

TITLE V: PUBLIC WORKS

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CHAPTER 50: WATER

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SYSTEM DEVELOPMENT CHARGES FOR WATER, WASTEWATER, STREETS, FLOOD CONTROL AND PARKS

§ 50.001 SHORT TITLE.

This subchapter may be referred to as the “ Systems Development Charge Enabling Ordinance”.
(Ord. 500, passed 4-10-2006)

§ 50.002 PURPOSE.

The purpose of the system development charge is to impose a portion of the cost of capital improvements for water, wastewater, streets, flood control and parks upon those developments and redevelopments that create the need for, or increase the demands on capital improvements.
(Ord. 500, passed 4-10-2006)

§ 50.003 SCOPE.

The system development charge imposed by this subchapter 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. 500, passed 4-10-2006)

§ 50.004 DEFINITIONS.

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

CAPITAL IMPROVEMENTS.

(1) Facilities or assets used for:

- (a) Water supply, treatment and distribution;
- (b) Waste water collection, transmission, treatment and disposal;
- (c) Drainage and flood control;
- (d) Transportation; or
- (e) Parks and recreation.

(2) ***CAPITAL IMPROVEMENT*** does not include costs of the operation or routine maintenance of a capital improvement.

DEVELOPMENT. The change in character, occupancy or use of land or buildings; including redevelopment and demolishing a building for the conversion of the property to a different use.

IMPROVEMENT FEE. A fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to § 50.005.

LAND AREA. 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 a servitude for a public street or for a public scenic or preservation purpose.

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

PARCEL OF LAND. 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.

QUALIFIED PUBLIC IMPROVEMENT. A capital improvement that is required as a condition of development approval, identified in the plan adopted pursuant to § 50.009; and either:

(1) Not located on or contiguous to property that is the subject of the development approval;
or

(2) 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.

REIMBURSEMENT FEE. A fee for costs associated with capital improvements already constructed or under construction on the date the fee is adopted pursuant to this section, for which the Council determines capacity exists.

SYSTEMS DEVELOPMENT CHARGE. A reimbursement fee, an 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 sewer and water facilities. **SYSTEM DEVELOPMENT CHARGE** does not include fees assessed or collected as part of a local improvement district assessment, 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, expedited land division or limited land use decision.
(Ord. 500, passed 4-10-2006)

§ 50.005 SYSTEMS DEVELOPMENT CHARGE ESTABLISHED.

(A) System development charges shall be established and may be revised by resolution of the Council.

(B) Unless otherwise exempted by the provisions of this subchapter or other local or state law, a system development charge is hereby imposed upon all development within the city, upon the act of connecting to the city sewer or water system within the city and upon all development outside the boundary of the city that connect to or otherwise uses the sewer, water or storm sewer facilities of the city.

(Ord. 500, passed 4-10-2006)

§ 50.006 METHODOLOGY.

(A) The methodology used to establish or modify a reimbursement fee shall consider the cost of the then-existing facilities, prior contributions by then-existing users, gifts or grants from federal or state government or private persons, 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 for establishing or modifying a reimbursement fee shall promote the objective that future system users shall contribute no more than an equitable share of the cost of then-existing facilities.

(B) The methodology used to establish or modify an improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the system, the need for increased capacity required to serve future users and be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future users.

(C) The methodology used to establish or modify an improvement fee or a reimbursement fee, or both, shall be contained in a resolution adopted by the Council.

(D) The methodology used to establish or modify an improvement fee or a reimbursement fee shall not:

(1) Include or incorporate a method or system under which the payment of the fee or the amount of the fee is determined by the number of employees of an employer without regard to new construction, new development or new use of an existing structure by the employer;

(2) Include or incorporate any method or system under which the payment of the fee or the amount of the fee is based on the number of individuals hired by the employer after a specified date; or

(3) Assume that costs are necessarily incurred for capital improvements when an employer hires an additional employee.

(E) All methodology for establishing or modifying reimbursement or improvement fees shall be available for public inspection.

(F) A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge if the change in amount is based on a change in the cost of materials, labor or real property applied to the projects or project capacity as set forth in the plan adopted pursuant to § 50.008, or the periodic application of one or more specific cost indexes or other periodic data sources.

(G) A specific cost index or periodic data source must be:

(1) A relevant measurement of the average change in prices or costs over an identified time period for materials, labor, real property or a combination of the three;

(2) Published by a recognized organization or agency that produces the index or data source for reasons that are independent of the system development charge methodology; and

(3) Incorporated as part of the established methodology or identified and adopted in a separate city resolution or order.

(H) A combination of a reimbursement fee and an improvement fee may be imposed, if the methodology demonstrates that the charge is not based upon providing the same system capacity. (Ord. 500, passed 4-10-2006)

§ 50.007 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 the repayment of indebtedness.

(B) Improvement fees shall be spent only on capacity-increasing capital improvements, including expenditures relating to the repayment of 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 the need for increased capacity to provide service for future users.

(C) A capital improvement being funded wholly or in part from revenues derived from an improvement fee shall be included in the plan adopted by the city pursuant to § 50.009.

