant makes a cash deposit with the Water Department to secure the payment of bills for service. The deposit shall be a sum equal to the estimated bill for two months service but not less than the amount established by the City Council from time to time by resolution.

(2) *Deposits.* At the time the deposit is given to the Water Department, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded. The Water Department will not pay interest on any deposit.

(3) *Forfeiture of deposit.* If an account becomes delinquent and it is necessary to turn off service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to that premises or that customer at different premises until all outstanding bills due the Water Department have been paid and the cash deposit replaced, together with the reconnect charge as provided in § 51.47.

(C) *Service connection charges.* Each application will be accompanied with payment of the appropriate service connection charge as provided in § 51.40.

(D) *Application amendments.* Customers desiring a material change in the size, character or extent of equipment or operation which would result

in a material change in the amount of water used shall give the Water Department written notice of such change prior to the change and the application for service shall be amended.

(E) *Change of location or services.* Customers desiring a change in the size, location or number of services shall fill out an amended application. (Ord. 216, passed 6-3-91; Am. Ord. 223, passed 3-25-96)

Cross-reference:

For application form, see Chapter 50, Appendix

§ 51.18 MAIN EXTENSIONS.

(A) *Within the city limits.* Water main extensions to areas within the city limits not presently served with water shall be installed under procedures to be established by the City Council. Subdividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council. All extensions become property of the city upon acceptance by the city.

(B) *Outside the city limits.* Water mains outside the city limits shall be extended only at the expense of the customers served. The main extensions shall become the property of the Water Department at the time of acceptance of installation. The City Council shall determine the size of the main extensions and all extensions shall be of a suitable material approved by the City Council. Extensions outside the city limits shall be installed by the Water Department or by contractors approved by the Water Department. The installation procedures and materials shall be in accordance with city and state standards.

(C) *Location of extensions.* The Water Department will make main extensions only on rights-of-way, easements or publicly-owned property. Easements or permits secured for main extensions shall be obtained in the name of the city, along with all rights and title to the main at the time service is provided to the customers paying for the extension. (Ord. 216, passed 6-3-91; Am. Ord. 223, passed 3-25-96)

§ 51.19 SERVICE CONNECTION DEFINED.

The “service connection” shall be that part of the water distribution system which connects the meter to the main and shall normally consist of the corporation stop, service pipe, curb stop and box, meter, meter yoke and meter box. The “customer service line” shall be that part of the piping on the customer's property that connects the service to the customer's distribution system.

(Ord. 216, passed 6-3-91)

§ 51.20 OWNERSHIP, INSTALLATION AND MAINTENANCE.

The Water Department shall own, install and maintain all services. Any work shall be done only by authorized employees of the Water Department. Any work performed or authorized by the Water Department shall meet standards acceptable to the City Engineer. The customer shall own, install and maintain the customer service line.

(Ord. 216, passed 6-3-91; Am. Ord. 223, passed 3-25-96)

§ 51.21 SIZE OF SERVICE; CHANGES IN SERVICE SIZE.

(A) The Water Department will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size requested is one listed by the Water Department. The minimum size of service shall be ¾-inch. The Water Department may refuse to install a service line that is either under or over sized as determined by study and report.

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

(Ord. 216, passed 6-3-91)

§ 51.22 LENGTH OF SERVICE.

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

(B) Where the main is on an easement or publicly-owned property other than designated rights-of-way, the service shall be installed to the boundary of the easement or public property by the Water Department, provided the length of service does not exceed 60 feet.

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

(Ord. 216, passed 6-3-91)

§ 51.23 JOINT SERVICE CONNECTIONS; NUMBER OF SERVICE CONNECTIONS ON PREMISES.

(A) The Water Department may, at its option, serve two or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed.

(B) Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special considerations approved by the City Council.

(C) The owner of a single parcel of property may apply for and receive as many services as he and his tenants may require, provided his application or

applications meet the requirements of the policies, rules and regulations.

(Ord. 216, passed 6-3-91)

§ 51.24 FIRE SERVICE CONNECTIONS.

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

(Ord. 216, passed 6-3-91)

§ 51.25 TEMPORARY SERVICE CONNECTIONS.

(A) *Advanced payment required.* For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material furnished by the Water Department. The applicant shall also pay his water bill in advance based on an estimate of the quantity to be used, or he shall otherwise establish satisfactory credit.

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

(C) *Charge for water used.* Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.

