

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: SOLID WASTE

Section

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GENERAL PROVISIONS

§ 50.01 TITLE.

This chapter shall be known as the “Solid Waste Management Ordinance” and may be referred to herein as this chapter.
(Ord. 551, passed 6-27-1991)

§ 50.02 PURPOSE; POLICY AND SCOPE.

It is declared to be the public policy of the city to

§ 50.03 AMENDMENT OF CHAPTER.

This chapter may be amended upon the written agreement of city and franchisee, and upon a finding by the city that the amendment would be in the public interest.
(Ord. 551, passed 6-27-1991)

§ 50.04 DEFINITIONS.

Except where the context clearly indicates a different meaning, the definitions appearing in O.R.S. 459.005 and regulations promulgated thereunder are applicable to this chapter. The singular includes the plural and vice versa. As used in this chapter, the following words shall be defined as follows:

CITY. The City of Willamina.

COMPENSATION. Includes:

- (1) Any type of consideration paid for service including but not limited to rent, the proceeds

from resource recovery, any direct or indirect provision for the payment of money, goods, services or benefits by tenants, lessees, occupants or similarly situated persons;

(2) The exchange of service between persons; and

(3) The flow of consideration from a person owning, possessing or generating solid waste to another person who provides services or from a person providing services to another person owning, possessing or generating solid waste.

FRANCHISEE. The person to whom this franchise is granted by the City Council pursuant to this chapter.

PERSON. An individual, partnership, association, corporation, trust, firm, estate or other private legal entity.

RECYCLABLE MATERIALS. Any material or group of materials that can be collected and sold for recycling at a net cost equal to or less than the cost of collection and disposal of the same material.

RESOURCE RECOVERY. The process of obtaining useful material or energy resources from solid waste, including energy recovery, material recovery, recycling and reuse of solid waste.

SERVICE. The collection, transportation or disposal of or the resource recovery from solid waste.

SOLID WASTE. All putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, fruit refuse, waste paper, cardboard, grass clippings, compost, tires, equipment and furniture; sewage sludge, septic tank and cesspool pumping or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home or industrial appliances; manure, vegetable or animal solid and semi-solid wastes, dead animals, infectious and other wastes. The term does not include:

(1) Hazardous waste as defined in O.R.S. 466.005; or

(2) Materials used for fertilizer or for other

productive purposes or which are salvageable as such when the materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.

SOLID WASTE MANAGEMENT. The prevention or reduction of solid waste; management of the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste; or resource recovery from solid waste; and facilities necessary or convenient to those activities.

WASTE. Useless or discarded materials. (Ord. 551, passed 6-27-1991)

FRANCHISE PROVISIONS

§ 50.15 EXCLUSIVE FRANCHISE AND EXCEPTIONS.

(A) There is hereby granted to a franchisee the exclusive right, privilege and franchise to provide all solid waste management service within the city limits as now existing or hereafter expanded and to use the public rights-of-way of the city for the purposes of this franchise. Except as hereinafter provided, it shall be unlawful for any person, firm or corporation to collect solid waste within the corporate limits of the city as now existing or hereafter expanded, without first having procured a franchise from the city.

(B) Exceptions to the exclusive right, privilege and franchise are:

(1) A person may engage in the collection of source separated materials for recycling or resource recovery, but only for the purpose of raising funds for a charitable, civic or benevolent activity. This person or his or her representative must notify the city in writing of his or her intent to engage in the activity and specify the time when the activity is to take place. The franchisee shall be furnished with a copy of the notice;

(2) A person may transport solid waste which the person produces or is produced on the person's property directly to an authorized disposal site or recycling or resource recovery facility without complying with the regulations imposed upon

commercial franchised haulers, provided the solid waste is hauled in such a manner as to prevent leakage or litter upon the streets. Public self-hauling and the preparation, storage and setting out for collection of solid waste shall be in compliance with rules of the Oregon Environmental Quality Commission. The solid waste produced by a tenant, licensee, occupant or person other than the owner of the leased, occupied or licensed premises shall be considered produced by the tenant, licensee, occupant or person and not produced by the landlord or property owner;

(3) A person may engage in the practice of pumping, transporting and disposing of septic tank and cesspool pumpings or other sludge, provided the activity is conducted in compliance with applicable state and local laws; and

(4) A person may engage in the practice of towing or otherwise removing damaged, discarded or abandoned vehicles or parts thereof, so long as the activity is conducted in compliance with applicable state and local laws.

(Ord. 551, passed 6-27-1991) Penalty, see § 50.99

§ 50.16 FRANCHISE TERM.

(A) The rights, privilege and franchise herein granted shall begin on the effective date of this chapter and shall be considered as a continuing 7-year franchise. That is, beginning on January 1 of each year, the franchise shall be considered renewed for a 7-year term, unless at least 30 days prior to December 31 of any year the city shall notify the franchisee in writing of the city's intent to terminate the franchise.

(B) Upon giving this notice of termination, the franchisee shall have a franchise which will terminate 7 years from the date of the notice of termination. The city may later extend the term or reinstate a continuing renewal upon mutual agreement with the franchisee. If the city notifies the franchisee of its intent to terminate the franchise, the franchisee shall have the right for a hearing before the City Council before any termination is made, provided the hearing is requested by the franchisee within 30 days of the notice, in writing. Nothing in this section restricts the city from suspending, modifying or revoking the franchise for reasonable cause as provided for in § 50.31.

(Ord. 551, passed 6-27-1991)

§ 50.17 FRANCHISE RESPONSIBILITY.

(A) The franchisee shall furnish and maintain at its own expense, or by contract, a disposal site for the solid waste collected within the city.

(B) The franchisee shall transport all solid waste in compliance with all applicable state laws and regulations governing the collection, loading and transport of the materials.

(C) The franchisee shall provide sufficient collection vehicles, containers, facilities, personnel and finances to provide all types of necessary service and solid waste management service. Where necessary, the franchisee may subcontract for part of the collection services where more efficient or complete service can be provided by another person; provided, that the franchisee remains responsible for the service provided; and provided further, that the subcontract does not amount to a transfer of ownership. Such subcontracts require the prior written approval of the Council.

