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CHAPTER 50: WATER

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GENERAL PROVISIONS

' 50.01 SHORT TITLE.

This chapter shall be known as "Rates, Rules, and Regulations for the Operation of the Water Department of the City of Halfway, Baker County, Oregon," and may be so cited and pleaded.
(Ord. 3-2-87, passed 8-28-1987)

' 50.02 SCOPE OF REGULATIONS.

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. 3-2-87, passed 8-28-1987) Penalty, see ' 50.99

' 50.03 DEFINITIONS.

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

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

CITY. The legally constituted municipal government of the City of Halfway, Baker County, Oregon.

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 received water service from the Water Department.

LANDLORD. The owner of the property used as a rental, and shall require this individual, firm, or corporation to have the same definition as, and abide by the same terms of these regulations as, **CUSTOMER, USER, APPLICANT**, as set forth in this section and other sections of this chapter.

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. 3-2-87, passed 8-28-1987; Ord. 3-2-87B, passed 3-13-1997)

' 50.04 AUTHORITY OF MAYOR AS TO WATERING REGULATIONS.

The City Council hereby grants to the Mayor the authority to enact watering regulations without Council approval, when the Water Superintendent gives notice of necessity.
(Res. passed 6-11-1981)

' 50.05 DIGGING WELLS AND THE LIKE WITHOUT PERMIT.

(A) No person, persons, firm, or corporation shall dig, make, drill, bore, or sink any pit, hole, sink, well, reservoir, or other excavation of any nature whatsoever for the purpose of obtaining, holding, accumulating, recovering, or removing water for any purpose whatsoever within the city without first obtaining a permit so to do from the City Council.

(B) No permit provided for in division (A) above shall be granted, except by the majority vote of the Council taken at a regular meeting of the Council after application or such permit in writing.

(C) No person, persons, firm, or corporation shall pipe, transport, take, or otherwise convey water from any pit, hole, sink, well, reservoir, or other excavation within the city to any point or place without or outside or beyond the city limits of the city without first obtaining a special permit so to do from the Council.

(D) No permit provided for in division (C) above of this section shall be granted, except upon the favorable majority vote of the Council taken at a regular meeting of the Council after application in writing therefor.

(Ord. 5-6, passed - -) Penalty, see ' 50.99

SERVICE REGULATIONS**' 50.20 SERVICE AREA.**

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.

(Ord. 3-2-87, passed 8-28-1987)

' 50.21 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, from the lack of service, or temporary suspension of service by the Water Department for improvements. 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 Acustomer service lines, as defined in ' 50.24(A) of this chapter, shall be the property of the Water Department.

(D) *Classes of service*. The classes of service shall be non-benefitted user and benefitted user.

(1) Benefitted user shall consist of users serviced by a three-fourths-inch line.

(2) Non-benefitted user shall consist of users serviced by a two-inch line or larger.

(E) *Special contracts*. When the applicant=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 contract, the provisions of which are different from and have exceptions to the regularly published water rates, rules, and regulations. This special contract shall be in writing, signed by the applicant and 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 Council and persons, parties, or corporations selling the water.

(G) *Service preference.* In case of shortage of supply, the Water Department reserves the right to give preferences in the matter of furnishing service to customers and interests 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.

(H) *Landlords.* Landlords shall retain water service in their name and be financially responsible for payment of services in the same manner as any other user as required by this chapter. (Ord. 3-2-87, passed 8-28-1987; Ord. 3-2-87/A, passed 6-13-1991; Ord. 3-2-87B, passed 3-13-1997)

' 50.22 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 services to begin, purpose for which service is to be used, the address for mailing of the billings, the class and the size of the meter service, and such other information as the Water Department may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations of the Water Department. The application is merely a written request for service and does not bind the Water Department to serve.

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

(1) *Establishment of credit.* The credit of the applicant will be deemed established if 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 \$40.

(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 on 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 that premise or that customer at different premises until all outstanding bills due the Water Department have been paid and the cash deposit replaced, together with a \$40 service charge as provided in ' 50.42 of this chapter.

(C) *Application amendments.*

(1) 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. The application for service shall be amended.

(2) Customers desiring a change in the size, location, or number of services shall fill out an amended application.

(Ord. 3-2-87, passed 8-28-1987)

50.23 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.

(B) *Outside the city limits.* Water mains outside the city limits shall be extended only after annexation, and only at the expense of the developer. There shall be no main extensions outside the city limits. The main extensions shall become the property of the Water Department at the time installed. 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 in newly annexed developments shall be installed by the Water Department or by contractors approved by the Water Department. The installation procedures and materials used shall be in accordance with the city and the state standards.

(C) *Locations of extensions.* The Water Department will make water extensions only on rights-of-way, easements, or publicly owned property. Easements or permits secured for main extensions shall either be obtained in the name of the city, along with all rights and title to the main at the time the service is provided to the customers paying for the extension.

(Ord. 3-2-87, passed 8-28-1987)

50.24 SERVICE CONNECTIONS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

SERVICE CONNECTION. The part of the water distribution system which connects the meter to the main and shall normally consist of corporation stop, service pipe, curb stop and box, meter, meter yoke, and meter box.

(B) *Ownership, installation and maintenance.* The Water Department shall own, install, and maintain all services, and installation and maintenance shall only be performed by authorized employees of the Water Department. The customer shall own, install, and maintain the customer service line.

(C) *Service connection charge.*

(1) At the time the applicant files for service where no service previously existed, or if he or she is filing for a change in service size or location, he or she shall submit with his or her application the service connection charge.

(2) This charge is to cover the actual cost to the Water Department to install the service from the main to, and including, the meter and the meter housing. The service connection charge shall be as determined by the Water Department in the current published water rate schedule.

(D) *Size of service.* 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 that is listed by the Water Department. The minimum size of service shall be three-fourths inch. The Water Department may refuse to install a service line which is undersized or oversized as determined by a study and report of the Superintendent to the City Council.

(E) *Changes in service size.* 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.

(F) *Length of service.*

(1) 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 service line does not exceed the width of the right-of-way.

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

(3) If, in either case cited above, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis or actual cost to the Water Department for labor, materials, and equipment plus 15%.

(G) *Joint service connections.*

(1) 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.

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(2) 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.

(H) *Number of service connections on premises.* The owner of a single parcel or property may apply for and receive as many services as he or she and his or her tenants may require, provided his or her application or applications meet the requirements of the policies, rules, and regulations.

(I) *Standby fire protection service connections.*

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

(2) *Charges for service.* Charges for standby fire protection service will be stated in the published water rate schedule. No charge will be made for water used in the standby fire protection services to extinguish accidental fire or for routine testing of the fire protection system. The customers shall pay the full cost of the standby protection service connection, any required special water meter installed for the service to the standby connection.

