

Title 13

PUBLIC SERVICES

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Chapter 13.04

WATER SERVICE SYSTEM*

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* Prior ordinance history: Ords. 285, 297, 318 and 341.

Article I. General Provisions

13.04.010 Definitions.

For the purposes of this chapter, the following words shall have their assigned meaning:

“Applicant” means any person making application for water service.

“City” means the city of Mill City, or the area within the territorial limits of the city, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

“City administrator” means the city administrator/city recorder of the city of Mill City appointed by the city council.

“City engineer” means the city engineer for the city of Mill City, as appointed by the city council.

“Council” means the city council of the city of Mill City. “All its members” or “all council members” means the total number of council members holding office.

“Customer” means the owner, person and/or tenant who is listed as the individual responsible for the payment of the utility bill pursuant to the city utility billing records.

“Customer service line” means that part of the piping on a customer’s premises that connects the service connection to the customer’s distribution system.

“Fees” are charges for administering and operating the water service that are not included in operation, maintenance and replacement such as delinquent account billing and collection and customer-requested services; fees are established by resolution of the council.

“Main” means a water line designed or used to service more than one premises.

“Month” means the period approximately one month in length and coinciding with the dates on which regular water meters are read.

“Owner” means and includes any part owner, joint owner, tenant in common, joint tenant, tenant by entirety, of the whole or a part of such building or land.

“Person” means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

“Premises” means a continuous tract of land, building or group of adjacent buildings under a single control with respect to use of water and responsibility for payment thereof.

“Public works design standards” means engineering design standards and specifications for public works improvements as prepared by the city engineer.

“Service connection” means that portion of the water distribution system which connects the meter to the main and shall normally consist of a corporation stop, service pipe, curb stop and box, meter, meter yoke, and meter box.

“Service connection charge” means the charge required to pay for the installation of the service connection.

“Standby service” means water service which is used for fire protection purposes and not for any other purpose.

“System development charge” means the charge, as further defined in Chapter 15.16 of this code, reserved for capital improvements for the treatment plant, storage tanks and other components of the water system.

“Tenant” means a person who is renting or leasing premises from another pursuant to a written or oral agreement.

“User charge” means the periodic charges levied on all users of the public water system and shall, at a minimum, cover each user’s share of the cost of operation, debt retirement, maintenance and replacement.

“Water commissioner” means the councilperson appointed by the mayor and the city council to fulfill the duties of the office of water commissioner or the water commissioner’s authorized deputy, agent or representative.

“Water unit” means one hundred (100) cubic feet of water. (Ord. 349 (part), 2007)

Article II. Water Connections and Connect Charges

13.04.020 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. (Ord. 349 (part), 2007)

13.04.030 Conditions for granting permits.

A. Any person wishing to connect to the city water system or to make a change in water service size or location shall apply to the city for a permit to do so. Except where city council action is necessary in subsections B, C and D of this section, the city administrator, or the city administrator's designee, shall have the authority to grant such permits.

B. The primary purpose of the city water system is to provide services to property within the city. The city council may grant a permit for water service to property outside the city only if it finds that:

1. The property is located within the Mill City urban growth boundary;
2. The city has an ample supply of water for its own present and future use; and
3. The services would be consistent in all respects with adopted resolutions, policies, plans and ordinances.

C. 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.

D. 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 and plans and ordinances. Where an extension of existing water mains is required, the application shall be submitted to the city council. The city council shall determine whether the city should bear all or part of the cost of water main extensions. If the city council determines that the applicant should pay the cost of the water main extension, but the applicant refuses to do so, the permit shall be denied.

E. When an abnormally large quantity of water is desired for filling a swimming pool, log pond, or for other purposes, arrangements shall be made with the city prior to taking such water. Permission to take water in unusual quantities shall be given only if it can be safely delivered and if other customers will not be inconvenienced. Charges for such purchases of water will be set by resolution of the city council. The city council may grant permits for bulk water use only if it finds that:

1. The city has an ample supply of water for its own present and future use;
2. The services would be consistent in all respects with adopted resolutions, policies, plans and ordinances; and
3. The city council adopts by resolution a schedule of fees for bulk water purchases. (Ord. 349 (part), 2007)

13.04.040 Connection charges--Single-family residential.

All applicants for water service and for changes in water service, size or location shall pay a service charge based on actual costs incurred by the city, including an administrative charge to cover the costs of issuing the permit and setting up the account. The city council, at its sole discretion, may

charge different rates under this section to connections and changes in water service to customers living outside the corporate limits of the city. (Ord. 349 (part), 2007)

13.04.050 Water main extensions or alterations.

A. When a permit has been issued and the city imposes the cost of extending or altering existing water mains on the applicant, the applicant may have the work done by a private contractor or by the city in accordance with the city public works design standards. The city may require the applicant to use a private contractor.

B. The size of all main extensions shall be determined by the city, in accordance with the city master water plan and the city public works design standards, but in no case shall a water main be less than six inches in diameter.

C. If the applicant wishes to have the main extension done by a private contractor, the applicant shall comply with the city's adopted public works design standards and the applicant must obtain a permit prior to commencing the work. The contractor shall be required to carry liability insurance, naming the city and the city engineer as the insured party in an amount determined by the city engineer.

D. 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 engineer as the cost of the extension or alteration. The applicant shall pay the total cost of the construction. If the amount deposited is greater than the total cost, the amount in excess of total cost shall be returned to the applicant.

E. If the extension or alteration is constructed by a private contractor, all construction plans must be approved by the city engineer and the cost of the review shall be paid by the applicant. The work shall be done under the supervision of the city. 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 engineer'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 engineer and acceptance of the improvement by the city council or applied by the city to any damages resulting from the construction.

F. 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 and provided the system has been tested, sterilized and accepted by the city.

G. A one-year maintenance bond shall be provided for public improvements prior to acceptance by the city. (Ord. 349 (part), 2007)

13.04.060 Service connections.

A. The city shall install a service connection line between the main and the meter. The applicant shall pay the actual costs incurred by the city.

B. The service connection line shall be a minimum of three-fourths inch in diameter. (Ord. 349 (part), 2007)

13.04.070 Water meters.

A. Meters shall be placed in the city property easement or right-of-way nearest the premises unless the premises to be served is a public school or other public property. In such case the meter may be installed on the public property if the city council so approves.

B. Meters shall be furnished and owned by the city and shall be maintained at its expense.

C. No rent or other charges shall be paid by the city for a meter or other equipment located on the customer's property.

D. Meters shall be sealed by the city at the time of installation, and no seal shall be altered or broken except by one of the city's authorized agents.

E. If a change in size of a meter and service is required, the customer shall apply for a permit and shall pay the fee established by resolution of the city council.

F. Only city personnel shall turn water on or off with the meter stop valve.

G. No person, except city personnel, shall remove or install a water meter.

H. In the event a customer or property owner tampers with city water lines, adjusts or changes water meters, shuts water off at the water meter, and/or turns water on at the water meter without authorization of the city, then the city may remove the meter, after giving the customer a twenty-four (24) hour notice. Water service will not be restored until the customer or property owner pays a restoration charge to the city as required by Section 13.04.140 of this chapter. The city may also require the customer or property owner, at his or her sole expense, to install a shutoff valve on the customer's property prior to restoration of service. (Ord. 349 (part), 2007)

13.04.080 Customer service lines and control valves.

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

B. The customer shall install a shutoff valve, on the customer's property as close to the water meter location as practical, the operation of which will control the entire water supply from the customer service lines.

C. The cost of installing the customer service line and control valve shall be borne solely by the customer.

D. In the event a customer does not have a shutoff valve on the customer's property, the city may notify the customer and require the customer to install a shutoff valve within thirty (30) days from the date of the notice. (Ord. 349 (part), 2007)

Article III. Service Charge and Other Charges

13.04.090 Monthly service charge.

Customers shall pay the monthly user charges and fees established by resolution of the city council. (Ord. 349 (part), 2007)

13.04.100 Meter error.

A customer may request the city to test the meter serving the customer's premises.

A. The customer shall deposit an amount to cover the reasonable cost of the test. This deposit will be returned if the meter is found to register more than three percent fast. The deposit required of a customer requesting a meter test shall be set by resolution of the city council.

B. The customer or the customer's representative shall have the right to be present when the test is made, and a customer who requests a meter test will be notified not less than two days in advance of the time and place of the test.

C. A written report giving the results of the test shall be available to the customer within ten (10) days after completion of the test.

