

Title 13

PUBLIC SERVICES

Chapters:

13.04 Water Service System

13.08 Sewer Service System

13.12 Cross-Connection Control

13.16 System Development Charge

Chapter 13.04

WATER SERVICE SYSTEM

Sections:

- 13.04.010 Definitions.**
- 13.04.020 Use of private or nonpublic wells prohibited.**
- 13.04.030 Application for service required.**
- 13.04.040 Owner of real property personally liable.**
- 13.04.050 Regular service.**
- 13.04.060 Property subdivisions and partitions.**
- 13.04.070 Maintenance.**
- 13.04.080 Discontinuance or refusal of service.**
- 13.04.090 Water service installation.**
- 13.04.100 Water rates.**
- 13.04.110 Water impact fees.**
- 13.04.120 Water billing--Delinquent payment charges.**
- 13.04.130 Water shortage--Declaration of an emergency.**
- 13.04.140 Miscellaneous provisions.**
- 13.04.150 Violations--Penalties.**

13.04.010 Definitions.

As used in this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the text, words in the present tense shall include the future, words in the plural number include the singular number, words in the singular number include the plural number, and the masculine includes the feminine. The word "shall" is always mandatory and not merely directory.

"Air gap" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device, and the flood level of the vessel. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top rim of the vessel, and, in no case, less than one inch. When an air gap is used at the service connection to prevent the contamination or pollution of the public potable water system, an emergency by-pass shall be installed around the air gap system and a reduced pressure principle device, as approved by the Foundation for Cross-Connection Control and Hydraulic Research, (hereinafter called "FCCCHR"), shall be installed in the by-pass system.

"Appeals board" shall be the city council.

"Auxiliary water supply" means any water supply on or available to the premises other than the city's approved public potable-domestic water supply. These auxiliary waters may include water from another purveyor's potable water supply, or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids. These waters may be polluted or contaminated, or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

"Backflow" means the flow of water or other liquids, mixtures or substances under pressure into the distributing pipes of a public potable-domestic water supply system from any source or sources other than the public potable-domestic water supply source of the city.

"Backflow preventor" shall be a device or other means designed to prevent backflow or back-siphonage.

"Back-siphonage" means the flow of water or other liquids, mixtures or substances into the distributing pipes of a public potable-domestic water supply system from any other source other than the public potable-domestic water source of the city, caused by sudden reduction of pressure in the public potable water supply.

"Building water service" means the piping structures and appurtenances from the city-owned meter up to within five feet of the structure.

"City" means the city of Aurora, Oregon.

"City council" means the city council of the city of Aurora, Oregon.

"Commercial" means all buildings or structures which are not classified residential or industrial.

"Contamination" means an impairment of the quality of the public potable water by sewage, industrial fluids, or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.

"Cross-connection" means any physical connection or arrangement of piping or fixtures between two other separate piping systems, one of which contains public potable water and the other, nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow or back-siphonage may occur in the potable water system. A water service connection between a public potable water distribution system and a customer's water distribution system, which is cross-connected to a contaminated fixture, industrial fluid system or potentially contaminat-

ed supply or auxiliary water system, constitutes one type of cross-connection. Other types of cross-connections may include, but are not limited to, connectors such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices, sliding multi-part tubes, or solid connections.

"Customer" means any individual, firm, company, corporation, association, society, group or owner who receives water service from the city water system.

"Double check valve assembly" means an assembly of two independently operating approved check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specification and approval of a recognized city-approved testing agency for backflow prevention devices. To be approved, these devices must be readily accessible for in-line maintenance and testing in a watertight vault for reduction of possible contamination.

"Dwelling unit" means one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

"Finance charge" means that charge or surcharge for furnishing water service that has not been paid within ten (10) days after the due date, and each thirty (30) days thereafter.

"Hazard, degree of" means an evaluation of the potential risk to public health and the adverse effect of the hazard on the potable water system.

"Hazard, health" means any condition, device or practice in the public water sys-

tem- and its operation which could create or, in the judgment of the superintendent, may create a danger to the health and well-being of the water customer. An example of a health hazard is a structural defect, including cross-connections, in a water supply system.

"Hazard, plumbing" means a plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or a backflow prevention device. Unprotected plumbing type cross-connections are considered to be a health hazard.

"Hazard, pollution" means an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system, which would constitute a nuisance or would be aesthetically objectionable or could cause damage to the system or its appurtenances, but which would not be dangerous to health.

"Hazard, system" means an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

"Industrial" means all buildings or structures in which a product is manufactured, stored or distributed, or any combination thereof.

"Irrigation, water" means the water utilized exclusively for irrigation purposes.

"Mains" means the distribution pipe lines that are a part of the city water system, constructed within a city right-of-way or a dedicated easement.

"Official" means the building official for the city of Aurora.

"Owner" means the person(s) who may hold title to, is/are the contract vendee(s), or leases the property for which water service has been or will be provided.

"Potable-domestic water" means water which is for human consumption.

"Premises" means the integral property or area, including improvements thereon, to which water service is or will be provided.

"Residential" means buildings or structures which are built to be occupied for living purposes, as dwelling units.

"Service connection" means the installation which connects the water service line with the building water service. The service connection includes, but is not limited to, the meter, meter box, meter vault, check valves, fittings, seals, or other materials to make such connection, as deemed necessary by the superintendent. The service connection does not include the piping from the meter to the premises served.

"Superintendent" means the public works superintendent of the city.

"Water, nonpotable" means water which is not safe for human consumption.

"Water service line" means the water supply system from the water main line to the property line. (Ord. 351 § 1, 1992)

13.04.020 Use of private or nonpublic wells prohibited.

A. No private or nonpublic well construction, other than by the city, a municipal corporation, shall be permitted within the corporate limits of the city, except where the council and the superintendent determine the property cannot be served by the municipal water system.

B. Upon determination by the council and the superintendent that the property can, at any time, be connected to city service, due to water system expansion and/or improvements, the owner or owners of real property within the corporate limits of the city, which property is used by human beings for residential, educational, religious, business, industrial and other purposes will, within thirty (30) days of notice, cause the property to be connected to the public water system, at the expense of the owner(s) of the property, and in the manner provided herein.

C. When property is annexed to the city, any existing private well shall be abandoned, and the property connected to the city water system, at the owner's expense, within sixty (60) days of the date of the annexation. Under no circumstances may a private well located within the corporate limits of the city be replaced, repaired, or altered in any way which would prolong its useful life. (Ord. 351 § 2, 1992)

13.04.030 Application for service required.

A. No premises shall be connected by any person to the city water system unless the person desiring the connection has made application to the city recorder's office for the use of city water. Application must be made on printed forms furnished by the city.

B. If the person in possession of the property is other than the owner, the owner of the property shall join with the applicant in signing the application for the use of such water.