(D) Except as otherwise provided, all vehicles used in the collection and/or transportation of waste shall be equipped with a leak-proof metal body of the compactor type. If the franchisee uses a pick-up truck or open-bed truck, the load shall be covered with an adequate cover to prevent scattering of the load.

(E) The franchisee shall respond to all calls for service within a reasonable period of time. Except for acts of God or other conditions out of the control of the franchisee, the franchisee shall have available weekly residential collection service and services to business, industry and government at least 2 times each week. More frequent service may be required as necessary to prevent the creation of nuisances or health hazards in the city. The franchisee shall supply, by contract or otherwise, a disposal site for the purpose of disposing of collected solid waste.

(F) The franchisee shall not give any rate preference to any person, locality or type of solid waste stored, collected, transported, disposed of or resource recovered, taking into consideration the services rendered. This division shall not prohibit

uniform classes of rates based upon length of haul, time of haul, type or quantity of solid waste handled or location of customers, so long as the rates are reasonably based upon the cost of the particular service.

(G) The franchisee shall procure and at all times carry in full force and effect, liability and property damage insurance issued by an insurance company authorized to do business in the state and acceptable to the city.

(H) The franchisee shall provide the opportunity to recycle in accordance with O.R.S. Ch. 459, together with rules and regulations promulgated thereunder. The city may require the franchisee to provide additional levels of recycling if the service is economically and technically feasible.
(Ord. 551, passed 6-27-1991)

§ 50.18 FRANCHISE FEE.

(A) In consideration of the rights, privilege and franchise granted by this chapter, the franchisee shall pay to the city 3% of the gross cash receipts resulting from any solid waste collection service which specifically requires a franchise under this chapter. When any other person without a franchise may conduct the same activities, business or service within the city, no franchise fees shall be payable. To stimulate recycling and reuse and to make more materials recyclable, no franchise fee shall apply to gross receipts from collection or sales of recyclables or reusable materials. For the purpose of calculating the franchise fee, gross cash receipts shall not include revenues generated by the lease, rental or sale of any solid waste receptacle such as roll-off compactors, roll-off boxes, containers, carts or garbage cans.

(B) The franchise fee shall be computed on an estimated gross receipts basis beginning April 1, 1991 and shall be payable to the city on or before the twentieth day of the month following the end of each quarter thereafter. The payment for the quarter ending March 31 of each year shall be based on actual gross receipts for the preceding year and shall be accompanied by a statement of any adjustments made and the computation thereof to change from an estimated to actual basis.
(Ord. 551, passed 6-27-1991)

§ 50.19 ASSIGNMENT OF FRANCHISE.

This franchise shall not be assignable by the franchisee to any third person without the written consent of the City Council first being obtained (which consent shall not be unreasonably withheld), and until the assignee has filed with the City Recorder its acceptance and agreement to abide by the terms of this chapter.
(Ord. 551, passed 6-27-1991)

PUBLIC PROVISIONS

§ 50.30 PUBLIC RESPONSIBILITY.

In order to facilitate the collection and disposal of solid waste and the recycling of recyclable materials, the following rules and regulations shall be in force and effect:

(A) All solid waste, as defined in § 50.04, shall be wrapped and deposited in watertight solid waste receptacles or cans with tight-fitting lids and shall be collected at least once every 7 days as provided in Oregon Administrative Rules 340-61-070;

(B) No garbage receptacle for individual residential service shall exceed 32 gallons in size nor weigh more than 60 pounds gross loaded weight unless the receptacle is of a mechanical loading type approved by franchisee. Cans shall be tapered so they are larger at the top and shall have a place for a handhold at the bottom. Sunken refuse cans or containers shall not be installed or used unless they are placed above ground for collection;

(C) Solid waste collection for commercial establishments must be available upon request of the franchisee, except Saturdays, Sundays and holidays;

(D) All brush must not exceed 4 feet in length, and when possible, should be securely bundled and tied;

(E) It shall be unlawful for any person, firm or corporation within the city to permit the accumulation of solid waste or waste on or about their premises. All such persons, firms or corporations are hereby

required to make prompt and sanitary disposal of the solid waste and waste of every kind, nature and character, as herein provided. No solid waste or waste shall be buried within the city;

(F) It shall be unlawful for any person, firm or corporation within the city to dump solid waste or waste on vacant lots within the city. Incineration of yard debris shall be approved by the Fire Chief of the Willamina Fire District in accordance with Department of Environmental Quality regulations;

(G) It shall be unlawful for any person, firm or corporation to haul, transport or convey sawdust, shavings, hog fuel or other solid waste or waste by truck, automobile, wagon or trailer over and upon any street, alley or thoroughfare in the city, unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom;

(H) The franchisee shall not be required to serve any person, firm or corporation who has made default in payment for any prior service rendered under this chapter or serve any person who refuses to comply with the requirements set forth in this chapter; otherwise, all persons, firms and corporations shall be served by the franchisee in an impartial manner. Where service has been terminated to a customer for failure to pay for services rendered, the franchisee may require a reasonable deposit to guarantee payment for future service before reinstating the service; and

(I) Stationary compactors for handling solid waste shall comply with applicable federal and state safety requirements. No such compactor shall be loaded so as to exceed the safe loading design limit or operation limit of the collection vehicles used by the franchisee. A person who wishes services for a compactor shall, prior to acquiring the compactor, inquire of the franchisee as to the compatibility with franchisee's equipment or equipment which the franchisee is willing to acquire.
(Ord. 551, passed 6-27-1991) Penalty, see § 50.99

§ 50.31 RIGHTS OF CITY.

(A) The city reserves the right to close any street or streets used by the franchisee during the course of construction or during the course of

necessary repairs thereto, or in the event that any street becomes dangerous to the operation of automobiles; it being understood, however, that the city shall not be held liable for damages to the franchisee or any of its servants or employees by reason of defects in streets, or by reason of failure to repair the same.