(3) *Violations of regulations.* If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the Water Department. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of the regular water rates.

(J) *Fire service connections other than standby.* A service having fire protection facilities on the premises and water for other purpose 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.

(K) *Temporary service connections.* 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 or her water bill in advance and based on an estimate of the quantity to be used, or he or she shall otherwise establish satisfactory credit.

(1) *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.

(2) *Charge for water served.* Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.
(Ord. 3-2-87, passed 8-28-1987)

50.25 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.

(B) *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) *The 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 amended. Meters or services moved for the convenience of the customer will be relocated only at the customer=s expense.

(G) *Removal; relocation of meter.* A meter may only be removed by the Water Department. Reinstallation of a meter removed at customer request will be performed by the Water Department on the basis of a new connection, with amendment to prior application, or a new customer application, and payment of \$500.

(Ord. 3-2-87, passed 8-28-1987; Ord. 3-2-87D, passed 11-9-2006)

RATES, CHARGES, AND BILLING

50.40 WATER RATES.

The water rates to be charged for each class of service shall be as follows.

(A) The water rates to be charged for each class of service, including minimum charges, charges for water used over the minimum, service connection charges, and any increases or decreases in charges, shall be established by resolution of the City Council.

(B) Water rates shall be reviewed by the City Council annually during the month of January.

(C) If, at the annual review of the water rates, the City Council determines that revenues received from water rates are not sufficient for payment of costs for water system operation, maintenance, repair, and replacement reserve requirements, the water rates shall be increased by the most recent cost of living index for rural Oregon, as determined by Oregon statistics.

(D) A fee, named the Water Bond Payment Charge (WBPC), will be charged to the owner of record of every property having a water connection to the main line of the city water system that includes a water meter. Said fee will be accrued for the purpose of the yearly payments of the bonded debt on the water system, obtained in 1973 and 1989, for improvement of the system. The WBPC shall commence on metered connections on the effective date of Ord. 3-2-87C and shall continue through June 30, 2007.

(E) The Water Bond Payment Charge (WBPC) shall be set at \$9.50 per month and will be billed and collected with the water and sewer billing, beginning on the first monthly billing following the effective date of Ord. 3-2-87C, and continuing through the end of June, 2006. The following yearly payments for the water bonded debt shall be placed on the tax roll beginning July, 2007. For the 2007/2008 year and for every year thereafter, every taxable property within the legal limits of the city shall be taxed for yearly payment of the water bonded debt, until such time as the current debt is paid in full. As of this time the dates for final payment of the bonds are January 1, 2013 and February 7, 2019. The authority to levy this tax was voted on in 1973 and 1987, in qualified public elections, and passed by the electors of the city.

(F) Adjustments to this fee may be increased or decreased by City Council resolution and will no longer be charged after the loan is paid in full.

(G) Late charges will be charged on all accounts one month in arrears and shall accrue at 3% per month.

(Ord. 3-2-87, passed 8-28-1987; Ord. 3-2-87/A, passed 6-13-1991; Ord. 3-2-87/B, passed 5-8-2003; Res. 4.06/3-2-87, passed 4-13-2006; Ord. 3-2-87C, passed 11-9-2006; Ord. 3-2-87E, passed 11-9-2006)

50.41 NOTICES.

(A) *Notice to customers.* Notices from the Water Department to the customer will normally be given in writing and either mailed to or delivered to him or her at his or her last known address. Where conditions warrant and in emergencies, the Water Department may notify either by telephone or messenger.

(B) *Notice from customers.* Notices from the customer to the Water Department may be given by the customer or his or her 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. 3-2-87, passed 8-28-1987)

50.42 BILLING AND PAYMENTS.

(A) *Meter readings.*

(1) Meters will be read and customers billed on the basis of the meter reading to the nearest 100 gallons.

(2) The Water Department will keep an accurate account on its books of all readings of meters and 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) *Rendering of bills.*

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

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

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(3) *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.

(C) *Disputed bills.* When a customer disputes the correctness of a bill, he or she 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 division (F) below.

(D) *Failure to read meters.* 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.

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

(F) *Delinquent accounts.*

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

(2) *Turn-off notice.* On or about 15 days after an account becomes delinquent, a turn-off notice may be sent to the customer. Said notice shall state a date on which water will be turned off if delinquent account is not paid in full prior thereto.

(3) *Service turn-off.* On the turn-off date, the meter reader or other agent of the city shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts have been paid. The meter reader or other agent of the city shall immediately thereafter turn off the service. A delivery to the premises served by the meter shall be considered a delivery to the customer.

(4) *Service charge.* In all instances where water has been turned off because of delinquent accounts, a \$40 service charge for restoration of services and replacement of cash deposit as stated in ' 50.22(B), will be required.

(G) *Installment payments of delinquent accounts.* 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, installment period not to exceed the period of time the account was delinquent. Minimum monthly payment of \$20 will be accepted.

(Ord. 3-2-87, passed 8-28-1987)

' 50.43 METER ERROR.

(A) *Meter accuracy.* All meters will be tested prior to installation. No meter will be placed in service or allowed to remain 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 standard 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 or her premises. The Water Department will require the customer to deposit the testing fee. This fee shall be \$20 for meters three-fourths inch and smaller and for meters larger than three-fourths 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 overregister more than 2% under the standard test conditions, and if not, the deposit shall be retained by the Water Department. Customers may at their option witness any meter tests which they request.

(3) *On Water Department request.* If, upon comparison of past water useage, 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 overregisters or underregisters. No charge for meter testing will be made to the customer for the meter test under these conditions.

(C) *Adjustments of bill 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 consumption 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. 3-2-87, passed 8-28-1987)

' 50.44 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 notice of his or her intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, he or she will be responsible for all water supplied to such premises until the Water Department shall receive notice of such removal.

(2) At the time specified by the customer that he or she expects to vacate the premises where service is supplied or that he or she 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 water bill is not paid in accordance with the procedures listed in ' 50.42(F) of these rules and regulations.

(C) Nonpayment of sewer service charges. If said 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 city Water Department may be discontinued because of the default in the payment of the sewer service charges. Interest on unpaid bills shall run from the due date thereof at the rate of 1% per month. 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.*

(a) The city has the right to refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances, or uses of equipment are dangerous, unsafe, or not in conformity with the plumbing code of the state.

(b) The city has the right to refuse or terminate water services to any customer who does not install a backflow device or assembly, when necessary, test at least annually, and repair if necessary the backflow devices on the customer's property.

(c) The city reserves the right to demand a backflow device at the customer's side of the water meter if access is not available to determine if a backflow device or assembly is necessary.

