

**TITLE V: PUBLIC WORKS**

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## CHAPTER 50: WATER REGULATIONS

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### • 50.01 DEFINITIONS.

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

**APPLICANT.** The person, persons, firm, association, partnership, corporation or entity whose application for service has been approved by the city.

**CITY.** The City of Condon, Oregon.

**CUSTOMER.** The person, persons, firm, association, partnership, corporation or entity whose application for service has been approved by the city.

**CUSTOMER LINE.** The pipe, valves and backflow preventer from the meter to the premises served.

**MAIN LINE.** The pipe in the street, alley or right of way, which is owned and maintained by the city for the purpose of distributing water to customers and servicing fire hydrants.

**MULTI-FAMILY.** A building used or arranged for use as the home or abode of two or more families, living independently of each other and doing their own cooking in the building, including flats, apartments and townhouses.

**PREMISES.** A building and/or any parcel of land occupied by a family unit or business entity, and used for residential, business or commercial purposes.

**SERVICE or SERVICE LINE.** The pipe, valves, stops and fittings from the main to, and including, the meter and meter box.

(Ord. 2007-04, passed 3-7-07)

▪ **50.02 APPLICATION REQUIREMENTS.**

(A) *Application form.* The owner and future tenant shall sign a joint application form provided by the city, giving the date of application, location of premises to be served, the date service is to begin, purpose in which service to a lease will be used, mailing address of both parties, some form of picture identification of the renter or leaser, the size of the meter, and such other information as the city may require. In signing the application, the customer and owner agrees to abide by the rules and regulations of the city. The application is merely a written request for services and does not bind the city to serve.

(B) *Establishment of credit.* The credit of the applicant will be deemed established when the applicant makes a cash deposit with the city to secure the payment of bills for service. The deposit shall be an amount to be established by city resolution.

(C) *Deposits.* At the time the deposit is given to the city, the applicant will be given a receipt for the same amount. The deposit is not to be considered as a payment on the account. If the applicant makes timely payments of all the water bills for a period of one year from the date of application, the deposit shall be refunded at that time. 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 city will not pay interest on any deposit. Deposit is required for each premise.

(D) *Forfeiture of deposit.* If an account becomes delinquent and it is necessary to turn off the service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to the premises or that customer until paid and a cash deposit replaced, together with a connection fee as set by city resolution.

(E) *Owner responsibility.* For leased or rented premises where the tenant=s account has become delinquent and the tenant vacates the premises without satisfying water service charges previously

incurred prior to future water service, the owner of such premises shall satisfy the outstanding water service charge.

(Ord. 2007-04, passed 3-7-07) Penalty, see ' 10.99

**' 50.03 MAIN EXTENSIONS AND IMPROVEMENTS.**

(A) *Responsibility for payment.* The city shall pay for the cost of supply, pumping stations, storage facilities and primary main for the general distribution of water within the city, but shall not pay the cost of main extensions to service additional or existing customers' properties, tracts or subdivisions.

(B) *Standards.* All water main extensions or improvements shall be made by the city or a contractor approved by the city and shall be constructed to the city's public works standards.

(C) *Location.* The city will approve water main extension only on rights-of-way, easements or publicly owned property. Easements secured for main extensions shall be obtained in the name of the city, along with all rights and title to the main extension.

(Ord. 2007-04, passed 3-7-07) Penalty, see ' 10.99

**' 50.04 CONNECTIONS.**

(A) *Separate service.* Except as authorized by the city, a separate service and meter to supply water service shall be required for each building residential unit or structure served. For the purpose of this section, trailer parks and multi-family residences shall constitute a single unit unless the city determines that separate services are required.

(B) *Service connection charge.* When an applicant files for service where no service previously existed, or if the applicant is filing for a change in service size or location, the application will be assessed a charge to cover the cost to the city to install the service, as set by city resolution. Where the installation involves cutting, excavating and/or the replacement of any paved surface, the customer shall be charged the actual cost of such cutting and repair in addition to other applicable charges and fees.

(C) *Service line location.* Service lines shall generally extend at right angles from the main to a point immediately inside the curb line, or where no curb exists, to a point designated by the city as close to property line as feasible. A service line crossing private property shall not be allowed unless special circumstances warrant and approval of the city is obtained.

(Ord. 2007-04, passed 3-7-07)

**' 50.05 METERS.**

(A) All premises using water shall be metered.

(B) For ordinary metered consumption of water, a three-fourths-inch-by-five-eighths-inch meter will be furnished by the city. Where application is made for a larger meter, the city shall determine whether a meter of such size is required.

(C) The service connection and meter, whether located on public or private property, is the property of the city and the city reserves the right to have it repaired, maintained or replaced.

(D) The customer is responsible for maintaining access to the meter free and clear of all shrubs, landscaping and other materials. Any obstruction may be trimmed or removed by the city.

(E) No person, except an employee of the city emergency service personnel, a contractor employed by the city to work on the system, or a licensed plumber with permission from the city, shall open or close curb stops, meters or fire hydrants.

(F) Should a customer wish to have their meter tested, the city will have such testing done, but should the meter tested be found accurate within 3% of true delivery, the customer shall pay the cost of testing plus freight. However, if the meter is found to under register in excess of 3%, testing shall be at the cost of the city.

(Ord. 2007-04, passed 3-7-07)

#### ▪ **50.06 CONTROL VALVES.**

Customer shall install a suitable control valve as close to the meter box as practical, the operation of which will control the entire water supply from the service.

(Ord. 2007-04, passed 3-7-07)

#### ▪ **50.07 WATER LEAKS.**

Customers shall be responsible for the cost of all water lost from leakage in a customer line.

(Ord. 2007-04, passed 3-7-07)

#### ▪ **50.08 INTERRUPTIONS.**

The city must interrupt service from time to time, to repair mains, make extensions, repair valves, and to clean, maintain and recondition reservoirs and storage tanks. The city shall not be responsible for any damages caused by such interruptions of service or fluctuations in pressure, but shall, whenever feasible to do so, give customers advance notice whenever it knows that service is to be interrupted for any appreciable length of time. However, failure to give such notice shall in no manner cause the city to become liable for loss or damage caused by service interruption.

