

ORDINANCE NO. 340

AN ORDINANCE AMENDING THE DRAIN PUBLIC IMPROVEMENT CODE;
PROVIDING FOR ESTABLISHMENT OF FEES AND RATES BY RESOLUTION;
PROVIDING TERMINATION PROCEDURES; REPEALING PROVISIONS OF THE
DRAIN PUBLIC IMPROVEMENT CODE; AND DECLARING AN EMERGENCY

THE CITY OF DRAIN ORDAINS AS FOLLOWS:

Section 1. Sections 7.005, 7.015, 7.020, 7.060, 7.075, 7.080, 7.085, 7.090, 7.105, 7.205, 7.260, 7.265, 7.270, 7.275, 7.279, 7.305, 7.310, 7.320, 7.325, 7.380, 7.395, 7.430, 7.440 and 7.445 of the Drain Public Improvement Code and the Index thereto are hereby amended to provide as follows, and Sections 7.217, 7.600, 7.605, 7.610, 7.615, 7.620, 7.625, 7.630, 7.635, 7.640 and 7.915 are added to the Drain Public Improvement Code to read as follows:

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

"Applicant" shall mean any person making application for service.

"BOD" (denoted 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 deg. C, expressed in milligrams per liter.

"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, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

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

"**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.

"**Code**" shall mean the Drain Public Improvement Code.

"**Combined Sewer**" shall mean a sewer that is designed as a sanitary sewer and a storm sewer.

"**Customer**" shall mean the person who owns the premises receiving water, sewer or electrical service.

"**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.

"**Electric Meter**" shall mean an instrument used for measuring the electric energy or power delivered to the customer.

"**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.

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

"**Kilowatt (KW)**" shall mean a unit of power equal to 1,000 watts, or 1.341 horsepower.

"Kilowatt-Hour (KWH)" shall mean the amount of energy delivered in one hour when delivery is at a constant rate of 1 kilowatt (3412.8 Btu's).

"Load" shall mean the power requirement, usually measured in kilowatts, of a system or piece of equipment at a given instant, or the average rate of energy used during any designated period of time.

"Load Factor" shall mean the ratio of average kilowatt load to the kilowatt demand during any designated period, expressed in percent.

"Main" shall mean a water line designed or used to service more than one premises.

"Month" shall mean the period approximating one month in length and coinciding with the dates on which regular water or electric meters are read. A fraction of a month shall be charged as a full month.

"National Electric Code" shall mean the State of Oregon Electrical Specialty Code as adopted by the State of Oregon Department of Commerce pursuant to ORS 456.750 to ORS 456.885.

"Natural Outlet" shall mean any outlet into a water-course, pond, ditch, lake, or other body of surface or ground water.

"Person" shall mean individuals, corporations, associations, firms and partnerships.

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

"Power" shall mean the rate of generating, transferring, transforming or use of energy measured in kilowatts or horsepower.

"Power Factor" shall mean the ratio of kilowatts to kilovolt-amperes expressed in percent.

"Premises" shall mean a contiguous property, tract of land, building, or group of adjacent buildings under a single ownership and served by a single water or electric meter.

"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.

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

"Readily Accessible" shall mean that which is normally and easily reached during regular daytime service hours and free of all obstructions; not subject to being under private "lock and key," "fenced-in," or within a "dog-run" area.

"Sanitary Sewer" shall mean a conduit intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not intentionally admitted.

"Service Connection" shall mean that portion of the water distributing 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.

"Service Drop" shall mean the overhead service conductors from the last pole or other aerial support, including the splices, if any, which connect to the service entrance conductors at the building or other structure.

"Service Entrance" shall mean the service conductors and conduit/cable between the terminals of the service equipment (see National Electrical Code Requirements) and the point of attachment of the service drop or service lateral.

"Service Lateral" shall mean the underground service conductors (and raceway, if used) between the secondary distribution system (including any risers at a pole or other structures or from transformers, junction box or underground vault) and the first point of connection to the service entrance conductors.

"Service Line" shall mean the sewer connection between the public sewer line and the building sewer.

"Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

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

"Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of garbage.

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

"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) hour concentration or flows during normal operation.

"Space," as the term applies to permanent or semi-permanent locations for mobile homes, trailers, or recreational vehicles, shall mean each location where a sewer, water, or electrical system connection is available for such dwelling units and vehicles, and shall include each community toilet, washroom, or laundry facility in a mobile home, trailer, or recreational vehicle park.