(d) The city will allow a reasonable time to achieve compliance with the rules, but should a backflow incident occur, the city has the right to terminate service immediately and restore it only after compliance.

(2) *Cross connection.*

(a) A **CROSS CONNECTION** is defined as any physical connection between the city's water system, and another water supply.

(b) Actual or potential cross connection is prohibited by the Oregon State Health Division and the U.S. Environmental Protection Agency. If a potential exists for a cross connection and this is necessary, the water system must be protected by a backflow prevention device or assembly. Most high hazards or health hazards are specified in the above listed Oregon Administrative Rules. They will be given the highest priority by the city.

(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. Continuance 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.*

(1) 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.

(2) 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 \$20. 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. 3-2-87, passed 8-28-1987; Ord. 3-2-87/A, passed 6-13-1991; Ord. 5-12-2011, passed 5-12-2011)

' 50.45 RESTORATION OF SERVICE.

(A) Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges plus \$40 for restoration charge and posting a deposit as hereinbefore provided.

(B) Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse or for noncompliance with any of the policies, rules, and 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 \$20 plus any other charges due or past due that the Water Department may have incurred to correct the irregularity.
(Ord. 3-2-87, passed 8-28-1987)

' 50.46 UNUSUAL DEMANDS.

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

(B) Permission to take water in unusual quantities will be given only if the Water Department facilities and other consumers are not inconvenienced.
(Ord. 3-2-87, passed 8-28-1987) Penalty, see ' 50.99

ENFORCEMENT**' 50.60 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. 3-2-87, passed 8-28-1987)

' 50.61 RESPONSIBILITY FOR EQUIPMENT.*(A) Responsibility for customer equipment.*

(1) 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.

(2) The customer shall be responsible for valves on his or her 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 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 or her 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 or her 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. 3-2-87, passed 8-28-1987) Penalty, see ' 50.99

' 50.62 FIRE HYDRANTS.

(A) Operation. No person or persons other than those designated and authorized by the Water Department, shall attempt to draw water from, or in any manner damage or tamper with fire hydrants. 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 received water through a fire hydrant, and 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 authority, 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 or she shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the Water Department and the Fire Department.

(Ord. 3-2-87, passed 8-28-1987) Penalty, see ' 50.99

' 50.63 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 line or property or which would place the system operation in jeopardy. (Ord. 3-2-87, passed 8-28-1987) Penalty, see ' 50.99

' 50.64 EASEMENT.

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

(Ord. 3-2-87, passed 8-28-1987)

' 50.65 PRIOR ORDINANCES.

The provisions of any prior ordinance of the city that may be in conflict with any of the rules, regulations, or provisions herein contained are hereby repealed and superceded.

(Ord. 3-2-87, passed 8-28-1987)

' 50.66 SEVERABILITY.

If any clause, sentence, paragraph, section, or portion of this chapter for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this chapter, but shall be confined in its operation to the clause, sentence, paragraph, section, or portion of this chapter directly involved in the controversy in which the judgment is rendered.

(Ord. 3-2-87, passed 8-28-1987)

' 50.99 PENALTY.

(A) Any person violating any of the provisions of the rules and regulations in this chapter, for which no specific penalty is otherwise provided, shall, upon conviction thereof, be punished by a fine not exceeding \$200 or by imprisonment in the city jail for a period not exceeding six months, or by both such fine and imprisonment.

(Ord. 3-2-87, passed 8-28-1987)

(B) Any person, persons, firm, or corporation violating any of the provisions of ' 50.05 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment in the city jail not less than 30 days nor more than 90 days, or by both such fine and imprisonment. Each day during which any violation of ' 50.05 shall exist or continue shall constitute a separate offense and violation of that section shall be punishable accordingly.
(Ord. 5-6, passed - -)

CHAPTER 51: SEWERS

Section

General Provisions

- 51.01 Purpose
- 51.02 Definitions
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Sewer Connections and Construction Requirements

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Sewer Reserve Fund, see ' 30.05

GENERAL PROVISIONS**51.01 PURPOSE.**

(A) Pursuant to the General Laws of the State of Oregon and the powers granted in the Charter of the city, the Council of said city does hereby declare its intention to acquire, own, construct, equip, operate, and maintain within and without the city limits, a sewage disposal plant, or plants, sewers, equipment, and appurtenances necessary, useful, or convenient for a sewer system and disposal area, including the reconstruction of such sewers as may necessarily or conveniently be deemed proper by the Council.

(B) There is hereby levied and imposed upon all water users within the city, using water from the city water system, whether or not said premises are connected with the city sewer system, if a public sewer is available to which connection can be made to the premises, as herein provided and also against all premises connected with the sewer system, whether said premises be within or outside the city limits and whether or not said premises are connected to the city's water system, just and equitable charges for service, connection, maintenance, operation, extension, and reconstruction.

(Ord. 4-1, passed 6-8-1967)

51.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense shall include the future, the singular number includes the plural, and the plural includes the singular.

BUILDING DRAIN. The 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 a building wall.

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

COMMERCIAL. Includes all sewer users except residential.

GARBAGE. All putrescible waste, except sewage and body wastes, including wastes accumulated of animals, food, or vegetable matter, and including wastes that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, and vegetables, and shall include all such wastes or accumulations of vegetable matter of residences, restaurants, hotels, and places where food is prepared for human consumption. The term **GARBAGE** shall not include recognized industrial by-products, nor shall it include cans, boxes, cartons, paper, or other objects which may or not have food or other objects which may or may not have food or other organic material of any nature in or adhering thereto.

INDUSTRIAL WASTE. The liquid wastes from industrial processes 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.

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

pH. The acidity or alkalinity of sanitary or industrial waste. This is equal to the hydrogen ion concentration as measured by the logarithm of the reciprocal of the weight of hydrogen ions in gram per liter of solution.

PLUMBING REGULATIONS. The Oregon State Plumbing Laws, Rules and Regulations, governing plumbing and water supply, as adopted by the Oregon State Board of Health, State Bureau of Labor Rules and Regulations, and city specifications, rules, and regulations.

PRIVATE SEWER. A sewer privately owned and constructed in conformance with the provisions hereof.

PROPERLY-SHREDED GARBAGE. The waste from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension.

PUBLIC SEWER. A pipe or conduit for carrying sewage, consisting of all conduits placed or accepted by the city for public usage.

RESIDENTIAL. One family unit under a single roof.

SANITARY SEWER. A sewer which carries sewage and from which storm, surface, and ground waters are prohibited.

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

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

SHALL. Is mandatory.

STANDARD CITY SPECIFICATIONS. Those specifications which are on file in the office of the City Recorder to which all streets and sewer construction shall conform.

