

ORDINANCE NO. 261

AN ORDINANCE CONCERNING WATER AND SEWER SERVICE CONNECTIONS, FIXING WATER AND SEWER RATES, ESTABLISHING REGULATIONS, PROVIDING PENALTIES, ADOPTING PUBLIC IMPROVEMENTS SECTIONS 7.005 TO 7.120; SECTIONS 7.200 TO 7.295 AND SECTIONS 7.900 TO 7.910; DECLARING AN EMERGENCY AND REPEALING PRIOR ORDINANCES.

THE CITY OF DRAIN ORDAINS AS FOLLOWS:

Section 1. The following is hereby adopted as the Index and provisions of the Public Improvements Code:

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ORDINANCE NO. 261

I. WATER RATES AND REGULATIONS

7.005 Definitions. For purposes of this chapter the following words shall have their assigned meaning:

- (1) "Applicant" shall mean any person making application for water service.
- (2) "City Administrator" shall mean the person appointed by the mayor and city council to fulfill the duties of the office of city administrator or the administrator's authorized deputy, agent, or representative.
- (3) "Customer" shall mean the owner of each premises receiving water service.
- (4) "Customer Service Line" shall mean that part of the piping on a customer's premises that connects the service connection to the customer's distribution system.
- (5) "Main" shall mean a water line designed or used to service more than one premises.
- (6) "Month" shall mean the period approximating one month in length and coinciding with the dates on which regular water meters are read. A fraction of a month shall be charged as a full month.
- (7) "Person" shall mean individuals, corporations, associations, firms and partnerships.
- (8) "Premises" shall mean a continuous tract of land, building or group of adjacent buildings under a single control with respect to use of water and responsibility for payment thereof.
- (9) "Service Connection" shall mean that portion of the water distribution system which connects the meter to the main and shall normally consist of a corporation stop, service pipe, curb stop, and box, meter, meter yolk, and meter box.
- (10) "Standby Service" shall mean water service which is used for fire protection purposes and not for any other purpose.

Water Service Connections

7.010 Permit Required. No person shall connect premises to the city water system or make a change in water service, size or location without a permit to do so.

7.015 Conditions for Granting Permits.

(1) Any person wishing to connect to the city water system or to make a change in water service, size or location shall apply to the city administrator for a permit to do so. Except where city council action is necessary in subsections (2), (3) and (4) below, the city administrator shall have the authority to grant such permits.

(2) The primary purpose of the city water system is to provide services to property within the city. The city council may grant a permit for water service to property outside the city only if it finds that the city has an ample supply of water for its own present and future use and that the services proposed would be consistent in all respects with adopted resolutions, policies, plans and ordinances.

(3) Whenever an applicant's requirements for water are unusual, large, or necessitate considerable special or reserve equipment or capacity, the city council may impose special limitations or charges on the service or make special exceptions to otherwise applicable limitations or charges and these provisions shall be in writing on the water service permit.

(4) The city council may grant a permit where an extension or alteration of existing water mains is required only upon a finding that the extension would promote the public health, welfare and safety of the residents of the city and would be consistent in all respects with adopted resolutions, policies, plans and ordinances. Should a permit be granted where an extension of existing water mains is required, the council shall determine the amount of liability insurance to be required of a contractor approved by the city administrator pursuant to Section 7.040(4).

7.020 Connection Charges - Single Family Residential. All applicants for single family - residential water service and for changes in single family - residential water service, size or location shall pay a service connection charge and a system improvement fee in accordance with the following schedule:

(1) Standard sizes.

<u>Service Size</u>		<u>Connection Charge</u>		<u>System Improvement Fee</u>
<u>Pipe Size</u>	<u>Meter Size</u>	<u>Unpaved Street</u>	<u>Paved Street</u>	
3/4"	5/8"-3/4"	\$315	\$565	\$225
1"	5/8"-3/4"	315	565	225
1"	1"	380	630	300
1 1/2"	1"	495	745	450
1 1/2"	1 1/2"	605	855	450

(2) Oversized Installations. The charge for installations of service pipe sizes two inches in diameter and larger shall be made on the basis of the actual cost of labor and material used in making the service connection and providing the service meter, plus 20 per cent, plus a system improvement fee in accordance with the following schedule:

<u>Service Size</u>		<u>Connection Charge</u>		<u>System Improvement Fee</u>
<u>Pipe Size</u>	<u>Meter Size</u>	<u>Unpaved Street</u>	<u>Paved Street</u>	
2"	1½"	Cost+20%		\$ 630
2"	2"	Cost+20%		630
4"	3"	Cost+20%		1,320
4"	4"	Cost+20%		2,350
6"	4"	Cost+20%		2,350
6"	6"	Cost+20%		5,280
8"	6"	Cost+20%		5,280
8"	8"	Cost+20%		7,670
10"	8"	Cost+20%		7,670
10"	10"	Cost+20%		9,600
12"	10"	Cost+20%		9,600

7.025 Connecting Charges - Residential. All applicants for service to a structure used for residential purposes other than a single-family dwelling shall pay the connection charge and system improvement fee paid by applicants for single-family residential water service plus an additional system improvement fee in accordance with the following schedule:

- (a) Permanent dwelling units such as duplexes and apartments, \$200 for each unit beyond the first.
- (b) Transient dwelling units such as hotels and motels, \$150 for each unit beyond the first.

7.030 Connection Charges Non-Residential . All applicants for service to any structure used for other than residential purposes shall pay the connection charge and system improvement fee paid by applicants for single-family residential water service plus an additional system improvement fee of \$100 for each toilet beyond the first.

7.035 Connection Charges - Outside the City. All applicants for service to any structure located outside the city shall pay ^{THE SAME} ~~twice the~~ connection charge and ^{THE SAME} ~~twice the~~ system improvement charge applicable to a similar structure located inside the city. ORD. 292-A
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7.040 Water Main Extensions or Alterations.

(1) When a permit has been issued and an extension or alteration of existing water mains is required, the city shall obtain the rights of way, easements, or property interests necessary to make the extension or alteration. The costs of such acquisition shall be paid by the applicant.

(2) All main extensions shall be a minimum of 6" in diameter.

(3) The cost of the construction of any extension or alteration shall be borne by the applicant except that if the city wishes to construct a main extension of a size larger than 6" in diameter and larger than that determined to be necessary for the applicant's needs, the additional costs attributable to the main oversizing shall be borne by the city.

(4) The extension or alteration shall be constructed by the city or at the city administrator's option, by a contractor approved by the city administrator. The contractor shall be required to carry liability insurance naming the city as the insured party in an amount determined by the city council pursuant to Section 7.015(4).

(5) If the city constructs the extension or alteration, the applicant shall deposit with the city prior to construction either in cash or bond the amount estimated by the city administrator as the cost of the extension or alteration. The applicant shall pay the total cost of the construction. If the amount deposited is greater than the total cost, the amount in excess of total cost shall be returned to the applicant.

(6) If the extension or alteration is constructed by a contractor approved by the city administrator, all construction plans must be approved by the city administrator and the city engineer and the cost of their review shall be paid by the applicant. The city administrator and city engineer shall inspect all installed pipes prior to backfilling. The applicant shall pay the contractor directly and shall be solely responsible for the expenses incurred in employment of the contractor and shall hold the city harmless from any liability to the contractor whatsoever. The applicant shall deposit with the city in cash or bond an amount equal to the city administrator's estimate of the cost of repairing all city streets to be disturbed by construction. The cash or bond shall be returned to the applicant upon final approval of construction by the city administrator or applied by the city to any damages resulting from the construction.

(7) Main extensions or alterations shall become the property of the city at the time water from the city water system is turned into the main extension.

7.045 Service Connections.

(1) The city shall install a service connection line between the main and the meter. The cost of the service connection line shall be borne by the city unless the distance

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between the main and the meter exceeds 30 feet in which case the applicant shall pay the cost of the line beyond 30 feet.

(2) The service connection line shall be a minimum of 3/4" in diameter. The applicant may request a service connection line of any pipe size listed in Section 7.020 and the city shall accommodate all reasonable requests.

7.050 Water Meters. Meters shall be placed in the city property, easement or right of way nearest the premises.

7.055 Customer Service Lines. The customer shall install a customer service line from the meter and the service connection to the customer's distribution system.

(1) The cost of installing the customer service line shall be borne solely by the customer.