"Standby Service" shall mean water service which is used for fire protection purposes and not for any other purpose.

"Storm Sewer" (sometimes termed **"storm drain"**) shall mean a sewer designed to carry only storm waters, surface runoff, street wash waters and drainage.

"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.

"Utility" shall mean water, sewer and/or electric service.

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

"Weatherhead" shall mean the termination at the end of the conduit through which the customer's conductors pass for attachment to an aerial service drop.

7.015 Conditions for Granting Water Permits.

(1) Any person wishing to connect any premises 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 premises within the city. The city council may grant a permit for water service to premises 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 service 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).

(5) The city administrator may deny a permit if the applicant has an unpaid water bill at that or another address or if there is a lien on the premises by virtue of Code Section 7.620.

7.020 Water Connection Charges - Single Family Residential.

All applicants for water service shall pay the water connection charge specified by resolution of the city council.

7.060 Standby Service Permit Required. Any person or entity

wishing a standby service connection shall apply for a permit in accordance with Section 7.010 and shall pay the connection charges specified by resolution of the city council.

7.075 Standby Service Line Charges. Standby service

customers shall pay a monthly charge at the rate specified by resolution of the city council.

7.080 Water Rates.

(1) Customers with premises inside the city limits shall pay the monthly charges specified by resolution of the city council.

(2) Customers w/premises outside the city limits shall pay one and one-half (1.5) times the monthly water charges specified by the resolution made under subsection (1).

7.085 Reduced Rates for Qualified Senior Citizens. Any

person meeting the following qualifications may apply for reduced residential water rates:

(a) Any single person 65 years of age or older whose total income, earned or unearned, falls under an income category specified by resolution of the city council from all sources, including but not limited to income from bonds, stocks, savings interest or other interest or dividend income of any kind, or any couples where one spouse is 65 years of age or older and whose combined total income, earned or unearned, falls under an income category specified by resolution of the city council from all sources, including but not limited to income from bonds, stocks, savings interest or other interest or dividend income of any kind, and owns no real property, personally or through any corporation other than his/her home, is entitled to the reduced rates specified in Section 7.090.

(b) The qualified single person or qualified spouse shall:

1. Apply for the reduced rates to the city administrator, and the applicant(s) shall make a sworn statement of their income and financial resources. Such statement and application shall be referred to the city council for final determination of the qualifications of the applicant.

2. Inform the city administrator of any change in status affecting his/her qualifications for such special rate.

3. File new applications at the beginning of each fiscal year and when there is a change of address;

4. The city council shall approve all qualified applications;

5. 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.

7.090 Reduced Water Rates. The reduced water rate for qualifying senior citizens shall be as set forth by resolution of the city council.

7.105 More than One Customer Per Meter. If more than one residence or business will be served through one meter, the city may require, as a condition to issuing a permit pursuant to Section 7.010, that additional water meters be installed to service each residence or business.

7.205 Use of Public Sewers Required.

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

(2) It shall be unlawful to discharge to any natural outlet within the city of Drain, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of the Drain Public Improvement Code.

(3) 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.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the Drain Public Improvement Code, within ninety (90) days after date of official notice to do so, provided that

said public sewer is within two hundred (200) feet (61 meters) of the property line.

7.217 Sewer 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 additions 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.

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 construction.

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

7.260 Establishment of "ERU". There is hereby established an equitable criterion upon which to base sewer user fees for differing user classifications by the establishment of "Equivalent Residential Units" (ERU). The city shall conduct an historical study of water consumption during the seven-month

period from October of one year through April of the next year, determine the average water consumption per residential user during said period in cubic feet and that number shall constitute one ERU. The city council shall establish the number of cubic feet in one ERU by resolution.

7.265 Sewer User Fees.

(1) Each customer receiving water service in that month, shall pay an additional month fee for sewer use. The sewer fee shall be that established by multiplying the designated ERU set forth in Drain Public Improvement Code Section 7.270 for that customer by the sewer user rate. The city council shall establish the sewer user rate by resolution.

(2) The sewer user rate established by the city council shall be reviewed and revised periodically to reflect actual costs of operation, maintenance, replacement, capital expenditures and financing of the treatment works and to maintain the equitability of the user fees charged with respect to proportional distribution of the costs of operation and maintenance in proportion to each customer's contribution to the total wastewater loading of the treatment works.