(D) *Installation charge and deposit.* The applicant for temporary service will be required:

(1) To pay the Water Department, in advance, the estimated cost of installing and removing all facilities necessary to furnish the service.

(2) To deposit an amount sufficient to cover bills for water used during the entire period such temporary service may be used, or to otherwise establish credit approved by the Water Department.

(3) To deposit an amount equal to the value of any equipment loaned by the Water Department to the applicant under the terms of division (E) below of this section.

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

(Ord. 216, passed 6-3-91)

§ 51.26 CUSTOMER'S PLUMBING.

(A) *Plumbing Code.* The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the plumbing code of the state.

(B) *Control valve.* Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this section.

(C) *Violations.* It shall be a violation of these rules and regulations for the customer to operate, cause or permit unauthorized operation of the meter stop or any appurtenance on the service connection.

(Ord. 216, passed 6-3-91)

§ 51.27 METERS.

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

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

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

(D) *Location of meters.* Meters shall normally be placed at the curb or property lines. The meter will be installed wherever the applicant desires within reason, but the location must be approved by the Water Department. The meters will not be located in driveways or other locations where damage to the meter or its related parts may occur.

(E) *Joint use of meters.* The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, with the City Council.

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

(Ord. 216, passed 6-3-91)

RATES, CHARGES AND BILLING**§ 51.40 WATER RATES AND SERVICE CONNECTION CHARGES.**

(A) *Water rates.*

(1) The water rates to be charged shall be based on three classes of service:

- (a) Residential service;
- (b) Commercial service; and
- (c) Contract services.

(2) The water rates to be charged for each class of service, including minimum charges and charges for water used over the minimum, shall be set from time to time by resolution of the City Council.

(B) *Service connection charges.* The cost for installing the new service which includes excavation and backfill, tapping the main, laying the pipe, installing the meter, yoke and meter box, and replacement of surfacing materials shall be charged to the water user at the time service is established. A minimum charge for installing a new service may be set by the City Council, and revised from time to time, by resolution.

(C) *Effective date.* Any rates or connection charges established by the City Council to be paid and collected shall be effective for all collection periods beginning on and after the effective date of the resolution.

(Ord. 216, passed 6-3-91; Am. Ord. 223, passed 3-25-96)

§ 51.41 NOTICES.

(A) *Notices to customer.* Notices from the Water Department to the customer will normally be given in writing and either mailed to or delivered at

the customers last known address. Where conditions warrant and in emergencies, the Water Department may notify either by telephone or messenger.

(B) *Notices from customers.* Notices from a customer to the Water Department may be given by the customer or an authorized representative orally or in writing at the office of the Water Department in the City Hall or to an agent of the Water Department duly authorized to receive notices or complaints.
(Ord. 216, passed 6-3-91)

§ 51.42 METER READINGS.

(A) Meters will be read and customers billed on the basis of the meter reading to the nearest gallon. The Water Department will keep an accurate account on its books of all meter readings. Such account so kept shall be offered at all times, places and courts as prima facie evidence of the use of water service by the customer.

(B) In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of 30 days per month and the total water consumption for billing purposes for that period shall be estimated.
(Ord. 216, passed 6-3-91)

Cross-reference:

Meter error, see § 51.48

§ 51.43 RENDERING OF BILLS.

(A) *Billing period.* All meters shall be read and bills rendered therefor monthly.

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

(C) *Bills for more than one meter.* All meters supplying a customer's premises shall be billed

separately, except that where the Water Department has for operating purposes installed two or more meters in place of one, the reading may be combined for billing.
(Ord. 216, passed 6-3-91)

§ 51.44 DISPUTED BILLS.

When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service as provided under § 51.47.

(Ord. 216, passed 6-3-91)

§ 51.45 PAYMENT OF BILLS.

Each bill rendered shall contain the final date of which payment is due. If the bill is not paid by that date, the account shall be considered delinquent, unless other arrangements have been made with the Water Department in writing that specify another due date.

(Ord. 216, passed 6-3-91)

§ 51.46 DELINQUENCY.

(A) *Delinquent notice.* A reminder of account delinquency may be sent, at the discretion of the City Recorder, to the customer and property owner on or about ten days after the account becomes delinquent.

(B) *Service charge.* In all instances where water has been turned off because of delinquent accounts, a service charge of \$35 shall be made for the restoration of service and replacement of the cash deposit as stated in § 51.17 herein, will be required.