(2) The customer shall install in the customer service lines, after approval by the city administrator, a check valve to prevent backflow of water into city mains and such additional control valves as the city administrator may deem necessary.

Standby Service Connections

7.060 Permit Required Any person or entity wishing a standby service connection shall apply for a permit in accordance with Section 7.010.

7.065 Connection Charge.

(1) The basic standby service connection charges shall be the same as the charge for oversize installations specified in Section 7.020(2).

(2) In addition to the basic standby service connection charge, the applicant shall pay the costs of any extension or alteration of existing water mains as provided in Section 7.040 and, if the distance between the main and the premises exceeds 30 feet, the applicant shall pay the costs of the line beyond 30 feet.

7.070 Standby Service Lines - Regulations.

(1) The standby connection line shall be a minimum of 2" in diameter.

(2) No person shall use water from standby connection lines for purposes other than fire protection.

(3) The city assumes no responsibility for inspection or testing of fire protection sprinkler systems but the city shall have the right to make inspections or tests at reasonable intervals.

7.075 Standby Service Line Charges.

(1) Standby service customers shall pay a monthly charge at the following rates:

<u>Size of Service</u>	<u>Monthly Charge</u>
2"	\$10.00
3"	10.00
4"	12.00
6"	15.00
8"	25.00
10"	35.00
12"	40.00

(2) No charge other than the monthly charge specified in subsection (1) above shall be made for the use of water in standby service lines to extinguish accidental fires or for routine testing of the fire protection systems. If water is used for other purposes, an estimate of the amount used will be computed by the city administrator and the customer shall pay the regular meter rates pursuant to section 7.080, in addition to the monthly charge specified in subsection (1) above. The city may either require that all future use of the standby service connection be metered and charged at the regular rates or may discontinue the service if water in standby service lines is used for other than fire protection purposes.

Water Rates

7.080 Water Rates.

(1) Customers with metered water service shall pay the following monthly minimum charges:

<u>Size of Meter</u>	<u>Monthly Minimum Charge</u>
5/8" to 3/4"	\$ 8.93
1"	14.91
1 1/2"	29.74
2"	47.60
3"	95.28
4"	148.86
6"	297.64
8"	476.24
10"	684.66

See Ord. # 278 6-10-80
See Ord. # 292-A 7-13-81

(2) Customers with metered water service shall also pay the following monthly meter commodity charges:

<u>Cubic Feet Used</u>	<u>Monthly Charge</u>
First 400 cubic feet (Approx. 3,000 gal.)	No charge in addition to that specified in subsection (1) above.
All over 400 cubic feet (Approx. 3,000 gal.)	\$.56 per 133.69 cubic feet (1,000 gallons)

*See Ord. 278
6-10-80*

(3) Customers with nonmetered water service shall pay the monthly minimum charges specified in subsection (1) above.

(4) In addition to those charges specified in subsections (1), (2) and (3) above, customers with water service above pumping elevation, where booster pumping is provided by the utility, shall pay \$1.00 per month for each 100 feet in elevation above pumping elevation or additional fraction thereof.

(5) Customers with premises outside the city limits shall pay twice the rates set forth in Subsections (1) through (4) above.

7.085 Application for Reduced Rates.

(1) Any person over age 65 with an income during the preceeding calendar year from all sources of less than \$4,600 for a single person or \$6,000 for the head of a household may apply for reduced residential water rates. New applications must be filed at the beginning of each fiscal year and when there is a change of address.

(2) The city council shall approve all qualified applications.

(3) The applicant shall pay the rates specified in Section 7.090 of this Code commencing with the first full billing period after approval and continuing for the remainder of the fiscal year.

*See Ord. # 292-A
7-13-81*

7.090 Reduced Rates. The reduced water rate for qualifying senior citizens shall be as follows:

(a) Flat rates to nonmetered water customers shall be \$3.00 per month.

(b) Metered water rates are as follows:

133.69 cubic feet (1,000 gallons) or less - \$2.00 per month;

for each 133.69 cubic feet or fraction thereof over 133.69 cubic feet - \$.50 per 133.69 cubic feet per month;

for each 133.69 cubic feet over 400 cubic feet - \$.56 per 133.69 cubic feet.

