

DRAIN PUBLIC IMPROVEMENT CODE

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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 or 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.

WATER SERVICE

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 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.

7.040 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. 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 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 1.0" in diameter. The applicant may request a service connection line of any pipe size specified by resolution of the city council 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.

(1) The customer shall install a customer service line from the meter and the service connection to the customer's distribution system.

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

(3) 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.

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.

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

WATER RATES

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.

7.095 Unlawful Acts - Penalties. It is unlawful for any person to make, assist in making or to derive the benefits from, any false application for reduced rates 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 reduced rates as a result of any false statement made in any application the amount thereof, 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 reading 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 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.

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 or sewerage discharge connection.

7.120 Fire and Lawn Sprinklers. All fire and lawn sprinkler systems shall have approved back-flow prevention devices and recorded with the city administrator.

SEWER SERVICE

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.

7.210 Private Sewage Disposal.

(1) Where a public sanitary sewer is not available under the provisions of Drain Improvement Code Section 7.205, the building sewer shall be connected to a private sewage disposal system complying with Drain Public Improvement Code Section 7.210.

(2) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the Oregon State Department of Environmental Quality.

(3) At such time as a public sewer becomes available as defined in Drain Public Improvement Code Section 7.205(4) to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with the Drain Public Improvement Code, and any septic tanks, cess-pools, and similar private sewage disposal facility shall be abandoned in accordance with state law at no expense to the city.

(4) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.

(5) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Oregon State Department of Environmental Quality.

7.215 Building Sewers and Connections.

(1) No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city administrator.

(2) There shall be two (2) classes of building sewer permits:

(a) For residential and commercial service, and

(b) For service to establishments producing industrial wastes.

In either case, the owner or his/her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city administrator.

(3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that

may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city administrator to meet all requirements of the Drain Public Improvement Code.

(6) The building sewer shall be placed to connect to the service line and 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.

(7) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(8) 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 in turn is connected directly or indirectly to a public sanitary sewer.

(9) The city shall install a service from the main public sewer line to the owner's property line upon payment of the connection charges required by Drain Public Improvement Code Section 7.275 and compliance with all other provisions of this Code.

(10) 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 the owner.

(11) The applicant for the building sewer permit shall notify the city administrator of his/her designee the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the city administrator or his/her representative.

(12) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard, streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

7.217 Sewer Main Extensions.

(1) When a permit has been issued and an extension or alteration of existing sewer 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. 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 sewer from the city sewer system is turned into the main extension.

7.220 Use of the Public Sewers.

(1) No person shall discharge or cause to be discharged any septic tank wastes into any public sewer, sanitary sewer or sewage works.

(2) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(3) No person shall discharge or cause to be discharged any recreational vehicle (RV) waste into any public

sewer, sanitary sewer or sewer works except those designated dumping sites determined by resolution of the city council.

(4) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the city administrator. Industrial cooling water or unpolluted process waters may be discharged, on approval of the city administrator to a storm sewer, combined sewer, or natural outlet.

(5) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, 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.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing

damage or hazard to structures, equipment, and personnel of the sewage works.

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

(6) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the city administrator that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the city administrator will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

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

(b) 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) degrees F (0 and 65 degrees C).

(c) Any garbage that has not been properly 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.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city administrator for such materials.

(f) 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.

(g) 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.

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

(i) Materials which exert or cause:

1. 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).

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

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

4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) 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) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (4), and which in the judgment of the city administrator may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city administrator may:

- (a) Reject the wastes,
- (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 not covered by existing taxes or sewer charges under the provisions of subsection (10) of this section.

If the city administrator permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city administrator, and subject to the requirements of all applicable codes, ordinances, and laws.

(8) Grease, oil, and sand interceptors shall be provided when, in the opinion of the city administrator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or

other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city administrator, and shall be located as to be readily and easily accessible for cleaning and inspection.

(9) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

(10) When required by the city administrator, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city administrator. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.

(11) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in the Drain Public Improvement Code 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. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always BOD suspended solids analyses are obtained from 24-hr. composites of all outfalls whereas pH's are determined from periodic grab samples.)

(12) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern.

7.225 Damage to Sewer Works Prohibited. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.

7.230 Inspection.

(1) The city administrator shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of the Drain Public Improvement Code. The city administrator shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1), the city administrator shall observe all safety rules applicable to the premises established by the owner.

(3) The city administrator shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SEWER USER FEES, CHARGES AND REGULATIONS

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 monthly 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.

7.274 Recreational Vehicle (RV) Dumping Fees. The city council may establish charges for the dumping of recreational vehicle (RV) wastes at designated sites by resolution.

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.