C. All uncollected charges for the furnishing of water within the city shall be a lien on the real property to which the water is supplied. Such liens shall be filed with the Marion County recorder, entered into the

city lien docket, and enforced as provided by state law for public improvements assessments and liens. (Ord. 351 § 3, 1992)

13.04.040 Owner of real property personally liable.

A. In the case of a non-owner occupied unit, the owner of record shall be deemed and held personally liable for all payments due to the city for the use and supply of city water to the real property.

B. When water is turned off, as provided for herein, and any part of the debt remains unpaid, the water shall not again be turned on or be supplied to the premises for the use of any occupant of the property until all such payments due to the city are paid in full. (Ord. 351 § 4, 1992)

13.04.050 Regular service.

A. When a permit for new water service has been granted and the installation and connection charges paid, the city shall furnish and install a service connection of such size and location as the customer requests, provided that the request has been reviewed and approved by the superintendent. Such installation shall include the meter and all materials to complete the service from the main to the property line.

B. The customer shall, at his or her own risk and expense, furnish, install and keep in good and safe condition equipment that may be required for receiving, controlling, applying and utilizing water. The city shall not be responsible for loss or damage caused by the improper installation of the equipment, or the negligence, want of proper care or wrongful act of the customer in installing, maintaining, using, operating or interfering with the equipment. Nor shall the city be responsible for damage to property caused

by a spigot, faucet, valve or other equipment that is open when the water is turned on at the meter.

C. The customer shall, when making any material change in the size, character or extent of the equipment or operation utilizing water service, give immediate written notice to the city of the change, noting any large increases in water usage which may result, and amending his or her application upon the request of the city.

D. Notice to the city of the desire of any person to have water turned on or off at any premises shall be given to the city recorder at least twenty-four (24) hours before the water is to be turned on or off. In no event shall any one, other than the duly authorized employees of the city turn the supply of city water on or off at any time.

E. No person supplied with water from the city mains will be permitted to supply or furnish water in any way to other persons or premises without a permit from the superintendent.

F. The service connection, whether located on public or private property, is the property of the city, and the city shall have the right to repair, maintain and/or replace it.

G. The city may be shut off water from the mains at any time without notice, for repairs or other necessary purposes, and neither the city nor its employees shall be responsible for any damages resulting therefrom. Water for steam boilers for power purposes will not be furnished by direct pressure from the mains. Tanks for holding an ample reservoir of water shall always be provided by the owners of the boilers.

H. No person, other than an employee or authorized agent of the city, shall tap the city water mains, or make any alterations in any conduit, pipe or other fixture connected

therewith, between the main and the property line.

I. Employees or agents of the city may have free access, at proper hours of the day, to all parts of the building or premises to which water is delivered from the city mains, for the purpose of inspecting the pipes and fixtures. (Ord. 351 § 5, 1992)

13.04.060 Property subdivisions and partitions.

Any person subdividing or partitioning property for development purposes within the city limits shall submit to the city three sets of detailed water service plans which conform to the rules and regulations of the Oregon State Department of Environmental Quality. When approved by the city council, one set of water service plans will be returned to the developer. The individual meter installation shall be in accordance with Section 13.04.050. The entire cost of providing water service, and the individual meter installation charges as set forth in Sections 13.04.090 and 13.04.100 will be at the expense of the subdivider/partitioner/developer. The complete installation of the service shall be inspected and approved by the superintendent. When an existing water main is inadequate to accommodate additional development, the costs of enlarging the water main may be shared by the adjacent benefiting property owners and/or the city. (Ord. 351 § 6, 1992)

13.04.070 Maintenance.

The standard residential service connection and pipe from the main to the property line shall be three-quarter inch. Larger services will be of such size as the city may consider proper for the supply of water needed.

A. The city shall furnish all labor and materials necessary for the connection, including, but not limited to, the meter, meter box, and tapping the main.

B. Water service connection from the main, to and through the meter shall be maintained by the city from the date of the installation, without further cost to the customer.

C. 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, his or her tenants or agents. Damage shall include, but is not limited to, the breaking or destruction of seals by the customer on or near a meter, or damage to a meter which 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 upon presentation of a bill, and if not paid within ten (10) days, shall become a lien upon the property.

D. Meters shall be furnished and owned by the city, sealed at the time of installation; and exempt from any rental fees for location on private property.

E. At the customer's request, a meter shall be tested for accuracy for a fee of ten dollars (\$10.00). When a meter fails to register accurately during testing, the fee will be refunded to the customer, and the monthly charge shall be according to the average quantity used in the same months of a preceding year, as shown by the meter when in order. (Ord. 351 § 7, 1992)

13.04.080 Discontinuance or refusal of service.

A. The city shall not extend new water service outside the corporate limits.

B. Failure to pay in full any payment due to the city for water service to any premises within ten (10) days of the second past due notice shall result in the disconnection of water to the premises by the superintendent. Water service shall not again be furnished thereto until all outstanding debts for water supplied to such premises have been paid in full, together with a reconnection fee.

C. The city may refuse to furnish water and may discontinue service to a premise where any water service equipment is believed to be dangerous, or in violation of any ordinance, law or legal regulation. The city does not assume liability for, but reserves the right to inspect, apparatus located on a customer's property, if a reason to believe that the use of unsafe or illegal apparatus exists.

D. If the city has reasonable cause to believe that an existing or potential cross-connection is located on a customer's property, the city shall deny or discontinue service to the premises until an appropriate backflow prevention device is installed at the owner's expense, or until the cause of the hazard is eliminated. The owner of the premises where one or more reduced pressure devices, double check valve assemblies, or pressure vacuum breakers have been installed shall have the devices tested at least once per year. Backflow prevention devices found not to be functioning properly shall be repaired immediately at the property owner's expense. Testing of the devices shall be performed by a certified tester in

conformance with procedures established by the FCCCHR.

E. The city may refuse to furnish water to, and may discontinue service to, premises where excessive demand by one customer affects the health, safety and welfare of the city.

F. The city shall have the right to refuse or to discontinue service to a customer for noncompliance with a city regulation, if the customer fails to comply with the regulation within five days after receiving written notice of the city's intention to discontinue service. If such noncompliance affects matters of health, safety, or other conditions that warrant such action, the city may discontinue service immediately.

G. The city may discontinue service where wasteful or negligent water use affects the health, safety, and welfare of the city, if such conditions are not corrected within five days after the customer is given written notice.

H. When 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 service. New service shall be placed only upon receipt of the customer's application and service connection fees.