(B) Failure to comply with a written notice to provide the service required by this chapter, or to otherwise comply with the provisions of this chapter after written notice shall be grounds for the immediate modification, termination or suspension of the franchise herein granted subject to the following divisions:

(1) After written notice from the Council is served either in person or by certified mail that such grounds exist, the franchisee shall have 10 days from the date of mailing or serving of the notice in which to comply, to request a public hearing before the Council or to request an extension of the time allowed for compliance as specified in this division. The Council may grant the extension if the franchisee can show reasonable cause;

(2) In the event the franchisee or the City Council requests a public hearing, the franchisee shall be given 20 days' notice in advance of the time, date and place of the hearing;

(3) At the public hearing, the franchisee and other interested persons shall be given an opportunity to present oral, written or documentary evidence to the Council. The franchisee shall have the right to be present in person and to be represented by counsel and to present witnesses and evidence as may be proper concerning the matter. The findings of the City Council thereon shall be conclusive; provided, however, that the action may be appealed to a court of competent jurisdiction; and

(4) If the franchisee fails to comply with the written notice within the specified time or fails to comply with the order of the Council entered upon the basis of written findings at the public hearing, the Council may immediately suspend, modify or terminate the franchise or make that action contingent upon continued noncompliance, and the action shall not be subject to the 7-year termination contained in § 50.16.

(Ord. 551, passed 6-27-1991)

RATES AND CHARGES

§ 50.40 RATES.

(A) The rates for service under this chapter shall be those rates currently in effect upon the adoption of this chapter, unless modified by the Council. These rates shall remain in effect until a change in rates is approved by the City Council. The City Council shall establish and, as considered necessary from time to time, change rates by resolution.

(B) The rates to be charged to all persons by franchisee shall be adequate, reasonable, uniform and based upon the level and type of service rendered.

(C) Nothing in this section is intended to prevent:

(1) The reasonable establishment of uniform classes of rates based on the type of waste collected, transported, disposed of, recycled or resource recovered; or the number, type and location of customers served; or upon other factors so that rates are reasonably based on the cost of the particular service; or

(2) The franchisee from volunteering service at reduced cost for a civic, community, benevolent or charitable purpose.

(D) In the event either the city or franchisee proposes a rate change, written notice shall be given to the city or franchisee, respectively.

(1) The notice of proposed rates shall include the new proposed rates, a statement including relevant facts or dates justifying the proposed rate, a statement of comparative rate schedules of other Oregon cities of approximate size; an operating statement showing income and a breakdown of costs of operation for the past 12 months; and any other relevant information as the City Council may desire.

(2) Within 30 days following the written request for a rate change, the Council shall hold a public hearing concerning the requested rate change and shall give due consideration to the following

relevant factors:

(a) The cost of performing the service provided by the franchisee;

(b) The anticipated increase in the cost of providing this service;

(c) The need for equipment replacement and the need for additional equipment to meet service needs, compliance with federal, state, local law, ordinances and regulations, or technological change.

(d) The investment of the franchisee and the value of the business and the necessity that the franchisee have a reasonable rate of return;

(e) The rates charged in other cities of similar size within the area for similar service;

(f) The rates will be just, fair, reasonable and sufficient to provide proper service to the public and to provide the level of service that the public finds necessary or desirable;

(g) The local wage scales, cost of management facilities and disposal costs;

(h) Any profit or cost savings resulting from recycling and any additional costs resulting from recycling;

(i) The concentration of customers and the volume of waste available in the area served;

(j) Methods of collection, storage, transportation, disposal, salvage, recycling or reuse of materials;

(k) The future service demands of the service area which must be anticipated in equipment, facilities, personnel or land;

(l) Extra charges for special pickups or pickups on days where service is not normally provided on a collection route, or any other specific type of special or unusual service; and

(m) Extra charges, where the type or character of waste or solid waste, including but not limited to waste with particularly offensive odors, requires special handling or service.

(3) Immediately following the public hearing, the Council shall:

(a) Adopt the proposed modification in the rate schedule by enacting an appropriate resolution; or

(b) Refuse to adopt the amendment through a vote to deny, based upon a stated reasonable cause for denial.

(E) Rates established by the Council are fixed rates and franchisee shall not charge more than the fixed rate except as provided in this division and division (C)(2) above.

(F) When no rate has been established for a service which the franchisee can provide at customer request, the franchisee shall charge a rate based on the factors outlined in divisions (B) and (D)(2)(a).

(G) Until changed by the Council in an appropriate resolution, rates to be charged are those in effect on the effective date of this chapter. (Ord. 551, passed 6-27-1991)

§ 50.99 PENALTY.

Any firm, person or corporation violating any of the terms of this chapter shall, upon conviction thereof, be subject to a fine of not less than \$5 nor exceeding \$100. Each separate day is a separate violation; provided, however, that violations of the same section of the ordinance may be joined in a single case.

(Ord. 551, passed 6-27-1991)

CHAPTER 51: WATER REGULATIONS

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GENERAL REGULATIONS; CONNECTIONS

§ 51.01 ADMINISTRATION.

(A) The Superintendent of the Water Department, hereinafter called the Superintendent, shall have charge of the maintenance and operation of the water supply, treatment plant, pumping

equipment, distribution system, meters and all other appurtenances of the waterworks system under the supervision and direction of the Water Committee. The Superintendent shall supervise all extensions and alterations of the waterworks system which are authorized by the City Council. He or she shall also be responsible for the reading of all water meters and shall report to the Water Clerk on all money due the city for all deposits, fees and charges made for water services and connections.

(B) The City Water Clerk shall be responsible for the collection of water bills, deposits and fees. All revenues therefrom shall be accounted for in a manner satisfactory to the Council and shall be deposited regularly with the City Treasurer in the same manner as approved for other municipal deposits.
(Ord. 529, passed 5-9-1985)

§ 51.02 WATER MAINS.