STORM SEWER or **STORM DRAIN**. A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial waters.

SUPERINTENDENT. The person designated by the City Council as being in charge of public works for the city.

SUSPENDED SOLIDS. Solids that 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. 4-1, passed 6-8-1967)

' 51.03 TAMPERING WITH OR DAMAGING SEWAGE WORKS EQUIPMENT.

No person shall break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works.

(Ord. 4-1, passed 6-8-1967) Penalty, see ' 51.99

' 51.04 SANITARY SEWER MAINTENANCE POLICY.

The Sanitary Sewer Maintenance Policy, attached to Resolution No. 10.13.12 as Exhibit A, is adopted by reference and made a part of this code the same as if set forth in full herein.

(Res. 10.13.12, passed 10-10-2012)

SEWER CONNECTIONS AND CONSTRUCTION REQUIREMENTS

' 51.15 APPLICATION AND PERMIT REQUIRED.

(A) No person, firm, or corporation shall make a stub connection to any part of the sanitary sewer system of the city, without first making an application and securing a permit therefor, and then only by using an approved connection, in accordance with the provisions of this chapter.

(B) Application for sewer stub connection permits shall be made in writing to the Superintendent in the form prescribed by the city and shall give the location of the property, street number of the buildings to be connected, name of the person, firm, or corporation engaged to make the connection and a statement as to whether or not the premises to be connected was in the past assessed for the construction of a sanitary sewer onto which the applicant desires to connect, and such other information or plans as may be required by the city.

(Ord. 4-1, passed 6-8-1967) Penalty, see ' 51.99

' 51.16 CONNECTION FEES.

(A) All applications for connection to the sanitary sewer system shall be accompanied by a payment of a service and inspection fee, the amount of such fee shall be set from time to time by resolution and made a part hereof as though fully set forth herein.

(B) If the property to which an applicant desires to make a sanitary sewer connection has never been assessed for sewer improvements, then in addition to the service and inspection fee, the applicant shall pay a connection fee, which said fee shall also be set by resolution, from time to time, and such resolution shall become a part hereof as though fully set forth herein.

(Ord. 4-1, passed 6-8-1967) Penalty, see ' 51.99

' 51.17 REQUIRED CONNECTIONS.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting on any street, alley, or public right-of-way in which there is now located, or may in the future be located, a city sanitary sewer, is hereby required at his or her expense to install suitable toilet facilities therein, and to connect said facilities directly with the public sewer in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so, provided that said public sewer is not more than 100 feet from said owner's nearest property line and connection is available through public right-of-way.

(Ord. 4-1, passed 6-8-1967) Penalty, see ' 51.99

' 51.18 REPLACEMENT OF PUBLIC WAYS.

Applicant shall agree to pay the cost of replacing streets or alleys excavated for the purpose of making the sewer connections covered by the permit. Costs shall be paid in advance in accordance with rates established by resolution, from time to time, regulating street cuts and establishing reasonable rates for the replacement of the same. The widest cut at any one point shall be considered the width of such cut. The city shall make all street and alley cuts and replace the same.

(Ord. 4-1, passed 6-8-1967) Penalty, see ' 51.99

' 51.19 MATERIALS AND MANNER OF CONSTRUCTION.

(A) All laterals under public rights-of-way shall be constructed of one of the following approved materials: cement asbestos, concrete, or cast iron pipe. The city shall make and provide all connections to sewer mains, trunks, or laterals and extend any stub connections to the curb line of streets or property line of alleys.

(B) All sewer connections to such stubs shall be constructed to conform with the provisions of the Oregon State Plumbing Code. Connections to stubs within public rights-of-way shall be made only by a licensed plumber of the state and the city.

(C) The city shall not be liable for any cleaning, maintenance, upkeep, or repair to any sewer connection between the main, trunk, or lateral and the premises being served whether in public right-of-way, or not, unless the necessity thereof was caused by the city, its agents, or employees. (Ord. 4-1, passed 6-8-1967) Penalty, see ' 51.99

' 51.20 BUILDING SEWER SPECIFICATIONS.

(A) The building sewer shall be constructed of cast iron soil pipe within the street right-of-way if less than five feet deep. Over five feet deep and within property lines the building sewer shall be concrete, asbestos, cement, or cast iron pipe with rubber gaskets or lead calked joints. Concrete grout joints shall under no circumstances be an acceptable joint. Fittings for angles, and the like shall be prefabricated and standard. Mudding in angles will not be acceptable. Orangeburg or fiber type pipe shall not be an approved type conduit.

(B) The size and slope of the building sewer shall be set to the approval of the Superintendent, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-fourth inch per foot, and the slope of pipe of larger diameter shall conform to standard city specifications.

(C) Where property owners cannot enter direct to the public sewer and have to enter an existing four-inch line of another property owner, from the point of connection, the building sewer pipe to the public sewer shall not be less than six-inch including wye connection.

(D) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. Cast iron pipe shall not terminate less than five feet from the building, and a back water valve shall be at point of leaving building and a cleanout shall be placed in every building sewer at the junction with the soil pipe and at every change of alignment or grade exceeding and including a 45-degree bend. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost, and shall be laid with a minimum cover of 18 inches within the property line or alley grade within street or alley right-of-way. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

(E) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such drain shall be lifted by mechanical, electrical, or pneumatic means approved by the Superintendent and discharged to the building sewer and the property owner shall provide a back water valve to prevent backflow of sewage.

(F) The city shall not be liable for any damage caused by backflow.

(G) Whenever possible, all building drains and buildings sewers shall be installed not less than ten feet from a potable water line. In the event that this provision cannot be complied with, applicant will proceed only under special permit, and under the direction of the Superintendent. When circumstances force the installer to cross potable water lines with sewer lines, the sewer lines shall be installed under the water lines, and as near as possible to 90-degree angle. Cast iron pipe with caulked and leaded joints shall be used in crossing water mains unless the following requirements are met:

(1) The bottom of the water piping at all points shall be at least three feet above the top of the sewer piping; and

(2) The water piping shall rest on a solid shelf on both sides of the common trench crossing.

(H) All excavation required for the installation of a building sewer shall be open trench work. Pipe laying and backfill shall be performed in accordance with standard city specifications, except that no backfill shall be placed until the work has been inspected by the Superintendent.

(Ord. 4-1, passed 6-8-1967) Penalty, see ' 51.99

SEWER USE REGULATIONS

' 51.35 PROHIBITIONS.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any insanitary manner upon public or private property within the city, or in any area under the jurisdiction of said 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 said city, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with 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) No person shall discharge or cause to be discharged any storm water surface water, ground water, roof run off, subsurface drainage, cooling water, or unpolluted industrial process waters into any sanitary sewer.