(Ord. 2007-04, passed 3-7-07)

▪ **50.09 IRRIGATION.**

The city may suspend the right to irrigate yards, lawns, gardens, trees and flowers whenever, in the opinion of the city, it may be required for a public emergency.  
(Ord. 2007-04, passed 3-7-07)

▪ **50.10 MAINTENANCE OUTSIDE OF CITY LIMITS.**

The owner shall maintain private water services outside of city limits, from the main line where the service is connected. The city will maintain valves, setters and meters inside the meter box regardless of the meter location. Failure to maintain the service line between the main line and the meter will result in disconnection at the main line.  
(Ord. 2009-01, passed 5-6-09)

▪ **50.11 GROUNDING.**

No electrical ground or device that may channel an electrical current to piping shall be attached to any piping or fixture directly or attached to the city system.  
(Ord. 2007-04, passed 3-7-07) Penalty, see ' 10.99

▪ **50.12 INSPECTION OF PREMISES.**

Any officer, agent or employee of the city shall have free access, at all reasonable times, to all parts of buildings or premises supplied with water from the city=s mains, to read meters, to turn on or off through the service connection, to check for cross connections, to check for compliance with codes, and for other reasonable cause.  
(Ord. 2007-04, passed 3-7-07) Penalty, see ' 10.99

▪ **50.13 DISCONTINUANCE OF SERVICE.**

(A) *Written notice.* Each customer about to vacate any premises supplied with water service by the city shall give the city written notice of their intentions at least two days prior thereto, specifying the date service is to be discontinued. Otherwise, customers will be responsible for all water supplied to such premises until the city receives notice of such removal.

(B) *Meter reading.* At the time specified by the customer that water service is 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 one half of the monthly minimum as specified by city fee resolution.

(C) *Customer obligations.*

(1) The city may discontinue service if:

(a) A customer has failed or refused to allow city personal to inspect plumbing, water and sewer lines, and appurtenances located upon the premises where water is being furnished.

(b) A customer account is past due as a result of non-payment of any charge due and owing.

(c) A customer owes a past due balance on another account that has not been satisfied.

(d) A customer has been convicted for a violation of water or sewer ordinances or rules, or a violation of water restrictions.

(e) A customer fails to maintain a service line outside of the city limits.

(f) System capacity is no longer sufficient to provide adequate service.

(g) The city has discontinued its water utility or elected to discontinue service to a portion of its service area.

(2) The city 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.

(Ord. 2007-04, passed 3-7-07; Am. Ord. 2009-01, passed 5-6-09)

▪ **50.14 WATER CHARGES.**

(A) *Billed on the basis of meter reading.* Meters will be read and customers billed on the basis of the meter reading. The city will keep an accurate account on its books of all meter readings, and such account so kept shall be offered at all times, places and courts as prima facie evidence of the use of water by the customer.

(B) *Failure to read meters.* In the event that it shall be impossible or impractical to read a meter on the regular reading date, water consumption shall be estimated from the previous month=s reading.

(C) *More than one house.* Where water is supplied through one service to more than one house, the users may be required to provide separate service, or the water supply may be continued on condition that one person shall pay for all on the same service.

(Ord. 2007-04, passed 3-7-07)



▪ **50.15 BILLING.**

(A) All bills are due and payable upon receipt.

(B) Immediately after the tenth day of each month, all customers who have not paid in full the water rent, as hereinbefore provided, shall incur as interest an additional 1% per month of the balance due.

(C) Whenever any water charge is not paid when due, the city may discontinue service by shutting off water service for nonpayment. Water shall not be returned to service until the customer pays their account balance in full and a connection fee as established by the city resolution. Upon receipt of these payments to the city, the customer's water service will be restored. Written notice for discontinuing water service for nonpayment of water charge shall be given to the customer by regular mail, or by posting a notice on the premises at least ten days in advance of the shut off. Requests for an informal conference with the City Administrator, or his /her designee, must be received no later than two days prior to the scheduled shut-off date.

(Ord. 2007-04, passed 3-7-07)

▪ **50.16 RESALE OF WATER.**

No consumer shall sell or collect water for use without first obtaining written permission from the city. (Ord. 2007-04, passed 3-7-07) Penalty, see ' 10.99

▪ **50.17 BULK WATER RATES.**

A special bulk water rate shall be charged to bulk users such as commercial spraying businesses, water for stock, contractors, or public entities. Bulk water users shall pay the rate established by resolution. Each bulk user shall obtain a permit from the city. To acquire a permit, the applicant's tankers shall be inspected by city public works personnel for cross-connection-control compliance. The permit shall specify exactly the location of the hydrant to which connection is permitted, along with a tally sheet to log consumption. For billing purposes, the permit holder shall submit the tally sheet to the city at the first of each month following usage in the past month. Failure of the bulk user to fulfill these conditions shall be justification for the city to cancel the permit.

(Ord. 2007-04, passed 3-7-07)

▪ **50.18 RESTRICTIONS.**

(A) *Prohibited use of water.* Water will not be furnished to the premises where water is allowed to be wasted by being kept running at any time longer than necessary for its proper use. When such waste is found to exist, the water may be shut off from the premises.

**Condon - Public Works**

(B) *Limitations on use.* The Public Works Superintendent shall have full power and authority at any time to declare that a shortage of water exists, and to prescribe definite hours for use or nonuse of water through hose or other sprinkling devices. Such regulations are to take effect immediately and are to be enforced by the Public Works Superintendent. Violation of these rules may be cause for turning off water.

(C) *Compliance with state plumbing code.* The customer=s plumbing, including the 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 of Oregon.

(Ord. 2007-04, passed 3-7-07)

## CHAPTER 51: SEWER REGULATIONS

### Section

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**GENERAL PROVISIONS****51.01 DEFINITIONS.**

Unless the content specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

**ACT or THE ACT.** The *Federal Water Pollution Control Act*, also known as the *Clean Water Act*, as amended, 33 USC 1251, *et seq.*

**BILLING AND ADMINISTRATIVE COSTS.** The costs of maintaining account records, billing and collection, account servicing, financial accounting, etc.

**BOD (BIOCHEMICAL OXYGEN DEMAND).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20EC., 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 (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER.** The extension from the building drain to the connection with the public sewer service connection or other places of disposal.

**CAPITOL COSTS.** The costs of acquiring the treatment and collection facilities, costs for debt service and insurance on facilities. These costs are incurred and ongoing independent of the operation of the system.

**CITY.** The City of Condon, Oregon, a local government agency of the State of Oregon having jurisdiction within certain defined boundaries as now or hereafter constituted, acting through the City Council or a committee, body, official or person to whom the Council shall have lawfully delegated the power to act for or on behalf of the city. Unless a particular committee, body, official or person is specifically designated in these rules and regulations, wherever herein action by the city is explicitly required or implied, it shall be understood to mean action by the administrator or Mayor of the city or his/her duly authorized representative.

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

**COMMERCIAL USER.** Any user at a property which is used for commercial or business purposes which is not an **INDUSTRIAL USER**; i.e. one whose effluent is characteristic of residential sanitary waste.

**COOLING WATER.** The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**CUSTOMER.** The person who receives service from the system and is directly responsible for the user charges assessed for the service received. The customer, if not the owner, is deemed to be the agent of the owner in receiving service from the system, and does so with the knowledge and under the direction of the owner.