7.276 Notification. Each user must be notified at least annually, in conjunction with a regular bill, of the

rate and that portion of the user charges which are attributable to wastewater treatment services.

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.

ELECTRICAL SERVICE

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

rate and that portion of the user charges which are attributable to wastewater treatment services.

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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.

7.315 Service Conductors - Type.

(1) All service conductors shall be underground where underground service is available or where the city will make it available.

(2) Overhead service shall be provided where underground service is not available and the city deems underground service impracticable.

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.

7.330 Point of Attachment.

(1) Before installing or altering service entrance equipment the customer shall obtain approval from the city of the point of attachment and placement of the weatherhead.

(2) The strength of the structure at the point of attachment shall be sufficient to supply the mechanical load (pull) of the service drop under ice and wind loading conditions plus an acceptable safety margin.

7.335 Service Drops.

(1) Should the city use service drops to supply electricity to a meter, the customer shall make sure that the path between the service pole and the point of attachment are clear of structures or other obstructions.

(2) The city shall not contact a building with a service drop at more than one point except as permitted under the National Electrical Code.

7.340 Communications Systems.

(1) Should the customer wish to have underground communications systems installed at the same time the city installs an underground electrical system, the city shall cooperate if possible in accordance with existing joint agreements and practices.

(2) Underground communications systems shall be installed in the manner provided in the Design Manual for Streets and Ways.

7.345 Wiring Beyond Meter. The customer shall install, own and maintain all wiring and equipment beyond the meter. Such wiring shall conform to all requirements of the governmental agencies having jurisdiction thereof.

7.350 Inspection by City. The city shall have the right, but shall not be obligated, to examine the customer's equipment before service is supplied and at any future time as determined by the city. However, nothing in these procedures shall be construed as placing upon the city any responsibility for the inspection of, the condition of, or the maintenance of the customer's energy-consuming devices or other equipment.

7.355 Voltage.

(1) Electric service shall be furnished in nominal 60 cycles, alternating current, single or three-phase.

(2) Voltage at which service will be provided shall be determined by the city. Service voltage shall be confirmed prior to making final plans and ordering equipment.

(3) The city cannot guarantee the constancy of its voltage or frequency, nor can it guarantee against the loss of one or more phases in three-phase service and shall not be responsible for damage caused by either or both of these conditions. The customer shall provide equipment protection for these conditions.

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.

7.390 Relocation of Facilities.

(1) Any person may request in writing relocation or alteration of facilities owned by the city. The city has the discretion to decide whether such relocation or alteration will be done.

(2) Unless the city agrees to the contrary, customers requesting relocation or alteration shall pay for the actual costs of relocation or alteration and shall deposit the estimated cost prior to the city beginning work.

(3) The costs of relocation or alteration shall be determined according to the formula $E+R+C+N-F-S = \text{Cost to Customer}$.

E = Original cost, less depreciation, of facilities to be removed or abandoned.

R = Cost of removal work required for E.

- C = Cost of transfer, adjustment or changes to existing facilities to remain.
- N = Cost of new facilities and work required to meet the customer's request.
- F = Cost of new facilities and work the city would normally provide under these policies without charge to serve the customer.
- S = Salvage value of material and equipment removed.

(4) Persons requesting such relocations shall make satisfactory arrangements for the transfer or relocation of equipment owned by any other utility and any third party which may be involved.

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.

7.410 Resale Prohibited. The customer shall not resell electrical services supplied by the city.

7.415 Rights of Way and Rights of Access.

(1) The city shall be granted, at no cost, all rights of way, rights of access, and easements necessary to serve the customer for the installation, maintenance, repair, replacement, removal or use of any or all equipment or materials used to supply and deliver electricity to the customer.

(2) Access at all times to the premises of the customer for the purpose of reading meters, testing, repairing, removing or exchanging any or all equipment belonging to the city shall be deemed granted during the time electric service is accepted by the customer.

(3) The city shall be granted all necessary rights of way and rights of access to perform clearing and trimming of trees, shrubs, vines or other vegetation it deems prudent to maintain proper clearances and accessibility for the maintenance and operation of electric services, or as may be required by standard utility safety practices. No charges shall be made to the customer for any clearing or trimming activities; however, the decision to trim or clear shall be the exclusive right of the city.

7.420 Meter Tampering.

(1) No person except an employee of the city in the normal course of his or her duties shall alter, remove or make any connections to city meter or service equipment. No meter seal may be broken by anyone other than a city employee; provided, however, the city may give its prior consent to seal breaking by a customer when deemed necessary to the city.