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

(F) No person shall discharge or cause to be discharged any of the following described waters or waste into any public sanitary sewer:

- (1) Any liquid or vapor having a temperature higher than 150° F.;
- (2) Any water or waste which contains more than 100 parts per million by weight, of fat, oil, or grease;
- (3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- (4) Any garbage that has not been properly shredded;
- (5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, or other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works;
- (6) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property of causing damage or hazard to structures, equipment, and personnel of the sewage works;
- (7) Any waters or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving water of the sewage treatment facilities. Among substances that may be toxic to sewer systems, humans, and animals are as follows: copper, chromium, cyanide, lead, zinc, arsenic, nickel, phenol detergents, and wastes from nuclear fission;
- (8) Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment facilities; or

(9) Any noxious or malodorous gas or substance capable of creating a public nuisance.
(Ord. 4-1, passed 6-8-1967) Penalty, see ' 51.99

' 51.36 INTERCEPTORS.

(A) Grease, oil, and sand interceptors shall be required in any commercial business, private living quarters, or dwellings unit if the city has found that the commercial business, private living quarters, or dwelling units have disposed of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients into the wastewater system.

(B) It will be the duty of the Public Works Director of the city to monitor and inspect all manholes throughout the city. It will also be the duty of the Public Works Director to report to the city any build up of excessive amounts, or any flammable wastes, sand, and other harmful ingredients that are being deposited into the wastewater system. At that time the city will contact the property owner by letter informing him or her of the problem. The owner will be given 30 days to comply with this section. If after the 30 days owner has not eliminated or controlled the problem, starting on the thirty-first day the city will require a grease, oil, or sand interceptor be installed within 90 days.

(C) At time of installation all interceptors shall be of a type and capacity approved by the city and/or state building codes and shall be located so as to be readily and easily accessible for cleaning and inspection.

(D) Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be watertight.

(E) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his or her expense, and in continuously efficient operation at all times. The Public Works Director shall ascertain that all interceptors are inspected regularly and if needed cleaned at least once every month.
(Ord. 4-1, passed 6-8-1967; Ord. 4-4-1, passed 5-26-1999) Penalty, see ' 51.99

' 51.37 PROPERLY SHREDDED GARBAGE.

All food wastes shall be considered as garbage and all shredded particles shall be of such size that they will be carried freely under the flow conditions normally prevailing in public sewers. All shredded particles shall have no dimensions greater than one-half inch.

(Ord. 4-1, passed 6-8-1967) Penalty, see ' 51.99

51.38 DISPOSAL OF PRIVATE SEWAGE.

(A) Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewer disposal system complying with the provisions of this chapter.

(B) Before commencement of construction of a private sewage disposal system, or before issuance of a permit, if such system is planned to be constructed, whichever is prior, the owner shall first obtain a written permit signed by the Superintendent as required by ordinance of the city. Before issuing such permit, the Superintendent shall approve the plans and shall also have the plans approved by the County Sanitarian.

(C) A private sewage disposal system shall not be used until the installation is completed to the satisfaction of the Superintendent. The work shall be inspected at any stage of construction, and in any event, the applicant shall notify the Superintendent when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 20 days of receipt of the notice, excluding Saturdays, Sundays, and legal holidays.

(D) The type, capacity, location, and layout of a private sewage disposal system shall comply with all requirements of this chapter. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available to a property served by a private disposal system, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspool, and similar sewage disposal facilities shall be abandoned, cleaned, and filled with suitable material.

(F) All individual private sewage disposal systems shall comply with the following requirements.

(1) In determining a suitable location for the system, consideration shall be given to the size and shape of the land area available, type of soil, slope of natural and finished grade, depth of ground water, proximity to existing or future water supplies, and possible expansion of the system.

(2) The sewage disposal system shall consist of a house sewer and a septic or treatment unit with either a sub-surface disposal field or one or more seepage pits, or other disposal facilities approved by the Engineer.

(3) The system shall be designed to receive all sanitary sewage including kitchen and laundry wastes, but excluding footing, surface, and roof drainage.

(4) The system shall have adequate capacity to properly dispose of the maximum daily sewage flow.

(5) Bulldozers, trucks, or any other heavy equipment shall not be driven over the system during or after the construction.

(Ord. 4-1, passed 6-8-1967) Penalty, see ' 51.99

RATES AND CHARGES

' 51.50 SEWER SERVICE AND OTHER RELATED CHARGES.

(A) A sewer service charge shall be established by resolution and shall be included in the water billing and collected monthly.

(B) Sewer service charges shall be reviewed by the City Council annually during the month of January.

(C) If, at the annual review of the sewer service charges, the City Council determines that revenues received from sewer service charges are not sufficient for payment of the cost for system operation, maintenance, repair, and replacement reserve requirements, the sewer service charges shall be increased by the most recent cost of living index for rural Oregon, as determined by Oregon statistics.

(D) A fee will be charged to the owner of record of every property having a sewer connection or sewer stub connection, to the main line of the city sewer system. Said fee will be accrued for the purpose of the yearly payment of the Water/Wastewater Grant/Loan from Oregon Economic and Community Development Department, obtained by the city for the purpose of performing required upgrades and improvements to the city sewer system.

(E) The fee will be set at \$9 per month and will be billed and collected with the water and sewer billing, beginning January 1, 1999, and continue for 25 years, or until such time as this loan is paid in full.

(F) Adjustments to this fee may be increased or decreased by City Council resolution and will no longer be charged after the loan is paid in full.

(G) Late charges will be charged on all accounts one month in arrears and shall accrue at 3% per month.

(H) At the time application for service is made, the applicant shall establish his or her credit with the Sewer Department.

(1) *Establishment of credit.* The credit of the applicant will be deemed established if the applicant makes a cash deposit with the Sewer 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 \$40.

(2) *Deposits.* At the time the deposit is given to the Sewer 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

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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 Sewer Department will not pay interest on any deposit.

(3) *Forfeiture on 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. Sewer service will not be restored to that premise or that customer at different premises until all outstanding bills due the Sewer Department have been paid and the cash deposit replaced.

(Ord. 4-1, passed 6-8-1967; Ord. 4-1.A, passed 4-11-2002; Ord. 4-1.B, passed 5-8-2003; Res. 4.06/4-1, passed 4-13-2006; Ord. 4-1.C, passed 5-10-2007)

§ 51.99 PENALTY.