(D) Notwithstanding divisions (A) and (B) above, system development charge revenues may be expended on the direct costs of complying with the provisions of this subchapter, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures. (Ord. 500, passed 4-10-2006)

§ 50.008 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. 500, passed 4-10-2006)

§ 50.009 IMPROVEMENT PLAN.

Prior to the establishment of a system development charge by resolution, the Council shall adopt a plan that:

(A) Lists the capital improvements that may be funded with improvement fee revenues, including the estimated cost and time of construction of each improvement, and the estimated percentage of costs eligible to be funded with revenues from improvement fees for each improvement; and

(B) Describes the process for modifying the plan. The Council may modify the plan and list at any time. If a system development charge will be increased by a proposed modification of the list to include a capacity increasing capital improvement, as referenced in § 50.007(B), the city shall provide at least 30 days' notice of the proposed plan modification to persons who have requested written notice under § 50.016(B). A hearing on the proposed plan modifications will be held if the city receives a written request for such a hearing within seven days of the date the proposed modification is scheduled for adoption. If no such request is received within this time period, a hearing is not required but may be held in the Council's sole discretion.

(Ord. 500, passed 4-10-2006)

§ 50.010 COLLECTION OF CHARGE.

(A) The system development charge is payable upon annexation or issuance of a building permit, a development permit, a development permit for development not requiring the issuance of a building permit, a permit or approval to connect to the water or sewer system or 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 the usage of the capital improvement is increased based on changes in the use of the property.

(C) The applicant for a connection permit shall be required to state in writing the intended use of the building in sufficient detail to enable the city to determine the appropriate category of use. If the use of a building changes or if the stated use is incorrect, the occupant shall report the change of use to the city within 30 days and promptly pay any additional system development charges. If the occupant fails to report a correct statement of use or a change of use within 30 days or fails to pay the additional system development charge within ten days after invoice, the occupant shall pay a penalty of 10% of the balance due plus interest on the unpaid balance at the rate of 1.5% per month.

(D) The city shall not issue the permit or allow connection until the charge has been paid in full, provision for installment payments has been made pursuant to § 50.012, or unless an exemption is granted pursuant to § 50.013.

(Ord. 500, passed 4-10-2006)

§ 50.011 DELINQUENT CHARGES; HEARING.

(A) When, for any reason, a system development charge has not been paid, the City Administrator shall report to the Council the amount of the uncollected charge, the description of the real property to which the charge is attributable, the date upon which the charge was due and the name of the owner.

(B) The Council shall schedule a public hearing on the matter and direct that notice of the hearing be given to each owner with a copy of the City Administrator's report concerning the unpaid charge. Notice of the hearing shall be given either personally or by certified mail, return receipt requested, or by both personal and mailed notice, and by posting notice on the parcel at least ten days before the date set for the hearing.

(C) At the hearing, the Council may accept, reject or modify the determination of the City Administrator as set forth in the report. If the Council finds that a system development charge is unpaid and uncollected, the City Recorder shall docket the unpaid and uncollected system development charge in the city lien docket. Upon completion of the docketing, the city shall have a lien against the described land for the full amount of the unpaid charge, together with interest at the legal rate of 10% and with the city's actual cost of serving notice of the hearing on the owners. The lien shall be enforceable in the manner provided in O.R.S. Chapter 223.

(Ord. 500, passed 4-10-2006)

§ 50.012 INSTALLMENT PAYMENTS.

(A) The owner of the parcel of land subject to a system development charge of over \$10,000 may apply for payment in installments, to include interest at the legal rate of 10% on the unpaid balance, in accordance with O.R.S. 223.208. Payment may be over a period of less than ten years, if so elected by the property owner. Otherwise, system development charges are payable over a period of ten years, in accordance with the terms as set by the city.

(B) The City Administrator 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 property interest of the applicant is adequate to secure payment of the lien.

(D) The City Administrator shall report to the City Recorder the amount of the system development charge, the dates on which payments are due, the name of the owner and the description of the parcel.

(E) The City Recorder 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 O.R.S. Chapter 223.

(F) Upon written request of the City Administrator, the City Recorder is authorized to cancel assessments of system development charges, without further Council action, where the new development approved by the building permit is not constructed and the building permit is cancelled.

(G) For property that has been subject to a cancellation of assessed system development charges, any future installment payment contract shall be subject to the code provisions applicable to system development charges and installment payment contracts on file on the date the new contract is received by the city.

(Ord. 500, passed 4-10-2006)

§ 50.013 EXEMPTIONS.

(A) Structures and uses established and legally existing on or before the effective date of this subchapter are exempt from a system development charge, except sewer and water 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 section shall pay the sewer or water charges pursuant to terms of this subchapter upon the receipt of a permit to connect to the sewer or water 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) Municipal projects are exempt from all system development charges.
(Ord. 500, passed 4-10-2006)

§ 50.014 CREDITS.

(A) A system development charge shall be imposed when a change of use of a parcel or structure occurs, but credit shall be given for the computed system development charge to the extent that prior structures existed and services were established on or before the effective date of this subchapter. The credit so computed shall not exceed the calculated system development charge. No refund shall be made on account of the credit.