7.095 Unlawful Acts - Penalties. It is unlawful for any person to make, assist in making or to derive the benefits from, any false application for discounts provided under this ordinance. In addition to other penalties provided by law, the city shall be entitled to recover from any person or persons receiving the benefit of discounts as a result of any false statement made in any application the amount therefor, including interest at the rate of six percent per year from the date such discounts were granted.

7.100 Inaccurate Water Meters. If any water meter is out of order or if, in the judgment of the city administrator, such meter is not making proper water measurement, the same shall be promptly repaired; and the amount of water to be paid for the term subsequent to the previous monthly readings until the meter shall be replaced in proper condition shall be determined by averaging the amount of use for such prior period as the city administrator may deem just.

7.105 More than One Customer Per Meter. If more than one customer is served through one meter, the city may either refuse to serve the customers or charge each customer the charge specified in Section 7.080(1) plus the monthly meter commodity charge for the total number of gallons used as measured by the meter.

General Provisions

7.110 Pressure and Supply. The city assumes no responsibility for loss or damage because of lack of water or pressure and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service shall be subject to shut downs and variations required by the operation of the system.

7.115 Cross-Connections Prohibited. No plumbing facility, appliance, or equipment connected to the city water system shall be cross-connected to any other water supply.

7.120 Use of Funds. All monies received from the system improvement fee provided for in sections 7.020 through 7.035 shall be placed in a system improvement fund and expended only for the purposes of making major emergency repairs, extending or increasing the capacity of and constructing new additions to the water treatment plant or water distribution system of the city.

II. SEWER RATES AND REGULATIONS

7.200 Definitions. For purposes of this chapter the following words shall have their assigned meaning:

(1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter.

(2) "Building Drain" shall mean 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.

(3) "Building Sewer" shall mean the extension from the building drain to the owner's property line.

(4) "DEQ" shall mean the Department of Environmental Quality of the State of Oregon.

(5) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(6) "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(7) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

(8) "Owner" shall mean the owner of any property receiving public sewer service or for which application for public sewer service has been made.

(9) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(10) "Properly Shredded Garbage" shall mean 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 (1/2) inch (1.27 centimeters) in any dimension.

(11) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(12) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

(13) "Service Line" shall mean the pipe between the public sewer and the building sewer.

(14) "Sewage" shall mean 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.

(15) "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

(16) "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

(17) "Sewer" shall mean a pipe or conduit for carrying sewage.

(18) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hours concentration of flows during normal operation.

(19) "Storm Sewer" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(21) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sewer Connections and Maintenance

7.205 Use of Public Sewers and Permit Required.

(1) All property located within one hundred (100) feet (30.5 meters) of a public sewer shall connect all buildings on that property existing for human use to the public sewer in a manner prescribed by this Code and shall discharge all sewage into the public sewer system.

(2) No person shall uncover, make any connections with or open into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a permit to do so from the city administrator.

7.210 Private Sewage Disposal Permit Required.

(1) Where a public sewer is not located within the distance prescribed by section 7.205(1), all buildings existing for human use shall be connected to a private disposal system complying with the provisions of this Code.

(2) No private sewage disposal system shall be allowed within the city unless permits are obtained from the DEQ or its authorized agency and the city administrator.

(3) No permit for a private sewage disposal system shall become effective until all permit and inspection fees have been paid and the completed system is inspected and approved by the DEQ or its authorized agency.

7.215 Building Sewers.

(1) The owner shall provide a separate and independent building sewer for each building.

(2) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner and the owner shall indemnify the city from any loss or damages directly or indirectly occasioned by its installation.

(3) The building sewer shall be installed according to the requirements of the State of Oregon building and plumbing codes, city ordinances, and the design manual of streets and ways for the City of Drain.

(4) No building sewer shall be connected to the public sewer until it has been inspected by the city administrator and approved by the city administrator in writing. The owner shall bear the cost and expense of any tests or alterations required by the city administrator.

(5) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer.

7.220 Sewer Connection Permit.

(1) The city administrator may grant a permit to connect the building sewer to the main service line. No connection shall actually be made until the city administrator has approved the building sewer in accordance with section 7.215.

(2) The primary purpose of the city sewer system is to provide services to property within the city. The city council may grant a permit for sewer service to property outside the city only if it finds that such service would be in the best interest of the city and would be consistent in all respects with adopted resolutions, policies, plans and ordinances.