D. Adjustment of bills for meter error will be made according to the provisions of Section 13.04.160 of this chapter. (Ord. 349 (part), 2007)

13.04.110 Multiple units.

Each customer may determine the number of meters necessary to serve the premises. Regardless of the number of meters, there shall be a separate monthly charge for each dwelling or commercial unit in the premises. (Ord. 349 (part), 2007)

13.04.120 Turn-on fee.

Each new customer and each customer setting up a new account other than a customer paying the fees described in Section 13.04.040 of this chapter shall pay a turn-on fee and complete an application for service. A customer who has requested that the city turn off the water shall also pay a turn-on fee when water service is restored. The applicable turn-on fee shall be set by resolution of the city council. (Ord. 349 (part), 2007)

13.04.130 Account deposit.

Each customer shall deposit a sum determined by resolution of the city council at the time a new account is established; this shall be a separate deposit fee from the sewer deposit. The deposit shall not bear interest.

A. The customer's water deposit shall be refunded upon discontinuation of service. Any amount due and owed the city for sewer and water services shall be deducted before a refund check is authorized.

B. Owners of property connected to the water system of the city are eligible for a refund of the deposit fee after bills for water and sewer have been paid for twelve (12) consecutive billings without having become past due for nonpayment of bill.

C. Tenants of property connected to the water and sewer system of the city shall have the water and sewer deposits refunded upon vacation of the premises. Any amount due and owed the city for sewer or water services shall be deducted before a refund check is authorized.

D. The city may approve the transfer of a deposit from one account to a new account at the time of closing of the first account, if the customer's water account is paid in full. If, at the time of account transfer, required deposit amounts are greater than the customer's deposit, additional deposit monies will be required.

E. Waiver of Deposit. The city may waive the account deposit if an owner who is a current customer moves to a new service location where he/she is the owner, and the customer has made timely payments for the previous twelve (12) consecutive months. (Ord. 349 (part), 2007)

13.04.140 Service restoration charge.

A. The city shall charge a customer a fee as set by resolution of the city council for restoration of water service when service has been discontinued by the city, not at the request of the customer, under the provisions of this chapter.

B. If discontinuation by the city is a result of nonpayment of monthly service charge and the customer does not have a deposit with the city as is set forth in Section 13.04.130, the city shall require the customer to pay the city a new deposit as is required in Section 13.04.130. (Ord. 349 (part), 2007)

Article IV. Accounts and Billing

13.04.150 Billing.

A. Billing shall be on a monthly basis and shall be mailed on or about the first day of the month for the previous month's usage.

B. Water charges are due on the first of the month and are delinquent on the sixteenth day of the month or the first business day following the fifteenth of the month in which the bill is mailed, whichever is the later.

C. Closing bills shall be collected at the time of discontinuance of service or at the time of the next monthly billing. If a deposit is held by the city at the time of discontinuance, it shall be applied to the closing bill.

D. Each meter on a customer's premises shall be billed separately, and the readings of two or more meters shall not be combined unless the city's operating convenience requires. (Ord. 349 (part), 2007)

13.04.160 Adjustment of accounts.

Customer accounts shall be adjusted for any of the following circumstances:

A. In the event that the customer requests discontinuance of the service during the monthly period, the basic rate is to be prorated as to the date of the discontinuance of service. Likewise, if service is established during the monthly period, the basic fee shall be prorated.

B. When, upon testing, a meter is found to be registering more than three percent fast under conditions of normal operation, the city shall refund to the customer the full amount of the overcharge based on corrected meter readings for the period not exceeding three months.

C. In the event the city has misread a meter the city shall either refund to the customer the full amount of the overcharge based on the corrected meter readings or shall credit the overcharge amount to the customer's account balance.

D. In the event the city or the customer discovers a leak on the customer's side of the meter, the city shall calculate the amount of the leak based on the customer's past usage. The leak must be repaired within sixty (60) days after receiving written notice from the city. After the leak has been repaired, the city administrator or the city administrator's designee may approve a credit to the account

in an amount equal to one-half of the consumption charge for the amount lost due to the leak. (Ord. 349 (part), 2007)

13.04.170 Delinquent accounts.

A. If water charges are not paid on or before the date they become delinquent as set forth in Section 13.04.150 of this chapter, a delinquent notice shall be mailed to the customer. The delinquent notice will include an additional charge (late fee) as set by resolution and shall indicate the date by which delinquent accounts must be paid, which will be the twenty-first of the month.

B. If payment in full is not received by the twenty-first, the city shall cause the service to be shut off. At the time service is shut off, the city shall post a shutoff notice (door hanger) notifying occupants that the water has been shut off because of delinquent payments. An additional fee as set by resolution shall be charged for the shutoff notice.

C. The city administrator may temporarily delay service shutoff if it will cause immediate risk to the health of occupants or undue hardship to occupants, or if a request to delay shut off is received by a community service agency willing to guarantee payment.

D. Prior to restoration of service by the city, all past due charges, any new deposit amount as required by Section 13.04.130, and any restoration fee as required by Section 13.04.140, must all be paid in full.

E. The city administrator, or the city administrator's designee, may waive late charges or fees after determining that charges were improperly applied. Fees may be waived if a community service agency or charitable organization pays delinquent bills on behalf of a water customer.

F. The city may require the payment of any bill in cash, cashier's check or money order if the account due exceeds one hundred dollars (\$100.00) or if the city has a record that the customer has previously paid the city with an NSF check.

G. At the city's sole discretion and prior to the time water service is shut off for nonpayment, a customer may sign a "Water Department Payment Agreement" by which the customer agrees to make payment in full by a specific date and time. If payment is not received by the specified date and time, the water service may be shut off by the city without further notice. (Ord. 349 (part), 2007)

13.04.180 Responsibility for payment of bills.

A. The property owner of record shall be responsible for the payment of all charges prescribed in this chapter. If the customer is a tenant and the tenant fails to pay the charge, the city shall submit the bill to the property owner. The city will notify the property owner when an account becomes delinquent.

B. Any person requesting service at a new service address is responsible for full payment of all amounts due to the city that have not been paid for service on any prior accounts. The city will not provide service at a new location until all past due amounts are paid in full.

C. The property owner of record is responsible for and shall make full payment of all final bills or past due amounts for any account where a tenant has moved or water service has been discontinued or terminated. The city will not provide service to the property until all past due amounts are paid in full. (Ord. 349 (part), 2007)

13.04.190 Liens against property.

All water charges as provided for in this chapter shall be a lien against the property served from and after the date of billing and entry on the ledger or other records of the city pertaining to its municipal water and sewage system, and; such ledger record or other record shall be made accessible for inspection by anyone interested in ascertaining the amount of such charges against the property. Whenever a bill for water service remains unpaid sixty (60) days after it has been rendered, the lien thereby created may be foreclosed in the manner provided for by ORS 223.610, or in any other manner provided by law or city charter. (Ord. 349 (part), 2007)

Article V. Discontinuance of Services

13.04.200 Unsafe apparatus.

A. The city may refuse to furnish water and may discontinue service to a premises where an apparatus, appliance, sewer pump or other equipment using water is dangerous, unsafe or is being used in violation of laws, ordinances or legal regulations.

B. The city does not assume liability for inspecting apparatus on the customer's property. The city reserves the right of inspection, however, if there is reason to believe that unsafe or illegal apparatus is in use. (Ord. 349 (part), 2007)

13.04.210 Service detrimental to others.

The city may refuse to furnish water and may discontinue service to premises where excessive demand by one customer will result in inadequate service to others. (Ord. 349 (part), 2007)

13.04.220 Fraud, abuse and theft of services.

A. In order to protect the city against fraud or abuse, the city may either refuse to provide water service to a premises, discontinue water service to a premise or remove a water meter.

B. No person shall connect or reconnect to the city water system or use water from the city's water system without permission from the city. (Ord. 349 (part), 2007)

13.04.230 Water waste.

The city may refuse or discontinue water service where wasteful or negligent water use seriously affects the general service. (Ord. 349 (part), 2007)

13.04.240 Unpaid sewer charges.

If a water customer is also connected to a city-owned sewer system and fails to pay the monthly service charge for the sewer system, the city shall discontinue the water service to the customer. The water service shall not be restored until the sewer charge is paid and all other charges are paid as are set forth in Section 13.04.170 of this chapter. (Ord. 349 (part), 2007)

13.04.250 Customer request for discontinuance.

A. A customer may have water service discontinued by notifying the city at least five days in advance of the desired date of discontinuance and paying water charges until the date of such discontinuance.