(B) A credit shall also be given for construction of a qualified public improvement, upon acceptance by the city of that public improvement. The credit shall be only for the improvement fee charged for the type of improvement being constructed, and may be granted only for the cost of that portion of the improvement that exceeds the city's minimum standard facility size or capacity needed to serve that particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under this section.

(C) The city may deny a credit if it demonstrates that the application is not for a qualified public improvement, as defined in this subchapter, or by showing that the improvement for which credit is sought is not included in the plan adopted pursuant to § 50.008.

(D) When the construction of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project. However, this section shall not prohibit the city from providing a greater credit, establishing a system providing for the transferability of credits, providing a credit for a capital improvement not identified in the plan adopted pursuant to § 50.008, or from providing a share of the cost of the improvement by other means, if the city so chooses.

(E) Credit shall be used within ten years from the date the credit is given.
(Ord. 500, passed 4-10-2006)

§ 50.015 SEGREGATION AND USE OF REVENUE; ANNUAL ACCOUNTING.

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. The system development charge calculated and collected shall be used for no purpose other than those set forth in § 50.007. The city shall provide an annual accounting to be completed by January 1 of each year for system development charges showing the total amount of system development charge revenues collected for each system and the projects that were funded in the previous fiscal year. The city shall include in the annual accounting a list of the amounts spent on each project funded, in whole or in part, with system development charge revenues, and the amount of revenue collected by the city from system development charges and attributed to the cost of complying with the provisions of this subchapter, including the costs of developing system development charge methodologies and providing annual accountings.

(Ord. 500, passed 4-10-2006)

§ 50.016 REVIEW PROCEDURES.

(A) *Expenditure review.*

(1) Any citizen or other interested person may challenge an expenditure of system development charge revenues by filing a written complaint with the city describing with particularity the decision of the city and the expenditure which the person challenges. The challenges must be filed within two years of the expenditure of the system development charge revenues.

(2) A hearing shall be held by the Council within 60 days of the filing of the complaint. After providing notice to the challenger, the Council shall determine whether the expenditure was in accordance with this subchapter and the applicable Oregon Revised Statutes, and may affirm, modify or

overrule the decision. If the 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 be deposited within one year to the credit of the account or fund from which it was spent.

(3) The decision of the Council shall be judicially reviewed only as provided in O.R.S. 34.010 to 34.100.

(B) *Methodology review.*

(1) The city shall maintain a list of persons who have made written requests 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 90 days prior to the first hearing to establish or modify a system development charge, and the methodology supporting the system development charge shall be available at least 60 days prior to the first hearing. The failure of a person on the list to receive a notice that was mailed does not invalidate the action of the city.

(2) The city may periodically delete names from the list, but, at least 30 days prior to removing a name from the list, 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.

(3) Legal action intended to contest the methodology used for calculating a system development charge may not be filed after 60 days following adoption or modification of the system development charge resolution by the city. Persons shall request judicial review of the methodology used for calculating a system development charge only as provided in O.R.S. 34.010 to 34.100.

(C) *Other review.*

(1) Challenges of any other decisions required or permitted to be made by the city under this subchapter or associated resolutions including, but not limited to, objections to the calculation of a system development charge or a decision to increase a system development charge by modifying the improvement plan must be filed in writing with the city office within 20 days of the date of the decision. The complaint must describe with particularity the city decision being challenged.

(2) A hearing shall be held by the Council within 60 days of the filing of the complaint. After providing notice to the complainant, the Council shall determine whether the decision challenged is in accordance with this subchapter and the applicable Oregon Revised Statutes, and may affirm, modify or overrule the decision.

(3) The Council must advise a person making written objection to a system development charge calculation of the review procedures provided by this section, and the right to petition for review pursuant to O.R.S. 34.010 to 34.100.

(4) A decision to increase a system development charge by modifying the plan adopted pursuant to § 50.008 may be judicially reviewed only as provided in O.R.S. 34.010 to 34.100. (Ord. 500, passed 4-10-2006)

CROSS-CONNECTION CONTROL; REQUIREMENTS

§ 50.030 AUTHORITY.

Pursuant to the Federal Safe Drinking Water Act of 1974, the Oregon Drinking Water Quality Act of 1981 and Chapter 333, Division 61 of the Oregon Administrative Rules, it is the responsibility of the City of Union to protect its drinking water by instituting and enforcing a cross-connection program, and by adopting this subchapter under the authority of O.R.S. Chapter 448. (Ord. 490, passed 4-11-2005)

§ 50.031 DEFINITIONS.

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

AIR GAP. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, never less than one inch (25 cm).

APPROVED. Accepted by the authority responsible as meeting an applicable specification stated or cited in this subchapter or as suitable for the proposed use.

ATMOSPHERIC VACUUM BREAKER (AVB). A device consisting of an air inlet valve or float check, a check seat and air inlet port(s). This device is designed to protect against a non-health hazard or a health hazard under a backsiphonage condition only.

AUXILIARY WATER SUPPLY. Any water supply on or available to the premises other than the city's approved water supply. **AUXILIARY WATERS** may include water from another purveyor's public potable water supply or any natural source(s), such as a well, spring, river, stream, harbor and so forth, used waters or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the city does not have sanitary control.