Any person violating any of the provisions of this chapter, upon conviction thereof in the Municipal Court, shall be fined an amount not to exceed \$300, or imprisoned in the city jail not to exceed 30 days, or by both such fine and imprisonment. Every day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 4-1, passed 6-8-1967)

CHAPTER 52: REFUSE

Section

- 52.01 Definitions
- 52.02 Containers
- 52.03 Removal of refuse
- 52.04 Separation and handling of swill
- 52.05 Transportation and disposal of refuse
- 52.06 Collection and transportation of refuse for hire
- 52.07 Award, termination, non-assignability
- 52.08 Compensation; charges
- 52.09 City empowered to collect and transport refuse

- 52.99 Penalty

52.01 DEFINITIONS.

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

ASHES. The solid waste products of coal, wood, and other fuels used for heating and cooking from all public and private establishment and from all residences.

CONTRACTOR. The persons or person who is awarded by the City Council the exclusive right within the city to collect, transport, and dispose of, for hire, any materials defined in this section as **REFUSE**.

COUNCIL. The City Council of the City of Halfway.

GARBAGE. Putrescible wastes, including vegetable wastes, animal offal (excepting viscera and hides from hair or fur-bearing animals), and carcasses of non-mammal animals. **GARBAGE** does not include bulky wastes, sewage, animal viscera, hides from hair or fur-bearing animals, mammal carcasses, recognized industrial by-products, grass clippings, hazardous wastes, and materials as from time to time defined by appropriate authorities, batteries, tires, motor oil, trees, limbs, leaves, major appliances, or building and fencing materials.

PERSON. Every person, firm, partnership, limited partnership, limited liability partnership, limited liability company, association, institution, and corporation. The term shall also mean the occupant and/or owner of real premises within the city.

REFUSE. Includes garbage, rubbish, ashes, swill, and all other putrescible and nonputrescible wastes, from all public and private establishments and residences, except sewage.

RUBBISH. Includes all non-putrescible wastes, except ashes, from all public, private establishments and residences.

SWILL. Any refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruits, and vegetables, except coffee grounds.

(Ord. 4-4, passed 4-8-1999)

52.02 CONTAINERS.

(A) It shall be the duty of every person in possession, charge, or control of any dwelling, flat, rooming house, apartment, trailer camp, hospital, hotel, school, club-restaurant, boarding house, eating place, or in possession, charge, or control of any shop, place of business, or manufacturer's establishment, place, or facility where refuse is created or accumulated, at all times to keep or cause to be kept portable containers of approved size, type, and construction, and to deposit or cause to be deposited, said refuse therein.

(B) Containers shall be strong, watertight, rigid, not easily corrodible, rodent-proof, insect-proof, of not less than 20 and not more than 32 gallons capacity, and shall have tight-fitting lids. All such containers shall have handles or hand holds. Unless approved by the city no underground containers shall be allowed. When refuse is placed in or taken from the containers, the lids shall be promptly replaced. Containers shall be thoroughly cleaned from time to time to prevent any odor nuisance. Containers shall not be overloaded in such a manner that the covers may not be securely replaced. No container shall be loaded in such a manner as to exceed a weight of 75 pounds. Contractor shall not be required to remove any container which is excessively loaded so as to be unsafe to handle nor to retrieve any container from any enclosure unless contractor and the person in control of the container agree otherwise. Refuse shall be placed in such said containers and the area around the container shall be kept in a neat and sanitary condition.

(C) Placement of other suitable and sufficient numbers of containers for collection of refuse may with the approval of the City Council and/or recommendation from the franchisee be provided by and used by motels, restaurants, boarding houses, eating places, apartments, schools, and hospitals, and in the business districts. Other suitable and sufficient numbers of containers for collection of refuse may not be placed on or adjacent to Main Street sidewalks. Placement of other suitable and sufficient numbers of containers for collection of refuse during special events may be placed on Main Street upon approval of the City Council. City Council has the right to condition and, if needed, set date specific for removal of the containers once event is over.

(D) The use of any container, other than prescribed herein, or approved by the Council and/or franchisee, shall be a violation of this chapter, and if such use is continued for a period of ten days after the user thereof has been notified in writing, by the Mayor of the violation, then such user shall be prosecuted in the municipal court for such violation.

(Ord. 4-4, passed 4-8-1999) Penalty, see ' 52.99

' 52.03 REMOVAL OF REFUSE.

(A) It shall be unlawful for any person to burn, dump, or in any manner dispose of refuse upon any street, alley, public place, trail, or stream, or private property within the city, other than is herein provided. All persons shall promptly remove or otherwise dispose of all refuse accumulated at the premises owned or occupied by such persons. Refuse shall not be allowed to be accumulated or be maintained on any premises in such manner so as to tend to create a fire, health, or sanitation hazard. The removal, or other permitted disposal of refuse, at least once each week, within the residential area, shall be prima facie evidence of compliance with this chapter. Refuse from hotels, restaurants, boarding houses, eating places, apartments, schools, and hospitals, and in the business sections of the city shall be removed or otherwise disposed of as often as is necessary to comply with the terms of this chapter.

(B) The municipal court shall have jurisdiction to determine whether an accumulation of refuse tends to create a fire, health, or sanitation hazard. If, in the determination of the court, such a hazard is created, the owner and/or occupier, if different, of the premises shall be given notice by registered mail stating that, within seven days from the date of receipt of said notice, said refuse must be removed and disposed of in a sanitary manner in compliance with all applicable city, county, state, and federal laws, rules, orders, and regulations.

(C) Such notice shall also state that if the owner or occupier fails to remove said refuse the city shall proceed to remove the refuse and the cost of removal shall be billed to the owner and or occupier of said property and/or a lien placed against the property.

(D) Furthermore such notice shall contain the statement that the owner or occupier in charge of the property may protest the action by giving notice to the City Recorder within seven days from the receipt of the notice. The giving of notice of protest shall entitle the owner and/or occupier the right to have a hearing before the City Council within 30 days of the notice of protest. At the hearing the city and the protestant(s) shall have the right to present and rebut evidence.

(E) If the Council finds against the protestant, and within the time fixed by this chapter the refuse has not been removed the Council shall cause the necessary removal. The Council shall maintain or cause to be maintained an accurate record of the expense incurred by the city in removing the refuse and shall include therein an overhead charge of 10% of the total cost for administrative services, which shall thereupon be assessed to the property as hereinafter provided.

(1) A notice of the assessment shall be forwarded by registered mail, postage prepaid, to the owner or agent in charge of the property by the City Recorder. The notice shall contain:

(a) The total cost, including the administrative overhead, of the abatement;

(b) A statement that the cost as indicated will become a lien against the property unless paid within 60 days; and

(c) A statement that if the owner or agent in charge of the property objects to the cost of the abatement as indicated, he or she may file a notice of objection with the City Recorder within 30 days from the date of the notice.