B. If notice is not given, the customer shall be required to pay for the water service until the date the city learns that the customer has vacated the premises or otherwise has discontinued service. (Ord. 349 (part), 2007)

13.04.260 Compromising of sewer system.

If a water customer is also connected to a city-owned sewer system and the customer does anything to compromise the integrity of the sewer system including but not limited to allowing the discontinuance of electrical service if the customer's tank for the sewer system is on an electrical pump, the city shall discontinue the water service to the customer. The water service shall not be restored until the customer demonstrates to the city that the customer's use of the sewer will not compromise the integrity of the sewer system. (Ord. 349 (part), 2007)

13.04.270 Abandoned and non-revenue-producing services.

Where a service connection to a premises has been abandoned or not used for a period of one year or longer, the city may remove the water meter. The water meter will be replaced only upon the customer's written application for service and payment of a new account deposit. (Ord. 349 (part), 2007)

13.04.280 Notice of discontinuance.

Unless an emergency exists affecting health, safety or welfare, the city shall not discontinue service under any of the provisions of this chapter without giving at least seventy-two (72) hours written notice, personal notice, or notice posted on the premises, of its intention to do so, except as set forth in Section 13.04.170(G) of this chapter. (Ord. 349 (part), 2007)

13.04.290 Hardship.

In cases of extreme hardship, the water commissioner shall have the discretion to decide not to discontinue service or to renew services to a delinquent account upon acceptance of a valid plan for the payment of past due amounts in installments. (Ord. 349 (part), 2007)

13.04.300 Appeal to city council.

A customer or property owner should first seek to resolve any billing dispute or a notice to discontinue water service with the city administrator and the water commissioner. In the event a dispute cannot be resolved, the customer or property owner may file an appeal to the city council.

A. A customer or property owner may appeal a billing amount and/or the notice to discontinue water service to the city council if the responsible person believes the bill for water and/or sewer services was incorrect.

B. To file a notice of appeal under this section, the responsible party must post with the city, moneys in the amount of the bill being appealed.

C. If the city council finds that the bill was incorrect, the bill shall be adjusted and the difference between the adjusted bill and the moneys posted shall be returned to the responsible party.

D. All appeals must be filed within thirty (30) days from the time the moneys are posted to appeal a notice to disconnect. (Ord. 349 (part), 2007)

Article VI. Miscellaneous Provisions--Violation--Penalty

13.04.310 Fire hydrants.

If a property owner or other party desires a change in the size, type or location of a fire hydrant, he or she shall bear the cost of such change. A change in the location of a fire hydrant must be approved by the city. (Ord. 349 (part), 2007)

13.04.320 Damage to city property.

The customer shall be liable for damage to a meter or other equipment or property owned by the city which is caused by an act of the customer, tenants or agents. The damage shall include the breaking or destruction by the customer of a water meter, meter box, seals on a meter and damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The city shall be reimbursed by the customer for such damage promptly on presentation of a bill. (Ord. 349 (part), 2007)

13.04.330 Cross connections.

No physical connection, direct or indirect, shall exist, even temporarily, between the city water supply and that of a private water supply unless the cross connection is in compliance with regulations contained in this section and Section 13.04.340 of this chapter and rules as established by the Health Division of the Oregon Department of Human Resources.

A. If the city has reasonable cause to believe that an existing or potential cross connection is located on the consumer's premises, upon proper notice, the city shall deny or discontinue water service to those premises until:

1. An appropriate backflow prevention device is installed; or
2. The cause of the hazard is eliminated.

B. The owner of the property to which the city supplies water is required to install backflow prevention devices when:

1. There is an auxiliary water supply which is or can be connected to the potable water piping; or
2. There is piping for conveying liquids other than potable water and where that piping is under pressure and is installed and operated in a manner which could cause a cross connection; or
3. There is intricate plumbing which makes it impractical to ascertain whether or not cross connections exist; or
4. There is a fire line or irrigation service or domestic service larger than two inches in size. Devices are required for all domestic services two inches and smaller if the building is more than two stories or higher and smaller if the building is more than two stories or higher than thirty-two (32) feet above the water main. Buildings which are one or two story, but which exceed thirty-two (32) feet in height above the water main may be exempted upon a determination that no backflow hazard exists.

C. The type of backflow prevention devices required under this subsection shall be commensurate with the degree of hazard that exists and meet the standards of the Oregon State Health Division.

D. All backflow prevention devices required under this section shall be of a type and model approved by the Oregon State Health Division.

E. The city, or its agent, may specify the locations and methods of installation of the backflow prevention device. The control or elimination of cross connections shall be in accordance with any manuals of standard practices pertaining to cross connection control approved by the city or the agency contracting to provide building inspection services for the city, and any requirements set forth by the United States Environmental Protection Agency as authorized by the "Safe Drinking Water Act", PL 93-523 and subsequent applicable legislation.

F. Any installation, corrective measure, disconnection or other change to a backflow prevention device shall be at the sole expense of the property owner. The cost of any change required in the city's system outside the property or between the meter and the supply line and any charges for cut-off or disconnection shall be billed to the property owner at actual costs incurred by the city.

G. Any backflow prevention device installed before the effective date of the ordinance codified in this chapter which is not an approved device under subsections C and D of this section shall be permitted to remain in service if:

1. The device is properly maintained;
2. The type of device is commensurate with the degree of hazard;
3. The device is tested annually as required by Section 13.04.340 of this chapter; and
4. The device performs satisfactorily.

H. If a device does not meet the requirements of subsections C and D of this section but may be used pursuant to subsection G of this section, the device must be replaced if it is moved or requires more than minimum maintenance.

I. Any person operating any mobile apparatus which uses the city water system or water from any premises within the city must provide for backflow prevention. The provisions of subsections D and E of this section are applicable to this section. Any backflow prevention device which may be required to be installed under this section for the protection of the water supply shall be tested before its use in the city and annually thereafter, unless otherwise specified or required. All tests required to be performed under this section must be performed by a tester certified by the state.

J. A person who fails to install or to provide for the testing of a backflow prevention device or who violates any provision of this section or Section 13.04.340 shall be required to correct or remedy a violation or defect in addition to liability under the penalty provisions of Section 13.04.390. The application of the above penalty shall not prevent the enforced removal of prohibited conditions pursuant to Section 13.04.200; and, in addition to other remedies, if the city council so directs, the city attorney may file an action to alleviate a violation of this chapter. (Ord. 349 (part), 2007)

13.04.340 Backflow prevention testing program.

A. Any backflow prevention device which may be required by the city or the state to be installed on property for the protection of the city's water supply shall be tested at the time of installation and any time the device is moved or relocated. The property owner must forward the results of such testing to the city water department within ten (10) days of the date of installation or relocation.

B. The property owner must order and cause to be performed a test of each backflow prevention device annually on, or within thirty (30) days after, the anniversary date of the initial testing. The city may require more frequent testing in order to assure the device is properly functioning in those installations which represent a serious health hazard as determined by the city.

C. If the city water department has not received the results of the test within thirty (30) days of the anniversary date for annual testing or within ten (10) days of the date of installation or relocation of the device, or the date of the city's discovery that the device was installed without testing as applicable, the city may order the test and bill the property owner at actual costs to the city for the test.

D. If the results of the test ordered by the city or the property owner indicate that repairs are necessary, the repairs must be made and a new test made and results of the test forwarded to the city water department within ten (10) days of the first test. If the city water department has not received evidence of the repairs and the results of the second test within ten (10) days of the first test, the city may have the repairs made and bill the property owner for actual cost to the city for the repairs and testing. This section shall apply to all testing and repairs until the test shows the backflow prevention device is functioning properly.

E. The city may discontinue the water service of any person who refuses or fails to pay the charges incurred by the city for repairs and testing.