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

**INDUSTRIAL USER.** Any user generating industrial wastes.

**INDUSTRIAL WASTE.** The fluid wastes or solid wastes suspended in fluids, not characteristic of residential sanitary waste, discharged into the city's sanitary sewer, from a manufacturing, processing or assembly facility, e.g. liquid chemicals, agricultural process wastes, mud, etc.

**INSPECTOR.** The City of Condon's authorized deputy, agent or representative.

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

**MAY or SHALL.** May is permissive, shall is mandatory.

**NATURAL OUTLET.** Any outlet into a water course, pond, ditch, lake or other body of surface or groundwater.

**OPERATING COSTS.** The cost of operation and maintenance of the treatment and collection facilities.

**OPERATION:** Control of the unit processes and equipment that make up the collection and treatment works. This includes keeping management records, laboratory, process, safety and emergency operations, employment of attorneys and consultants, payment of court costs, and payment of any costs or fees reasonably associated with any of the above.

**OPERATION AND MAINTENANCE.** Activities required to ensure the dependable and economical function of collection and treatment works. Also see separate entries for **OPERATION** and **MAINTENANCE**.

**OWNER.** The owner of record of the property to which service is provided.

**PERSON.** Any individual, firm, company, association, society, corporation or group. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by context.

**pH.** The logarithm base ten of the reciprocal of the concentration 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 which is controlled by public authority.

**REPLACEMENT.** Obtaining and installing equipment accessories or appurtenances that are necessary during the design or useful life, whichever is longer, of the collection and treatment works to maintain the capacity and performance for which such works were designed and constructed.

**RESIDENTIAL USER.** User of a single or multi-family dwelling.

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

**SERVICE CONNECTION.** The connection at the mainline where the **BUILDING SEWER** is connected.

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

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

**SEWAGE WORKS.** All city-owned facilities for collecting, pumping, treating and disposing of sewage.

**SEWER.** A pipe or conduit for carrying sewage.

**SHALL** or **MAY.** Shall is mandatory, may is permissive.

**SLUG.** Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds, during a minimum 15-minute period, five times the average 24-hour concentration or flow 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.

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

**USER.** The owner of the property using any part of the public sewer treatment works of the city, including developed properties where a sewer-service tap is available to the property whether or not the property is occupied.

**USER CHARGE.** The charges for service billed to users (or their agents) of the public treatment works, shall at a minimum, cover the cost of administration, acquisition, debt service, operation and maintenance of such works as provided under Section 204(b) (1)(A) of the *Clean Water Act*.

**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently. (78 Code, ' 7-4-1) (Ord. 114B, passed 6-7-95; Am. Ord. 06-04, passed 4-5-06)

## ' 51.02 DISPOSAL OF SEWAGE; USE OF PUBLIC SEWERS REQUIRED.

(A) *Unsanitary disposal of waste.* 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 wastes. (78 Code, ' 7-4-2)

(B) *Unlawful discharge of sewage.* 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. (78 Code, ' 7-4-3)

(C) *Privies, septic tanks, etc.* 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 on any premises located within 200 feet of an accessible sewer line. (78 Code, ' 7-4-4)

(D) *Sewer connections required.* 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, shall at his/her expense install suitable toilet facilities therein and 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 said public sewer is accessible and within 200 feet of the property line. There will be a \$200 minimum late fee charged after 90 days from the date of official notice for failure to connect. (^78 Code, ' 7-4-5)  
(Ord. 114B, passed 6-7-95) Penalty, see ' 10.99

### **' 51.03 PRIVATE SEWAGE DISPOSAL.**

(A) *Connection to private system.* When a public sanitary or combined sewer is not available under the provisions of ' 51.02(D), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter. (^78 Code, ' 7-4-6)

(B) *Compliance with state recommendations.* The type capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environmental Quality of the State of Oregon. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (^78 Code, ' 7-4-7)

(C) *Operation and maintenance.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. (^78 Code, ' 7-4-9)

(D) *Sewer connections.* At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in ' 51.02(D) of this chapter, a direct connection shall be made to the public sewer within 90 days in compliance with this chapter; and septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with clean bank-run gravel or dirt. (^78 Code, ' 7-4-8)  
(Ord. 114B, passed 6-7-95) Penalty, see ' 10.99

### **' 51.04 DAMAGING OR TAMPERING WITH SEWER SYSTEM EQUIPMENT.**

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, personnel or equipment which is part of the sewage system.  
(^78 Code, ' 7-4-33) (Ord. 114B, passed 6-7-95) Penalty, see ' 10.99



*CONNECTIONS AND PERMITS***51.15 PERMIT REQUIRED; APPLICATIONS.**

(A) No unauthorized persons 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 City Hall. (^78 Code, ' 7-4-11)

(B) There shall be two classes of building sewer permits:

- (1) For residential and commercial service.
- (2) For service to establishments producing industrial wastes.

In either case, the owner or the owner's 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 Inspector. A permit and inspection fee for a residential or commercial building sewer permit and for any industrial-building sewer permit may be charged by the Inspector at the time the application is filed. (^78 Code, ' 7-4-12)

(Ord. 114B, passed 6-7-95; Am. Ord. 06-04, passed 4-5-06) Penalty, see ' 10.99

**51.16 COSTS TO BE BORNE BY OWNER.**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner according to the provisions of Chapter 53. The owner shall indemnify the city for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Before opening any street, alley, or public way, the City Recorder shall require a cash deposit sufficient to cover the cost of back filling the trench and restoring the street, alley, or other public way to its original condition. A permit may be issued by the City Recorder for the opening of a street, alley, or public way upon payment of the cash deposit, but the Inspector may in his sole judgment determine the manner in which the excavation is to be made.

(^78 Code, ' 7-4-13) (Ord. 114B, passed 6-7-95; Am. Ord. 98-2, passed 7-7-98; Am. Ord. 01-03, passed 1-3-01)

**51.17 SEPARATE BUILDING SEWERS; OLD BUILDING SEWERS.**

(A) A separate and independent building sewer shall be provided for every building; except, where one building stands at the rear of another or 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. (^78 Code, ' 7-4-14)

(B) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this chapter. (^78 Code, ' 7-4-15)

(C) The city shall not be liable for cleaning, maintenance, upkeep or repair to any building sewer to the mainline, whether in public right of way or not, unless the necessity thereof is clearly attributable to an action of the city.