(2) Upon the expiration of 30 days after the date of the notice objections to proposed assessment shall be heard and determined by the Council in its regular course of business.

(3) An assessment for the cost of the abatement as determined by the Council shall be made by resolution of the Council and shall thereupon be entered in the docket of city liens, and upon such entry being made, it shall constitute a lien against the property from which the nuisance was removed or abated.

(4) The lien shall be collected in the same manner as liens for utility charges are collected, and shall bear interest at the rate of 6% per annum. Such interest shall commence 30 days after the entry of the lien in the lien docket.

(5) An error in the name of the owner or agent in charge of the property shall not void the assessment, nor will a failure to receive the notice of the assessment render the assessment void, but it shall remain a valid lien against the property.

(F) Waste paper, boxes, brush, leaves, grass, wood and cuttings from trees, lawns, and gardens may be burned in outside fireplaces, incinerators, or in open fires, but no person shall make or cause a fire to be made on any improved street or alley within the city, or make or cause to be made any open fire on any street, alley, lot, or other flammable material as to be dangerous to life or property, nor shall any outside fire be made within the city, without first obtaining the consent of the Fire Chief. No person shall burn or cause to be burned refuse that will emit an offensive odor within the vicinity.

(G) The use by any person of a garbage disposal unit, incinerator, fireplace, or other proper method of disposal of property items of refuse which may be safely and sanitarily disposed of in such manner shall not be in violation of this chapter.

(H) Any person removing or transporting refuse shall convey the same in such a manner that no refuse will fall out or be scattered upon any street, alley, public place, or upon private property within the city. In the event refuse does fall out and becomes so scattered, the same shall be immediately cleaned up and removed by the person transporting the said refuse.

(Ord. 4-4, passed 4-8-1999) Penalty, see ' 52.99

' 52.04 SEPARATION AND HANDLING OF SWILL.

The city reserves the right to, and may have the option to, require the separation of paper or swill or other component parts of refuse and may require the deposit thereof in separate cans or receptacles.

(Ord. 4-4, passed 4-8-1999)

' 52.05 TRANSPORTATION AND DISPOSAL OF REFUSE.

(A) All refuse, not otherwise disposed of as herein provided, shall be transported, either by the owner and/or occupant of the premises where the same accumulates, or by the contractor, to a transfer station or a sanitary landfill with a current valid permit from the Oregon Department of Environmental Quality to operate as a transfer station or sanitary landfill.

(B) No other person, firm, partnership, limited partnership, limited liability partnership, limited liability company, association, or corporation, other than a contractor, as defined above, shall collect, transport, or dispose of refuse, for hire, within the city, excepting any person engaged in the rendering of meat scraps, animal offal, and carcasses of dead animals and similar matter within the city may do so without being deemed a contractor within the meaning of this chapter.

(Ord. 4-4, passed 4-8-1999) Penalty, see ' 52.99

' 52.06 COLLECTION AND TRANSPORTATION OF REFUSE FOR HIRE.

(A) The exclusive right to collect and transport refuse, for hire, from the residences, businesses, and schools of the city, and dispose of said refuse at a transfer station that is licensed with the Oregon State Department of Environmental Quality (DEQ) and to receive such refuse, may be awarded by the City Council, by resolution, from time to time, as necessary. Any such award shall not exceed five years, and be upon such terms and conditions as shall be acceptable to the City Council and according to such rules and regulations as shall be adopted by the City Council for the regulation of the collection and transporting of refuse. Different contractors may be given the exclusive right to collect, transport, and dispose of different kinds of refuse for hire upon City Council approval of type of refuse.

(B) The authorized contractor, prior to operating under any such award, shall furnish and deposit with the city, subject to the approval of the Council, evidence of public liability insurance in the amount of not less than \$50,000 property damage, \$200,000 personal injury to one person, and \$300,000 personal injury in any one accident. Contractor will sign a written agreement stating that he or she will faithfully perform according to the franchise award and pay all labor, mechanics, materialmen, and suppliers who shall supply said contractor with provisions, equipment, and supplies or perform labor on any such contractors equipment used in performing said award.

(Ord. 4-4, passed 4-8-1999)

‘ 52.07 AWARD, TERMINATION, NON-ASSIGNABILITY.

(A) Every award given under the provisions of this chapter may be terminated by the city for cause or by the contractor for any reason, upon 60 days written notice given by certified mail, return receipt requested, with postage prepaid. If the city wishes to terminate this agreement the notice shall state with particularity the reasons and that the contractor shall have ten days from the date of mailing to request a hearing before the City Council. The notice requesting the hearing shall be given by the contractor by the same means as the city notice of termination. If the contractor requests a hearing, the 60-day period before termination occurs shall not begin until after the hearing. The hearing shall be held within 20 days of granting the request for hearing. At the hearing the contractor shall be allowed to refute any allegations contained in the termination notice through the production of oral and written testimony and exhibits. The city shall make its findings of fact in writing and present them to contractor in the same manner as provided for notice in this section.

(B) The contractor, under such award, and with the permission of the Council, may subcontract certain portions of said operations, and the subcontractor shall be bound by the terms of the award, and the rules and regulations adopted by the City Council, and shall gain no independent right.

(Ord. 4-4, passed 4-8-1999)

‘ 52.08 COMPENSATION; CHARGES.

(A) As compensation for the right and privilege of having the exclusive right to collect and transport refuse from the residences, businesses, and schools of the city, for hire as per current franchise agreement.

(B) Charges to be made by the contractor for collecting and transporting refuse in the city shall be approved by the Council, from time to time, by resolution. Upon sufficient showing by the contractor, or the residents of the city, the charges may be amended from time to time by resolution of the Council.

(Ord. 4-4, passed 4-8-1999)

‘ 52.09 CITY EMPOWERED TO COLLECT AND TRANSPORT REFUSE.

The city is hereby empowered to carry out all the terms and provisions of this chapter and to dispose of refuse in the manner provided herein. However, it shall not exercise such power with regard to rights granted to the contractor if the contractor is faithfully performing under the terms and conditions of the award and observing the established rules and regulations pertaining to the same.

(Ord. 4-4, passed 4-8-1999)

52.99 PENALTY.

Any person violating any of the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction thereof in the municipal court shall be fined in a sum not exceeding \$500 or by imprisonment in the county jail for not more than 30 days or community service as deemed appropriate by the County Judge or by such fine, imprisonment, and service.