(2) In case of tampering with meter installation or interfering with the proper working thereof, or any other theft of service by any person, or evidence of any such tampering, interfering, theft, or service diversion, by whomsoever done, including the falsification of meter readings, the customer shall be liable to immediate discontinuance of service as provided herein. The city shall be entitled to bill and collect from the customer the appropriate rate for all power and energy not recorded on the meter by such tampering, interfering, or other theft of service diversion (the amount of which may be estimated by the city from the best available data) and also for all expenses incurred by the city on account of such unauthorized act or acts. The bill will be paid at such reasonable time as established by the city administrator.

7.425 Protect City Property.

(1) The customer shall provide sufficient space and exercise proper care to protect the city's property on the customer's premises; and, in the event of loss or damage to the city's property on the customer's premises arising from neglect,

carelessness, or misuse by the customer, the cost of necessary repairs or replacement shall be billed to the customer.

(2) The customer shall be required to install suitable protective or control devices whenever the city deems such installation necessary to protect its property or that of its other customers. The city reserves the right to refuse service to any customer when delivery of service will adversely affect service to other customers.

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.

7.470 Point of Metering. Metering shall be done on the low voltage side of the transformer bank; and when transformers are furnished by the city, a loss factor shall be added to both demand and energy charges. If transformers are furnished by the customer, a discount of ten percent (10%) shall apply to the demand and energy charges after loss factor has been added. The customer shall provide the service wires required to take energy from the point of metering.

PAYMENT FOR UTILITY SERVICE

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 certified 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.

CEMETERY

7.700 Creation of Cemeteries. All property now owned or hereafter acquired by the city of Drain may be used as public burial grounds. Any city property so used shall be subject to the provisions of Drain Public Improvement Code §§ 7.700 to 7.745.

7.705 Map and Dedication. A map or plat of all property used as public burial grounds shall be prepared and recorded in the real property records of Douglas County. The city shall declare that the property delineated on the map or plat shall be used exclusively for cemetery purposes. Two copies of the map and plat shall be kept on file at the office of the city administrator.

7.710 Certificate for Burial Lots.

(1) Any person wishing to reserve or use a burial lot in a cemetery owned by the city of Drain shall apply to the city Administrator for a burial lot certificate. The burial lot certificate may be used for burial of the person obtaining it or for burial of the person's spouse or children.

(2) The city administrator shall issue a certificate upon payment of the perpetual care fee established by resolution of the Council. This certificate shall be signed by the Mayor and city administrator and stamped with the city seal. The city administrator shall retain a copy of each certificate issued in the city records. The perpetual care fee is nonrefundable.

(3) One hundred percent of the perpetual care fee shall be credited to the perpetual care trust fund.

7.715 Transfer of Certificates. No person shall transfer a

burial lot certificate to any other person except that the certificate may be used for burial of the owner's spouse or children. If a person no longer has a use for a burial lot which has been reserved, the burial lot certificate shall be returned to the city.

7.720 Records. The city administrator shall maintain a record book containing the following information:

(a) A record of each burial lot reserved, the date of reservation, the name and address of the person reserving the lot and the person for whom the lot is reserved.

(b) The name of the deceased person buried in each burial lot.

(c) The date and place of death.

(d) The date of burial.

7.725 Interment.

(1) No interment shall be made without a permit obtained from the city administrator. The application for interment shall include a written authorization by the person qualified under ORS 97.141.

(2) No interment permit shall be issued unless a burial lot certificate has been obtained and the perpetual care fee established by resolution of the Council pursuant to Drain Code §7.710 has been paid.

7.730 Rules and Regulations.

(1) The Council may adopt by resolution rules and regulations for the use, care, control, management, restriction and protection of municipal cemeteries.

(2) Two copies of these rules and regulations shall be maintained on file at the office of the city administrator.

(3) No person shall violate the provisions of the cemetery rules and regulations adopted pursuant to this section.

7.735 Perpetual Care Trust Fund. All monies received for and

credited to the perpetual care trust fund shall be held by the city administrator as trustee and shall be invested as provided by law. The principal and income from such trust fund

shall be held in the perpetual care trust fund until the city council determines otherwise.

7.740 Cemetery General Operating Fund. The city council may appropriate money from the city general fund necessary to maintain and operate the municipal cemeteries for each fiscal year and any such sums shall be deposited into the cemetery general operating fund. The monies in this account may be expended for the development, improvement, upkeep and care of cemeteries and for the acquisition of additional cemetery lands.

7.745 Disinterment. No body once buried may be removed except upon notification of the city administrator and payment of the disinterment fee established by resolution of the Council. This fee shall be credited to the perpetual care fund.

PENALTIES

7.900 Notice of Violation. Any person found to be violating sections 7.010 to 7.470 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 exceeded \$250 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 by the city by reason of such violation.

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.