I. When a service connection to a premises used for residential, commercial, industrial and other purposes has been terminated for non-payment, under no circumstances shall the use of the premises continue for more than thirty (30) days without water service. Such continued use, without sanitary facilities, constitutes a health hazard. Such health hazard shall be reported to the State Health Department and the Oregon State Department of Environmental Quality. When it becomes necessary, the delinquent water charges, the re-connect fee, and all

other charges, shall become a lien against the real property, which shall continue to accrue interest at the legal rate, and service will be re-instated. Within twelve (12) months of the filing of the lien, if the account remains delinquent, the city will commence foreclosure proceedings, as provided in the Oregon Revised Statutes, Chapter 223. (Ord. 351 § 8, 1992)

13.04.090 Water service installation.

A. The water service installation fees within the city shall be established by resolution of the city council.

B. All moneys received under the provisions of this section shall be deposited in, and credited to, the water reserve fund of the city. (Ord. 351 § 9, 1992)

13.04.100 Water rates.

A. The rates, fees and charges to be paid for city water service shall be established by resolution of the city council.

B. A multiplication factor of 2.0 shall be applied to rates and charges for all services now existing outside the city limits.

C. The rates, fees and charges established by the city council shall be reviewed annually by the city council. The city council shall revise or amend the rates, fees and charges, if deemed necessary, considering actual costs to the city for the operation of the water system.

D. All moneys received under the provisions of this section shall be deposited into the water fund of the city. (Ord. 351 § 10, 1992)

13.04.110 Water impact fees.

A. The capital cost of municipal water service improvements created by new development which create the need and increase the demand for such capital improvements shall be imposed as water impact fees.

B. The fee imposed by this section shall be separate from, and in addition to, any applicable taxes, assessments, charges including but not limited to system development charges, or fees otherwise provided by or imposed as a condition of development.

C. The water impact fee shall be based upon existing or intended use of the property at the time of application for new service connection. If the property is improved, expanded, subdivided or otherwise modified so as to increase the water impact fee due for that property or structure, a water impact fee shall be charged for the modified portion of the property or structure based on the water impact fee schedule in effect at the time of the modification.

D. The water impact fee schedule shall be established by resolution of the city council, and shall be reviewed annually.

E. All moneys received under the provisions of this section shall be deposited in, and credited to, the water reserve fund, a reserve fund for anticipated expansion, improvements and facilities replacement needs of the city water system. (Ord. 351 § 11, 1992)

13.04.120 Water billing--Delinquent payment charges.

A. All metered services shall be billed bi-monthly, with full payment due ten (10) days after the billing date. On failure to comply with rules and regulations established as a condition for the use of city wa-

ter, or whenever any delinquent charge for furnishing water to any real property is not paid within twenty (20) days after the billing date, the superintendent shall have notices sent to the customer, advising him or her that if such rules and regulations, including payment, are not complied with within five days, the superintendent shall have the right to disconnect the service of city water to such premises, and the service shall not again be provided thereto until all outstanding obligations for water supplied to the premises shall have been complied with, including an additional fee for re-connecting the service. The additional fee shall be established by resolution of the city council, and shall be charged for each and every time the water service has to be disconnected.

B. Not more than one single-family dwelling unit shall be served by one standard size meter. Water service for multiple-family buildings may be provided through a master meter, at the option of the city, provided that the property owner or manager is liable as the water customer for billing purposes. Regardless of the number of meters installed for a multiple unit building, each dwelling unit shall be charged a separate installation charge and inspection charge.

C. A delinquent payment charge, or finance charge, shall be charged to each account which remains unpaid on the twentieth day of the month in which the water bills are mailed. Such delinquent payment charge will again be charged thirty (30) days thereafter on any unpaid balance, and the water service may be disconnected at any time thereafter, for nonpayment. Delinquent payment charges shall continue to be charged every thirty (30) days thereafter, until the debt is paid to the city in full, or until such debt is filed as a lien against the

property, accruing interest at the legal rate. Delinquent payment charges, also called finance charges, shall be established by resolution of the city council. (Ord. 351 § 12, 1992)

13.04.130 Water shortage-Declaration of an emergency.

When the mayor is informed that the city water supply has become, or is about to become, depleted to such an extent as to cause a serious water shortage in the city, the mayor shall have the authority to declare an emergency water shortage, and to direct that the following provisions be enforced:

A. When a declaration of an emergency is pronounced by the mayor, the city recorder shall make the declaration public in a manner reasonably calculated to provide actual notice to the public. This provision shall not be construed as requiring personal delivery or service of notice, or notice by mail.

B. When a declaration of emergency is pronounced, and notice has been given in accordance with this section, the use and withdrawal of city water by any person for the following purposes shall be prohibited:

1. Sprinkling, watering or irrigating shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers or any vegetation;
2. Washing automobiles, trucks, trailers, trailer houses, railroad cars, or any other type of mobile equipment;
3. Washing sidewalks, driveways, filling station aprons, porches, and other surfaces;
4. Washing the outside of dwellings; washing the inside or outside of office buildings;

5. Washing and cleaning any business or industrial equipment and/or machinery;

6. Operating any ornamental fountain or other structure making a similar use of water;

7. Maintaining swimming and wading pools not employing a filter and reticulating system;

8. Permitting the escape of water through defective plumbing.

C. Whenever the mayor shall find the conditions which gave rise to the water prohibition in effect no longer exist, he or she may declare the prohibition terminated in whole or in part, effective immediately upon announcement.

D. The city recorder shall make or cause to be made a record of each time and date when any such declaration is announced to the public, including the notice of termination, both in whole or in part.

E. Any officer of the Aurora police department or other employee of the city may enter the premises of any person for the purpose of shutting off or reducing the flow of water being used contrary to the provisions of the prohibition. (Ord. 351 § 13, 1992)

13.04.140 Miscellaneous provisions.

A. Should a customer request a temporary discontinuance of water service, for a period of not less than one month, notice shall be given to the city recorder at least twenty-four (24) hours prior to the requested temporary termination, and all unpaid fees and charges paid in full. There shall be a ten dollar (\$10.00) charge for reinstating the service.

B. When an abnormally large quantity of water is desired for the purpose of filling a swimming pool, log pond, or other such

purposes, arrangements shall be made with the city prior to taking such volume of water. Permission to take water in such quantities shall be granted only if it can be safely delivered, and if other customers will not be unreasonably inconvenienced.

C. The city shall not be responsible or liable to any person for any interruptions of water service, or depletion or contamination of the city's water source or water supply. Neither the city nor its officers or agents shall be responsible or liable for any injuries to persons or damages to property arising from or caused by the city's water service or the failure to furnish water to any applicant.