(A) The water mains of the city shall be under the complete control of the Superintendent and no person or persons other than employees of the Water Department shall tap, change, obstruct, interfere with or in any way disturb the water system.

(B) Extension to water mains will be made upon proper petition to the City Council, or by the initiative of the Council. The Council shall have the right to reject these petitions or to enter into any contract with the petitions as the Council may elect.

(C) All fire hydrants connected to the water mains of the city shall be under the complete control of the Chief of the Fire Department or his or her subordinate officers of the Department.
(Ord. 529, passed 5-9-1985)

§ 51.03 CONNECTIONS.

(A) Before any connection is made to any water main, application for a permit must be made in writing by the owner of the premises to be served, or by his or her authorized representative, at the office of the Water Department.

(B) All service pipe and all water piping in all premises shall be installed in accordance with the State Plumbing Code, and no service connection shall be made to any water main of a diameter of less than 3/4 inch. Any person, firm or corporation shall not interfere in any way with fixtures installed by the Water Department. Any plumber called upon to shut off water and drain pipes in any premises shall do so inside the property line.

(C) Where connections are provided for fire protection on any premises, or where hose connections for fire apparatus are provided, each connection shall have not less than 25 feet of fire hose constantly attached thereto, and no water shall be taken through the opening or hose for any purpose other than extinguishing fires, except for the purpose of testing the equipment. No test of fire equipment may be conducted except by the City Fire Department, unless special permit be first secured from the Water Department.

(D) All new water taps and service connection installations from the main, to and including the meter, shall be made by the Water Department of the city. The cost, therefor payable in advance, shall be the sum of \$550 for connections 1 inch and smaller. For connections larger than 1 inch, the cost shall be the actual cost of installation, including materials and labor.
(Am. Ord. 529-A, passed 1-11-1990; Res. 89-90-4, passed 1-11-1990; Am. Ord. 568, passed 10-27-1994)

(E) When new buildings are to be erected on the site of old ones and it is desired to increase the size or change the location of the old service connection, or where a service connection to any premises is abandoned or no longer in use, the city may cut out or remove the service connection, after which, should a service connection be required to the premises, a new service shall be placed only upon the owner making application and paying for a new tap in

the regular manner, and as herein provided. A service connection will be deemed to be abandoned if it has not been used for a period of 120 days or more.
(Ord. 529, passed 5-9-1985)

§ 51.04 METERS.

(A) All premises using water from city mains shall be metered, and payment shall be made for water at rates as herein set forth. In no case will water be supplied at fixed or flat rates except in special cases reviewed and approved by formal resolution of the Council.

(B) Meters will be furnished by the Water Department and will remain the property of the city and will at all times be under its control.

(C) For ordinary metered consumption of water, a 3/4-inch meter will be furnished. Where application is made for a meter larger than 3/4-inch, special arrangements must be made between the Water Department and the customer and approved by the Water Committee.

(D) The maintenance of meters will be borne by the city; provided, however, that where the replacement, repair or adjustment of a meter is made necessary by the act, negligence or carelessness of the owner or occupant of the premises, the expense to the city thereby shall be charged to the owner of the premises.
(Am. Ord. 568, passed 10-27-1994)

(E) All water furnished by the city and used on any metered premises must pass through the meter. No bypass or connection around the meter will be permitted. If any meter becomes defective or fails to register, the consumer will be charged at the average monthly consumption rate as shown by the meter over a period of the preceding 3 months when the meter was accurately registering.

(F) Where the water has been turned off by the Water Department for any reason, no person or persons, except authorized employees or agents of the Water Department, may turn it on again. Any violation hereof shall be punishable in accordance with the penalty provisions of this chapter.

(G) The Water Superintendent, or his or her authorized agent, shall have free access at all

reasonable hours to inspect any premises supplied with water. No person shall refuse to admit authorized agents of the Water Department to make the inspection. In case any authorized employee be refused admittance or is in any way hindered in making the necessary inspection or examination, the water may be turned off from the premises after giving 24 hours' notice to the owner or occupant thereof.
(Ord. 529, passed 5-9-1985) Penalty, see § 51.99

§ 51.05 USE OF WATER IN EMERGENCY SITUATIONS.

(A) If, in the Utility Superintendent or his or her representative's judgment the water supply is such, in the city, that there is danger of a shortage, the Superintendent or his or her representative may determine and declare an emergency water use situation and take immediate steps to implement an emergency plan, upon consultation with the Mayor and/or Utility Committee.

(B) (1) Upon declaration of such a situation, the Utility Superintendent or his or her representative shall file an emergency management plan with the City Recorder. The plan shall include the hours and/or days when water may be used by consumers for sprinkling, irrigation or any other nonessential use and may incorporate any other management plan for water use deemed to be appropriate and necessary by the Superintendent or his or her representative.

(2) The emergency water use management plan shall be publicly announced in as many avenues as possible to make the public fully aware of the situation and the plan. At the least, notices shall be posted at City Hall and 2 other public places. Any changes to the plan shall be publicly announced in the same manner.

(C) During a declared water use emergency, no person shall use a hose for irrigation without having a nozzle or other water-distributing device attached thereto. No person shall use water for sprinkling, irrigation or any other nonessential use other than as prescribed by the water use management plan, or permit water used to flow into or upon any public thoroughfare or upon or over premises not under the user's control.

(D) The Utility Superintendent or his or her representative is authorized at all reasonable times to enter upon private property to investigate an obvious violation of this chapter.
(Ord. 559, passed 6-25-1992) Penalty, see § 51.99

CROSS-CONNECTIONS; PROHIBITIONS

§ 51.15 PURPOSE AND SCOPE.

The purpose of this subchapter is to protect the public health of water consumers by the control of actual and/or potential cross-connections to customers.
(Ord. 529, passed 5-9-1985)

§ 51.16 DEFINITIONS.

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

BACKFLOW. The undesirable reversal of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources.

BACKFLOW PREVENTION DEVICE.

