

ORDINANCE NO. 343

AN ORDINANCE AMENDING THE DRAIN PUBLIC  
IMPROVEMENT CODE SECTIONS 7.005, 7.020,  
7.275, 7.305, 7.600, 7.620; REPEALING  
SECTION 7.625; AND DECLARING AN EMERGENCY

THE CITY OF DRAIN ORDAINS AS FOLLOWS:

Section One. Drain Improvement Code Sections 7.005, 7.020,  
7.275, 7.305, 7.600 and 7.620 are amended to read as follows:

7.005 Definitions. For purposes of this chapter the follow-  
ing 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.

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"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 any person specifically requesting delivery of water, sewer or electrical service, or using or consuming 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.

7.020 Water Connection Charges - Single Family Residential.

All applicants for water service shall pay the water connection charge specified by resolution of the city council and shall pay a deposit in an amount established by resolution of the city council. The deposit shall be waived if the owner of the property served has specifically requested water service, has agreed to be responsible for such service and has agreed that if payment is not made, the city may impose a lien on the property.

7.275 Sewer Connection Charge.

(1) A customer wanting to use 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 and shall pay a deposit in an amount established by resolution of the city council. The deposit shall be waived if the owner of the property served has specifically requested sewer service, has agreed to be responsible for such service and has agreed that if payment is not made, the city may impose a lien on the property.

(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.

7.305 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. The deposit shall be waived if the owner of the property served has specifically requested electrical service, has agreed to be responsible for such service, and has agreed that if payment is not made, the city may impose a lien on the property.



**7.600      Responsibility for Payment.**

All customers shall be responsible for payment of all water and sewer charges prescribed by this Code for the customer's premises.

**7.620      Lien.**

If the property owner has agreed that a lien may be imposed as set forth in Sections 7.020 or 7.275 of this Code, then 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.

**Section Two.** Section 7.625 is hereby repealed. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section Three.** 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 Four.** This ordinance affects the public peace, health and safety of the City of Drain and, therefore, an emergency is declared to exist and this ordinance shall be in full force and effect from the date of its passage.

Passed and adopted by the Council of the City of Drain, State of Oregon, on the 8th day of July, 1991.

Approved by the Mayor this 8th day of July, 1991.

By Grant S. Lewis

ATTEST:

Bill Ewing  
City Administrator