D. No water source development shall be made within the city limits without prior written approval from the city council. (Ord. 351 § 14, 1992)

13.04.150 Violations--Penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00). Each day of a continuing violation shall constitute a separate violation. (Ord. 351 § 16, 1992)

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 Industrial cost recovery.**
- 13.08.080 Protection from damage.**
- 13.08.090 Powers and authority of inspectors.**
- 13.08.100 Monthly sewer service charges.**
- 13.08.110 Recovery of damages.**
- 13.08.120 Violations--Penalties.**

13.08.010 Definitions.

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

"Authorized inspector" shall be any Oregon licensed journeyman plumber, city authorized contractor, city or county plumbing inspector, or appropriate city employee authorized by the city council to perform the work specified.

"Backfill" means native soil or appropriate material used to fill a trench above the cover materials required above and below a sewer pipe such as sand, pea gravel three-fourths minus rock or any combination of the above, as approved by the public works superintendent.

"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 Celsius 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 soil, 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 the extension from the building drain to the property line or right-of-way line and connection with the public sewer service connection.

"City" means city of Aurora, Oregon.

"Connection" means the specific time that a new building sewer is physically connected to the public sewer or connection to another building sewer or building drain which is or will be connected to the public sewer.

"Connection charge" means the charge made by the city for connecting to the public sewage works, separate from user charges, permit fees and inspection fees.

"Construction" means installation, alteration, repair or extension.

"Engineer" means the city engineer of the city or his or her authorized deputy, agent, or representative.

"Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

"Industrial wastes" means the liquid wastes from industrial and manufacturing processes, trade or business as distinct from domestic sanitary sewage.

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

"Operation" and "maintenance" means activities required to ensure the dependable and economical function of sewage works:

1. "Operation" means the control of the unit processes and equipment that make up a sewage works, including but not limited to keeping financial and other management 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.

2. "Maintenance" means the preservation of functional integrity and efficiency of equipment and structures, including but not limited to preventative and corrective maintenance and replacement of equipment.

"Person" means any individual, partnership, joint venture, firm, company (limited liability, joint stock or otherwise), cooperative, corporation, association, trust, estate, governmental entity, society, group, or any other legal entity. The masculine gender shall include the feminine and the singular shall include the plural.

"pH" means the logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Preliminary treatment" means that private treatment provided by person(s) as required by the city before wastes are allowed to enter the public system.

"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 (1.27 centimeters) in any dimension.

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

"Public works director" means the public works director of the city, or authorized deputy, agent, or representative.

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

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

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

"Sewage" means water-carried human and animal wastes, including kitchen, bath and laundry wastes from residences, buildings, commercial and industrial establishments, and other places, including but not limited to institutions, together with such ground water infiltration, surface and storm waters, and industrial waste as may be present. The term "sewage" means wastewater.

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

"Sewage works" or "sewage system" means all city-owned facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage.

"Shall" means mandatory and "may" means permissive.

"Slug" means any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five times the average twenty-four (24) hour concentration or flows during normal operation.

"Storm sewer" or "storm drain" means a sewer which carries storm and surface waters, surface run-off, street wash 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.

"User" means any person using any part of the public sewage works of the city of Aurora.

"User charge" means the charge levied on all users of the public sewage works. User charges shall at a minimum cover each user's proportionate share of the cost of operation and maintenance (including replacement) of the public sewage works.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 398 § 1, 2000)

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 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 the provisions of this chapter.

C. Except as provided herein, 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 property, including 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:

1. Install suitable toilet facilities as required by the city;
2. Connect such facilities directly to the proper public sewer, either by gravity or with approved pumping facilities; and
3. Provide the above installation and connection in accordance with the provisions of this chapter within one hundred eighty (180) days after the date of official city notice to do so, provided that the public sewer is available within three hundred (300) feet of any property line of the subject property.

If the owner has objections against being required to install the facilities and connect to the public sewer and files them with the city recorder within one hundred eighty (180) days of official city notice, the city:

1. Shall not enforce the provisions of this subsection upon the filing owner until the city council has heard the objections of the owner and rendered its decision at an official meeting;

2. Shall hold the meeting of the council not less than ten (10) days or more than forty-five (45) days after the date of the filing of the owner's objections with the city recorder;

3. Shall give due notice of the meeting date to the owner not less than seven days prior to the date set by the council for the meeting.

The decision of the council shall be final and no appeal shall be allowed by the owner except as is provided by law.

E. No extension of public city sewer shall be extended to property outside the city limits, unless the property owner makes application and receives city council approval for annexation by ordinance, or executes a consent-to-annex agreement with the city.

F. Property that is located a distance greater than three hundred (300) feet from the nearest public sewer shall be exempt from the requirement to connect to the public sewer. (Ord. 398 § 2, 2000)

13.08.030 Connection charges.

A. The city shall levy two sewer connection charges upon a property based upon the existing or intended use of the property at the time of application for a connection: (i) a sewer systems development charge; and (ii) a connection or inspection fee. The city council shall impose each charge according to the city's systems development charge ordinance.

B. The connection charges shall be waived for all existing developments that are

required to connect to the initial sewer system. After the sewer system becomes operational, which will be determined when the state of Oregon has issued a permit to the city to discharge treated wastewater to a receiving body of water, then any future connection to the public sewer system shall be subject to both connection charges described in subsection A of this section.

C. After the city receives the state permit to discharge treated wastewater, any new connection to the sewer system shall pay all connection charges as required by the city's systems development charge ordinance and implementing resolutions in force at the time of connection.

D. Where there are owners of property within the city which are not currently served by the sewage system and desiring to be so served, the city council may allow these owners to construct sewer facilities on their properties provided construction is performed:

1. In accordance with city plans and specifications to be approved by the city engineer; and

2. In accordance with plans and specifications approved by the State Department of Environmental Quality;

3. The facilities must also be installed in a manner satisfactory to and approved by a city person authorized to inspect city sewer installations.

E. In the event of a new service connection to the existing sewer facilities of the city, or any extension of the sewer system to serve a user who may be a large water user, the council shall fix the connection charges to be paid by such sewer users. The council shall take into consideration the gallons 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.

F. In all those areas where expansion of the public sewer is done by private persons under supervision of the city, the city and the persons doing the work shall agree to the time the completion of the work, and the terms of city acceptance of the expansion improvements.

G. All public sewer mains, laterals, and connections located in public property shall be dedicated to and accepted by the city free and clear of any and all liens and other encumbrances for the construction and installation thereof.

H. Before acceptance of the sewers, mains and laterals to the city, the person(s) doing the work shall prepare a map showing all of the property served by the facilities and an as-built drawing showing the actual location of all improvements.

I. At the time of connection to the city sewer, each of the owners of shall pay to the city connection charges for the type of property served as provided for in this section.

J. In the event a further expansion of the city sewer system may be made by the city itself, the connection charges shall be as provided in this Section. (Ord. 398 § 3, 2000)

13.08.040 Private sewage disposal.

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

B. 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), a direct connection to the public sewer shall be required in compliance with this chapter. Any septic tanks, cesspools, and similar private sewage disposal facilities existing at the time of connection shall be abandoned and filled with suitable material. Where existing buildings are too low in elevation to be connected to the public sewer by gravity, approved pumping facilities shall be installed to pump the effluent into the available sanitary sewer system.