(C) *Hardship exceptions.* In cases of extreme hardship, the City Recorder shall have the discretion

of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount. The installment period is not to exceed the period of time the account was delinquent.

(Ord. 216, passed 6-3-91; Am. Ord. 98-227, passed 7-13-98)

§ 51.47 DISCONNECTION FOR NONPAYMENT.

(A) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:

(1) That all bills are due and payable on or before the date set forth on the bill; and

(2) That if any bill is not paid by or before that date, a notice will be mailed or door hanger placed, containing a cutoff notice that if the bill is not paid within ten days of the notice, service will be discontinued for nonpayment; and

(3) That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(B) Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing

procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge in the sum of \$35.

Cross-reference:

Utility Service Agreement, see the Appendix following this chapter

§ 51.48 METER ERROR.

(A) *Meter accuracy.* All meters will be tested prior to installation. No meter will be placed in service which is known to have an error in registration in excess of 2% under conditions of normal operation.

(B) *Meter test.*

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

(2) *On customer request.* A customer may, giving not less than seven days notice, request the Water Department to test the meter servicing his premises. The Water Department will require the customer to deposit a testing fee. This fee shall be \$25 for meters $\frac{3}{4}$ -inch and smaller, and for meters larger than $\frac{3}{4}$ -inch shall be an estimate of the cost of testing the meter as determined by the Water Superintendent. The deposit will be returned to the customer if the test reveals the meter to over register more than 2% under the standard test conditions. The deposit shall be retained by the Water Department if the meter is not in error. Customers may at their option witness any meter test which they request.

(3) *On Water Department request.* If, upon comparison of past water usage, it appears that a

meter is not registering properly, the Water Department may at its option test the meter and adjust the charges accordingly if the meter either over or under registers. No charge for meter testing will be made to the customer under these conditions.

(C) *Adjustment of bills for meter error.*

(1) No credits or debits will be borne by the city or the customer should the tested meter show variance high or low, from the accuracy defined in division (A) above.

(2) The Water Department will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of use based either upon the customer's prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions.

(Ord. 216, passed 6-3-91)

§ 51.49 WATER CHARGED TO PREMISES.

It shall be the duty of the property owner of each premises served to pay all rates and charges for water service imposed by this chapter which are not otherwise paid by the occupant of the premises. No duty shall be imposed on the city in serving any premises to the occupant thereof to ascertain or determine the true owner of such premises, and anyone having possession of premises shall be deemed to be in lawful possession with the right to contract with the city for water service, and such person in possession is deemed to be the agent of the owner for such purpose.

(Ord. 98-227, passed 7-13-98)

§ 51.50 WATER SERVICE CHARGE A LIEN.

Water service charges shall be a lien against the premises served from and after the date of billing and

entry on the ledger of the records of the city pertaining to its water system.

(Ord. 98-227, passed 7-13-98)

§ 51.51 DISCONTINUANCE OF SERVICE.

(A) *On customer request.*

(1) Each customer about to vacate any premises supplied with water service by the Water Department shall give the Water Department written or oral notice of his intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all water supplied to such premises until the Water Department shall receive notice of such vacation.

(2) At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desires to be discontinued, the meter will be read and a bill rendered which is payable immediately. In no case will the bill be less than the monthly minimum specified in the schedule applying to the class or classes of service furnished.

(B) *Nonpayment of bills.* A customer's water service may be discontinued if the bill is not paid in accordance with the procedures listed in § 51.47 of these rules and regulations.

(C) *Nonpayment of sewer service charges.* If the sewer service charges are not paid when due by any such person, firm or corporation whose premises are served or who are subject to the charges herein provided, water service provided to that customer by the Water Department may be discontinued because of the default in the payment of the sewer service charges. As an additional alternative method, if such rates and charges are not paid when due by any person, firm or corporation, the amounts so unpaid may be certified by the City Reorder to the County Assessor of Benton County, Oregon, and shall be by him assessed against the premises served as provided by law and shall be collected and paid over to the city in the same manner as other taxes are assessed,

collected and paid over, with interest. Interest on unpaid bills shall run from the due date thereof at the rate of 6% per annum. Such unpaid charges may also be recovered in an action at law in the name of the city, with interest as aforesaid.