(1) *Approved.* A device that has been investigated and approved by the regulatory agency having jurisdiction. The approval of ***BACKFLOW PREVENTION DEVICES*** by the regulatory agency should be on the basis of a favorable laboratory and field evaluation report by an approved testing laboratory, recommending the approval.

(2) *Type.* Any approved device used to prevent backflow into a potable water system. The type of device used should be based on the degree of hazard either existing or potential.

CONTAMINATION. The entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

CROSS-CONNECTION. Any unprotected

actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices, through which or because of which backflow can or may occur, are considered to be **CROSS-CONNECTIONS**.

HAZARD, DEGREE OF. Derived from the evaluation of a health, system, plumbing or pollution hazard.

HAZARD, HEALTH. An actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

HAZARD, PLUMBING. An internal or plumbing type cross-connection in a consumer's potable water system that may be either a pollution or a contamination type hazard. This includes but is not limited to cross-connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

HAZARD, POLLUTIONAL. An actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which should not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

HAZARD, SYSTEM. An actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system, or a pollution or contamination which would have a protected effect on the quality of the potable water in the system.

HEALTH DIVISION OFFICER. The Oregon State Health Division Officer, or authorized agent.

POTABLE WATER SUPPLY. Any system of water supply intended or used for human consumption or other domestic use. (Ord. 529, passed 5-9-1985)

§ 51.17 CROSS-CONNECTIONS PROHIBITED.

(A) The installation or maintenance of a cross-connection which will endanger the water quality of the potable water supply system of the city shall be unlawful and is prohibited. Any such cross-connection now existing or hereafter installed is hereby declared to be a public hazard and the same shall be abated.

(B) The control or elimination of cross-connections shall be in accordance with this chapter and in compliance with the Oregon Administrative Rules Chapter 333, Public Water Systems, Section 42-230. The Superintendent shall have the authority to establish requirements more stringent than state regulations if he or she deems that the conditions so dictate. The city shall adopt rules and regulations as necessary to carry out the provisions of this chapter.

(C) The Building Official is hereby authorized to enforce the provisions of this chapter in the inspection of existing, new and remodeled buildings. (Ord. 529, passed 5-9-1985) Penalty, see § 51.99

§ 51.18 BACKFLOW PREVENTION DEVICES.

(A) No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state law and regulation and this subchapter. Service of water to any premises shall be discontinued by the city if a backflow prevention device required by this subchapter is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, bypassed, or if unprotected cross-connection exists on the premises. Service will not be restored until the conditions or defects are corrected.

(B) The customer's system should be open for inspection and tests at all reasonable times to

authorized representatives of the city to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Superintendent shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

(C) An approved backflow prevention device shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line.

(D) Backflow prevention devices shall be installed under circumstances, including but not limited to the following:

- (1) Premises having an auxiliary water supply;
- (2) Premises having cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist;
- (3) Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist;
- (4) Premises having a history of cross-connections being established or reestablished;
- (5) Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters;
- (6) Premises where materials of a toxic or hazardous nature are handled in such a way that if back-siphonage should occur, a serious health hazard might result; and
- (7) The following types of facilities will fall into 1 of the above categories where a backflow

prevention device is required to protect the public water supply. A backflow prevention device shall be installed at these facilities unless the city determines that no hazard exists:

- (a) Lumber and plywood mills;
- (b) Laboratories and clinics;
- (c) Metal plating industries;
- (d) Sewage treatment plants;
- (e) Food or beverage processing plants;
- (f) Petroleum processing or storage plants;
- (g) Facilities with fire service lines as specified by Oregon State Health Division; and
- (h) Others specified by the city.

(E) The type of protective device required shall depend on the degree of hazard which exists:

- (1) An air-gap separation or a reduced-pressure-principle backflow prevention device shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature or other contaminant which could cause a health or system hazard; or
- (2) In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation, or a reduced-pressure-principle backflow prevention device shall be installed.

(F) Backflow prevention devices required by this chapter shall be installed under the supervision and with the approval of the city.

(G) Any protective device required by this chapter shall be approved by the Superintendent.

(H) These devices shall be furnished and installed by and at the expense of the customer.

(I) (1) It shall be the duty of the customer-user at any premises where backflow prevention

devices are installed to have certified inspections and operational tests made at least once per year. In those instances where the Superintendent deems the hazard to be great enough he or she may require certified inspections at more frequent intervals.

(2) These inspections and tests shall be at the expense of the water user and shall be performed by a certified tester approved by the Superintendent. It shall be the duty of the Superintendent to see that these timely tests are made. The customer-user shall notify the Superintendent in advance when the tests are to be undertaken so that the Superintendent or a representative may witness the tests if so desired.

(3) These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever the devices are found to be defective. Records of these tests, repairs and overhaul shall be kept and copies sent to the Superintendent.

(J) No underground sprinkling device will be installed without adequate backflow prevention devices.

(K) Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this chapter or by state law shall be grounds for the termination of water service to the premises.
(Ord. 529, passed 5-9-1985)

§ 51.19 CROSS-CONNECTION INSPECTION.

(A) No water shall be delivered to any structure hereafter built within the city or within areas served by city water until the same shall have been inspected by the city for possible cross-connections and been approved as being free of same.

(B) Any construction for industrial or other purposes which is classified as hazardous facilities where it is reasonable to anticipate intermittent cross-connections, or as determined by the Superintendent, shall be protected by the installation of 1 or more backflow prevention devices at the point of service from the public water supply or any other location designated by the city.

(C) Inspections shall be made at the discretion of the Superintendent of all buildings, structures or

improvements for the purpose of ascertaining whether cross-connections exist. These inspections shall be made by the city.

(Ord. 529, passed 5-9-1985)

§ 51.20 LIABILITY.

This section shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or testing herein, or the failure to inspect or test by reason of approval of any cross-connections.

(Ord. 529, passed 5-9-1985)

RATES AND CHARGES

§ 51.30 BILLS DUE.