F. All tests required to be performed under this section must be performed by a tester certified by the state. (Ord. 349 (part), 2007)

13.04.350 Back siphonage.

A customer shall not allow any water that has passed the meter to flow back into the system. The city may require the installation of an approved back flow prevention system. Customer shall be liable for all costs in such system as required. (Ord. 349 (part), 2007)

13.04.360 Resale of water.

Except by special arrangements with the city, no customer shall resell water received by him or her from the city, nor shall water be delivered to premises other than those specified in the application for service. (Ord. 349 (part), 2007)

13.04.370 Access to premises.

The city or its duly authorized agents shall, during reasonable hours, have the right to enter or leave the customer's premises for a purpose properly connected with the service of water to the premises. (Ord. 349 (part), 2007)

13.04.380 Notices.

Notices required to be given by the city to a customer will normally be given in writing and may be either delivered or mailed to a customer or to the premises to which service is rendered. Notices will be mailed to the most recent address supplied to the city by a property owner, owner's designated representative, tenant, lessee or other legitimate occupant. (Ord. 349 (part), 2007)

13.04.390 Change of rate structure and fees.

Water rates and fees are set by resolution and shall be considered at two city council meetings and approved by a majority of the council members present at the meeting of the final reading. (Ord. 349 (part), 2007)

13.04.400 Violation--Penalty.

Violation of this chapter shall be punishable by a fine not to exceed five hundred dollars (\$500.00) for each day the person, corporation, partnership or association is in violation of said chapter. (Ord. 349 (part), 2007)

Chapter 13.08

SEWER SERVICE SYSTEM*

Sections:

- 13.08.010 Definitions.
- 13.08.020 Use of public sewers required.
- 13.08.030 Connection charges.
- 13.08.040 Private sewage disposal.
- 13.08.050 Building sewer and connections.
- 13.08.060 Use of public sewers.
- 13.08.070 Sewer user charges.
- 13.08.080 Multiple units.
- 13.08.090 Rates and billing.
- 13.08.100 Adjustment of account.
- 13.08.110 Delinquent accounts.
- 13.08.120 Responsibility for payment of bills.
- 13.08.130 Liens against property.
- 13.08.140 Customer's deposit fee.
- 13.08.150 Protection from damage.
- 13.08.160 Powers and authority of inspectors.
- 13.08.170 Violation--Penalty.
- 13.08.180 Recovery of damages.
- 13.08.190 Notices.

* Prior ordinance history: Ords. 232, 233, 261, 297 and 318.

13.08.010 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

“BOD (denoting biochemical oxygen demand)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in five days at twenty (20) degrees C expressed in parts per million by weight.

“Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

“Building sewer” means that part of the horizontal piping of the drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to the public sewer, individual sewage disposal system, or other point of disposal.

“City” means the city of Mill City, or the area within the territorial limits of the city, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

“Collection line” means a sanitary sewer that is also a public sewer which carries the sewage from the connection of a service line to the wastewater treatment plant.

“Commercial building” means all buildings used for any purpose other than a residence.

“Connection charge” means a fee as set on a case-by-case basis that represents actual costs of connection incurred by the city, including, but not limited to, construction, administration, engineering and property rights acquisition.

“Engineer” means the city engineer of the city or the city’s authorized deputy, agent or representative.

“Fees” are charges for administering and operating the water service that are not included in operation, maintenance and replacement such as delinquent account billing and collection and customer-requested services; fees are established by resolution of the council.

“Garbage” means solid wastes from the preparation, cooking and dispensing of food and for the handling, storage and sale of produce.

“Industrial wastes” means the liquid wastes from industrial processes as distinct from sanitary sewage.

“Interceptor tank” means a public septic tank installed between the building sewer and service connection.

“Natural outlet” means any outlet into a watercourse, pond, ditch, lake or other body or surface or ground water.

“On-site system” means a treatment and disposal system that is initiated and completed on private property and is not connected to the community sewer system.

“Operation and maintenance” means activities required to ensure the dependable and economical function of collection and treatment works.

1. “Maintenance” means preservation of functional integrity and efficiency of equipment and structures. This includes preventive maintenance, corrective maintenance, and replacement of equipment;

2. “Operation” means control of the unit processes and equipment that make up the collection and treatment works. This includes keeping financial and personal records, laboratory control, process control, safety and emergency operation planning, employment of attorneys and consultants,

payment of court costs; and payment of any costs or fees reasonably associated with any of the above.

“Person” means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

“pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

“Properly shredded garbage” means the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow and conditions normally prevailing in public sewers, with no particles greater than one-half inch in any dimension.

“Public sewer” means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority. This definition includes all appurtenances up to and including the interceptor tank. The public sewer ends at the inlet of the interceptor tank.

“Qualifying structure” means any structure with sewage treatment facilities in existence at the time of construction. The structure must also have existed or plans for its construction made known to the planners, prior to October 31, 1989.

“Replacement” means obtaining and installing equipment accessories or appurtenances that are necessary during the design or useful life, whichever is longer, of the collection and treatment works to maintain the capacity and performance for which such works were designed and constructed.

“Residences” means a building or structure constructed and used primarily for family residential purposes, including, but not limited to, single-family dwellings, structures which provide for two or more families and mobile homes.

“Sanitary sewer” means a sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.

“Septic tank” means a privately owned septic tank used for an on-site sewage system.

“Service connection” means a public sewer which has been constructed to the interceptor tank from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.

“Sewage” means water carried human waste, including kitchen, bath and laundry waste, from residences, public buildings, commercial business buildings, and institutional establishments, together with such ground water infiltration and surface waters as may be present.

“Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.

“Sewage works” means all city-owned facilities for collecting, pumping, treating and disposing of sewage.

“Sewer” means a pipe or conduit for carrying sewage.

“Shall” is mandatory; “may” is permissive.

“STE system” means a gravity interceptor tank effluent system that is normally owned, operated and maintained by the city. It is installed on private property under an easement to the city. Optionally, a property owner may connect to the public sewer under the terms of a special agreement in lieu

of an easement. The tank and easement, or agreement, are required as a condition of service to pre-treat waste water. Only interceptor tank effluent may be delivered to a public sewer.

“Step system” is the same as the STE system except that it requires a pump that is owned, operated (except for the electrical service) and maintained by the city.

“Storm sewer” or “storm drain” means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

“Suspended solids” means 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.

“System development charge” means a charge relating to capital improvements for wastewater collection, treatment and disposal as further defined in Chapter 15.16 of this code.

“User charge” means the periodic charges levied on all users of the public treatment works, and shall, at a minimum, cover each user’s share of the cost of operation, debt retirement, maintenance and replacement.

“Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 350 (part), 2007)

13.08.020 Use of public sewers required.

A. It is unlawful for any person to place 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 is 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. Except as hereinafter provided, it is 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 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 sewer of the city is required, at his or her expense, to connect such facilities directly with the proper public sewer using city-approved construction methods and material, either by gravity or with approved pumping facilities, in accordance with the provision of this chapter, within one hundred eighty (180) 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 two hundred (200) feet of the public sewer. In the event that, during the period of one hundred eighty (180) days, the owner shall file his or her written objections with the city recorder against so being required to install such facilities, the city shall not enforce the provisions of this subsection upon the owner so filing his or her objections until the council shall have, at a meeting thereof, heard the objections of the owner and rendered its decision thereon. The meeting of the council shall be held not less than ten (10) days or more than thirty (30) days from and after the date of the filing of the objections with the city recorder. Not less than seven days prior to the date set by the council for the meeting, the city shall give due

notice of the date set therefor to the owner. The decision of the council shall be final and no appeal shall be taken therefrom by the owner except as is provided by law.

E. During the initial construction phase of the public sewer system, the city shall install all interceptor tanks and sewer lines to within five feet of the qualifying structure. At all other times it shall be the responsibility of the property owner to arrange for installation of suitable facilities subject to the provisions contained in Section 13.08.030(D) of this chapter.

F. Structures owned by the Mill City-Gates School District and classified as non-benefiting users by FmHA shall not be required to connect septic systems to the public sewer system until such time that the systems presently existing, fail to provide adequate treatment of the district's waste. (Ord. 350 (part), 2007)

13.08.030 Connection charges.

A. All persons desiring or required to connect to the sewer system or extension thereof under the provisions of this chapter, when applying for a sewer connection, shall pay a system development charge (SDC) and a connection charge.

B. 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 provided to the property. When one service connection serves two or more dwellings units, each unit shall pay a connection charge.

C. The city council within its judgment may provide that an area or areas within the city not served by the sewage system but desiring to be served by the sewer system may allow the owners of the area or areas to construct the sewer facilities on their properties in accordance with plans and specifications as approved by the engineer of the city, and in accordance with plans and specifications approved by the State Department of Environmental Quality and installed in a manner satisfactory to and approved by a person authorized to inspect the sewer installations by the city.

It is further provided that in the event of a new service connection to the present sewer facilities of the city, or in the event of any extension of the sewer system to serve a user who may be a large water user or place other unusual demands on the city's sewage works; then, and in that event, the council shall fix the connection charge to be paid by the user. The council shall take into consideration the gallonage of water to be used by the business and any and all other factors which may affect the ultimate use of the sewage works of the city and estimate equivalent daily usage.