(Ord. 114B, passed 6-7-95; Am. Ord. 06-04, passed 4-5-06)

#### • 51.18 SPECIFICATIONS FOR SEWERS AND CONNECTIONS.

(A) *Specifications for building sewers.* 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 all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the state. (^78 Code, ' 7-4-16)

(B) *Elevation; lifting.* Whenever possible, the building sewer shall be brought to the building at the 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 a means approved by the Inspector and discharged to the mainline. Private sewer lift stations shall be installed and maintained by the property owner. (^78 Code, ' 7-4-17)

(C) *Specifications for connections.* 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 state. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the inspector before installation. (^78 Code, ' 7-4-18)

(Ord. 114B, passed 6-7-95; Am. Ord. 06-04, passed 4-5-06) Penalty, see ' 10.99

#### • 51.19 INSPECTION OF WORK.

All work done in connection with any permit and in construction or installation of any sewer connection shall be done under the inspection and subject to the approval of the Inspector, and shall be inspected and approved by the Inspector before the same is covered. Any sewer that is covered before it is inspected and approved, shall be reopened, at the sole expense of the applicant in such manner as to be sufficient to permit a thorough inspection of the work. Any work found to be defective or not in conformity with provisions of this chapter shall be removed and replaced in a manner and with materials as herein specified.

(^78 Code, ' 7-4-19) (Ord. 114B, passed 6-7-95; Am. Ord. 06-04, passed 4-5-06) Penalty, see ' 10.99

**51.20 PERSONS PERMITTED TO DO WORK; OWNER'S PERMIT.**

(A) It shall be unlawful for any person other than a contractor, licensed by the state as such, or employee of the city, to make any opening in any sanitary sewer owned and operated by the city, or to connect any private sewer therewith. (^78 Code, ' 7-4-20)

(B) Nothing in this chapter shall be construed as prohibiting a bona fide owner or a member of the owner's family from personally installing or repairing the sewer connected to the owner's building and located upon the owner's premises providing such building is a residence and is used for the occupancy of the owner and the owner's family as a dwelling place and providing further that any such installation or repair work shall meet the requirements of this chapter in all respects, and shall pass the inspection of the Inspector or the authorized agents of the city. (^78 Code, ' 7-4-21)  
(Ord. 114B, passed 6-7-95; Am. Ord. 06-04, passed 4-5-06) Penalty, see ' 10.99

**51.21 EXCAVATIONS TO BE GUARDED; RESTORATION OF PROPERTY.**

All excavations for building sewer installation shall be adequately guarded 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.  
(^78 Code, ' 7-4-22) (Ord. 114B, passed 6-7-95) Penalty, see ' 10.99

***SEWER USE REGULATIONS***

**51.35 DISCHARGING STORM WATER AND OTHER DRAINAGE.**

(A) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters into any sanitary sewer. (^78 Code, ' 7-4-23)

(B) Storm water 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 Inspector. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Inspector and state Department of Environmental Quality permits as required, to a storm sewer or combined sewer or natural outlet.  
(^78 Code, ' 7-4-24) (Ord. 114B, passed 6-7-95) Penalty, see ' 10.99

**51.36 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, motor 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, to constitute a hazard to humans or animals, to create a public nuisance or to create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/1 as CH 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 fleshing, entrails; and paper dishes, cups, milk containers, etc., either whole or ground by any means, including but not limited to, garbage disposals.  
(^78 Code, ' 7-4-25) (Ord. 114B, passed 6-7-95) Penalty, see ' 10.99

#### **' 51.37 DISCHARGE OF SPECIAL WASTE; POWERS OF INSPECTOR.**

(A) *Discharge of special waste.* 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 Inspector 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/her opinion consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150EF (65EC).

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32 and 150EF (0 and 65EC).

(3) Any garbage that has not been properly shredded. (see ' 51.01).

(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 Inspector 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 Inspector 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 Inspector in compliance with the 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 Aslugs@ as defined in ' 51.01.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process 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. (^78 Code, ' 7-4-26)

(B) *Powers of Inspector.* 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 judgement of the Inspector may have 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 Inspector 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 fees or sewer charges under the provisions of ' 51.73.

(C) If the Inspector 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 Inspector and subject to the requirements of all applicable codes, ordinances and laws. (^78 Code, ' 7-4-27)  
(Ord. 114B, passed 6-7-95)

▪ **51.38 INTERCEPTORS.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the Inspector, 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 Inspector and shall be located as to be readily and easily accessible for cleaning and inspection.  
(^78 Code, ' 7-4-28) (Ord. 114B, passed 6-7-95) Penalty, see ' 10.99

▪ **51.39 PRETREATMENT FACILITIES; CONTROL MANHOLES.**

(A) *Maintenance by owner.* 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 the owner's expense. (^78 Code, ' 7-4-29)

(B) *Control manholes.* When required by the Inspector, 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 in accordance with plans approved by the Inspector. The manhole shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times. (^78 Code, ' 7-4-30)  
(Ord. 114B, passed 6-7-95) Penalty, see ' 10.99

***FEES AND CHARGES***

▪ **51.50 USER CHARGE SYSTEM.**

(A) User charges shall be billed to all customers of the public sewer treatment works. Such charges shall cover the cost of operation and maintenance, replacement, debt service, and administrative costs of such treatment works. The user charge system shall distribute these costs in proportion to each customer's contribution to the expenses of billing and administration, operation and maintenance, and capital costs of the treatment works. Each customer shall be notified on not less than an annual basis, in conjunction with a regular bill, of their user charges. (^78 Code, ' 7-4-40)



(B) The City Council shall, by resolution, establish rates, hook-up fees and other assessments it deems necessary for the use of the sewer.

(C) The residential user charges shall be based on 1R Unit.

(D) The commercial user charges shall be based on the unit method using the average water usage from November through March, typically low usage months, except for those commercial accounts that do not have usage from November through March.

Water Usage Per Month		
<i>R Unit</i>	<i>Minimum Usage</i>	<i>Maximum Usage</i>
1R	0	6,318 gallons
2R	6,319 gallons	12,636 gallons
3R	12,637 gallons	18,954 gallons
4R	18,955 gallons	25,272 gallons
5R	25,273 gallons	31,590 gallons
6R	31,591 gallons	37,908 gallons
7R	37,909 gallons	44,226 gallons
8R	44,227 gallons	50,544 gallons
9R	50,545 gallons	56,862 gallons
10R	56,863 gallons	63,810+ gallons

(Am. Ord. 96-6, passed 6-12-96)

(E) The user charges, and other system charges for special cases shall be set by resolution of the Council on a yearly basis. These rates shall be set according to the requirements of division (A) of this section.