(3) Sewer user fees, connection charges, interest and penalties shall be deposited in a separate sewer fund and shall be used exclusively for payment of the expenses of the sewer systems including those related to operation, maintenance, repair, capital improvements, bonded indebtedness, other indebtedness, and reasonable administration of the system.

7.270 Designation of ERU.

(1) Customers owning the following types of premises have the following designated ERU's:

- (a) Residential 1.0 ERU
- (b) Duplex 2.0 ERUs
- (c) Apartments 1.0 ERU per apartment, whether occupied or not
- (d) Mobile Home, Trailer, or Recreational Vehicle Park 1.0 ERU per space, whether occupied or not

(2) The ERUS designated for all customers owning property not specified in subsection (1) above, shall be determined by dividing the total cubic feet of water consumed or discharged by the owner in that month by the number of cubic feet in one ERU as determined by resolution of the city council. The result shall be rounded to the nearest .1 ERU and shall be a minimum of 1.0 ERU.

(3) If a commercial or industrial customer, or a customer owning premises not specified in subsection (1) above, consumes water in certain months which does not result in increased sewer use but results in a sewer user fee at least 10% greater than the customer's average fee, the customer may, upon proof that the increased consumption does not increase sewer usage, apply for an ERU designation determined by dividing the customer's monthly average consumption by the number of cubic

feet in one ERU; or by placing a flow measuring device in the building sewer line at the customer's expense.

(4) The customer's average monthly fee and average monthly consumption shall be determined by using figures for the most recent October through April seven month period.

7.275 Sewer Connection Charge.

(1) The owner of premises wanting to connect to the city sewer shall pay a connection charge at the time of application for a sewer permit in the amount specified by resolution of the city council.

(2) In addition, the owner shall pay the cost of any monitoring device required by the city administrator and any other costs or charges required by this Code.

(3) A connection permit may be denied if the applicant has an unpaid sewer bill at another address or if there is a lien on the premises by virtue of Code Section 7.820.

7.279 New Users and Vacancies. The sewer fee charged for all

occupied premises shall begin 60 days after the sewer service becomes available or the day that connection is made to the public sewer, whichever occurs first. The sewer fee charged for all unoccupied premises shall begin when water service commences. Once the sewer charges commence, no credit shall be given for vacancy unless it is demonstrated that water service to that property from any and all sources was discontinued by city employees, at which time the sewer fee shall be discontinued until water service is restored. If the date upon which the

charge is commenced or discontinued does not fall on the first day of a billing period, the fee charged shall be appropriately prorated.

7.305 Applications for Electric Service.

(1) No person shall connect premises to the city electric system without a permit to do so.

(2) All persons wanting electrical service for premises which have never before been served by electricity shall apply to the city administrator for a permit for service and shall pay the connection charges and abide by the connection procedures specified in Code Sections 7.310 to 7.380.

(3) All persons wanting electrical service for premises which have previously been served by electricity shall apply to the city administrator for a permit for service and shall pay the connection charge specified by resolution of the city council.

(4) The city administrator may deny a permit if the applicant has an unpaid electric bill at that or another address.

(5) All persons wanting electrical service shall pay a deposit in an amount established by resolution of the City Council. No interest will be paid on any deposit. The deposit shall be returned following twelve (12) months of timely payment, without delinquency, of all electric charges. The deposit may be waived if the person wanting electrical service has already established a history of twelve (12) months of timely electrical

payments at another address in the city of Drain or another electric utility.

7.310 Line Extensions.

(1) Where a person applies for service and there is no existing city line in the right of way adjacent to the property to be served, the city may, in its discretion, extend the existing lines.

(2) The city will construct line extensions only along public streets, roads and highways which the city has the legal, right to occupy and on public lands and private property across which rights of way satisfactory to the city may be obtained without cost to the city.

(3) Should the city extend its lines, the person or persons requesting the extension shall contract to pay for the extension and all costs of construction including, but not limited to, the costs of materials, transformers, labor, transportation, engineering, overhead, and contingencies at the rate of 1-1/2 times the cost of construction to be paid on a monthly basis over a five year period.