In all those areas where expansion is done by private persons under supervision of the city as provided for in this section, the city and the persons doing the work shall agree as to the time within which the sewer shall be deemed operational. Before turning over the sewers, mains, and laterals to the city the private party shall prepare a map or plat showing all of the property served by the facilities and the lots, parts of lots or parcels of land shall, when connecting to the sewer, pay to the city a system development charge and a connection charge for the type of property served.

It is further provided that all properties served by the sewer installation, but which do not have a service connection running from the sewer mains or laterals to the property lines, shall, when connected, pay a system development charge, a connection charge and provide proper connection to the main or lateral.

D. In the event a further expansion of the city sewer system is made by the city itself, the city may, at its sole discretion, assess the cost of the expansion to any property owners benefited by the expansion of the system as may be allowed by municipal ordinance or state law. (Ord. 350 (part), 2007)

13.08.040 Private sewage disposal.

A. Where a public sanitary sewer is not available under the provisions of Section 13.08.020(D) of this chapter, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Oregon State Department of Environmental Quality and the Oregon Plumbing Specialty Code.

B. Before commencement of construction on an on-site sewage disposal system the owner shall first obtain a written permit from the state of Oregon, Department of Environmental Quality, Linn or Marion County, Department of Environmental Management or equivalent agency, as may be required. The permit for an on-site sewer system must be approved by the city prior to the issuance of a building permit.

C. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 13.08.020(D) of this chapter, a direct connection through an interceptor tank shall be made to the public sewer in compliance with this chapter and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material, except as provided in Section 13.08.020(D) of this chapter. Where existing buildings are too low to be served by gravity by an available sewer, approved pumping facilities shall be installed to pump the interceptor tank effluent into the available sanitary sewer system.

D. The city shall have the right at all times to enter the property containing any on-site sewage system for the purpose of inspecting the function of that system.

E. The provisions of this section shall be in addition to and not in derogation of the requirements of general law. (Ord. 350 (part), 2007)

13.08.050 Building sewer 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 therefore.

B. There shall be two classes of building sewer permits:

1. For residential and commercial service; and
2. For service to establishments producing industrial wastes.

In either case, the owner or the owner's 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 shall be paid to the city recorder at the time the application is filed.

C. No permit shall be issued until the system development charge set forth in Section 13.08.030(A) of this chapter is paid and the city has reached an agreement with the property owner. The property owner, at his or her sole discretion may:

1. Grant the city an easement to enter upon the owner's property to maintain the interceptor tank and service connection running from the tank to the city's sewer main line. The easement shall be in writing and provide sufficient access to maintain the interceptor tank and connection line including, but not limited to replacement of the tank and line. If an easement is granted to the city pursuant to this section, the city shall pay for the costs associated with the maintenance of the interceptor tank and line from the tank to the city's sewer main line.

If an easement is granted to the city, the property owner may at his or her option request the city to extinguish the easement and file the necessary documents with the county clerk. However, the city shall not extinguish the easement until the property owner at his or her expense removes the interceptor tank and disconnects the dwelling or other service connection from the city system.

However, the city may require the property owner to reimburse the city any costs incurred by the city due to the property owner's or any other person including, but not limited to, renters and guests of the property owner, violation of Section 13.08.060 of this chapter;

2. Enter into a written agreement with the city wherein the property owner shall maintain the interceptor tank and all sewer collection lines on the property at the property owner's own expense. If the property owner chooses this option, it shall be the sole responsibility of the property owner to pay all costs associated with the maintenance of the portion of the sewer collection system that is located on the property including, but not limited to, replacement of the interceptor tank, pumps and lines on the property, maintenance that may be required on the interceptor tank when needed as may be determined by the city, and periodic inspections of the tank and system as may be required by the city. If the property owner fails to replace, repair, maintain, pump or inspect the interceptor tank, pump or lines on the property, the city, after notice to the property owner, shall take whatever steps are necessary to stop the flow of effluent from the property including, but not limited to, termination of the water supply to the property or disconnecting and plugging the line where it hooks onto the city's main line. Nothing in this section shall prohibit the city from entering upon the property and taking whatever steps are necessary, in regards to the interceptor tank, pump, or lines to prevent damage to the sanitary sewer system owned by the city or to protect the health, safety and welfare of the citizens of Mill City;

3. Regardless of the option taken by the property owner, no permit to connect will be issued by the city unless all sewage from the property is collected and conveyed to the new service connection and all building plumbing, lines, interceptor tank and pumps meet code.

D. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city for any loss or damage that may directly or indirectly be occasioned by the installation.

E. Old building sewers may be used in connection with new buildings or new building sewers only when they are found upon examination and testing by the engineer, to meet all requirements of this chapter.

F. The size, slope, alignment, materials or construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and back-filling the trench, shall all conform to the requirements of the Oregon Plumbing Specialty Code or other applicable rules and regulations of the city.

All materials, pipe, fittings and interceptor tank used in the construction of sewer lines on private property must meet specifications of good construction as set forth by the city to prevent leakage or infiltration into the system.

G. Building sewer connections shall be made on the house side of the interceptor tank to the existing building sewer. When connecting cast iron soil pipe to asbestos-cement or other pipe, an approved adaptor shall be used.

H. A two-way cleanout shall be installed within two feet of the inlet and outlet of the interceptor tank. The cleanout branches shall extend vertically to finished ground surface and shall be sealed with an approved cap or plug and shall be housed in approved valve boxes. The risers shall be used for inserting a test plug and as an auxiliary cleanout. Back-filling around the riser shall be done in such manner so as not to damage the pipe.

I. Grade of Horizontal Drainage Piping. Horizontal drainage piping shall be run in practical alignment and a uniform slope of not less than one-fourth of an inch per foot (20.9 mm/m) or two percent toward the point of disposal provided that, where it is impractical due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure to obtain a slope of one-fourth of an inch per foot (20.9 mm/m) or two percent, any such pipe or piping three inches (7.62 cm) or larger in diameter may have a slope of not less than one-eighth of an inch per foot (10.4 mm/m) or one percent, when first approved by the administrative authority.

J. The building sewer shall be laid at a uniform grade and in straight alignment insofar as is possible. Changes in direction of drainage piping shall be made by the appropriate use of approved fittings and shall be of the angles presented by a one-sixteenth bend, one-eighth bend, or one-sixth bend, or other approved fittings of equivalent sweep. Building sewer piping shall be laid on a firm bed throughout its entire length, and any such piping laid in made or filled-in ground shall be laid on a bed of approved materials and shall be adequately supported to the satisfaction of the administrative authority.

K. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer as per the Uniform Plumbing Code.

L. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the engineer. No backfilling of the trench shall be done until receipt of written approval from the city or its agent.

M. Piping fittings and cleanouts associated with gravity on-site systems or services shall be PVC pipe with rubber gasket joints conforming to ASTM D-3034, SDR 35 or other materials approved by the Uniform Plumbing Code.

Piping and fittings for pressure sewer service lines or pressure on-site systems shall be Class 160 (SDR 26) pressure-rated PVC piping with rubber gasket joints conforming to ASTM D 1784 and ASTM D 2241 or polyethylene piping, pressure Class 160 (SDR 26) conforming to ASTM D 2122. All joints and connections shall be made gas tight and watertight.

N. The applicant for a building sewer permit shall notify the city, or its agent, when the building sewer is ready for inspection and connection to the public sewer. After final approval and testing of the building sewer by the city, or its agent, the owner shall make the final connection to the building drain as defined in Section 13.08.010 of this chapter, unless otherwise authorized by the city. Testing

of the drainage and vent systems must be done in conformance with Uniform Plumbing Code standards. All water, plugs and other facilities for making the test shall be furnished by the applicant. The building sewer shall be watertight at all points.

O. No plumbing contractors shall be allowed to make connections of private 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 the sum of one thousand dollars (\$1,000.00), 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 action of the contractors in making the connections.

P. All establishments serving food to the public shall install at their own expense a grease trap meeting the Oregon Department of Environmental Quality standards, county standards and the city standards prior to being connected to the public sewer system. The installation shall be inspected by the city, or its agent, before it will be accepted prior to connection to the public sewer system. See Section 13.08.060(D) of this chapter for operation and maintenance.