C. The provisions of this section shall be in addition to and not in derogation of the requirements of general law. (Ord. 398 § 4, 2000)

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. No person, firm, or corporation shall make any connection to any part of the sewer system without first making an application and securing a permit therefor.

B. There shall be 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 his or her agent shall make application on a special form furnished by the city. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent to the engineer's judgment. A permit and inspection fee of twenty-five dollars (\$25.00) shall be paid to the city recorder at the time the application is filed. No permit shall be issued until the connec-

tion charges specified in Section 13.08.030 have been paid.

C. 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 from any loss or damage to the public sewer that may directly or indirectly be occasioned by the installation of building drains and building sewer.

D. Old building sewers may be used to connect new buildings or new building sewers only when they are found upon authorized inspection to meet all requirements of this chapter.

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

F. The first fitting at the connection with the public sewer and the building sewer shall be PVC tee, furnished by the owner. The tee branch shall extend vertically to within one foot of finished ground surface and shall be sealed with an approved cap or plug. This riser shall be used for inserting a test plug for water testing the building sewer and as an auxiliary cleanout. Backfilling around the riser shall be done in such manner so as to not damage the pipe.

G. The size and slope of the building sewer shall be subject to the approval of the city, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-fourth inch per foot.

H. The building sewer shall be laid at uniform grade and in straight alignment

insofar as is possible. Changes in direction shall be made only with curved pipe no greater than forty-five (45)-degree long radius bends. No forty-five (45)-degree or ninety (90)-degree short radius elbow shall be used. All pipe shall be laid on a four-inch granular base of three-fourths minus rock, pea gravel, sand or combination thereof and the trench backfilled with such material at least to six inches over the pipe and finished with native or gravel fill depending on use of the finished grade.

I. 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.

J. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the city. No back-filling of the trench shall be done until receipt of written approval from the city.

K. All joints and connections shall be made gastight and watertight.

L. The applicant for a building sewer permit shall notify the city when the building sewer is ready for inspection and connection to the public sewer. After testing of the building sewer and final approval by the city, the owner shall make the final connection to the building drain as defined in Section 13.08.010, unless otherwise authorized by the city. A thirty (30)-minute internal hydrostatic test will be required on all building sewers before connection is made to the building drain. All water, plugs and other facilities for making the test shall be furnished by the applicant. Minimum head over the top of the pipe shall be two feet and

maximum allowable leakage shall be four gallons per hour per one hundred (100) feet.

M. No plumbing contractors shall be allowed to make connections of private sewers or building sewers to the sewage system of the city or to perform testing 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.

N. Before connection to a sewer lateral, a building sewer shall be tested by a licensed journeyman plumber, approved plumbing contractor or city authorized persons with final inspection and approval by a Marion County plumbing inspector. (Ord. 398 § 5, 2000)

13.08.060 Use of public sewers.

A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process 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 Celsius;

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

3. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the 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 having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage system;

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, including the contents of septic tanks and cesspools.

D. Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand, and other harmful ingredients. Such interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the city, 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 the following will be subject to the review and approval of the city:

1. A five-day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or containing:

a. Any quantity of substances having the characteristics described in subsection C of this section,

b. Containing more than three hundred fifty (350) parts per million by weight of suspended solids, or

c. 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 city.

The person responsible for this level of admission or the owner of the property shall provide, at his or her expense, such preliminary treatment as may be required by the city. Plans, specifications, and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for the approval of the city and of the Oregon State Sanitary Authority, and no construction of such facilities shall be commenced until the approvals are obtained in writing.

F. When required by the city, 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 by the city at all times.

G. When preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfac-

tory and effective operation, by the owner at his or her expense.

H. All measurements test and analyses of the characteristics of waters and wastes to which reference is made above shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

I. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment subject to payment therefor by the industrial concern. (Ord. 398 § 6, 2000)

13.08.070 Industrial cost recovery.

A. All industrial users shall be required to pay that portion of the federal assistance grant under PL 92-500 allocable to the treatment of waste from such users.

B. The system for industrial cost recovery shall be implemented and maintained according to the following requirements:

1. Each year during the industrial cost recovery period each industrial user of the treatment works shall pay its share of the total federal grant amount divided by the recovery period.

2. The industrial cost recovery period shall be equal to forty (40) years or the useful life of the treatment works, whichever is less.

3. Payments shall be made by industrial users no less often than annually. The first

payment by an industrial user shall be made not later than one year after such user begins use of the treatment works.

4. An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works such as strength, volume, and flow rate characteristics. As a minimum, an industry's share shall be based on its flow versus treatment works capacity except in unusual cases.

5. An industrial user's share shall be adjusted when there is a substantial change in the strength, volume, or flow rate characteristics of the user's wastes, or if there is an expansion or upgrading of the treatment works.

6. An industrial user's share shall not include any portion of the federal grant amount allocable to unused or unreserved capacity.

7. An industrial user's share shall include any firm commitment to the city of increased use by such user.

8. An industrial user's share shall not include an interest component.

C. Requirements in this section apply only to those features of wastewater treatment and transportation facilities which have been constructed with federal assistance administered by the U.S. Environmental Protection Agency under PL 92-500. (Ord. 398 § 7, 2000)

13.08.080 Protection from damage.

A. No person or persons shall unlawfully, maliciously, willfully, or as the result of gross negligence on his, her or their part, break, damage, destroy, uncover, deface or tamper with any structure, facility, appurtenance or equipment which is a part of the sanitary sewer system of the city. This sec-

tion does not apply, however, to any employee of the city during the time he or she is engaged in official employment activities, nor to any person or persons authorized by the city to work in any manner thereon. (Ord. 398 § 8, 2000)

13.08.090 Powers and authority of inspectors.

A. The city engineer and any other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this chapter at such times and during such hours that the city council shall approve. (Ord. 398 § 9, 2000)

13.08.100 Monthly sewer service charges.

During the period preceding completion of the city sanitary sewer, all developed properties, regardless of occupancy, shall pay the sewer surcharge according to the classifications in the table below. For all initial and future connections to the city sewage works, the city establishes the following interim sewer charges that will be effective until the city adopts changes by resolution.