(F) A portion of each sewer user charge shall be dedicated to the Sewer Reserve Fund for replacement of equipment, improvements and other capitol costs. The portion to be dedicated shall be set by resolution of the Council. (78 Code, ' 7-4-41)

(Ord. 115B passed 7-5-95)

**‘ 51.51 APPEALS.**

Should any user believe that he has been incorrectly assigned a number of units or classification, that user may apply for a review of his/her user charge as provided in ‘ 51.50. Appeal of any charges billed by the city shall be made in writing to the City Recorder within 15 days of the billing of such charges. The Recorder shall respond in writing within five working days of receipt of the appeal. If the user wishes to appeal further, the user shall request in writing that the City Recorder place his/her specific appeal on the next regularly scheduled City Council meeting. The decision of the Council shall be final.  
(‘78 Code, ‘ 7-4-42) (Ord. 114B, passed 6-7-95)

**‘ 51.52 WHEN CHARGES BEGIN.**

The sewer user charges for all occupied property shall begin 15 days after the sewer service becomes available or the day connection is made to the public sewer, whichever occurs first. The sewer user charge for all unoccupied property shall begin within 15 days after the property is ready for occupancy. The property shall be treated as occupied on the first day said property is ready for occupancy while the sewer service is available. 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, at which time the user charge shall cease. The regular 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 rates shall be appropriately prorated.  
(‘78 Code, ‘ 7-4-43) (Ord. 114B, passed 6-7-95)

**‘ 51.53 DISCONNECTION AT USER REQUEST.**

A user, at his/her expense, may have the sewer line disconnected from the system to avoid user charges. (NOTE: city ordinance requires all sanitary sewage to be disposed of into the city sewer system. Therefore any property disconnected from the system cannot be occupied or obtain water service without evidence that no sewage is being produced at the property.)  
(‘78 Code, ‘ 7-4-44) (Ord. 114B, passed 6-7-95) Penalty, see ‘ 10.99

**‘ 51.54 RESPONSIBILITY FOR PAYMENT.**

(A) The person who owns the premises served by the sewer system shall be the user and is ultimately responsible for payment of the sewer charge for that property notwithstanding the fact that the property may be occupied by a tenant (customer) who is not the owner, who may be billed by the city and required by the owner to pay the charges. (‘78 Code, ‘ 7-4-45)

(B) Change in ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these charges and/or penalties. (^78 Code, ' 7-4-51)  
(Ord. 114B, passed 6-7-95) Penalty, see ' 10.99

**' 51.55 BILLING PROCEDURES.**

(A) The customer of the sewer system shall be billed monthly for services in accordance with the rate schedule provisions of this chapter and set by the required rate resolution. (^78 Code, ' 7-4-46)

(B) Sewer user charges shall be computed as provided in ' 51.50 and shall be due and payable to the city, by the customer, no later the tenth day of the month after the date of billing. All collections of sewer user charges shall be made by the City Recorder. (^78 Code, ' 7-4-47)

(C) Bills for sewer user charges will be mailed to the address specified on the application for service unless or until a new address of the owner of the property or customer is reported to the City Recorder's office. (^78 Code, ' 7-4-52)  
(Ord. 114B, passed 6-7-95)

**' 51.56 DELINQUENCY AND TERMINATION PROVISIONS.**

(A) The city finds user charges, fees, assessments and penalties established by this chapter are for services rendered and/or incurred charges of the owner of the property or his/her agent, and are therefore not subject to the property tax limitations of Article XI, Section 11b of the Oregon Constitution. Sewer user charges levied in accordance with this chapter shall be a debt due to the city for service rendered. If this debt is not paid by the customer within five working days of the date of the disconnection notice, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the customer or the property owner, or both. This civil action of the city may include any remedy allowed by law. (^78 Code, ' 7-4-48)

(B) Monthly interest shall accrue on all accounts from the date of delinquency. In addition, a penalty shall be assessed on the date of delinquency which shall be added to the account and shall accrue interest in the same manner as all other delinquent charges. The rate of interest and the amount of penalty is to be set by Council resolution. (^78 Code, ' 7-4-49)

(C) Sewer service terminated due to delinquency in payment shall not be restored until all charges, including interest accrued and the expense of removal, closing, and restoration shall have been paid in full. (^78 Code, ' 7-4-50)  
(Ord. 114B, passed 6-7-95) Penalty, see ' 10.99

**§ 51.57 DEPOSIT AND USE OF FUNDS.**

(A) The City Recorder is hereby directed to deposit into the Sewer Fund and Sewer Reserve Fund all of the gross revenues received from charges, rates and penalties collected for the use of the sewer system as herein provided. (78 Code, § 7-4-53)

(B) The revenues thus deposited in the Sewer Fund and Sewer Reserve Fund shall be used exclusively for the procurement, operation, maintenance, and repair of the sewer system; administration costs; expenses for collection of charges imposed by this chapter, and payments of the principle and interest on any debts of the sewer system of the city; and/or reserved for the future expenditure of the enumerated expenses. (78 Code, § 7-4-54)

(Ord. 114B, passed 6-7-95)

**ADMINISTRATION AND ENFORCEMENT****§ 51.70 SAMPLING AND TESTING.**

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 Examinations of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. 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 will determine whether a 24-hour composite of all outfall 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 outfall, whereas pH's are determined from periodic grab samples.) (78 Code, § 7-4-31)

(Ord. 114B, passed 6-7-95)

**§ 51.71 RIGHT OF ENTRY OF INSPECTORS.**

(A) The Inspector and duly authorized employees and agents of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurements, sampling and testing in accordance with the provisions of this chapter. The Inspector or the Inspector's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or the 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. (78 Code, § 7-4-34)

(B) The Inspector and duly authorized employees and agents 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, measurements, sampling, or repair. All entry and subsequent work, if any, on the easements shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (^78 Code, ' 7-4-36)  
(Ord. 114B, passed 6-7-95)

**' 51.72 SAFETY RULES; INDEMNIFICATION.**

While performing the necessary work on private properties referred to in ' 51.71(A) above, the Inspector or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the owner; and the owner shall be held harmless for injury or death to the city employees; and the city shall indemnify the owner 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 owner and growing out of the gauging and sampling operation; except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in ' 51.39(B).  
(^78 Code, ' 7-4-35) (Ord. 114B, passed 6-7-95)

**' 51.73 SPECIAL ARRANGEMENTS.**

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.  
(^78 Code, ' 7-4-32) (Ord. 114B, passed 6-7-95)

**' 51.74 ADDITIONAL REQUIREMENTS.**

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the health officer or Inspector.  
(^78 Code, ' 7-4-10) (Ord. 114B, passed 6-7-95)

**' 51.75 VIOLATIONS.**

(A) Any person found to be violating any provision of this chapter, except ' 51.04, 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. No provision of this statute prohibits state and federal prosecution for the introduction of toxic waste into the system in addition to city fines and fees. (^78 Code, ' 7-4-37)

**Condon - Public Works**

(B) Any person who shall continue any violation beyond the time limit provided for in division (A) above shall be guilty of an offense, and on conviction thereof shall be fined as provided in ' 10.99. ('78 Code, ' 7-4-38)

(C) Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation. ('78 Code, ' 7-4-39)  
(Ord. 114B, passed 6-7-95) Penalty, see ' 10.99

## CHAPTER 52: GARBAGE AND REFUSE

### Section

- 52.01 Definitions
- 52.02 Garbage containers; collection
- 52.03 Garbage hauling vehicles
- 52.04 Garbage accumulation; city transfer station ground established
- 52.05 Disposal of waste required
- 52.06 Dumping on vacant lots
- 52.07 Burning waste; incinerator standards

### • 52.01 DEFINITIONS.

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

***COLLECTING GARBAGE.*** Shall be construed to mean the collection of garbage, waste, refuse or rubbish, where compensation is paid such collector, or collecting agency, either in cash, or by the furnishing and delivering to such collector of anything of value in payment for such service.