BACKFLOW. The undesirable reversal of flow in a potable water distribution system as a result of a cross-connection.

BACKFLOW DEVICE INSTALLER. A person who is a plumber, an irrigation installer or a pipe fitter all licensed by the State of Oregon or a private homeowner doing work on his or her own property. All installers are required to buy a plumbing permit through the State of Oregon Buildings Code Division and to also obtain a permit from the City of Union in order to perform the work.

BACKFLOW PREVENTER. An assembly, device or means designed to prevent backflow.

BACKPRESSURE. A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler or any other means that may cause backflow.

BACKSIPHONAGE. Backflow caused by negative or reduced pressure in the supply piping.

CERTIFIED BACKFLOW ASSEMBLY TESTER. A person who is certified by the Oregon State Department of Human Services, and holds a contractor's license with the Construction Contractors Board.

CONTAMINATION. An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.

CROSS-CONNECTION. Any physical arrangement where a public water system is connected, directly or indirectly (actual or potential), with any other non-potable water system, used water system or auxiliary supply, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, air conditioner units, fire protection system or any other assembly 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 change-over assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross-connections.

CROSS-CONNECTIONS; CONTROLLED. A connection between a potable water system and a non-potable water system with an approved backflow-prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

CROSS-CONNECTION CONTROL BY CONTAINMENT. The installation of an approved backflow-prevention assembly at the water service connection to any customer's premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system, or it shall mean the installation of an approved backflow-prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections that cannot be effectively eliminated or controlled at the point of the cross-connection.

DOUBLE CHECK VALVE ASSEMBLY. The approved double check valve assembly consists of two internally-loaded check valves, either spring loaded or internally weighted, installed as a unit between two tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated cocks. This assembly shall only be used to protect against a non-health hazard that is a pollutant.

HAZARD, DEGREE OF. The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

HAZARD, HEALTH. A cross-connection or potential cross-connection involving any substance that could, if introduced in the potable water supply, cause death, illness, spread disease or have a high probability of causing the effects.

HAZARD, PLUMBING. A plumbing-type cross-connection in a consumer's potable water system that has not been properly protected by an approved air gap or an approved backflow prevention assembly.

HAZARD, NON-HEALTH. A cross-connection or potential cross-connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the potable water supply.

HAZARD, SYSTEM. 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 that would have a protracted effect on the quality of the potable water in the system.

INDUSTRIAL FLUIDS SYSTEM. Any system containing a fluid or solution that may be chemically, biologically or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters, all types of process waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality, chemicals in fluid form, plating acids and alkalis, circulating cooling waters connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances, contaminated natural waters, such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, and so forth, oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or fire-fighting purposes.

POLLUTION. The presence of any foreign substance in water that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.

REDUCED-PRESSURE BACKFLOW ASSEMBLY. The approved reduced-pressure principle backflow-prevention assembly consists of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-sealed test cocks.

SERVICE CONNECTION. The terminal end of a service connection from the public potable water system, that is, where the city loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the **SERVICE CONNECTION** shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow-prevention assembly located

at the point of delivery to the customer' s water system. **SERVICE CONNECTION** shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

WATER, POTABLE. Water that is safe for human consumption as described by the public health authority having jurisdiction.

WATER, NON-POTABLE. Water that is not safe for human consumption or that is of questionable quality.

WATER, USED. Any water supplied by a water purveyor from a public potable water system to a consumer' s water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

(Ord. 490, passed 4-11-2005)

§ 50.032 CROSS-CONNECTION PROHIBITED.

No person shall install or maintain any physical interconnection between the city water supply and any other source of water supply.

(Ord. 490, passed 4-11-2005) Penalty, see § 50.999

§ 50.033 WHEN BACKFLOW PREVENTION DEVICES REQUIRED.

Backflow prevention devices for protecting the city' s water system shall be installed on all service connections to the premises where:

(A) There is an auxiliary water supply which is, or can be, connected to the potable water piping;

(B) There are any cross-connections as the term is defined in § 50.031;

(C) The nature and extent of any activity on the premises, the materials used in connection with any activity on the premises or materials stored on the premises, could contaminate or pollute the drinking water supply in any way;

(D) There is piping for conveying or containing 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;

(E) There are internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist;

(F) There is unduly restricted entry so that inspections for cross-connections cannot be made with sufficient frequency or with sufficient notice to assure that cross-connections do not exist;

(G) There are fire sprinkler systems using non-potable piping; and

(H) There is backflow potential.

(Ord. 490, passed 4-11-2005)

§ 50.034 TYPE OF BACKFLOW ASSEMBLY REQUIRED.

The type of backflow prevention device required under this subchapter shall be commensurate with the degree of hazard which exists:

(A) An approved air gap of at least twice the inside diameter, but not less than one inch, of the incoming supply line measured vertically above the top rim of the vessel, or an approved reduced pressure backflow device assembly shall be installed where the substance which could backflow is hazardous to health, such as but not limited to: sewage treatment plants, sewage pumping stations, chemical manufacturing plants, plating plants, hospitals, mortuaries, car washes and/or medical clinics;

(B) An approved double check valve assembly shall be installed where the substance which could backflow is objectionable but does not pose an unreasonable risk to health; and

(C) An approved double check valve assembly shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or which does not provide for periodic flow through during each 24-hour period, unless a variance has been issued in writing. A reduced pressure assembly must be installed if any solution other than the potable water can be introduced into the sprinkler system.