(4) A person applying for line extensions for a development project shall comply with the following requirements:

(a) Submit complete and approved plot plans of the area including grade information, street or area parking, sewer, water and distribution mains, landscaping, location

of other utility services and an estimate of electrical load and service requirements to the city.

(b) Provide any easements required by the city at no cost to the city. These easements shall be included in the recorded plot or shall be specified in a written agreement to secure the easements prior to the city beginning construction. Each premises to be served by the line extension shall be covered by a recorded deed restriction requiring underground electrical service to serve that premises. Unless otherwise agreed and specified in the easement, no buildings or structures of any kind may be constructed on these easements.

(c) Be responsible for all grading and staking of property lines and lot corners. Grade stakes indicating final grade shall be placed so that electric facilities installed by the city can be at proper depth after the development is completed. Any relocation in depth or routing of the installed underground system made necessary by action of the developer/customer shall be done at the expense of the developer/customer. Any rough grading required shall be completed before installation of any electric facilities is started.

7.320 Service Conductors - Responsibility and Cost.

(1) The customer shall install, own and maintain the service entrance and meter base for an overhead conductor. The customer shall pay for, install, own and maintain the service

entrance equipment. For an underground conductor the customer shall pay for, install, own and maintain a service lateral conduit. The city shall not be held liable for any loss or damage to persons or property resulting from defects in the customer's installation or equipment or the delivery of energy thereto.

(2) The city shall install, own and maintain all equipment, other than those items enumerated in subsection (1) above, necessary to supply electricity to the meter and the meter itself. The cost of this service shall be paid by the person applying for the service at a rate established by resolution of the city council.

7.325 Placement of Meter Bases.

(1) Location of every meter base must be approved by the city. Unless otherwise authorized by the city's electrical department, the meter base shall be located in a readily accessible location outside the building so that the center of the meter or top row of multiple meter installations is 5 feet, plus or minus 6 inches, above finished ground level or projected walkway at that point.

(2) Meter bases shall not be placed under porches, carports or breezeways, over open pits, moving machinery, hatchways, in the path of falling water, or where the meter may be subjected to excessive vibration or possible mechanical damage.

(3) The customer shall maintain ready accessibility to the city's meter and equipment. The city may terminate or temporarily disconnect a customer's electrical service if such access is not maintained. A key is not considered acceptable for obtaining access to the meter.

7.380 Application for Temporary Service.

(1) Temporary service may be provided for short-term or transient installations such as mobile homes for which a permanent structure for the point of attachment has not yet been constructed (30-day limit), short-term commercial activities and on-site construction operations.

(2) Any person desiring temporary electrical service shall make application for service and shall pay the cost of connecting and dismantling the service as determined by the city administrator and shall deposit the estimated cost prior to the city beginning work.

(3) The customer shall install and pay for all supports necessary for attachment of the city's service conductor.

7.395 Dusk to Dawn Outdoor Lighting.

(1) All persons wanting dusk to dawn outdoor lighting shall make application for service and pay the connection charges specified by resolution of the city council.

(2) Should such service require extension of existing city lines, such extension may be granted upon the terms and conditions specified in Section 7.310 of this Code.

(3) Should the city agree to provide security and outdoor lighting, the city shall furnish, install, operate and maintain in the complete lighting installation, including wood poles, at a mutually agreeable location and shall maintain the lighting including lamp replacement during the normal work week.

(4) The complete lighting installation shall remain the property of the city.

(5) The customer shall protect the lighting equipment from deliberate damage and shall allow the city free access to the property to maintain and inspect the equipment at any time.

7.430 Service by City. The city shall exercise reasonable diligence in supplying satisfactory and continuous electric service. It is possible, however, that there may be some degree of failure, interruption, suspension, curtailment or fluctuation of service. The city cannot and will not guarantee constant or uninterrupted delivery of electric service and shall have no liability to its customers or any other persons for any interruption, suspension, curtailment or fluctuation in utility services or for any loss or damage caused thereby when such interruption, suspension, curtailment or fluctuation results from the following or from any other causes:

(1) Causes beyond the city's reasonable control including, but not limited to, accident or casualty, fire, flood, drought, wind, action of the elements, court order, litigation, breakdown of or damage to facilities of the city or of third parties, acts of God, strikes or other labor disputes, civil,

military or governmental authority, electrical disturbances originating on or transmitted through electrical systems with which the city's system is interconnected and acts or omissions of third parties.