Q. Interceptor tanks shall be of concrete construction from a supplier approved by the city. The city shall keep on file at all times a list of currently-approved manufacturers and/or suppliers of approved septic tanks. Interceptor tanks shall be constructed to the city's standards.

R. Minimum interceptor tank sizes shall be one thousand (1,000) gallons per residence. Minimum interceptor tank sizes for businesses or multi-residences shall be in accordance with requirements set forth by the city.

S. In addition to this section, the city may impose additional standards as the circumstance may reasonably require. (Ord. 350 (part), 2007)

13.08.060 Use of public sewers.

A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial waters to any sanitary sewer.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet.

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 one hundred fifty (150) degrees Centigrade;

2. Any gasoline, grease, oils, paint, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

3. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, disposable diapers, sanitary napkins, feathers, tar, plastics, wood or any other solid or viscous substance capable of causing obstructions to the flow in the sewers or other interference with the proper operation of the sewer 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 such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant;

7. Any noxious or malodorous gas or substance capable of creating a public nuisance without written consent of the public works supervisor;

8. Any waters or waste from a portable toilet, camper, trailer or recreational vehicle, except as approved by the public works supervisor.

D. Grease, oil and sand interceptors shall be provided as stated in Section 13.08.050(Q) of this chapter or when in the opinion of the 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 such interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the 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 operation at all times.

E. The admission into the public sewers of any waters or wastes having: (1) a five-day biochemical oxygen demand greater than three hundred (300) parts per million by weight; or (2) containing any quantity or substances having the characteristics described in this section; or (3) containing more than three hundred fifty (350) parts per million by weight of suspended solids; or (4) having an average daily flow greater than two percent of the average daily sewage flow of the city shall be subject to the review and approval of the engineer, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary. Plans, specifications and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for the approval of the engineer and of the Department of Environmental Quality and no construction of such facilities shall be commenced until the approvals are obtained in writing.

F. When required by the 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. Such manhole, when required, shall be accessible at all times.

G. When 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, test and analysis 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. 350 (part), 2007)

13.08.070 Sewer user charges.

A. User charges shall be levied on all structures to connect to the sewer system. This charge shall cover the operation, maintenance, replacement, debt service and other administrative costs of the sewer system. The user charge system shall distribute these costs based on debt service costs, sludge management costs and in proportion to each user's contribution to the wastewater loading of the treatment works. Customers shall pay the monthly user charges and fees established by resolution of the city council.

B. All users shall be grouped into two classes of users:

1. Class 1. All residential units shall be included in class one and be assessed a flat monthly charge;

2. Class 2. All nonresidential connections shall be included in Class 2. Charges for this class will vary depending on estimated sewer operation and maintenance costs.

C. Should the city determine that a user is incorrectly assigned to a user class it shall reassign a more appropriate class. Subclasses may be established to more clearly reflect differences in city costs for operation and maintenance.

D. The sewer user charges shall be reviewed annually and revised periodically to reflect actual costs of operation, maintenance, replacement and financing of the treatment works and to maintain the equitability of the user charges with respect to distribution of the costs of operation and maintenance in proportion to each user's contribution to the total wastewater loading of the treatment works.

E. Each user shall be notified, on not less than an annual basis in conjunction with a regular bill, of that portion of the user charges which are attributable to the operation, maintenance, and replacement of the wastewater collection treatment and disposal system. (Ord. 350 (part), 2007)

13.08.080 Multiple units.

A customer with multiple dwelling units shall pay a separate fee for each unit. (Ord. 350 (part), 2007)

13.08.090 Rates and billing.

A. Rates. On and after January 1, 1990, the charge for use of sewers in the city shall be set by resolution.

B. Billing shall be on a monthly basis and shall be mailed on or about the first day of the month for the previous month's usage.

C. Sewer charges are due on the first of the month and are delinquent on the sixteenth day of the month or the first business day following the fifteenth of the month in which the bill is mailed, whichever is the later.

D. Closing bills shall be collected at the time of discontinuance of service or at the time of the next monthly billing. If a deposit is held by the city at the time of discontinuance, it shall be applied to the closing bill. (Ord. 350 (part), 2007)

13.08.100 Adjustment of account.

Customer accounts shall be adjusted in the event that the customer requests discontinuance of the service during the monthly period, the user charge is to be prorated as to the date of the disconti-

nuance of service. Likewise, if service is established during the monthly period, the user charge shall be prorated. (Ord. 350 (part), 2007)

13.08.110 Delinquent accounts.

A. If sewer charges are not paid on or before the date they become delinquent as set forth in Section 13.08.090(C) of this chapter, a delinquent notice shall be mailed to the customer. The delinquent notice will include an additional charge (late fee) as set by resolution and shall indicate the date by which delinquent accounts must be paid, which will be the twenty-first of the month.

B. If payment in full is not received by the twenty-first, the city shall cause the water service to be shut off. At the time water service is shut off, the city shall post a shutoff notice (door hanger) notifying occupants that the water has been shut off because of delinquent payments.

C. For those customers with sewer service only, and no water service, the city may disconnect the sewer from the city sewer system. A shutoff notice fee will be set by resolution for such customers.

1. A restoration fee, plus the delinquent sewer bill shall be paid before the city will restore water service;

2. A restoration fee for delinquent sewer accounts where there is no city water service shall be determined by the city council.

D. In the event there is no city water service to the property and the city is required to disconnect the sewer service from the city sewer system, service shall not be restored until all costs incurred by the city to disconnect and restore service is paid to the city. (Ord. 350 (part), 2007)

13.08.120 Responsibility for payment of bills.

The property owner of record shall be responsible for the payment of all charges prescribed in this chapter. If the customer is a tenant and the tenant fails to pay the charge, the city shall submit the bill to the property owner. The city will notify the property owner, or his or her designated representative, when an account becomes delinquent. (Ord. 350 (part), 2007)

13.08.130 Liens against property.

All sewer charges as provided for in this chapter shall be a lien against the property served from and after the date of billing and entry on the ledger or other records of the city pertaining to its municipal water and sewage system, and such ledger record or other record shall be made accessible for inspection by anyone interested in ascertaining the amount of such charges against the property. Whenever a bill for sewer service remains unpaid sixty (60) days after it has been rendered, the lien thereby created may be foreclosed in the manner provided for by ORS 223.610, or in any other manner provided by law or city charter. (Ord. 350 (part), 2007)

13.08.140 Customer's deposit fee.

Each customer shall deposit a sum determine by resolution of the city council at the time a new account is established; this shall be a separate deposit fee from the water deposit.

A. The customer's sewer deposit shall be refunded upon discontinuation of service. Any amount due and owed the city for sewer or water services shall be deducted before a refund check is authorized.

B. Owners of property connected to the sewer system of the city are eligible for a refund of the deposit fee after bills for water and sewer have been paid for twelve (12) consecutive billings without having become past due for nonpayment of bill.

C. Tenants of property connected to the water and sewer system of the city shall have the water and sewer deposits refunded upon vacation of the premises. Any amount due and owed the city for sewer or water services shall be deducted before a refund check is authorized.

D. The city may approve the transfer of a deposit from one account to a new account at the time of closing of the first account, if the customer's water account is paid in full. If, at the time of account transfer, required deposit amounts are greater than the customer's deposit, additional deposit monies will be required.

E. Waiver of Deposit. The city may waive the account deposit if an owner who is a current customer moves to a new service location where he or she is the owner, and the customer has made timely payments for the previous twelve (12) consecutive months. (Ord. 350 (part), 2007)

13.08.150 Protection from damage.

A. No person or persons shall unlawfully, maliciously, wilfully or as the result of gross negligence on his or 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 the employee is engaged in official employment, nor to any person or persons authorized to work in any manner thereon.

B. Prohibited Building. No person shall construct any structure or appurtenance within ten (10) feet of an interceptor tank without prior approval of the city.