Monthly Sewer Service Charges

1. For each single-family residence, mobile-home on separate lots or in a mobile home, court, and duplex residences ...\$30.00
2. For each multiple-family dwelling in buildings with three or more dwellings per building.....\$30.00

3. For each nonresidential customer (e.g., commercial) except those classified as industrial, which are subject to Section 13.08.070 requirements:

a. A minimum monthly amount of ...\$30.00

for up to 700 cubic feet per month of water usage as measured by the water meter serving the property, plus

b. For usage in excess of 700 cubic feet per month the charge will increase for each additional 100 cubic feet over 700 cubic feet used by.....\$4.30

4. For properties served by one water meter and one sewer connection for a combined residential/nonresidential use, the city will use water usage and sewage flows to determine whether to treat the user as a residential or as a nonresidential customer. This analysis by the city will establish the amount of appropriate service charge.

5. For other properties: such rate as shall be fixed by the city council by resolution or by contract with the owner of the building served.

New users of the sewage system shall pay the first month of service proportionately to the time served during the month. (Ord. 398 § 13, 2000)

13.08.110 Recovery of damages.

Any person(s) 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. The city council at its discretion may instruct the city attorney to proceed against any such person(s) 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. 398 § 11, 2000)

13.08.120 Violations--Penalties.

A. Any person or persons violating any of the provisions of Section 13.08.080 shall be guilty of disorderly conduct and upon conviction thereof, shall be punished by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment for not more than ten (10) days, or both. Each day in which any such violation shall continue shall be deemed a separate offense.

B. Any person or persons violating any of the provisions of this chapter, except Section 13.08.080, shall upon conviction thereof be punished by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not to exceed ten (10) days, or both. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 398 § 10, 2000)

Chapter 13.12

CROSS-CONNECTION CONTROL

Sections:

- 13.12.010 Definitions.**
- 13.12.020 Purpose.**
- 13.12.030 Cross-connections regulated.**
- 13.12.040 Backflow prevention assembly requirements.**
- 13.12.050 Installation requirements.**
- 13.12.060 Access to premises.**
- 13.12.070 Annual testing and repairs.**
- 13.12.080 Costs of compliance.**
- 13.12.090 Termination of service.**

13.12.010 Definitions.

As used in this chapter:

"Approved backflow prevention assembly" or "backflow assembly" or "assembly" means an assembly to counteract back pressures or prevent back siphonage. This assembly must appear on the list of approved assemblies issued by the Oregon State Health Division.

"Auxiliary supply" means any water source or system other than the public water system that may be available in the building or premises.

"Backflow" means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the city's water.

"Boresight" or "boresight to daylight" means providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drain pipe.

"City" or "the city" means the city of Aurora.

"Contamination" means the entry to or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

"Cross-connection" means any physical arrangement where a public water system is connected, directly or indirectly, with any other non-drinking water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, or any other device which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross-connections.

"Degree of hazard" means the low or high hazard classification that shall be attached to all actual or potential cross-connections.

"Superintendent" means the superintendent of public works of the city, or authorized agent.

"Double check valve backflow prevention assembly," "double check assembly" or "double check" means an assembly which consists of two independently operating check valves which are spring-loaded or weighted. The assembly comes complete with a gate valve on each side of the checks, as well as test cocks to test the checks for tightness.

"Health hazard" means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may cause illness or death to backflow into the potable water supply.

"Low hazard" means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may be objectionable, but not hazardous to one's health, to backflow into the potable water supply.

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

"Point of use isolation" means the appropriate backflow prevention within the consumer's water system at the point at which the actual or potential cross-connection exists.

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

"Potable water supply" means any system of water supply intended or used for human consumption or other domestic use.

"Premises" or "premise" means any piece of property to which water is provided including all improvements, mobile structures and structures located on it.

"Premise isolation" means the appropriate backflow prevention at the service connection between the public water system and the water user.

"Reduced pressure principle backflow prevention assembly," "reduced pressure principle assembly" or "RP assembly" means an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly shall include properly located test cocks and tightly closing shut off valves at the end of the assembly.

"System hazard" means an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system or of a pollution or contamination which would have a detrimental effect on the quality of the potable water in the system.

"Thermal expansion" means heated water that does not have the space to expand. (Ord. 387 § 1, 1996)

13.12.020 Purpose.

The purpose of this chapter is to protect the water supply of the city from contamination or pollution due to any existing or potential cross-connections. (Ord. 387 § 2, 1996)

13.12.030 Cross-connections regulated.

No cross-connection shall be created, installed, used or maintained within the territory served by the city except in accordance with this chapter. (Ord. 387 § 3, 1996)

13.12.040 Backflow prevention assembly requirements.

A. A cross-connection inspector employed by or contracted with the city shall carry out inspections and surveys of each property and will require an assembly commensurate with the degree of hazard to be installed at the service connection.

B. The property owner is responsible for all cross-connection control within the premises.

C. The property owner is responsible for providing adequate protection against thermal expansion.

D. The use of any type of chemical spray attachment connected to the premise plumbing, including garden hose fertilizers and pesticide applicators, is prohibited within the city water system.

E. The use of any type of radiator flush kits attached to the premise plumbing is prohibited within the city water system. (Ord. 387 § 4, 1996)

13.12.050 Installation requirements.

To ensure proper operation and accessibility of all backflow prevention assemblies, the following requirements shall apply to the installation of these assemblies.

A. No part of the backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. If installed in a vault or basement, adequate drainage shall be provided.

B. Assemblies must be installed immediately downstream of the water meter, before any branch in the line. Alternate locations must be approved in writing by the city prior to installation.

C. The assembly must be protected by the property owner from freezing and other severe weather conditions.

D. All backflow prevention assemblies shall be of a type and model approved by the state of Oregon Health Division and the city.

E. Only assemblies specifically approved by the Oregon Health Division for vertical installation may be installed vertically.

F. The assembly shall be readily accessible with adequate room for maintenance and testing. Assemblies two inches and smaller shall have at least six-inch clearance on all sides of the assembly. All assemblies larger than two inches shall have a minimum clearance of twelve (12) inches on the back side, twenty-four (24) inches on the test cock side, twelve (12) inches below the assembly and thirty-six (36) inches above the assembly. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward.

G. If written permission is granted to install the backflow assembly inside of the building, the assembly must be readily accessible during regular working hours of six a.m. to six p.m., Monday through Friday.

H. An assembly installed inside of the premises and installed five feet above the floor, must be equipped with a rigidly and permanently installed scaffolding acceptable to the city. This installation must also meet the requirements set out by the U.S. Occupational Safety and Health Administration and the state of Oregon Occupational Safety and Health Codes.

I. RP assemblies may be installed in a vault only if relief valve discharge can be drained to daylight through a boresight-type drain. The drain shall be of adequate capaci-

ty to carry the full rated flow of the assembly and shall be screened on both ends.

J. An approved air gap shall be located at the relief valve orifice. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than one inch.

K. Upon completion of installation of any additional assemblies within the premises, the city must be notified and all assemblies must be inspected and tested, as required in Section 13.12.070.