(Ord. 490, passed 4-11-2005)

§ 50.035 DEVICES APPROVED BY OREGON DHS.

All backflow prevention assemblies required under this subchapter shall be of a type and model approved by the State of Oregon Department of Human Services or its successor. Air gaps and non-testable devices shall be those approved by the Oregon Specialty Plumbing Code.

(Ord. 490, passed 4-11-2005)

§ 50.036 RESPONSIBILITY.

(A) The City Public Works Superintendent shall be responsible for the protection of the public potable water system from contamination and pollution due to the backflow of contaminants or pollutants through the water service connection.

(B) If, in the judgment of the Public Works Superintendent, an approved backflow prevention assembly as described in this subchapter is necessary for the safety of the water system, the Public Works Superintendent or his or her designated agent shall give notice in writing to the customer that the installation of an approved backflow prevention assembly at a specific location on the premises is required.

(Ord. 490, passed 4-11-2005)

§ 50.037 INSTALLATION AT CUSTOMER' S EXPENSE.

The installation of an approved backflow prevention assembly as described in § 50.036 shall be at the customer' s expense.

(Ord. 490, passed 4-11-2005)

§ 50.038 OWNERSHIP OF BACKFLOW PREVENTION ASSEMBLY.

Upon installation, the customer shall retain ownership of the above described assembly, and the testing, maintenance, repair and replacement thereof, in compliance with the requirements of the State of Oregon Department of Human Services or its successor, shall be the responsibility of the customer.

(Ord. 490, passed 4-11-2005)

§ 50.039 BACKFLOW PREVENTION DEVICE TESTING.

(A) Backflow prevention assemblies shall be tested at least once per year. Where the Public Works Superintendent deems the hazard to be great enough, he or she may require tests at more frequent intervals. Backflow prevention assemblies shall be tested immediately after installation and after they are moved. Backflow prevention assemblies shall also be tested following a backflow incident, or after an approved air gap is re-plumbed. Tests shall be performed by certified testers in conformance with procedures established by the Foundation for Cross-Connection Control and Hydraulic Research. All testers shall possess a valid certification issued by the State of Oregon Department of Human Services or its successor.

(B) The water user or owner of the premises shall have the assembly tested in accordance with division (A), above, and tests, inspections, repairs and maintenance shall be at the expense of the water user or owner of the premises.

(Ord. 490, passed 4-11-2005)

§ 50.040 EXISTING ASSEMBLIES.

Backflow prevention assemblies installed before the effective date of this subchapter that were approved at the time of installation but are not currently approved, shall be permitted to remain in service provided the assemblies are not moved, the piping systems are not significantly remodeled or modified, the assemblies are properly maintained and they are commensurate with the degree of hazard they were installed to protect. The assemblies must be tested at least annually and perform satisfactorily. (Ord. 490, passed 4-11-2005)

§ 50.041 REPAIRS.

Approved backflow prevention assemblies found not to be functioning properly shall be repaired, replaced or re-plumbed as required by the Public Works Superintendent. The repair, replacement or re-plumbing shall be at the expense of the water user or owner of the premises. (Ord. 490, passed 4-11-2005)

§ 50.042 ACCESS.

A customer's water system shall be open for inspection at all reasonable times to the Public Works Superintendent and his or her designated representatives, to determine whether cross-connections or other structural or sanitary hazards exist. When a condition becomes known, the Public Works Superintendent shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition in conformance with this subchapter. In the event the customer refuses access to the Public Works Superintendent or his or her designee, the Public Works Superintendent or his or her designee may then require a backflow prevention assembly to be installed at the meter. (Ord. 490, passed 4-11-2005)

Editor's Note:

Final sentence in this section added by motion before enactment 4-11-2005.

§ 50.043 MOBILE SYSTEMS.

Any mobile apparatus which uses the city water system or water from any premises within the city system must obtain a permit from the City Public Works Superintendent or his or her designee. (Ord. 490, passed 4-11-2005)

§ 50.044 DISCONTINUANCE OF SERVICE FOR NONCOMPLIANCE.

Water service to a premises shall be discontinued at the direction of the Public Works Superintendent for:

(A) Failure to remove, eliminate or protect an existing unprotected or potential cross-connection, after the same has been identified by the Public Works Superintendent and its correction ordered;

(B) Failure to install a required approved backflow prevention assembly within ten days of being ordered to do by the Public Works Superintendent;

(C) Failure to maintain an approved backflow prevention assembly;

(D) Failure to conduct the required testing of an approved backflow prevention assembly, where the assembly is not owned by the city; and/or

(E) Cases of extreme emergency may cause immediate discontinuance of service where a threat to life or public health is found to exist.

(Ord. 490, passed 4-11-2005)

RULES AND REGULATIONS FOR THE CONDUCT AND OPERATION OF THE WATER SYSTEM

§ 50.060 SHORT TITLE.