C. Prohibited Parking. Parking or driving a vehicle over interceptor tanks on private property is prohibited except where the STE or STEP system has been designed for such loads. (Ord. 350 (part), 2007)

13.08.160 Powers and authority of inspectors.

The 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, maintenance, measurement, sampling and testing, in accordance with provisions of this chapter at such times and during such hours that the council shall approve. (Ord. 350 (part), 2007)

13.08.170 Violation--Penalty.

A. Any person found to be violating any provision of this chapter 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.

B. Any person or persons violating any of the provisions of this chapter, except Section 13.08.160, shall upon conviction thereof be punished by a fine not to exceed five hundred dollars (\$500.00). Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 350 (part), 2007)

13.08.180 Recovery of damages.

A. Any person or persons who, as the result of violating any of the provisions of this chapter, cause any expense, loss or damage to the city, shall immediately become liable to the city for the full sum of such expense, loss or damage. If an agreement for repayment is not reached, the council may, at its discretion, instruct the city attorney to proceed against any such person or persons, in any court of competent jurisdiction, in a civil action to be brought in the name of the city, for the recovery of the full sum of any such expense, loss or damage sustained by the city. (Ord. 350 (part), 2007)

13.08.190 Notices.

A. Notices required to be given by the city to a customer will normally be given in writing and may be either delivered or mailed to a customer or to the premises to which service is rendered. Notices will be mailed to the most recent address supplied to the city by a property owner, owner's designated representative, tenant, lessee or other legitimate occupant. (Ord. 350 (part), 2007)

Chapter 13.12

SOLID WASTE COLLECTION AND DISPOSAL

Sections:

- 13.12.010 Policy.
- 13.12.020 Definitions.
- 13.12.030 Solid waste accumulation prohibited.
- 13.12.040 Unauthorized dumping prohibited.
- 13.12.050 Franchise required.
- 13.12.060 Franchise condition.
- 13.12.070 Liability insurance.
- 13.12.080 Public responsibility.
- 13.12.090 Violation--Penalty.

13.12.010 Policy.

It is the declared policy of the city to promote the safety and welfare of the people of the city by providing for the safe and sanitary storage, collection, transportation and disposal of solid wastes; and this chapter shall be interpreted so as to carry out this policy. (Ord. 131 § 1, 1974)

13.12.020 Definitions.

A. As used in this chapter:

“City” means and includes the city of Mill City, Oregon, as the boundaries are now or may hereafter be enlarged or altered by annexation or otherwise.

“Dispose” or “disposal” means and includes accumulation, storage, collection, transportation and disposal of solid wastes.

“Person” means and includes all individuals, corporations, associations, firms, partnerships and joint stock companies.

“Service” means collection service as defined by ORS 459.005 and which service includes the collection, transportation, reuse, recycling or other resource recovery of or from solid waste or recyclable material or both.

“Solid waste” means and includes all solid putrescible and nonputrescible wastes including all garbage, rubbish, ashes, street refuse, industrial wastes, vegetable or animal solid and semi-solid waste, and other useless, unwanted, or discarded solid materials.

B. The following terms as are defined in ORS 459.005: “collection service,” “recyclable material,” “recycling,” “reuse,” “solid waste,” “solid waste management” and “source separate.” (Ord. 297 § 6, 2002; Ord. 224 § 1, 1987; Ord. 131 § 2, 1974)

13.12.030 Solid waste accumulation prohibited.

A. No person shall store, collect, maintain or display on private or public property, waste or solid waste that is offensive or hazardous to the health and safety of the public or which creates offensive odors or a condition of unsightliness. Storage, collection, maintenance or display of solid wastes in violation of this subsection or in violation of any standards that now exist or may hereafter be imposed by the Department of Environmental Quality, shall be subject to the penalties as provided herein, or, in addition thereto, may be considered to be a public nuisance which may be abated or penalized as provided in other ordinances of the city.

B. Every person shall dispose of his or her putrescible solid waste at least once a week or more often as may be necessary to comply with regulations adopted pursuant to state law. (Ord. 131 § 3, 1974)

13.12.040 Unauthorized dumping prohibited.

A. Except as otherwise provided by the council, it is unlawful to dispose of any solid waste at any place within the city.

B. It is unlawful for any person to use or permit to be used any land within the city for the disposal of solid waste except at a public or private disposal or transfer site. This subsection shall not apply to persons desiring to bury or dispose in any other manner of his or her own solid waste on his or her own property if such disposal is in accordance with the rules promulgated pursuant to state law.

C. It is unlawful for any person, including the franchise holder, to scatter, distribute, abandon, or leave any solid wastes on any premises of any other person or on public property containers placed on one’s own property or public property for the purpose of collecting and removal of solid wastes. (Ord. 131 § 4, 1974)

13.12.050 Franchise required.

A. It is unlawful for any person to collect, transport or dispose of any solid waste unless such person is franchised in accordance with this chapter.

B. Nothing in subsection A of this section shall:

1. Prevent the officers of the city from employing persons and using vehicles for the purpose of collection and removal of solid wastes for the annual cleanup or cleaning public rights-of-way;
2. Prevent any person from transporting wastes produced by themselves or a member of their immediate family if the loading and operation of the vehicle containing the wastes prevents the contents from dropping, sifting, leaking or otherwise escaping onto public rights-of-way or property adjacent thereto, and if such wastes will be disposed of or resource recovered pursuant to all applicable laws, ordinances and regulations of federal, state or local government units having jurisdiction;
3. Prevent civic, benevolent or charitable organizations from providing recycling or reuse services as a fund raising drive or benefit. (Ord. 224 § 2, 1987; Ord. 131 § 5, 1974)

13.12.060 Franchise condition.

Any franchise granted shall be subject to the following terms and conditions:

- A. The franchise shall pay to the city a yearly franchise fee as set forth in the franchise agreement.
- B. Collection service shall be furnished at such intervals so as to prevent any hazardous or unsightly storage or accumulation of solid wastes, and shall be furnished at least once a week to residential properties within the city.
- C. The franchisee shall respond to and furnish services for any requested special hauling within a reasonable time from the date of receiving a call, provided that if franchisee does not have suitable equipment or facilities necessary to haul unusual solid wastes, he or she shall not be required to furnish the same but shall make a bona fide attempt to obtain the services of a qualified person to collect, transport or dispose of such unusual solid wastes. Unusual solid wastes shall include, but is not limited to, bulky demolition or construction waste, machinery or vehicle parts, and discarded appliances.
- D. The franchisee shall not discontinue service or reduce the same below the requirements of this chapter without giving ninety (90) days written notice to the city and to the customer involved of his or her intention to discontinue such service, unless such discontinuance is for nonpayment of prior services.
- E. Except as provided herein for unusual solid wastes, the franchisee shall not subcontract or assign any rights under this franchise without approval of the city council. This subsection shall not apply to a temporary emergency condition.
- F. The franchisee shall charge such rates as are fair and reasonable, not to exceed such limitations as may be imposed by city resolution.
- G. The franchisee shall serve all patrons in an impartial manner and shall make such service available to all persons within the city limits except that this requirement shall not apply to persons who have made default in payment for any prior service or who refuse to supply a suitable can or container.
- H. Any rules or regulations imposed by statute or any state agency, including methods of hauling and disposal or weight limits on cans shall be followed by the franchisee. (Ord. 224 § 3 (part), 1987; Ord. 131 § 6, 1974)

13.12.070 Liability insurance.

The franchise holder shall procure, and at all times carry in full effect, liability and property damage insurance by an insurance company acceptable to the city and with a certificate thereof filed with the recorder, which insurance shall provide that the insurer will pay property damage done by such franchisee in the minimum amount of ten thousand dollars (\$10,000.00); that it will pay to any one person injured through operations of the franchisee a minimum of twenty-five thousand dollars (\$25,000.00); and a minimum of fifty thousand dollars (\$50,000.00) to all persons injured in any one accident. (Ord. 131 § 7, 1974)

13.12.080 Public responsibility.

A. No person shall use any of the following garbage cans for collection by the franchisee: cans exceeding fifty (50) pounds gross loaded weight; can exceeding thirty-two (32) gallons in size; nor any sunken can.

B. Garbage cans and containers must be located where access and egress is possible without hazard or risk to the person providing service or other persons, or risk to property, and shall be located outside of any locked or latched gate or outside of any garage or other building.

C. No stationary compactor or other container for commercial or industrial uses shall exceed the safe loading design limit for collection vehicles providing the service. Stationary compacting devices for handling solid wastes or recyclable materials shall comply with applicable federal and state safety regulations. (Ord. 224 § 3 (part), 1987; Ord. 131 § 8, 1974)

13.12.090 Violation--Penalty.

A violation of this chapter is punishable by a fine not to exceed five hundred dollars (\$500.00). Each day that a violation continues is a separate offense. (Ord. 224 § 3 (part), 1987; Ord. 191, 1985; Ord. 131 § 10, 1974)

Chapter 13.16

PUBLIC UTILITY FRANCHISES

Sections:

- 13.16.010 Definitions.
- 13.16.020 Franchise required.
- 13.16.030 Procedure for granting of public utility franchise.
- 13.16.040 Application for franchise.
- 13.16.050 Granting of franchise.
- 13.16.060 Franchise agreement required.
- 13.16.070 Franchise fees.
- 13.16.080 Permit and inspection fees.
- 13.16.090 Assignment or transfer of franchise.
- 13.16.100 Rate schedules.