(D) *Improper customer facilities.*

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

(2) *Cross connections.* A cross connection is defined as any physical connection between the Water Department's system and another water source. The Oregon State Board of Health and the U.S. Public Health Service prohibit cross connections. The Water Department will not permit any cross connection and will discontinue service to any premises where a cross connection exists. Service will not be restored until the cross connection is eliminated. Customers using water from one or more sources in addition to receiving water from the Water Department on the same premises shall maintain separate systems for each; and the Water Department's water supply shall be separated from any and all other systems in accordance with the State of Oregon Code.

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

(F) *Service detrimental to others.* The Water Department may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

(G) *Fraud or abuse.* The Water Department will refuse or discontinue service to any premises where it

is deemed necessary to protect the Water Department from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the Water Department that the condition or conditions exist.

(H) *Unauthorized turn-on.* Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be computed at actual cost to the Water Department plus 15% overhead, but not less than \$50. These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such charges are paid and the Water Department has reasonable assurance that the violation will not reoccur.

(I) *Noncompliance with regulations.* The Water Department may, upon five days notice, discontinue service to a customer's premises for failure to comply with any of the provisions of these regulations. (Ord. 216, passed 6-3-91)

§ 51.52 RESTORATION OF SERVICE.

(A) *After disconnect for nonpayment.* Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges plus \$35 for restoration charge and posting a deposit as hereinbefore provided.

(B) *After disconnect under § 51.51.* Restoration of service after discontinuance for unsafe facilities, water waste, fraud, abuse or for noncompliance with any of the policies, rules or regulations will only be made after the irregularity has been corrected and the Water Department has been assured that the irregularity will not reoccur. The restoration charge shall be \$35 plus any charges due or past due that the Water Department may have incurred to correct the irregularity. (Ord. 216, passed 6-3-91)

§ 51.53 UNUSUAL DEMANDS.

When an abnormally large quantity of water is desired for filling a swimming pool, log pond or for other purposes, arrangements must be made with the utility prior to taking such water. Permission to take water in unusual quantities will be given only if the Water Department facilities and other consumers are not inconvenienced.

(Ord. 216, passed 6-3-91)

ADMINISTRATION AND ENFORCEMENT

§ 51.65 ACCESS TO PROPERTY.

All duly appointed employees of the Water Department, under the direction of the Water Superintendent, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The Water Department does not, however, assume the duty of inspecting the customer's line, plumbing and equipment, and shall not be responsible therefor.

(Ord. 216, passed 6-3-91)

§ 51.66 RESPONSIBILITY FOR EQUIPMENT.

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

(B) *Responsibility for Water Department equipment.* Water Department equipment on the

customer's premises remains the property of the Department and may be repaired, replaced or removed by the Department employees at any time without the consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or remove Water Department equipment on his premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.

(C) *Damage to Water Department equipment.* The customer shall be liable for any damage to equipment owned by the Water Department which is caused by an act of the customer, his tenants, agents, employees, contractors, licensees or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damages by hot water or steam, and damaged meter boxes, curb stops, meter stops and other appurtenances.

(Ord. 216, passed 6-3-91)

§ 51.67 SUSPENSION OF RULES.

No employee of the Water Department is authorized to suspend or alter any of the policies, rules and regulations cited herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy.

(Ord. 216, passed 6-3-91)

§ 51.68 EASEMENTS.

Each applicant and user gives and grants to the city an easement and right-of-way on and across his property for the installation of water mains and the necessary valves and equipment in connection therewith.

(Ord. 216, passed 6-3-91)

CROSS CONNECTION CONTROL**§ 51.75 RESPONSIBILITY.**

The city shall be responsible for the protection of the public from pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the city, an approved backflow device is required at the city's water connection to any customer's premise, written notice shall be given to said customer to install an approved backflow prevention device at each service connection to the customer's premises. The customer shall, within 90 days, install such approved device, or devices, at their own expense, and failure or refusal, or inability on the part of the customer to install said device or devices within 90 days, shall constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed and/or be subject to the penalty stated in § 51.85.

(Ord. 98-229, passed 12-10-98)

§ 51.76 DEFINITIONS.

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

AIR GAP. A physical separation sufficient to prevent backflow between the freeflowing discharge end of the potable water system and any other system. Physically defined as a distance equal to twice the diameter of the supply side pipe diameter but never less than one inch.

APPROVED. Accepted by the city as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.

ATMOSPHERIC VACUUM BREAKER. A device that prevents back-siphonage by creating an atmospheric vent when there is either a negative

pressure or sub-atmospheric pressure on a water system.

AUXILIARY WATER SUPPLIES. Any water supply, on or available, to the premises other than the suppliers approved public potable water supply.