***GARBAGE.*** Shall be applied and construed to mean all classes of putrefactive or easily decomposable animal or vegetable matter, and includes kitchen refuse of residences, restaurants, hotels and places where food is handled or prepared for human consumption; or tin cans or waste or offal from fish, poultry, meat, fruit and all vegetable matter and all organic substances of whatever kind or nature, unfit for human consumption that are subject to quick or immediate decay and that may attract flies or rodents.

***HOUSEHOLDER.*** Shall be applied to and construed to mean the head of the family, residing in a residence, whether such person is the owner or lessee of the premises, and who shall be responsible for the conduct of the same.

***INDESTRUCTIBLE REFUSE.*** Shall include those substances including glass, chinaware, and metals which are indestructible and cannot be burned. This shall also include indestructible refuse offensive or obnoxious to the health and welfare of the inhabitants of the city; or indestructible refuse repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

**RUBBISH.** Shall include all such material and waste, coming from residences and places of business that may be destructible or partly destructible, such as grass, weeds, brush and boxes, except when used for purposes of compost.

**WASTE.** Plastic, wire insulation, automobile parts, asphalt, petroleum products, petroleum treated materials, rubber products, animal remains, or animal or vegetable matter resulting from the preparation, cooking or service of food, disposable diapers, polystyrene plastic (AStyrofoam@) or chemically treated lumber.

(^78 Code, ' 8-1-1) (Am. Ord. 97-1, passed 3-5-97; Am. Ord. 99-11, passed 5-5-99; Am. Ord. 99-13, passed 6-2-99)

#### ' 52.02 GARBAGE CONTAINERS; COLLECTION.

In order to facilitate the collection and disposal of garbage, waste, and indestructible refuse, the following rules and regulations shall be in force and effect: All garbage, waste and indestructible refuse, as defined in ' 52.01 above, shall be deposited or transported to the transfer station:

(A) In watertight metal or plastic cans, tapered, 30 gallon maximum, or

(B) In burning barrels, and shall be collected or transported at least once a month or when full. (^78 Code, ' 8-1-2) (Am. Ord. 97-1, passed 3-5-97; Am. Ord. 99-11, passed 5-5-99) Penalty, see ' 10.99

#### ' 52.03 GARBAGE HAULING VEHICLES.

It shall be unlawful for any person to haul, transport or convey garbage, waste, rubbish or refuse by truck, automobile or wagon, or trailer over and upon any street, alley or thoroughfare in the city, unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

(^78 Code, ' 8-1-5) (Ord. 6-B, passed 11-15-67) Penalty, see ' 10.99

#### ' 52.04 GARBAGE ACCUMULATION; CITY TRANSFER STATION GROUND ESTABLISHED.

(A) *Depositing or accumulating wastes.* It shall be unlawful to cast or leave or keep in or adjoining any street, alley, lane, square or public place, or in any yard, block or premises, within the limits of the city any garbage, waste, indestructible refuse, decayed or decaying substances, litter, offal, body or bodies or carcasses of dead animals, or filth of any kind.



(B) *Disposing only at city transfer station.* It shall be unlawful to cast or leave or keep in or adjoining any street, alley, lane, square or public place; or within the public lobby or waiting room or rooms of any public building within any yard, block or premises within the city limits, any garbage, waste, indestructible refuse, decayed or decaying substances, litter, body or carcass of a dead animal, or filth of any kind, except at the tract of land known as the City Transfer Station.

(^78 Code, ' 8-1-6) (Ord. 2-A, passed 2-4-59; Am. Ord. 97-1, passed 3-5-97; Am. Ord. 99-11, passed 5-5-99) Penalty, see ' 10.99

**' 52.05 DISPOSAL OF WASTE REQUIRED.**

It shall be unlawful for any person within the city to permit the accumulation of garbage, waste, rubbish or refuse, either subject to decay or indestructible, and all such persons are hereby required to make prompt and sanitary disposal of the garbage, waste, rubbish and refuse of every kind, character and nature, as herein provided.

(^78 Code, ' 8-1-3) (Am. Ord. 99-11, passed 5-5-99) Penalty, see ' 10.99

**' 52.06 DUMPING ON VACANT LOTS.**

It shall be unlawful for any person within the city to dump, or allow to accumulate, any garbage, waste, rubbish or indestructible refuse on vacant lots within the city.

(^78 Code, ' 8-1-4) (Am. Ord. 97-1, passed 3-5-97; Am. Ord. 99-11, passed 5-5-99) Penalty, see ' 10.99

**' 52.07 BURNING WASTE; INCINERATOR STANDARDS.**

(A) The burning of waste and garbage at any time is prohibited within the city.

(B) All incinerators located within the city shall meet the following requirements:

(1) Sound construction of noncombustible material and with adequate ventilation holes to provide for proper combustion;

(2) Container capacity shall not exceed 300 gallons;

(3) Covered with a spark arrester or screen;

(4) Located on a noncombustible surface at least ten feet from combustible materials; and

(5) Accumulated afterburn material or ashes not to exceed one-third of the capacity of the container.

(^78 Code, ' 8-1-7) (Ord. 99-11, passed 5-5-99) Penalty, see ' 10.99



## CHAPTER 53: SEWER AND WATER LINE EXTENSION POLICY

### Section

- 53.01 Main line extensions
- 53.02 Minimum line sizes
- 53.03 Standards
- 53.04 Reimbursement policy

#### ▪ **53.01 MAIN LINE EXTENSIONS.**

In order that the city develop in an efficient and cost effective manner, and to assure reasonable service to all citizens, it shall be the policy of the city that when the owner of any property, not abutting a water or sewer main, requests water or sewer service, a mainline extension shall be required unless the city determines that it would not be in the city's interest to extend the main.

(Ord. 01-03, passed 1-3-01)

#### ▪ **53.02 MINIMUM LINE SIZES.**

The minimum size of any main so constructed shall be determined by the city. Unless otherwise stated, all main extensions shall conform to the minimum size as stated below:

(A) Water - 6 inch.

(B) Sewer - 8 inch.