7.225 Method of Connection.

(1) The city shall install at its own cost and expense a service line from the main sewer line to the owner's property line.

(2) Upon obtaining a permit pursuant to section 7.220, the owner may connect the building sewer to the service line. The cost and expense of the connection shall be borne by the owner.

(3) The connection shall conform to the requirements of the State of Oregon building and plumbing code, city ordinance and the design manual of streets and ways for the City of Drain.

(4) The city administrator or a person appointed by the city administrator shall have the right to supervise and inspect the connection.

(5) Should the city administrator determine that special monitoring structures or equipment are necessary, the city administrator may require that they be installed and their cost and expense shall be borne by owner.

7.230 Connection Charge and System Improvement Fee.

(1) Except as hereinafter provided, the owner shall pay the following connection charge and service improvement fee for each unit as defined in section 7.285(2) at the time of application for a connection permit:

Size of Service Line	Connection Charge Per Unit		System Improvement Fee Per Unit
	Unpaved Street	Paved Street	
Residential 4" or 6"	\$ 500.00	\$ 750.00	\$ 350.00
Commercial 4" or 6"	500.00	750.00	550.00
Industrial 6"	1500.00	1750.00	3500.00

(2) An owner of property located outside the city limits shall ~~pay twice~~ ^{the same} the connection charge and ~~twice~~ ^{the same} the system improvement fee per unit applicable to a similar structure located inside the city. *Ord. 292-B 7-13-81*

7.235 Use of System Improvement Fee. All monies received from the system improvement fee provided for in section 7.230 shall be placed in a sewer system improvement fund and expended only for the purpose of making major emergency repairs, extending or increasing the capacity of and constructing new additions to the sewer treatment plant or sewer collection system of the city.

7.240 Maintenance of Sewers.

- (1) The city shall maintain the public sewer lines.
- (2) The owner shall maintain all building sewers and service lines except that if the owner installs a cleanout in the connection between the building sewer and the service line, the city shall maintain the service line.

Disposal of Waste

7.245 Unsanitary Disposal Unlawful. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner on public or private property within the City of Drain, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

7.250 Storm Water and Unpolluted Drainage.

(1) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet in accordance with section 7.255.

(2) No person shall discharge or cause to be discharged any storm water and or other unpolluted drainage to any sanitary sewer.

7.255 Discharge into Natural Outlets.

(1) No person may discharge storm water, unpolluted drainage or sewage into a natural outlet without a permit to do so.

(2) A permit to discharge into natural outlets may be granted by the city administrator upon a determination that such discharge will not have an adverse effect upon the natural outlet or otherwise endanger the public health and welfare. The city administrator may impose such conditions as he or she may deem necessary to protect water quality and the public health and welfare.

7.260 Discharge into Public Sewers Prohibited. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

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

(3) 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.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to; ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, whether whole or ground by garbage grinders.

7.265 Discharge into Public Sewers by Permit Only. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes without a permit to do so:

(1) Any liquid or vapor having a temperature higher than one hundred fifty (150)° F (65° C).

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

(3) Any garbage that has not been property shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the city administrator.

(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 objectional or toxic substances; or wastes exerting an excessive chlorine requirements, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city administrator 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 city administrator 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 city administrator in compliance with applicable state or federal regulations.

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

(9) Materials which exert or cause:

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

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

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

(d) Unusual volume of flow or concentration of wastes constituting slug.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

7.270 Conditions for Granting Permit.

(1) The city administrator may grant a permit to discharge the substances specified in section 7.265 upon a determination that such discharge will not have an adverse effect upon the receiving body of water and will not otherwise endanger life, land, public property or constitute a nuisance.

(2) The city administrator shall consider such factors as the qualities of subject wastes in relation to flows and velocities in 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.

(3) Upon consideration of these factors the city administrator may take any or all of the following actions:

- (a) Refuse to grant the permit,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes.

7.275 Treatments and Controls.

(1) The city administrator may impose the following treatments and controls pursuant to section 7.270. These treatments and controls are not exclusive and the city administrator may impose any other treatments and controls deemed necessary.

(a) Grease, oil and sand interceptors may be required for the proper handling of liquid wastes containing grease, flammable waste, sand or other harmful ingredients.

(b) A control manhole may be required together with such necessary meters and other appurtenances in the building sewer to facilitate observation sampling and measurement of wastes.