This subchapter shall be known as “Rules and Regulations for the Operation of the Water Department of the City of Union, Oregon” and may be so cited and pleaded.

(Ord. 421, passed 5-30-1990)

§ 50.061 SCOPE.

The Water Department and all customers receiving services from the Water Department, whether inside or outside the city limits, are bound by these rules and regulations.

(Ord. 421, passed 5-30-1990)

§ 50.062 DEFINITIONS.

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

ADMINISTRATOR. The person appointed by the City Council to superintend the affairs of the Water Department.

APPLICANT. The person or persons, firm or corporation, making application for water service from the Water Department under the terms of these regulations.

CITY. The legally constituted municipal government of the City of Union, Union County, Oregon.

CITY COUNCIL. The legally-elected group of members composing the City Council, including the Mayor of the City of Union, Oregon.

CUSTOMER or USER. An applicant who has been accepted under the terms of these regulations and who receives water service from the Water Department.

CUSTOMER SERVICE LINE. The part of the piping on the customer' s property that connects the service to the customer' s distribution system.

SERVICE CONNECTION. The part of the water distribution system which connects the meter to the main and normally consists of corporation stop, service pipe, curb stop and box, meter, meter yoke and meter box.

WATER DEPARTMENT. The Water Department of the City of Union, Oregon.
(Ord. 421, passed 5-30-1990)

§ 50.063 SERVICE AREA.

The area served by the Water Department shall be all that area included within the corporate limits of the City of Union and other contiguous and neighboring territory as the City Council shall, from time to time, deem necessary to serve.

(Ord. 421, passed 5-30-1990)

§ 50.064 DESCRIPTION OF SERVICE.

(A) *Supply.* The Water Department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid so far as reasonably possible any shortage or interruption in delivery. The Water Department shall not be liable

for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the Water Department for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.

(B) *Quality.* The Water Department will exercise reasonable diligence to supply safe and potable water at all times.

(C) *Ownership of system.* All water mains, valves, fittings, hydrants and other appurtenance, except “customer service lines”, as defined in § 50.067(A), shall be the property of the Water Department.

(D) *Classes of service.* The classes of service shall be “residential”, “commercial”, “standby fire” and “contract”, as further qualified by the number after the class as follows:

- (1) Inside city limits; and
- (2) Outside city limits.

(a) *Residential service.* Residential services shall consist of all services for domestic purposes, single-family dwellings, homes and municipal purposes.

(b) *Commercial service.* Commercial services shall consist of those services where water is used for commercial services, such as businesses and multi-family dwellings.

(c) *Standby fire.* Standby fire service shall consist of those services where water is available or used for fire protection only.

(d) *Contract service.* Contract services shall consist of those services for industrial or independent water district purposes under contracts authorized by the City Council.

(E) *Special contracts.* When the applicant’s requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment or capacity, the Water Department, by authorization of the City Council, reserves the right to make a special contract, the provisions of which are different from and have exceptions to the regularly published water rates, rules and regulations. This special contract shall be in writing, signed by the applicant and approved by the City Council and City Attorney and signed by the Mayor and City Recorder of the City of Union.

(F) *Resale of water.* Resale of water shall be permitted only under special contract, in writing, between the City Council and the persons, parties or corporation selling the water.

(G) *Service preference.* In case of shortage of supply, the Water Department reserves the right to give preferences in the matter of furnishing service to customers and interests of the Water Department from the standing of public convenience or necessity. Water service to users outside of the city limits shall at all times be subject to the prior and superior rights of the customers within the city limits.

(Ord. 421, passed 5-30-1990)

§ 50.065 APPLICATION FOR SERVICE.

(A) *Application form.* Each applicant for water service shall sign an application form provided by the Water Department giving the date of application, location of premises to be served, the date applicant desires services to begin, purpose for which service is to be used, the address for mailing of the billings, the class and the size of the meter service and other information as the Water Department may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations of the Water Department. The application is merely a written request for service and does not bind the Water Department to serve.

(B) *Deposits and establishment of credit.* At the time application for service is made, the applicant shall establish his or her credit with the Water Department.

(1) *Establishment of credit.* The credit of the applicant will be deemed established when the applicant makes a cash deposit with the Water Department to secure the payment of bills for service. The deposit shall be a sum equal to the estimated bill for two months' service but not less than \$50.

(2) *Deposits.* At the time the deposit is given to the Water Department, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded. The Water Department will not pay interest on any deposit.

(3) *Forfeiture of deposit.* If an account becomes delinquent and it is necessary to turn-off the service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to that premises or that customer at different premises until all outstanding bills due the Water Department have been paid and the cash deposit replaced, together with a \$10 service charge. In the event a deposit has not been paid in the past, a deposit will be required before water is turned on.

(C) *Application amendments.* Customers desiring a material change in the size, character or extent of equipment or operation which would result in a material change in the amount of water used shall give the Water Department written notice of the change prior to the change and the application for service shall be amended. Customers desiring a change in the size, location or number of services shall fill out an amended application.

(Ord. 421, passed 5-30-1990)

§ 50.066 MAIN EXTENSIONS.