(Ord. 01-03, passed 1-3-01)

#### ▪ **53.03 STANDARDS.**

Mainline extensions shall be made to city standards at the cost of the applicant. Where the city determines that it would be in the public's best interest to install a larger main than that which is necessary to serve the applicant, the city may pay the difference to install a larger main.

(Ord. 01-03, passed 1-3-01)

**53.04 REIMBURSEMENT POLICY.**

Where a mainline installed under this policy can, or will, provide service to another property not owned by applicant, the city may provide a reimbursement agreement to pay the applicant for a share of the cost of the original extension. Such reimbursement shall be based on the proportionate benefits to each party, to be determined at the time the extension is made. The city shall establish a fee for any connection to the new main installed under this policy and shall collect said fee from any future connection to the main so constructed. The cost of the connection shall be determined according to the apportioned benefits determined by the city. Fees received by the city for connections to the main shall be reimbursed to the owner(s) of land paying for the initial installation, provided however, that the term for reimbursement shall run for a maximum period of ten years. Entitlement for reimbursement shall run with the land. At the expiration of the ten-year period, any connections to the extension which would have been due to the original applicant under the agreement will be retained by the city and deposited in the Reserve Fund. Fees collected for water main connections will be deposited in the Water System Repair and Replacement Fund, and fees collected for sewer main connections will be deposited in the Sewer System Repair and Replacement Fund.

(Ord. 01-03, passed 1-3-01)

## CHAPTER 54: CROSS CONNECTION CONTROL

### Section

- 54.01 Definitions
- 54.02 Rules and regulations
- 54.03 Cross connection specialist and tester certification
- 54.04 Responsibilities; cost of compliance
- 54.05 Fire systems
- 54.06 Enforcement and penalties
- 54.07 Constitutionality and savings clause

### • 54.01 DEFINITIONS.

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

**AIR GAP SEPARATION.** The physical vertical separation between the free-flowing discharge and of a potable water supply pipeline and the open or non-pressure receiving vessel.

**APPROVAL** or **APPROVED.** Approved in writing.

**ATMOSPHERIC VACUUM BREAKER.** A device consisting of an air inlet valve, a check vent and an air inlet part(s).

**AUXILIARY WATER SUPPLY.** Any supply of water used to augment the supply obtained from the public water system which service the premises in question.

**BACKFLOW.** The flow in the direction opposite to the normal flow caused by back siphonage or back pressure. Back siphonage is caused by negative or reduced pressure in the supply piping, and back pressure occurs when the potable supply piping is connected to a system or fixture which exceeds the operating pressure of the supply piping.

**BACKFLOW PREVENTION ASSEMBLY.** A backflow prevention device such as a pressure vacuum breaker, spill resistant pressure vacuum breaker, double check valve or a reduced pressure principle assembly and the attached shut off valves on the inlet and outlet ends of the device assembled as a complete unit.

**BACKFLOW PREVENTOR.** An air gap, AVB, PVBA, SVBA, DCVA or RPBA.

**CERTIFIED BACKFLOW ASSEMBLY TESTER.** A person who is certified by the Division to test backflow prevention assemblies.

***CERTIFIED BACKFLOW INSPECTOR/SPECIALIST.*** A person who is certified by the Division to administer cross connection control program and conduct cross connection surveys.

***CITY.*** The City of Condon or the city's designee.

***CITY WATER SYSTEMS.*** The potable water system of the City of Condon.

***CROSS CONNECTION.*** Any physical arrangement where a public water system is connected, directly or indirectly (actual or potential), with any other non-drinkable water system, used water systems or auxiliary supply, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, air conditioner unit, fire protection system or any other assembly which contains or may contain contaminated water, sewage or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangement, jumper connections, removable sections, swivel or change-over assemblies or other temporary or permanent assemblies through which or because of which back flowing may occur are considered to be cross connection.

***DIVISION.*** The Health Division of the Oregon Department of Human Resources.

***DOUBLE CHECK VALVE ASSEMBLY (DCVA).*** An assembly of two independently acting check valves with shut off valves on each side of the check valves and test cocks for checking the water tightness of each check valve.

***EXPANSION.*** The pressure created by heated water or fluid that is not given the room to expand.

***OWNER.*** Any person owning a beneficial interest with right of possession in any property service by the municipal water system.

***POTABLE WATER.*** Water which is safe for human consumption.

***PRESSURE VACUUM BREAKER ASSEMBLY (PVBA).*** An assembly consisting of an independently operating, internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valves.

***REDUCED PRESSURE BACKFLOW ASSEMBLY (RPBA).*** A device for preventing backflow which has two check valves, a differential relief valve located between two check valves, two shut off valves, one on the upstream side and the other on the downstream side of the check valves and four test cocks for checking the water tightness of the check valve and the operation at the relief valve.

***RESPONSIBLE PERSON.*** Any individual, corporation, association, firm, partnership, municipal, state or federal agency, or joint stock company and includes any receiver, special master, trustee, assignee or other similar representative thereof.

**SERVICE CONNECTION.** The piping connection by means of which water is conveyed from a distribution main of a public water system to a user's property line, or to the service meter, where provided, is under the jurisdiction of the water supplier.

**SPILL RESISTANT PRESSURE VACUUM BREAKER ASSEMBLY (SVBA).** One type of pressure vacuum breaker assembly.  
(Ord. 03-03, passed 4-2-03)

• **54.02 RULES AND REGULATIONS.**

(A) *Purpose.* The purpose of cross connection prevention requirements is to protect the public water system from contamination and pollution.

(B) *When cross connection prevention requirements apply.* All cross connections must have backflow prevention assemblies in conformance with this section when any of the following situations exist:

- (1) If the nature and extent of any activity on the premises, or the materials used in connection with any activity on the premises or materials stored on the premises could contaminate or pollute the drinking water supply in any way;
- (2) On the premises having any cross connection as that term is defined under ' 54.01;
- (3) Internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not a cross connection exists;
- (4) A repeated history of cross connections being established or re-established;
- (5) Unduly restricted entry so that inspectors for cross connections cannot be made with sufficient frequency or with sufficient notice to assure that cross connections do not exist;
- (6) Materials of a toxic or hazardous nature being used such that if back siphonage should occur, a health hazard could result;
- (7) Failure to fill out and turn in the cross connection survey form;
- (8) Fire sprinkler systems using non-potable piping;
- (9) All new commercial and/or industrial construction; or
- (10) Underground sprinkler systems.

(C) *Permits required for mobile units.* Any mobile apparatus which uses the city's system or water from any premises within the city's system must obtain a permit from the city.

(D) *Plumbing code compliance.* All backflow assemblies must be installed and maintained in conformance with the Oregon Uniform Plumbing Codes.