- 13.16.110 Termination of franchise for cause.
- 13.16.120 Franchise not deemed granted by ordinance.
- 13.16.130 Franchise deemed nonexclusive.
- 13.16.140 Violation--Penalty.

13.16.010 Definitions.

The following words or phrases as used in this chapter, except where the context clearly indicates a different meaning, mean:

“Alley” means a narrow street through the middle of a block.

“City” means the city of Mill City, Oregon, and the area within its boundaries as extended in the future.

“Council” means the legislative body of the city as constituted by elected members and the mayor.

“Grantee” means the individual, corporation, association, partnership or other legal entity granted a franchise for a public utility by this chapter.

“Public utility” means any individual, partnership, corporation, cooperative, or other legal entities installing, owning, operating, or maintaining all or part of any plant or equipment for the conveyance of telegraph or telephone messages, with or without wires, for the transportation of persons by street, railroads, or other street transportation as common carriers; for the production, transmission, delivery or furnishing of heat, light, water or electric power, for the conveyance by coaxial cable, either above or below ground, of television or radio signals, or for the transportation, pick up and delivery of garbage or other waste or recyclable materials, directly or indirectly to or for the public, whether or not such plants or equipment or any part thereof, is wholly within a town or city.

“Street” means a public thoroughfare to include an alley, avenue, boulevard, highway, or road. (Ord. 136 § 1, 1977)

13.16.020 Franchise required.

A. Any public utility now in operation that would otherwise be required to obtain a franchise by the terms of subsection C of this section and does not have a valid franchise from the city authorizing it to engage in the business of a public utility, shall make no further installation of any equipment, unless and until such franchise is granted by the city council to such public utility and shall have become effective.

B. Any public utility now in operation within the city currently having a valid franchise granted by the city council shall continue under the terms of that franchise until its expiration.

C. Any public utility that may desire to engage in any of the business of a public utility must obtain, in advance of construction, a valid franchise from the city granting it permission to engage in such business and to make such construction. (Ord. 136 § 2, 1977)

13.16.030 Procedure for granting of public utility franchise.

A public utility wishing to obtain or renew a franchise under the terms of this chapter shall send written application for such franchise to the city council. Such application shall be heard by the city council at its next regular meeting after fourteen (14) days from receiving the application. Upon receipt of an application for franchise, the city council shall notify the applicant utility and place notice

in a newspaper of general circulation in the city and make any other reasonable notification necessary to acquaint the affected public of the time and place of hearings on the franchise. Representatives of the utility and the public may make presentations, written or oral, to the council at such hearing, after which the council shall consider the application and vote by majority for or against its adoption by resolution, or by motion extend the hearing for whatever period of time or date as deemed necessary by the council. (Ord. 136 § 3, 1977)

13.16.040 Application for franchise.

Each application for a franchise to construct, operate or maintain any public utility system in the city shall be filed with the city recorder and shall contain or be accompanied by the following:

- A. The name, address and telephone number of the applicant;
- B. A detailed statement of the corporate or other business entity organization of the applicant, including but not limited to the following and to whatever extent required by the city, with the exception that this paragraph shall not apply to publicly held corporations or utilities under the jurisdiction of the Public Utilities Commission of the state:
 1. The names, residence and business addresses of all officers, directors, and associates of the applicant;
 2. The names, residence and business addresses of all officers, persons and entities having, controlling, or being entitled to have control of five percent or more of the ownership of the applicant and the respective ownership share of each such person or entity;
 3. The names and addresses of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling applicant in whole or in part or owned or controlled in whole or in part by the applicant;
 4. A description of all previous experience of the applicant in providing public utility service and in related or similar fields;
 5. A detailed and complete financial statement of the applicant, prepared by a certified public accountant, for the fiscal year next preceding the date of the application hereunder, or other evidence of any kind as accepted by the city council indicating the financial situation of the applicant.
- C. A map and statement of proposed areas of service and any and all construction already in place or proposed as part of the extension of service to the proposed areas.
- D. A statement or schedule setting forth all proposed classification of rates and charges to be made against subscribers and all rates and charges as to each of the classifications, including installation charges and service charges. (Ord. 136 § 4, 1977)

13.16.050 Granting of franchise.

The city council shall, after hearing an application for a public utility, either grant or refuse to grant a franchise to the applicant. The approved franchise shall describe the character of the franchise, state to whom it is granted, the duration of the franchise, whether or not it is to be exclusive, and designate a time by which a franchise agreement shall be signed or otherwise become effective. (Ord. 190, 1985; Ord. 136 § 5, 1977)

13.16.060 Franchise agreement required.

Before any franchise may become valid, a franchise agreement shall be signed by representatives of such agreement. The franchise agreement shall set out the terms of the franchise including but not limited to the duration of the franchise, the fee, the assignability of the franchise, any separate charges to be assessed by the city, the terms and procedures for construction on, over, or under public lands, and the rights and obligations of both parties to the agreement. (Ord. 136 § 6, 1977)

13.16.070 Franchise fees.

The city council may, as part of a resolution granting a franchise to a public utility, set a fee to be paid by the utility and no franchise shall be granted or become valid unless and until such fee as prescribed has been paid or otherwise accounted for. Such fee may not be changed or altered within the term of the franchise without express provision in the franchise agreement. (Ord. 136 § 7, 1977)

13.16.080 Permit and inspection fees.

Nothing in this chapter shall be construed to limit the right of the city to require grantee of a franchise under this chapter to pay charges imposed by the city in connection with the issuing of a permit, making an inspection, or performing any other service for or in connection with the grantee or its facilities, whether pursuant to this chapter or resolution now in effect or hereafter adopted by the city or pursuant to the respective franchise agreement. (Ord. 136 § 8, 1977)

13.16.090 Assignment or transfer of franchise.

Any franchise granted by this chapter shall be binding upon and inure to the benefit of the successors, legal representatives and assigns of the grantee; but no transfer of this franchise by merger, consolidation, sale or assignment or otherwise shall be made unless the council first consents by resolution. The grantee may execute mortgages or trust indentures of the entire system upon notice to the council and within the laws of the state and federal government when given to secure bonds and other bona fide indebtedness of the grantee. (Ord. 136 § 9, 1977)

13.16.100 Rate schedules.

A. The grantee of a franchise by this chapter shall have the right to charge and collect a reasonable compensation from its subscribers for the services furnished by the grantee to the subscriber. A schedule of rates charged to the various classifications of subscribers shall be authorized by the council and a copy filed with the city recorder. The initial rate schedule shall be part of the franchise agreement and subsequent changes in that schedule shall be made only after authorization by the council after appropriate public hearing on the matter.

B. The grantee shall make application for any change in the rate schedule to the city council and the council shall, after reasonable notice to the affected parties, hold public hearing in which testimony shall be received from any party, including the grantee or its subscribers. The council shall, after receiving such testimony, authorize or deny such change or extend the hearing for whatever period deemed necessary by the council.

C. Subsections A and B of this section shall not apply to public utilities which have their rates determined by the Public Utilities Commission of the state. (Ord. 136 § 10, 1977)

13.16.110 Termination of franchise for cause.

Upon the wilful failure of the grantee of a franchise by this chapter, after thirty (30) days' notice and demand in writing, to perform promptly and completely each and every term, condition or obligation imposed upon it or pursuant to this chapter and its franchise agreement, the council may, at its option and in its sole discretion, by resolution, terminate that franchise. (Ord. 136 § 11, 1977)

13.16.120 Franchise not deemed granted by ordinance.

No franchise shall be deemed to have been granted by the terms of the ordinance codified in this chapter. (Ord. 136 § 12, 1977)

13.16.130 Franchise deemed nonexclusive.

Any franchise granted by this chapter shall be deemed to be nonexclusive unless otherwise provided for by the terms of the resolution granting such franchise. (Ord. 136 § 13, 1977)

13.16.140 Violation--Penalty.

A violation of this chapter or any part hereof shall be punished by a fine not exceeding two hundred dollars (\$200.00) or imprisonment for a term not exceeding two months, or both such fine and imprisonment. (Ord. 136 § 14, 1977)