For the purpose of making and collecting charges for water used by consumers, all water bills for each month shall be due and payable 15 days after the date of billing.

(Ord. 529, passed 5-9-1985)

§ 51.31 DELINQUENT PAYMENTS.

(A) All charges for water supplied during any month shall be paid not later than 30 days after billing date. If the charges are not paid prior to the thirty-first day after billing, the water may be turned off for any premises against which these charges have been made. On failure to comply with the rules and regulations established as a condition to the use of water, or on failure to pay the water rents in the time and manner provided in this chapter, the water shall be shut off until there is compliance or there is payment of the amount due to the time the water is again turned on. There shall be a charge, the amount to be set by resolution, for the expense of turning the water on after it has been shut off pursuant to the provisions of this section.

(B) If a renter of property moves from the premises and leaves an unpaid water rent, the owner shall be notified of the amount of the arrearage and given 30 days in which to pay. If amounts remain unpaid after 30 days, the Clerk shall report the

amount due, including 10% thereof for administrative costs, together with the name or names of the owner or owners of record of the real property, to the Recorder and the same shall become a lien against the property and entered in the city lien docket as directed by the City Council, to bear interest at the standard rate per annum from the date of the end of the 30-day period.

(Ord. 529, passed 5-9-1985; Ord. 529-A, passed 1-11-1990; Res. 89-90-4, passed 1-11-1990)

§ 51.32 DEPOSITS.

(A) All residents, owners and renters alike, shall, before having water turned on in the premises they are to occupy, make a cash deposit, to be set by resolution, with the Clerk of the Water Department as a guarantee of payment of current bills, and receive a receipt therefor before water service is extended to them.

(Am. Ord. 529-A, passed 1-11-1990; Res. 89-90-4, passed 1-11-1990)

(B) When service is discontinued, any balance on deposit, less any sum which may be due for unpaid water bills, will be returned to that customer upon surrender of the deposit receipt.

(Ord. 529, passed 5-9-1985)

§ 51.33 VACATION OF PREMISES.

When a residence or business building is vacated, the meter will be read and then padlocked. Until the time that a new tenant pays the required deposit and water is turned on by the Water Department, no monthly charge for unused water will be made.

(Ord. 529, passed 5-9-1985)

§ 51.34 MONTHLY RATES WITHIN THE CITY.

(A) Minimum rates as specified by resolution are the minimum rates to be charged each month from the date of this chapter for all water consumed within the city. The minimum monthly rate shall be charged each month and will not be reduced due to nonconsumption of water. A minimum monthly fee, set by resolution, will be charged for hookups not in

use.

(B) A person who is 62 years of age or older or proven permanently disabled, with no source of income except social security or other disability payments, will be entitled to a reduced household rate set by resolution, on making application for this rate. The overage rate shall not be reduced.

(C) Duplex household, motels, auto courts, trailer courts and apartments shall, if connected all on 1 meter, be charged with 1 minimum rate each, plus a rate per 100 cubic feet, or fraction thereof, over and above a monthly allowance of 750 cubic feet total, for all water passing through the meter, and the same shall be billed monthly to the owner, agent or representative of the premises, who shall be responsible for payment of the same. Rates are set forth by resolution.

(Ord. 529, passed 5-9-1985; Am. Ord. 529-A, passed 1-11-1990; Res. 89-90-4, passed 1-11-1990)

§ 51.35 MONTHLY RATES OUTSIDE THE CITY.

(A) Rates as specified by resolution are the minimum rates to be charged each month from the date of this chapter for all chemically treated water consumed outside the city, unless other rates are specifically negotiated and agreed upon by the city and outside users.

(B) Where 2 or more units are connected on 1 meter, 1 flat fee shall be charged on 1 unit, with an additional fee per unit additional, plus a fee per 100 cubic feet, or fraction thereof, over and above a monthly allowance of 750 cubic feet total, for all water passing through the meter, and the same shall be billed monthly to the owner, agent or representative of the premises, who shall be responsible for payment of same. Fees are set forth by resolution.

(Ord. 529, passed 5-9-1985; Am. Ord. 529-A, passed 1-11-1990; Res. 89-90-4, passed 1-11-1990)

§ 51.36 USE OF WATER DURING FIRE.

The use of water for sprinkling, irrigation or any such purpose during the time a fire is in progress may be prohibited, and consumers may be required to shut

off all such water service if directed by the Fire Chief or his or her duly authorized representative, and to refrain from this use of water until the fire has been extinguished. Failure to do so in compliance with this regulation will be grounds for discontinuance of service without notice.

(Ord. 529, passed 5-9-1985; Am. Ord. 529-A, passed 1-11-1990)

§ 51.99 PENALTY.

(A) Violation of any provision of this chapter, unless otherwise noted, is punishable by a fine not to exceed \$300. Each violation constitutes a separate offense.

(Ord. 529, passed 5-9-1985; Am. Ord. 561, passed 11-12-1992)

(B) Any person violating any of the provisions of § 51.05 shall, upon conviction thereof, be punished by a fine of not more than \$50. Each act or violation of this section will be adjudicated as a separate offence and be so punishable.

(Ord. 559, passed 6-25-1992)

CHAPTER 52: SEWER REGULATIONS

Section

General Provisions

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GENERAL PROVISIONS

§ 52.01 DEFINITIONS.

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

ASTM SPECIFICATIONS. All references to the form ***ASTM*** shall mean the standard specification, ~~in its entirety~~, of the American Society for Testing and Materials of the serial designation indicated by the number and, unless otherwise stated, refer to the latest adopted revision of the specification or method.

BOD (denoting ***BIOCHEMICAL OXYGEN DEMAND***). The quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in 5 days at 20°C, expressed in parts per million by weight.

BUILDING DRAIN. That part of the lowest horizontal piping or 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 5 feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the property line or right-of-way line and connection with the public sewer service connection.

CITY ENGINEER. The City Engineer of the City of Willamina or his or her authorized deputy, agent or representative.