L. Any water pressure drop caused by the installation of a backflow assembly is not the responsibility of the city.

M. All new construction must install an approved assembly at the service connection. The type of assembly shall be commensurate with the degree of hazard as determined by a certified inspector. If the use of the property has not been determined, an RP assembly must be installed. (Ord. 387 § 5, 1996)

13.12.060 Access to premises.

Authorized employees of the city, with proper identification, shall have access during the hours of six a.m. to six p.m. of all parts of a premise and within the building to which water is supplied. However, if any water user refuses access to a premise or to the interior of a structure during these hours for inspection by a cross-connection specialist appointed by the city, a reduced pressure principle assembly must be installed at the service connection to that premise. (Ord. 387 § 6, 1996)

13.12.070 Annual testing and repairs.

All backflow assemblies installed within the territory served by the city shall be tested

immediately upon installation and at least annually thereafter by a state certified tester employed by or contracted with the city to perform required tests. All such assemblies found not functioning properly shall be promptly repaired or replaced at the expense of the property owner. If any such assembly is not promptly repaired or replaced, the city may deny or discontinue water to the premise. The city may set fees to cover the cost of this service. (Ord. 387 § 7, 1996)

13.12.080 Costs of compliance.

All costs associated with purchase, installation, inspections, testing, replacement, maintenance, parts, and repairs of the backflow assembly are the financial responsibility of the property owner. (Ord. 387 § 8, 1996)

13.12.090 Termination of service.

Failure on the part of any customer to discontinue the use of all cross-connections and to physically separate cross-connection is sufficient cause for the immediate discontinuance of public water service to the premises (OAR Chapter 333-61-0070(1)). (Editorially amended during 2003 codification; Ord. 387 § 9, 1996)

Chapter 13.16

SYSTEM DEVELOPMENT CHARGE

Sections:

13.16.010	Purpose.
13.16.020	Scope.
13.16.030	Definitions.
13.16.040	System development charge established.
13.16.050	Methodology.
13.16.060	Authorized expenditures.
13.16.070	Expenditure restrictions.
13.16.080	Improvement plan.
13.16.090	Collection of charge.
13.16.100	Installment payment.
13.16.110	Exemptions.
13.16.120	Credits.
13.16.130	Notice.
13.16.140	Segregation and use of revenue.
13.16.150	Appeal procedure.
13.16.160	Prohibited connection.
13.16.170	Construction.
13.16.180	Classification.
13.16.190	Violation--Penalty.

13.16.010 Purpose.

The purpose of the system development charge is to impose a portion of the cost of capital improvements for water, wastewater drainage, streets, flood control, and parks upon those developments that create the need for or increase the demands on capital improvements. (Ord. 403 § 1, 2000)

13.16.020 Scope.

The system development charge imposed by this chapter is separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development. (Ord. 403 § 2, 2000)

13.16.030 Definitions.

For purposes of this chapter, the following definitions apply:

"Capital improvements" means facilities or assets used for:

1. Water supply, treatment and distribution;
2. Waste water collection, transmission, treatment and disposal;
3. Drainage and flood control;
4. Transportation; or
5. Parks and recreation.

"Development" means conducting a building or mining operation, making a physical change in the use or appearance of a structure or land, dividing land into two or more parcels (including partitions and subdivisions), and creating or terminating a right of access.

"Improvement fee" means a fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to Section 13.16.040.

"Land area" means the area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a portion of the parcel within a recorded right-of-way or easement subject to servitude for a public street or scenic or preservation purpose.

"Owner" means the owner or owners of record title or the purchaser or purchasers under a recorded sales agreement, and other persons having an interest of record in the described real property.

"Parcel of land" means a lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.

"Permitee" means the person to whom a building permit, development permit, a permit or plan approval to connect to the

sewer or water system, or right-of-way access permit is issued.

"Qualified public improvements" means a capital improvement that is:

1. Required as a condition of residential development approval;
2. Identified in the plan adopted pursuant to Section 13.16.080; and either
3. Not located on or contiguous to a parcel of land that is the subject of the development approval; or
4. Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

For purposes of this definition, "contiguous" means in a public way which abuts the parcel.

"Reimbursement fee" means a fee for costs associated with capital improvements already constructed or under construction on the date the fee is adopted pursuant to Section 13.16.040. (Ord. 447 §3, 2007)

"System development charge" means a reimbursement fee, and improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit, or at the time of connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections with water and sewer facilities. "System development charge" does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision. (Ord. 403 § 3, 2000)

13.16.040 System development charge established.

A. System development charges shall be established and may be revised by resolution of the city council. The resolution shall set the amount of the charge, the type of permit to which the charge applies, and, if the charge applies to a geographic area smaller than the entire city, the geographic area subject to the charge.

B. Unless otherwise exempted by the provisions of this chapter or other local or state law, a system development charge is imposed upon all development within the city, upon the act of making a connection to the city water or sewer system within the city, and upon all development outside the boundary of the city that connects to or otherwise uses the sewer facilities, storm sewers, or water facilities of the city. (Ord. 403 § 4, 2000)

13.16.050 Methodology.

A. The methodology used to establish the reimbursement fee shall consider the cost of then-existing facilities, prior contributions by then-existing users, the value of unused capacity available to future system users, rate-making principals employed to finance publicly owned capital improvements, and other relevant factors identified by the council. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities. (Ord. 447 § 4, 2007)

B. The methodology used to establish the improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related.

C. The methodology used to establish the improvement fee or the reimbursement fee, or both, shall be contained an ordinance

adopted by the council. (Ord. 447 § 4, 2007; Ord. 403 § 5, 2000)

13.16.060 Authorized expenditures.

A. Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.

B. 1. Improvement fees shall be spent only on capacity increasing capital improvements, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the capital improvements funded by improvement fees must be related to demands created by current or projected development.

2. A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the city pursuant to Section 13.16.080.

3. Notwithstanding subsections A and B of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this chapter, including the costs of developing system development charge methodologies and providing an annual accounting system for development charge expenditures. (Ord. 447 § 5, 2007; Ord. 403 § 6, 2000)

13.16.070 Expenditure restrictions.

A. System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

B. System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements. (Ord. 403 § 7, 2000)

13.16.080 Improvement plan.

The council shall adopt a plan that:

A. Lists the capital improvements that may be funded with improvement fee revenues;

B. Lists the estimated cost and time of construction of each improvement; and

C. Describes the process for modifying the plan.

In adopting this plan, the council may incorporate by reference all or a portion of any public facilities plan, master plan, capital improvements plan or similar plan that contains the information required by this section. (Ord. 403 § 8, 2000)

13.16.090 Collection of charge.

A. The system development charge is payable upon issuance of:

1. A building permit;

2. A development permit;

3. A development permit for development not requiring the issuance of a building permit;

4. A permit or approval to connect to water system;

5. A permit or approval to connect to the sewer system; or

6. A right-of-way access permit.

B. If no building, development, or connection permit is required, the system development charge is payable at the time of usage of capital improvement is increased.