(2) All required treatments and controls shall be implemented and installed by the owner and the owner shall bear the cost and expense of implementation, installation and maintenance.

(3) The owner shall submit plans to the city administrator for approval prior to implementation and installation and the city administrator shall have the right to inspect and review the owner's compliance with all requirements imposed.

(4) The owner shall maintain all treatments and controls continuously in satisfactory and effective operation.

7.280 Inspection and Monitoring.

(1) The city administrator and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Code.

(2) All measurements, tests, and analyses of the characteristics of waters and wastes shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Sewer Rates

7.285 Monthly Sewer Rates

(1) Except as otherwise provided in this Code, the owner shall pay for sewer service at a rate of \$6.00 per unit per month.

(2) A unit shall be defined as follows:

- (a) Single-family dwelling, one unit per dwelling.
- (b) Multiple dwelling, one unit per dwelling.
- (c) Elementary schools, one unit for each 17 students or fraction thereof.
- (d) High schools, one unit for each 12.5 students or fraction thereof.
- (e) Motels with kitchen, one unit per motel unit.
- (f) Motels without kitchens, one unit per three motel units.
- (g) Apartment houses and institutions, one unit per apartment.
- (h) Trailer parks, one unit per rental space.
- (i) Hospitals, one unit per 2.5 beds.
- (j) Industrial and commercial establishments not having industrial waste or excessive quantities, one unit per 10 employees, or fraction thereof, or one unit per establishment.
- (k) Offices, one unit per 10 employees, or fraction thereof, or one unit per office.

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(l) Churches, one unit each.

(m) Service and community clubs, without bar or restaurant services, one unit each.

(n) Fire stations, one unit each per 10 employees, or fraction thereof.

(o) Service stations having four pumps or less, one unit per station.

(p) Service stations having five to twelve pumps, inclusive, two units per station.

(q) Service stations having more than 13 pumps, three units per station.

(r) Garages, one unit each.

(s) Restaurants, taverns, and bars, one unit per 10 seating spaces, or fraction thereof.

(t) All other buildings and establishments: per unit as may be determined by the council upon application for service, including laundries, car washes, multiple use other than dwellings, and commercial and industrial establishments having industrial wastes under section 7.019 of this Code.

(u) Laundries, one unit per machine.

(3) An owner and property located outside of the city limits shall pay a rate equal to two times the rate applicable to similar property located inside the city.

7.290 Reduced Rates.

(1) Any person who has applied for and been granted reduced water rates in accordance with section 7.085 shall be entitled to a reduced sewer rate.

(2) All owners entitled to reduced sewer rates shall pay for sewer service at a rate equal to the flat water rate specified in section 7.090(a) per unit per month.

(3) Unit shall have the meaning attributed to it in section 7.285(2).

7.295 Payment of Sewer Bills.

(1) Bills shall be mailed to the owner of the property receiving sewer service at the address provided by the property owner or, if such address has not been provided, at the mailing address shown on the record of the county assessor. The owner billed shall be responsible for payment. The city shall not recognize any attempt to transfer responsibility for payment and shall not bill or attempt to collect from any person other than the owner.

(2) The owner shall pay the bill within 15 days after mailing of the bill. If the bill is not paid within 15 days, it is delinquent. Delinquent bills shall bear interest at the rate of two-thirds of one percent or a fraction thereof.

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Penalties

7.900 Notice of Violation. Any person found to be violating sections 7.010 to 7.295 of this Code 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.

7.905 Continuing Violation. Any person who shall continue any violation beyond the time limit provided for in section 7.900 shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$250.00 dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

7.910 Liability for Loss. Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

Section 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. The provisions contained herein concern the public welfare and safety and therefore, an emergency is hereby declared to exist, and this ordinance shall become effective immediately upon its passage by the city council and approval by the mayor.

Passed by the City Council this 8 day of MAY, 1979. Approved by the Mayor this 8 day of MAY, 1979.

Robert A. Gray
Clerk of the Council Pro Tem

Leroy J. Farley
Mayor

THIS ORDINANCE # 261 WAS PREPARED BY MARTHA REIDY A MEMBER OF THE LAW FIRM OF JOHNSON, HARRANG & MERCER

JOHNSON, HARRANG & MERCER

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