CONNECTION CHARGE. The fee levied by the city to cover the cost of inspection and construction of the public sewer lateral to the property which is to be serviced, for a portion of the construction cost of the lateral sewers, and other administrative costs.

GARBAGE. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES. The liquid wastes from industrial processes, as distinct from sanitary sewage.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

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

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of foods that have been shredded to the degree that all particles will be carried freely under the flow and conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SERVICE CONNECTION. A public sewer which has been constructed to property line or right-of-way from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with any ground, surface and storm waters as may be present.

SEWAGE SYSTEM. All city-owned facilities for collecting, pumping, treating and disposing of sewage.

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

SEWER. A pipe or conduit for carrying sewage.

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

SUSPENDED SOLIDS. Solids that either float on the surface or are in suspension in water, sewage or other liquids; and which are removable by the laboratory filtering.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 532, passed 1-30-1986)

§ 52.02 USE OF PUBLIC SEWERS REQUIRED.

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

(B) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any unsanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in

accordance with subsequent provisions of this chapter.

(C) 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 within the corporate limits of the city, or in any area under the jurisdiction of the city.

(D) The owners 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 sewer of the city, are hereby required at their expense to install suitable toilet facilities therein and to connect the facilities directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so; provided that the public sewer is available to or on the property and/or at a property line of the property and the structures or buildings are within 300 feet of the public sewer. (Ord. 532, passed 1-30-1986) Penalty, see § 52.99

CONNECTIONS; PROHIBITIONS

§ 52.15 BUILDING SEWERS AND CONNECTIONS.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereto, and no person, firm or corporation shall make any connection to any part of the sewer system without first making an application and securing a permit therefor.

(B) There shall be 2 classes of building sewer permits, one for residential and commercial service, another for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent to the Engineer's judgment. A permit and inspection fee, set by resolution, shall be paid to the City Recorder at the

time the application is filed, 80% of which shall be refunded after final approval by the Engineer. No permit shall be issued until the connection charge specified in § 52.45 has been paid, or financing arrangements have been made for installment payments on terms allowed by the city.

(C) All costs and expenses 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.

(D) Old building sewers may be used in connection with new buildings or new building sewers only when they are found, on examination and testing by the City Engineer to meet all requirements of this chapter.

(E) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the State Plumbing Code and other applicable regulations of the city.

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

(G) The connection of the building sewer to the public sewer shall conform to the requirements of the State Plumbing Code and other applicable regulations of the city. Each connection shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Engineer before installation.

(H) The applicant for building sewer permit shall notify the City Engineer when the building sewer is ready for inspection and connection to the building drain as defined in § 52.01, unless otherwise authorized by the City Engineer. A 30-minute internal hydrostatic test will be required on all building sewers before connection is made to the building drain. All water, plugs and other facilities for making the test shall be furnished by the applicant. Minimum head over the top of the pipe

shall be 2 feet, and maximum allowable leakage shall be 4 gallons per hour per 100 feet.

(I) No plumbing contractors shall be allowed to make connections of building sewers to the sewage works of the city on behalf of any owners of property therein without first posting with the city a bond in a sum set by resolution, indemnifying the city and the inhabitants thereof against any loss or damage which the city or the inhabitants thereof might suffer by reason of the actions of those contractors in making the connections.

(Ord. 532, passed 1-30-1986; Am. Ord. 532-A, passed 12-14-1989; Res. 89-90-5, passed 12-14-1989) Penalty, see § 52.99

§ 52.16 USE OF PUBLIC SEWERS; PROHIBITED OR REGULATED DISCHARGES.

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

(B) Stormwater and all other unpolluted drainage shall be discharged to those sewers that are specifically designed as storm sewers or to a natural outlet approved by the City Engineer. Industrial cooling water or unpolluted process water may be discharged, upon approval of the City Engineer, to a storm sewer or natural outlet.

(C) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

(1) Any liquid or vapor having a temperature higher than 150°C;

(2) Any gasoline, grease, oils, paint, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(3) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper

operation of the sewage works;

(4) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant;

(5) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(6) Any waters or wastes containing suspended solids of a character and quantity that unusual attention or expense is required to handle the material at the sewage treatment plant; or

(7) Any noxious or malodorous gas or substance capable of creating a public nuisance, including the contents of septic tanks and cesspools, without written consent of the City Engineer.

(D) Grease, oil and sand interceptors shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand and other harmful ingredients; except that these interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the City Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection, and shall be maintained by the owner, at his or her expense, in continuously efficient operations at all times.

(E) (1) The admission into the public sewers of any water or wastes having the following properties in divisions (a) through (c) below shall be subject to the review and approval of the City Engineer:

(a) Having a 5-day biochemical oxygen demand greater than 300 parts per million by weight;

(b) Containing more than 350 parts per million by weight of suspended solids; or

(c) Having an average daily flow

greater than 2% of the average daily sewage flow of the city.

(2) Where necessary, in the opinion of the City Engineer, the owner shall provide, at his or her expense, any preliminary treatment as may be necessary. The design and installation of the proposed preliminary treatment facilities shall be subject to the review of the City Engineer, in addition to compliance with the requirements of all applicable codes, ordinances and laws.

(F) When required by the City Engineer, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. This manhole, when required, shall be accessible at all times.

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

(H) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made above shall be determined in accordance with *Standard Methods for the Examination of Water and Sewage*, and shall be determined at the 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.

(I) 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.
(Ord. 532, passed 1-30-1986)

(J) A storm sewer connected to the sanitary sewer is considered a cross-connection and is prohibited. Any such cross-connection now existing or hereafter installed is hereby declared to be a public hazard and the same shall be abated.
(Ord. 575, passed 6-29-1995)
Penalty, see § 52.99

§ 52.17 PROTECTION FROM DAMAGE.