C. If development is commenced or connection is made to the water or sewer systems without an appropriate permit, the system development charge is immediately payable upon the earliest date that a permit was required.

D. The city recorder or other city council designee shall collect the applicable system development charge from the permittee when a permit that allows building or development of a parcel is issued or when a connection to the water or sewer system of the city is made.

E. The city recorder or other city council designee shall not issue such permit or allow such connection until the charge has been paid in full, or until provision for installment payments has been made pursuant to Section 13.16.100, or unless an exemption is granted pursuant to Section 13.16.110. (Ord. 403 § 9, 2000)

13.16.100 Installment payment.

A. When a system development charge of twenty-five dollars (\$25.00) or more is due and collectible, the owner of the parcel of land subject to the development charge may apply for payment in twenty (20) semi-annual installments, to include interest on the unpaid balance, in accordance with ORS 223.210. (Ord. 447 § 6, 2007)

B. The city recorder or other city council designee shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.

C. An applicant for installment payments shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the interest of the applicant is adequate to secure payment of the lien.

D. The city recorder or other city council designee shall calculate the amount of the system development charge and the dates on which the payments are due, and verify the name of the owner and the description of the parcel.

E. The city recorder or other city council designee shall docket the lien in the lien

docket. From that time the city shall have a lien upon the described parcel for the amount of the system development charge, together with interest on the unpaid balance at the rate established by the council. The lien shall be enforceable in the manner provided in ORS Chapter 228. (Ord. 447 § 6, 2007; Ord. 424 § 5, 2002; Ord. 403 § 10, 2000)

13.16.110 Exemptions.

A. Structures and uses established and existing on or before the effective date of the ordinance codified in this chapter are exempt from a system development charge, except water and sewer charges, to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this subsection shall pay the water or sewer charges pursuant to the terms of this chapter upon the receipt of a permit to connect to the water or sewer system.

B. Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the State Uniform Building Code, are exempt from all portions of the system development charge.

C. An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the public improvement facility are exempt from all portions of the system development charge.

D. A project financed by city revenues is exempt from all portions of the system development charge. (Ord. 403 § 11, 2000)

13.16.120 Credits.

A. When development occurs that is subject to a system development charge, the system development charge for the existing use, if applicable, shall be calculated and if it is less than the system development

charge for the use that will result from the development, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge. If the change in the use results in the system development charge for the proposed use being less than the system development charge for the existing use, no system development charge shall be required. No refund or credit shall be given unless provided for by another subsection of this section.

B. A credit shall be given to the permittee for the cost of a qualified public improvement upon acceptance by the city of the public improvement. The credit shall not exceed the improvement fee even if the cost of the capital improvement exceeds the applicable improvement fee and shall only be for the improvement fee charged for the type of improvement being constructed.

C. If a qualified public improvement is located in whole or in part on or contiguous to the property that is the subject of development approval and is required to be built larger or with greater capacity than is necessary for the particular development project, a credit shall be given for only for the cost of the portion of the improvement that exceeds the city's minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under this subsection. The request for credit shall be filed in writing no later than sixty (60) days after acceptance of the improvement by the city. (Ord. 447 § 7, 2007)

D. When the construction of a qualified public improvement located in whole or in part on or contiguous to the property that is the subject of development approval gives rise to a credit amount greater than the improvement fee that would otherwise be

levied against the project, the credit in excess of the improvement fee for the original development project may be applied against improvement fees that accrue in subsequent phases of the original development project. (Ord. 447 § 8, 2007)

E. Notwithstanding subsections C and D of this section, when establishing a methodology for a system development charge, the city may provide for a credit against the improvement fee, the reimbursement fee, or both, for capital improvements constructed as part of the development which reduce the development's demand upon existing capital improvements and/or the need for future capital improvements, or a credit based upon any other rationale the council finds reasonable.

F. Credits shall not be transferable from one development to another.

G. Credits shall not be transferable from type of system development charge to another.

H. Credits shall be used within ten (10) years from the date the credit is given. (Ord. 447 §§ 7,8, 2007; Ord. 403 § 12, 2000)

13.16.130 Notice.

A. The city shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any system development charge. Written notice shall be mailed to persons on the list at least ninety (90) days prior to the first hearing to adopt or amend a system development charge. The methodology supporting the adoption or amendment shall be available at least sixty (60) days prior to the first hearing to adopt or amend a system development charge. The failure of a person on the list to receive a notice that was mailed shall not invalidate the action of the city. (Ord. 447 § 9, 2007)

B. The city may periodically delete names from the list, but at least thirty (30) days prior to removing a name from a list, the city must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list. (Ord. 447 § 9, 2007; Ord. 403 § 13, 2000)

13.16.140 Segregation and use of revenue.

A. All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the city. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in Section 13.16.060.

B. The appropriate city official shall provide the city council with an annual accounting, based on the city's fiscal year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account. (Ord. 403 § 14, 2000)

13.16.150 Appeal procedure.

A. A person challenging the propriety of an expenditure of system development charge revenues may appeal the decision or the expenditure to the city council by filing a written request with the city recorder or other city council designee describing with particularity the specific decision and the expenditure from which the person appeals. An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure.

B. Appeals of any other decision required or permitted to be made by the city recorder or other city council designee or the

expenditure shall be processed in accordance with this chapter and the provisions of ORS 223.297 to 223.314, and may affirm, modify, or overrule the decisions. If the city council determines that there has been an improper expenditure of system development charge revenues, the council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent. The decision of the city council shall be reviewed only as provided in ORS 34.010 to 34.100, and not otherwise.

C. A legal action challenging the methodology adopted by the city council pursuant to Section 13.16.050 shall not be filed later than sixty (60) days after the adoption of the methodology. A person shall contest the methodology used for calculating a system development charge only as provided in ORS 34.010 to 34.100, and not otherwise. (Ord. 403 § 15, 2000)

13.16.160 Prohibited connection.

No person may connect to the water or sewer systems of the city unless the appropriate system development charge has been paid or the lien or installment payment method has been applied for and approved. (Ord. 403 § 16, 2000)

13.16.170 Construction.

The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference made a part of this chapter. (Ord. 403 § 18, 2000)

13.16.180 Classification.

The city council determines that any fee, rates or charges imposed by this chapter are not a tax subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution. (Ord. 403 § 20, 2000)

13.16.190 Violation--Penalty.

Violation of Section 13.16.160 is punishable by a fine not to exceed one thousand dollars (\$1,000.00) per day. A separate and distinct offense shall be deemed committed each day on which a violation occurs. (Ord. 403 § 17, 2000)