(A) *Within the city limits.* Water main extensions to areas within the city limits not presently served with water shall be installed under procedures to be established by the City Council. Subdividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council.

(B) *Outside the city limits.* Water mains outside the city limits shall be extended only at the expense of the customers served. The main extensions shall become the property of the Water Department at the time installed. The City Council shall determine the size of the main extensions and all extensions shall be of a suitable material approved by the City Council. Extensions outside the city limits shall be installed by the Water Department or by contractors approved by the Water Department. The installation procedures and materials used shall be in accordance with the city and the State of Oregon standards.

(C) *Locations of extensions.* The Water Department will make water main extensions only on rights-of-way, easements or publicly-owned property. Easements or permits secured for main extensions shall be obtained in the name of the City of Union, along with all rights and title to the main at the time the service is provided to the customers paying for the extension.

(Ord. 421, passed 5-30-1990)

§ 50.067 SERVICES.

(A) *Definition.* The **SERVICE CONNECTION** shall be that part of the water distribution system which connects the meter to the main and shall normally consist of corporation stop, service pipe, curb stop and box, meter, meter yoke and meter box. The **CUSTOMER SERVICE LINE** shall be that part of the piping on the customer's property that connects the service to the customer's distribution system.

(B) *Ownership, installation and maintenance.* The Water Department shall own, install and maintain all services and installation and maintenance shall only be performed by authorized employees of the Water Department. The customer shall own, install and maintain the customer service line.

(C) *Service connection charge.* At the time the applicant files for service where no service previously existed, or if he or she is filing for a change in service size or location, he or she shall submit with his or her application the service connection charge. This charge shall be in addition to the actual cost to the Water Department for installing the service from the main to, and including, the meter and the meter housing. The service connection charge shall be as determined by the City Council in the current published water rate schedule.

(D) *Size of service.* The Water Department will furnish and install a service of such size and at the locations as the applicant requests, provided the requests are reasonable and that the size requested is one that is listed by the Water Department. The minimum size of service shall be three-fourths inch. The Water Department may refuse to install a service line which is undersized or oversized as determined by a study and report of the Administrator to the City Council.

(E) *Changes in service size.* Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the Water Department for making the change.

(F) *Length of service.* Where the main is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served provided the length of service line does not exceed the width of the right-of-way. Where the main is on an easement of publicly-owned property other than designated rights-of-way, the services shall be installed to the boundary of the easement or public property by the Water Department.

(G) *Joint service connections.* The Water Department may, at its option, serve two or more premises with one connection. On new service connections, the inside diameter of the joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed. Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special considerations approved by the City Council.

(H) *Number of service connections on premises.* The owner of a single parcel of property may apply for and receive as many services as he or she and his or her tenants may require, provided his or her application or applications meet the requirements of the policies, rules and regulations.

(I) *Standby fire protection service connections.*

(1) *Purpose.* Standby fire protection service connections of two-inch size and larger will be installed only if adequate provisions are made to prevent the use of water from the services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having the provisions. The Water Department may require that a suitable detector check meter be installed in the standby fire protection service connections, to which hose lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the Plumbing Code of the State of Oregon.

(2) *Charges for service.* Charges for standby fire protection service will be stated in the published water rate schedule. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system. The customers shall pay the full cost of the standby protection service connection, any required detector check meters and any required special water meter installed for the service to the standby connection.

(3) *Violations of regulations.* If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the Water Department. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of the regular water rates.

(J) *Fire service connections other than standby.* A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the regular rates.

(K) *Temporary service connections.* For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material furnished by the Water Department. The applicant shall also pay his or her water bill in advance and based on an estimate of the quantity to be used, or he or she shall otherwise establish satisfactory credit.

(1) *Time limit.* Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the Water Department.

(2) *Charge for water served.* Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.

(3) *Installation charge and deposits.* The applicant for temporary service will be required:

(a) To pay the Water Department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service;

(b) To deposit an amount sufficient to cover bills for water during the entire period the temporary service may be used, or to otherwise establish credit approved by the Water Department; and

(c) To deposit, with the utility, an amount equal to the value of any equipment loaned by the Water Department to the applicant under the terms of division (K)(4) below.

(4) *Responsibility for meters and installation.* The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the Water Department. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit fund. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.

(L) *Customer' s plumbing.*

(1) *Plumbing Code.* The customer' s plumbing, which shall include the customer' s service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the Plumbing Code of the State of Oregon.

(2) *Control valves.* Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served. In the event a customer' s service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this section. It shall be a violation of these rules and regulations for the customer to operate, cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection.

(Ord. 421, passed 5-30-1990) Penalty, see § 50.999

§ 50.068 METERS.

(A) *Ownership.* The Water Department will own and maintain all water meters. The Water Department will not pay rent or any other charge for a meter or other water facilities, including housing and connections on a customer's premises.

(B) *Installation.* Installation of water meters shall be performed only by authorized employees of the Water Department. All meters shall be sealed by the Water Department at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

(C) *The size and type of meter.* Applicant may request and receive any size meter regularly stocked or furnished by the Water Department, provided the request is reasonable and further provided that the meter is not greatly oversized or undersized, as determined by the Water Superintendent. The Water Department reserves the right to determine the type of meter to be installed.