(2) Repair, maintenance, improvement, renewal or replacement of facilities, or any discontinuance of service which in the city's judgment, is necessary to permit repairs or changes to be made in the city's generating, source of supply, transmission or distribution facilities or to eliminate the possibility of damage to the city's property or to the persons or property of others. To the extent practicable, such work, repairs, or changes shall be done in a manner which will minimize inconvenience to the customer and, whenever practicable, the customer shall be given reasonable notice of such work, repairs or changes.

(3) Automatic or manual actions taken by the city which in its sole judgment are necessary or prudent to protect the performance, integrity, reliability or stability of the city's electric system or any electric system with which it is interconnected. Such actions shall include, but shall not be limited to, the operation of automatic or manual protection equipment installed in the city's electric system, including, without limitation, such equipment as automatic relays, generator controls, circuit breakers and switches.

(4) Action taken by the city with respect to any plan or course of action to conserve electric energy at times of

anticipated deficiency of resources, including, but not limited to, nonvoluntary curtailment or suspension of utility services.

7.440 Commencement of Service. When service is extended to a new applicant, billing shall commence as of date service wires are attached to applicant's premises; except when service has been extended for the convenience of the city.

7.445 Electric Rates.

(1) Each electrical user shall pay the monthly electric rates applicable to the class of users to which that user belongs, as specified by resolution of the city council.

(2) The rates specified by resolution for residential electrical users shall apply to the following premises:

(a) Single family dwellings separately metered and not used for business purposes.

(b) Multi-family dwellings if each living unit is separately metered.

(c) Rooming or boarding houses where less than five rooms are used as sleeping or living quarters for persons not members of the customer's immediate family.

(d) Separately metered mobile homes.

(3) The rates specified by resolution for commercial customers shall apply to the following premises:

(a) Businesses.

(b) Single family dwellings, a main portion of which are regularly used for the conduct of business. If the dwelling and the business portions of the dwelling are

separately metered, the residential portion shall be billed at the residential rate and the commercial portion shall be billed at the commercial rate.

(c) Multi-family dwellings if each living unit is not separately metered.

(d) Rooming or boarding houses where five or more rooms are used as sleeping or living quarters for persons not members of the customer's immediate family.

(e) Mobile homes not separately metered.

(4) Where it is necessary to extend or reinforce existing distribution facilities, the minimum monthly charge specified by resolution of the city council may be increased to assume adequate compensation for the added facilities.

(5) Electrical users requiring service during a period not to exceed nine months per year shall not pay the basic monthly charge specified by resolution times 12 for a basic annual charge.

7.600 Responsibility for Payment. The customer receiving water or sewer service shall be responsible for payment of all water and sewer charges prescribed by this Code for the customer's premises, notwithstanding the fact that the premises may be occupied by a tenant or other occupant who may be required by the customer to pay such charges.

7.605 Dates of Payment. Utility charges prescribed by this Code shall be billed on the first day of the month for services rendered in the prior month and shall be due and payable

to the city of Drain no later than fifteen (15) days after the date of billing. If such charges are not paid when due, they shall be deemed delinquent.

7.610 Interest. Interest at the rate of 1% per month shall accrue on all accounts from the date of delinquency.

In addition, a penalty shall be assessed at the rate of \$2.00 per month from the date of delinquency which shall be added to the account and shall accrue interest in the same manner as all other delinquent charges beginning the following month.

7.615 Mailing Address. Bills for utility charges shall be mailed to the address specified in the application for utility service unless the customer submits a written request that the bill be sent to a different address.

7.620 Lien. All water and sewer charges shall be a lien against the premises served from the date they are deemed delinquent as provided in Code Section 7.605. The lien shall be entered in the city lien docket. The lien docket shall be made accessible for inspection by anyone interested in ascertaining the amount of the charges against the premises. When a bill for utility charges remains unpaid sixty (60) days after it is deemed delinquent, as provided in Code Section 7.605, the lien may be foreclosed in the manner provided by ORS 223.610 or in any other manner provided by law.

7.625 Action to Collect Delinquency. The city shall have the right to recover all unpaid water or sewer charges by civil action in the name of the city against any and all of the

following: the premises or property served, the customer or other owner of the premises or property, and the occupant of the premises.