(Ord. 4-4, passed 4-8-1999)

CHAPTER 53: RECOVERY CHARGE FOR CAPITAL IMPROVEMENTS

Section

- 53.01 Development of extensions
- 53.02 Purpose
- 53.03 Notice
- 53.04 Recovery charges
- 53.05 Application
- 53.06 Amount to be reimbursed
- 53.07 Notice
- 53.08 Fee adjustments
- 53.09 Non application of recovery charge payments
- 53.10 Time limitation

▮ **53.01 DEVELOPMENT OF EXTENSIONS.**

The city has developed ordinances providing for extension of water and sanitary sewer main lines that may be necessary to serve annexed properties, other than subdivisions. These improvements are constructed in accordance with city requirements and upon installation become dedicated to the city. The property owner may be required to pay for all costs associated with the extensions and often these improvements can and will benefit other property owners when their property is annexed into the city as provided for in the city ordinances.

(Ord. 7.1-02, passed 7-11-2002)

▮ **53.02 PURPOSE.**

The purpose of this chapter is to provide a method by which persons installing extensions for their property, which benefits other property, may recover a portion of the cost of the extension. This provides a mechanism for the city to examine the extensions which are constructed, their costs, and the properties which may be benefitted by them, and will provide a reasonable method of apportioning the reimbursable costs among the other properties to be paid at the time of their annexation.

(Ord. 7.1-02, passed 7-11-2002)

§ 53.03 NOTICE.

Property owners whose property would be subject to the recovery charge will be provided an opportunity to review and comment on pertinent information prior to establishing a recovery charge pursuant to this chapter.

(Ord. 7.1-02, passed 7-11-2002)

§ 53.04 RECOVERY CHARGES.

(A) The recovery charges under this chapter become due and payable at the time of connection or initiation of the annexation or activity that would have required the extension of the public utility.

(B) The recovery charges established herein are in addition to and not in lieu of, other charges which the city may charge for connection to public utilities.

(Ord. 7.1-02, passed 7-11-2002)

§ 53.05 APPLICATION.

(A) *Application for reimbursement.* Any person financing some or all of the cost of a water or sanitary sewer extension which is available to provide service to properties other than the property owned by the person, may, by written application filed with the city, request that the city establish a reimbursement agreement. The application shall be accompanied by a fee as established by resolution sufficient to cover the cost of administrative review and notice pursuant to this chapter.

(B) *Application form.* The application shall include the following:

(1) A description of the location, type, size, and cost of the public improvement to be eligible for reimbursement;

(2) A map showing the properties that may be benefitted by the improvement, which map shall show the front footage and square footage of each property, or similar data as requested by the city, necessary for calculating the apportionment of the cost to be reimbursed;

(3) The actual cost of the improvements as evidenced by receipts, invoices, or other similar documents and any bids that the person may have received; and

(4) The date the city accepted the public improvements.

(C) *Submitting application.* The application may be submitted to the city prior to the installation of the public improvement and if so, shall include the estimated cost of the improvements and the estimated date of completion. Upon completion the applicant shall then provide the required documents set forth in the preceding divisions. All applications shall be submitted not later than 180 days after installation of the water or sanitary sewer improvements.

(D) *Limits on previous improvements.* For any improvement completed within the three years preceding the date of this chapter, the city shall grant 180 days from the passage of this chapter for filing application of reimbursement.
(Ord. 7.1-02, passed 7-11-2002)

53.06 AMOUNT TO BE REIMBURSED.

The applicant shall have the burden of establishing the cost of improvements and shall certify the accuracy of costs submitted to the city for which the applicant actually paid or financed.

(A) If the city determines that the contract amount exceeds prevailing market rates for a similar project, the recovery charge shall be based upon prevailing market rates.

(B) No more than 15% of the total eligible construction cost shall be credible for survey, engineering, construction management, and administrative costs. No more than 3% of the total eligible construction cost shall be credible for legal and financial costs.

(C) No applicant shall receive reimbursement for any amounts incurred for which the applicant shall receive credits, grants, or other sources. Partial reimbursement may be allowed on a proportionate share basis.

(D) The city shall review each application to determine whether or not other properties may benefit and if a recovery charge should be established. The city shall address the following factors:

(1) The extent to which the improvements have relieved another person or persons of the future requirement to construct all or a portion of the same improvements;

(2) The area or parcels which are specifically benefitted by the improvement and whether or not such parcels would, as a condition of future development, be required to construct all or any portion of the same improvements for which the recovery charge is sought;

(3) The portion of the cost of the improvement within the area of the proposed zone of benefit which is appropriate for reimbursement by the owners of property benefitted;

(4) A rational formula for apportioning the cost of the improvement among properties benefitted. The formula for recovery cost apportionment shall be the total cost of the extension, less 20%, divided by the cost per foot of the extension. This cost per foot shall be applied to the footage of connecting property; and

(5) The results of applying the formula refer to the parcels benefitted which becomes the proposed recovery charge.

(Ord. 7.1-02, passed 7-11-2002; Ord. 7.1-02.1, passed 10-10-2002)

‘ **53.07 NOTICE.**

The city shall provide notice to all of the owners of the properties determined by the city to have potential benefit from the improvements. Notice of the city’s expected recovery charge for each parcel shall be given to the property owners. The property owners shall have 30 days from the date of such notice to review the city’s determination and request a special hearing for determination of the total amount and specific amounts apportioned to each property owner. After the hearing the Council shall make a determination which shall be binding on all of the property owners.

(Ord. 7.1-02, passed 7-11-2002)

‘ **53.08 FEE ADJUSTMENTS.**

The City Council may impose a fee adjustment at the time of the application or at any annual anniversary date thereafter. Each year the city may adopt an interest rate to be used in determining an annual fee adjustment for reimbursement to be added to the reimbursement amount. The purpose is to provide for inflationary increases and cost of administration of the reimbursement account.

(Ord. 7.1-02, passed 7-11-2002)

‘ **53.09 NON APPLICATION OF RECOVERY CHARGE PAYMENTS.**

(A) *City development.* The obligation to pay a recovery charge shall not apply to that portion which is developed by the city for public purposes unless specifically provided by the City Council and reimbursable by grant.

(B) *Subsequent owners.* The obligation to pay a recovery charge shall not apply to subsequent owners of a property for which the original water or sanitary sewer extension was constructed and paid for by the original owners of the property.

(C) *Development of subdivision.* The obligation to pay recovery charges shall not apply to development within a subdivision by a developer or company, as by city ordinances, for sale.

(Ord. 7.1-02, passed 7-11-2002)

' 53.10 TIME LIMITATION.

The city shall collect, in addition to ordinary applicable fees and charges, the reimbursement fees as established by the City Council, together with any annual fee adjustment for a period of ten years from the time of approval and finalization of the application for reimbursement agreement. The city may, upon application for an extension by the applicant, authorize up to two five-year extensions of the right of reimbursement under the agreement.

(Ord. 7.1-02, passed 7-11-2002)