No person or persons shall unlawfully, maliciously, willfully or, as the result of gross negligence on his, her or their part, break, damage, destroy, uncover, deface or tamper with any structure, facility, appurtenance or equipment which is a part of the sanitary sewer system of the city. This section does not apply, however, to any employee of the city during the time he or she is engaged in his or her official employment, nor to any person or persons authorized to work in any manner thereon.
(Ord. 532, passed 1-30-1986) Penalty, see § 52.99

§ 52.18 RESPONSIBILITY OF PROPERTY OWNERS; LIMITATION OF CITY LIABILITY.

(A) (1) It is the responsibility of the property owner to maintain and keep in good repair the building drain and building sewer to assure no sewage is leaked and/or infiltrates into the ground.

(2) Whenever leaks in the building drain and/or building sewer are determined, the Utility Superintendent may, at his or her discretion, report the same to the City Council, designating the description of the property, the owner or owners of record of the property, the nature of the maintenance that is deemed necessary to be done, and that in his or her judgment repair thereof is necessary. Failure to notify property owner of needed repairs shall not relieve the property owner of liability.

(3) The City Council, upon receipt of this report from the Utility Superintendent and deeming the repair necessary, may direct that the owner or owners make the needed repairs by notifying the owner or owners in writing by mail, if the address of the owner or owners is known; if not known, by posting notice thereof on the property involved. This notice shall direct that owner or owners make and complete the repairs, in the manner described in the notice, on or before 30 days after the mailing or posting of the notice. This notice is to be given or posted by or under the direction of the City Recorder. An error in the name or address of the owner of the property shall not make the notice void.

(4) In the event the owner or owners fails

or refuses to make and complete the repairs as notified of within 30 days after the mailing or posting of notice, the City Utility Superintendent may proceed to cause the repairs to be made.

(5) The City Engineer, Public Works Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of repair at a time and during such hours as the Council shall approve.

(6) When repairs are complete, the Superintendent shall report the cost thereof, including 10% thereof for administrative costs, together with the name or names of the owner or owners of record of the real property, to the Recorder and the same shall become a lien against the property and entered in the city lien docket as directed by the City Council to bear interest at the standard rate per annum from the date at the end of the 30-day period.

(B) This section shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or testing, or the failure to inspect or test by reason of approval of sanitary sewers.
(Ord. 575, passed 6-29-1995)

ENFORCEMENT

§ 52.30 POWERS AND AUTHORITY OF INSPECTORS.

The City Engineer and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter at the times and during those hours as the Council shall approve.
(Ord. 532, passed 1-30-1986)

RATES AND CHARGES

§ 52.45 CONNECTION CHARGES.

(A) All houses, buildings or properties used for human occupancy, employment, recreation or other purposes which are required to connect to the public sewer under the provisions of this chapter shall pay a connection charge for each separate service connection to the property.

(B) When 1 service connection serves 2 or more property owners, each property owner shall pay a connection charge.

(C) Any person making connections to the public sewer system shall pay a service connection charge of \$150, the charge being a fee to defray the cost of permitting and inspection of the service connection. In addition, the installation or and associated cost of installation of the service connection from the public main to the building sewer shall be the sole responsibility of the person making the service connection. The \$150 service connection charge will be waived if the owner can show that a per square foot assessment has previously been paid on the property.
(Am. Ord. 532-A, passed 12-14-1989; Res. 89-90-5, passed 12-14-1989; Am. Ord. 569, passed 10-27-1994)

(D) At any time when any improvement which is connected to the municipal sewer system is destroyed by fire or is torn down and no longer connected to the sewer system, the owner thereof shall file a certificate with the City Recorder stating to the date of destruction or removal of the improvements and pay up all sewer service charges from the date of the destruction or removal, and thereafter there shall be no monthly service charge made to the property until new improvements are placed on the premises and connected to the sewer system; and it is further provided that when the property which is removed from the sewer service charges is reconnected to the sewer, the City Recorder shall check in the records and determine whether or not the property has paid into the Sewer User Fund an amount equal to the sums set up as of the date the property is reconnected to the sewer system, then no additional charges will be made. If not, then in that event, upon re-hooking up the property to the municipal sewer system, the owner of the property shall pay the difference between the amount theretofore paid into the city and the amount accruing under this section.

(E) The City Recorder, upon receipt of a certificate of destruction or removal of improvements to property connected to the municipal sewer system, shall present the certificate at the next Council meeting; and the Council shall then consider the matter and, upon adoption of a resolution removing the property from the sewer service charge rolls, the Recorder shall make proper notation in the proper record of the city and remove the property from the monthly sewer charges until the property is again hooked up to the municipal sewer system. (Ord. 532, passed 1-30-1986)

§ 52.46 SEWER USER CHARGES.

(A) (1) The just and equitable charges aforesaid are hereby established, determined and declared to be as set by resolution. (Am. Ord. 532-A, passed 12-14-1989; Res. 89-90-5, passed 12-14-1989)

(2) If amounts remain unpaid after 30 days, the clerk shall report the amount due, including 10% thereof for administrative costs, together with the name or names of the owner or owners of record of the real property, to the Recorder, and the same shall become a lien against the property and entered in the city lien docket as directed by the City Council to bear interest at the standard rate per annum from

the date at the end of the 30-day period. (Am. Ord. 561, passed 11-12-1992)

(B) When no water is used in a building or residence because the building or residence has been vacated, sewer charges will be terminated until a new tenant or owner deposits the required amount to reinstate water service. At that time, the appropriate sewer charges will be included with the monthly water bill as stated in division (A) of this section. (Ord. 532, passed 1-30-1986)

§ 52.99 PENALTY.

(A) Violations of any provision of this chapter, except §§ 52.17 and 52.18, is punishable by a maximum fine of \$300 for each offense or violation thereof. (Am. Ord. 561, passed 11-12-1992)

(B) Any person or persons violating any of the provisions of § 52.17 of this chapter shall be guilty of disorderly conduct and, upon conviction thereof, shall be punished by a fine as set by resolution. (Ord. 532, passed 1-30-1986; Am. Ord. 532-A, passed 12-14-1989; Res. 89-90-5, passed 12-14-1989)