BACKFLOW. The flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

BACKFLOW PREVENTER. A device or means designed to prevent backflow or back-siphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bib vacuum breaker, or double check with intermediate atmospheric vent. Any device must be classified as an approved backflow device by the Oregon Health Division.

BACKPRESSURE. A condition in which the owner's system pressure is greater than the supplier's system pressure.

BACK-SIPHONAGE. The flow of water or other liquids, potable water supply system from any source other than its intended source, caused by the sudden reduction of the pressure in the potable water supply system.

CONTAINMENT. A method of backflow prevention that requires a backflow prevention device at the water service entrance.

CONTAMINANT. Any substance that will impair the quality of the water to a degree that it creates a serious health hazard to the public leading to poisoning or the spread of disease.

CROSS CONNECTION. Any actual or potential connection between the public water supply and a source of contamination or pollution.

DEGREE OF HAZARD. The danger posed by a particular substance or set of circumstances is:

(1) **LOW HAZARD.** Generally, a low degree of hazard is one that does not affect health, but may be esthetically objectionable.

(2) **HIGH HAZARD.** One that could cause serious illness or death.

DIVISION. The State of Oregon Public Health Division.

DOUBLE CHECK VALVE WITH INTERMEDIATE ATMOSPHERIC VENT. A device having two spring loaded check valves separated by an atmospheric vent chamber.

FIXTURE ISOLATION. A method of backflow prevention in which a backflow prevention device is located to correct a cross connection at an in-plant location rather than at a water service entrance.

HOSE BIB VACUUM BREAKER. A device which is permanently attached to a hose bib and which acts as an atmospheric vacuum breaker.

OWNER. Any person who has legal title to, or license to operate or inhabit in, a property upon which a cross connection inspection is to be made or upon which a cross connection is present.

PERMIT. A document issued by the utility, which keeps track of the devices and allows the person to use a backflow prevention device.

PERSON. Any individual, partnership, company, public, or private corporation, political subdivision or agency of the state division, agency or instrumentality or the United States or any other legal entity.

POLLUTANT. A foreign substance that, if permitted to get into the public water system, will degrade its quality so as to impair the usefulness or quality of the water to a degree which does not create

an actual hazard to the public health but which does adversely and unreasonably affect such water for domestic use.

PRESSURE VACUUM BREAKER. A device containing one or two independently operated spring-loaded air inlet valve located on the discharge side of the check or checks. The device includes tightly closing shut-off valves on each side of the check valves and properly located test cocks for the testing of the check valve(s).

PUBLIC WORKS SUPERINTENDENT. The superintendent, or his delegated representative, in charge of the Monroe Water Department. This person is invested with the authority and responsibility for the implementation of a cross connection control program and for the enforcement of the provisions of the subchapter.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER. An assembly consisting of two independently operating approved check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of the check valves and the relief valves.

UTILITY. The City Water Department.

WATER SERVICE ENTRANCE. That point in the owner's water system beyond the sanitary control of the Water Department; generally considered to be the outlet end of the water meter and always before any unprotected branch.

(Ord. 98-229, passed 12-10-98)

§ 51.77 ADMINISTRATION.

(A) The utility will operate a cross connection control program, to include the keeping of necessary records, which fulfills the requirements of the division's cross connection regulations.

(B) The owner shall allow his property to be inspected for possible cross connections and shall follow the provisions of the utility's program and the division's regulations if a cross connection concern is identified. (Ord. 98-229, passed 12-10-98)

§ 51.78 REQUIREMENTS.

(A) *Utility.*

(1) On new installations, the utility will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow prevention device, if any, that will be required, will issue permits, and perform inspection and testing.

(2) For premises existing prior to the start of this program, the utility will perform evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made, ordinarily, 90 days. This time limit will be shortened depending upon the degree of hazard involved and the history of the device(s) in question.

(3) The utility will not allow any cross connection to remain unless an approved backflow prevention device for which a permit has been issued and which will be regularly tested to insure satisfactory operation protects it.

(4) The utility shall inform the owner by letter of any failure to comply, within ten working days of the first inspection. The utility will allow an additional 15 days for the correction. In the event the owner fails to comply with necessary correction by the time of the second re-inspection, the utility will inform the owner by letter that the water service to the owner's premises will be terminated within a period not to exceed five days. In the event that the owner informs the utility of extenuating circumstances as to why the correction has not been made, a time

extension may be granted by the utility but in no case will exceed an additional 30 days.