7.630 Termination of Service.

(1) The city shall have the right to terminate any utility service for nonpayment of utility charges. The city shall have the right to terminate water service for nonpayment of sewer charges. The city shall not terminate utility service after 12:00 noon on a Friday, during a weekend, or after 12:00 noon on the day before a federal or state holiday.

(2) Prior to termination of utility service, the city shall give notice to the occupant of the premises by mailing such notice to the address of the premises. If the occupant is not the owner of the premises, the city shall also give notice to the owner, by mailing such notice to the billing address as provided in Code Section 7.615. The notice shall state that service will be terminated unless the utility charges are paid in full within fifteen (15) days from the date of the notice of termination.

(3) A customer or occupant of the premises who questions or disputes a utility bill shall file with the city Manager a request for a hearing within seven (7) days after the date of the notice of termination.

(4) If a hearing is timely requested and the matter has not been informally resolved by the city administrator, the city council shall hold a hearing, consider the evidence offered by the customer or occupant of the premises and the city

administrator, and determine whether the utility charges are correct, due and payable. The customer or occupant may have an attorney or other representative present at the hearing.

(5) The city council shall make its determination in writing and shall by certified mail send a copy of its determination to the occupant and to the customer at the billing address provided in Section 7.615, if the occupant is not the owner of the premises.

(6) If a hearing is timely requested, the city shall not terminate utility service until three (3) days after the date of mailing its determination. If a hearing is not timely requested, the city may terminate utility service 15 days after the date of the notice of termination.

7.635 Restoration of Service. A customer or occupant whose utility service has been terminated by the city or temporarily disconnected at the request of the customer shall pay a reconnection charge for restoration of service. The amount of the reconnection charge shall be specified by resolution of the city council. Utility service shall not be restored to the occupant who was disconnected until all charges, including interest, penalties and the reconnection charge, have been paid. As to water and sewer customers, utility service shall not be restored to the customer or occupant until all charges, including interest, penalties and the reconnection charge, have been paid. As to water and sewer customers, a change of ownership or

occupancy of the premises shall not be cause for restoration of service without payment of all charges.

7.640 **Bills Deemed Correct.** Unless an error in an utility bill is called to the city's attention within 60 days of the date of the bill, the bill shall be deemed final and correct.

7.915 **Violation of Code Section 7.225.** Violation of Drain Public Improvement Code Section 7.225 shall be punishable by fine not to exceed \$500 or confinement in jail not to exceed 100 days, or both fine and imprisonment.

Section 2. Renumbering. Sections 7.500, 7.505, 7.510, 7.515, 7.520, 7.525, 7.530, 7.535, 7.540 and 7.545 of the Drain Public Improvement Code and the index thereto are renumbered as 7.705, 7.710, 7.715, 7.720, 7.725, 7.730, 7.735, 7.740, and 7.745, respectively.

Section 3. The following sections of the Drain Public Improvement Code and the Index thereto are hereby repealed:

7.025	Connection Charges - Residential
7.030	Connection Charges - Non-Residential
7.035	Connection Charges - Outside the City
7.065	Connection Charge
7.130	Responsibility for Payment
7.135	Dates of Payment
7.140	Delinquency
7.145	Interest
7.150	Action to Connect Delinquency
7.155	Restoration of Service
7.160	Change of Ownership
7.165	Mailing Address
7.170	Notice of Violation
7.175	Continuing Violation
7.180	Liability for Loss

7.200	Definitions
7.235	Penalties
7.277	Responsibility for Payment
7.278	Dates of Payment
7.280	Delinquency
7.281	Interest
7.282	Action to Collect Delinquency
7.285	Restoration of Service
7.290	Change of Ownership
7.295	Mailing Address
7.300	Definitions
7.360	Application for Service
7.365	Connection Charge
7.370	Voluntary Discontinuation of Service
7.375	Disconnection of Service by City
7.385	Charges and Responsibility for Temporary Service
7.400	City Responsibility
7.405	Customer Responsibility
7.435	Bills Based on Meter Readings
7.450	Combined Three Phase and Single Phase Service
7.455	Street and Highway Lighting Service
7.460	Security and Outdoor Lighting Service
7.465	Temporary Service

Section 4. 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 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. 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 and adopted by the Council of the City of Drain,
State of Oregon, on the 13th day of March, 1989.

ATTEST:

Bill Ewing

Approved by the Mayor this 13th day of March,
1989.

Grant S. Levins
Grant S. Levins, Mayor