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

(1) No part of the assembly shall be submerged in water or installed in a location subject to flooding;

(2) The assembly must be protected from freezing and other severe weather conditions;

(3) Assemblies must be installed at the point of delivery of the water supply before any branch in the line, on private property located just inside of the property line. Alternate locations must be approved by the city prior to installation;

(4) All assemblies shall be of a type and model approved by the Division and city and shall at least be commensurate with a degree of hazard that exists as determined by the city in accordance with O.A.R., Chapter 333-61-070 Section 6;

(5) Plans for new construction must be approved by the city prior to installation of any assemblies;

(6) All backflow prevention assemblies shall be installed in accordance with O.A.R., Chapter 333-61-071 Sections 1 through 4.

(F) *Access to premises required.* Authorized employees of the city shall have access during reasonable hours to all parts of a premises and within the building to which water is supplied. However, if any owner or responsible person refuses access to a premise or to the interior of a structure for an inspection by a city cross connection specialist, a reduced pressure principal assembly will be required to be installed at the service connection to that premise.

(G) *Testing of assemblies.* All assemblies subject to this chapter must be tested by a certified backflow assembly tester immediately upon installation, after any repairs, after being moved, relocated or reinstalled, at least annually or more frequently if required by the city.

(H) *Maintenance of assemblies.* The owner or responsible person will be responsible for maintaining the assemblies from freezing, flooding and repairs.

(I) *Expansion.* The owner or responsible person will be responsible to eliminate the possibility of thermal expansion.

(Ord. 03-03, passed 4-2-03)



▪ **54.03 CROSS CONNECTION SPECIALIST AND TESTER CERTIFICATION.**

Backflow specialist and testers within the city must be certified by the Division.  
(Ord. 03-03, passed 4-2-03)

▪ **54.04 RESPONSIBILITIES; COST OF COMPLIANCE.**

It is the responsibility of all property owners, responsible person or renter to abide by the conditions of this chapter. In the event of any change to the plumbing system, it is the responsibility of the owner, responsible person or renter to notify the city. All costs associated with the purchase, installation, testing, replacement, maintenance, parts and repairs of the backflow assembly are the financial responsibility of the owner or responsible person.  
(Ord. 03-03, passed 4-2-03)

▪ **54.05 FIRE SYSTEMS.**

An approved double check valve assembly shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or which does not provide for periodic flow-through during each 24-hour period unless a variance has been issued in writing. A RPBA assembly must be installed if any solution other than the potable water can be introduced into the sprinkler system.  
(Ord. 03-03, passed 4-2-03)

▪ **54.06 ENFORCEMENT AND PENALTIES.**

Failure on the part of any owner, responsible person or renter to install maintain or conduct required testing, or discontinue the use of any backflow assembly or to physically separate any backflow assembly is sufficient cause for the immediate discontinuance of the city water service to the premises.  
(Ord. 03-03, passed 4-2-03)

▪ **54.07 CONSTITUTIONALITY AND SAVINGS CLAUSE.**

That if any provision, section, sentence, clause or phrase of this chapter or the application of same to any person or set of circumstances are for any reason held to be unconstitutional, void, invalid or for any reason unenforceable, the validity of the remaining portions of this chapter or its application to other persons or circumstances shall not be affected thereby, it being the intent of the City Council in adopting and the Mayor in approving this chapter that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.  
(Ord. 03-03, passed 4-2-03)



## CHAPTER 55: ADMINISTRATIVE ANNEXATIONS

### Section

- 55.01 Rates and charges set by Council resolution
- 55.02 Right of entry for inspection and repair
- 55.03 Administrative annexation
  
- 55.99 Penalty

#### ▪ **55.01 RATES AND CHARGES SET BY COUNCIL RESOLUTION.**

(A) Rates and charges for use of the water and wastewater systems, charges for initiation and termination of service, meter testing charges, water meter testing fees and related terms and conditions of water and wastewater system use shall be set by Council resolution.

(B) The methodology used to establish water use charges shall consider the estimated cost of maintenance, repair, rehabilitation and replacement of the water system, including associated engineering, architectural and legal expenses, and the cost of operation and administration of the water system and charges shall be based upon water consumption. The Council may set different rates for premises located outside of city limits.

(C) The methodology used to establish wastewater use charges shall consider the estimated cost of maintenance, repair, rehabilitation and replacement of the wastewater system, including associated engineering, architectural and legal expenses, and the cost of operation and administration of the wastewater system and charges shall be based upon water consumption and demand placed upon the wastewater system by each user or type of use. The Council may set different rates for premises located outside of city limits.

(Ord. 04-05, passed 2-4-04)

#### ▪ **55.02 RIGHT OF ENTRY FOR INSPECTION AND REPAIR.**

City employees shall at all reasonable times have access to any premises provided water, wastewater, or storm water services by the city, for inspection, repair or replacement of the existing service or services, or the enforcement of the provisions of this chapter.

(Ord. 04-05, passed 2-4-04)

**▪ 55.03 ADMINISTRATIVE ANNEXATION.**

(A) *Annexation or consent to annexation required for service provided outside of city limits.*

(1) Prior to any connection to the city water system, wastewater system, or storm water system outside city limits, a consent to annexation shall be provided to the city and recorded in the Deed Records of Gilliam County, for all premises which may be served by the connection(s).

(2) If connection to the city water system, wastewater system or storm water system was initially made without providing a consent to annexation for the premises served, a consent to annexation shall be required as a condition of any further development of the premises.

(3) In lieu of a consent to annexation, the city may require annexation as a condition of connection to the city water system, wastewater system, or storm water system for premises contiguous to city limits, or separated from the city only by a public right-of-way, stream, or other body of water.

(4) The consent to annexation shall be on forms provided by the city. The owner of the property shall cause the consent to annexation to be recorded in the Deed Records of Gilliam County and shall be responsible for paying the recording fees.

(B) *Administrative annexation of contiguous property.*

(1) Any parcel contiguous to city limits, or separated from the city only by a public right-of-way, stream, or other body of water, for which the city has received a consent to annexation pursuant to this chapter or otherwise in exchange for provision of extraterritorial water, wastewater or storm water service, or is being annexed as a condition of approval pursuant to this chapter shall be annexed into the city pursuant to the provisions of this chapter.

(2) Annexations under this chapter shall be conducted in accordance with the applicable provisions of the Oregon Revised Statutes, but shall not be subject to the provisions of land use laws. (Ord. 04-05, passed 2-4-04)

**▪ 55.99 PENALTY.**

Any person who violates or causes a violation of any provision of this chapter shall be punishable by a fine of up to \$1,000 per occurrence and termination of water service. Failure of any user of water service, storm water service, or wastewater services to pay a charge required by this chapter, shall

subject the user to discontinuance of any or all such services. Unless specified otherwise, violations of this chapter are declared civil violations and such violations may, in addition to or in lieu of other remedies or enforcement measures provided by state law or this chapter, be enforced under civil procedures.  
(Ord. 04-05, passed 2-4-04)