(5) If the utility determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

(6) The utility shall have on file a list of private contractors who are certified backflow device testers. The owner of the building or property will pay all charges for these tests.

(7) Upon adoption of this subchapter, the utility will begin initial premise inspections to determine the nature of existing or potential hazards. Initial focus will be on high hazard industries and commercial premises.

(B) *Owner.*

(1) The owner shall be responsible for the elimination or isolation of all cross connections on his premises.

(2) The owner, after having been informed by a letter from the utility, shall at his expense, install, maintain, and test, or have tested, any and all backflow prevention device on his premises.

(3) The owner shall correct any malfunctions of the backflow prevention device which is revealed by periodic testing.

(4) The owner shall inform the utility of any proposed or modified cross connections and any existing cross connections of which the owner is aware but has not been found by the utility.

(5) The owner shall not install a bypass around any backflow prevention device unless there is a backflow prevention device of the same type on the bypass. Owners shall not tamper with backflow devices.

(6) The owner shall install backflow prevention device in a manner approved by the utility.

(7) The owner shall install only backflow prevention device approved by the Division.

(8) Any owner having an auxiliary water supply must have a backflow prevention device. This would be considered a high hazard.

(9) In the event the owner installs plumbing to provide potable water for domestic purposes which is on the utility's side of the backflow prevention device, such plumbing must have its own backflow prevention device installed.

(10) If the use has been determined to be low hazard, inspections will be at least annually; if the use has been determined to be high hazard, the owner will be subject to biannual inspections.
(Ord. 98-229, passed 12-10-98)

§ 51.79 DEGREE OF HAZARD.

The utility recognizes the threat to the public water system arising from cross connections. All threats will be classified by degree of hazard and will require the installation of approved backflow prevention devices.
(Ord. 98-229, passed 12-10-98)

§ 51.80 EXISTING IN-USE BACKFLOW PREVENTION DEVICES.

Any existing backflow prevention device shall be allowed by the utility to continue in service unless the degree of hazard is such as to supersede the effectiveness of the prevention 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 that degree of hazard.
(Ord. 98-229, passed 12-10-98)

§ 51.81 PERIODIC TESTING.

(A) All testable backflow devices shall be tested and inspected at least annually.

(B) Periodic testing shall be performed from a list of certified testers provided by the utility. This testing will be done at the owner's expense.

(C) Any backflow prevention device, which fails during a periodic test, will be repaired or replaced. When repairs are necessary, upon completion of the repair the device will be retested at owner's expense to insure correct operation. High hazard situations will not be allowed to continue if the backflow prevention device fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than 30 days after the test date will be established. The owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two devices is an effective means of the owner insuring uninterrupted water service during testing or repair of devices and is strongly recommended when the owner desires such continuity.

(D) Backflow prevention devices will be tested more frequently than specified in division (A) above, if the utility feels that there is a history of test failures. Cost of additional testing will be borne by the owner.
(Ord. 98-229, passed 12-10-98)

§ 51.82 RECORDS AND REPORTS.

(A) *Records.* The utility will initiate and maintain the following:

(1) Master files on customers cross connection tests and/or inspections;

(2) Master files on cross connection permits;

(3) Copies of permits and permit applications;

(4) Copies of lists and summaries supplied to the division;

(5) Initial listing of low hazard cross connections.

(B) *Reports.* Summary of the annual report of inspections of cross connections submitted to the State Health Department.

(Ord. 98-229, passed 12-10-98)

§ 51.83 FEES AND CHARGES.

Fees shall be established for permits, in order to cover costs relating to all cross connections. A list of fees and charges relating to all cross connection expenses will be set in the applicable portion of the resolution establishing fees and rates.

(Ord. 98-229, passed 12-10-98)

§ 51.84 APPEALS.

Appeal of the fees and rates established by the city shall be made in writing to the city recorder within 90 days of the billing of said fee. The City Recorder shall respond in writing within 90 days of receipt of the appeal. If the applicant wishes to appeal further, the applicant shall request in writing that the City Recorder place their special appeal on the next scheduled regular City Council session. The decision of the City Council shall be final.

(Ord. 98-229, passed 12-10-98)

§ 51.85 PENALTY.

Fines not exceeding \$500, for each violation shall, upon conviction thereof, punish any person violating any of the provisions of this subchapter.

(Ord. 98-229, passed 12-10-98)