(D) *Location of meters.* Meters shall normally be placed at the curb or property lines. The meter will be installed wherever the applicant desires within reason, but the location must be approved by the Water Department. The meters will not be located in driveways or other locations where damage to the meter or its related parts may occur unless protective measures are undertaken.

(E) *Joint use of meters.* The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, with the City Council.

(F) *Charges.*

(1) *Funds in excess of utility expenses.* If revenues received from the imposition of water and sewer rates exceed expenses of the current operation, capital improvement costs and debt service for the water and sewer systems, the excess water and sewer revenues shall be held, respectively in the Water Reserve Fund and Sewer Reserve Fund, and the use of those funds shall be limited to the future maintenance, improvement and debt payment for the water and sewer systems, respectively.

(2) *Water; residential equivalent unit.*

(a) Except as provided following the chart below, the number of residential equivalent units (REUs) shall be determined by meter size, as follows:

| <i>Water Meter Size</i> | <i>Number of REUs</i> | <i>Allowable Consumption Included in Base Rate (Cubic Feet)</i> | <i>Base Rate Month</i> |
|-------------------------|-----------------------|---|------------------------|
| 3/4-inch | 1 | 1,000 | \$18 |
| 1-inch | 2 | 2,000 | \$36 |
| 1 1/2-inch | 4 | 4,000 | \$72 |

| <i>Water Meter Size</i> | <i>Number of REUs</i> | <i>Allowable Consumption Included in Base Rate (Cubic Feet)</i> | <i>Base Rate Month</i> |
|-------------------------|-----------------------|---|------------------------|
| 2-inch | 8 | 8,000 | \$144 |
| 3-inch | 16 | 16,000 | \$288 |

(b) The number of residential equivalent units (REUs) for duplexes, triplexes, manufactured dwelling parks, multi-family dwelling and businesses with apartment where two or more dwelling units are served by a single meter, shall be the sum of the dwelling units served by that meter, irrespective of meter size. Individuals will have 180 days after passage to establish service to all residential equivalent units on nonconforming units in existence at the time of passage. After the 180 days, those units found in noncompliance will pay system development charges (SDCs).

(3) *Water rates.*

(a) All dwellings (REUs) using water from the City of Union will be required to have a three-fourths inch meter (or larger if required by special circumstances e.g., fire suppression system). The base rate water for residential service shall be \$18 per month per residential equivalent unit (REU) as defined in this section, which shall include 1,000 cubic feet of water.

(b) The small business rate of \$12 per month with an allowance of 200 cubic feet of water shall be allowed. This would apply to businesses not using water as part of the business and no more than two employees.

(c) For each cubic feet of water used in excess of the base allowance in divisions (F)(3)(a) and (b) above, the charge shall be \$ 0.0085.

(4) *Sewer rates.*

(a) The residential equivalent unit (REU) for sewer is 725 cubic feet of effluent. Each additional REU used, such as by heavy industrial or commercial laundry use, for example, will be multiples of the REU rate similar to the water chart (division (F)(2)(a) above).

(b) The base rate for sewer service from the City of Union shall be \$35 per month per residential equivalent unit (REU).

(c) Hotels, motels and RV parks will be charged one base rate for the business and pro-rated one-thirtieth per use day of rooms or hookups.

(5) *Disconnection of water service for a period of time rates (snow birds and others).* When water is disconnected a flat charge of \$30.00 per month shall be charged to apply to the continuing water and sewer debt, Fire Department service, meter and line maintenance even though one is temporarily not using the residential system. (This is distributed \$18.75 for sewer debt and \$11.25 to a combination of water bonds and water line maintenance.)

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(6) *Rates: use of water no sewer or sewer no water.*

(a) Those people on city water service but no sewer service will pay full water service (\$18.00) and the amount of \$18.75 for sewer debt service. No system development charges will be levied to the two customers in this situation as of the date of passage of this section.

(b) Those people on city sewer service will pay full rates for sewer and \$11.25 for a combination of water bonds and water line maintenance. No system development charges will be levied to the ten customers in this situation as of the date of passage of this section.

(7) *Adjustments.* For the purposes of this section, a 2.5% adjustment of the above rates in divisions (F)(3), (4), (5) and (6) above will be made yearly to keep the water and sewer rates current with increased cost of living. (This percentage reflects an average of consumer price indexes over the past ten years.)

(a) The adjustment will automatically go into effect the first of the month 30 days following passage of this section in 2007 and thereafter on April 1 annually.

(b) The City Council shall be required to review the adjustment annually in January (but no later than March).

(c) The City Council is authorized to increase the water or sewer rates above the 2.5% adjustment prior to April 1, or at any time, in the event of an emergency defined as a major loss to the water or sewer system, the need to respond to an unfunded mandate of the State of Oregon or the U.S. Federal government, an act of God, terrorism or vandalism.

(d) The City Council is also authorized at any time to decrease water or sewer rates.

(8) *Special circumstances and requirements.* For any utility rates not expressly provided for in this section, including but not limited to utility hookup charges, standby fire rates and contract rates, the City Council retains the authority to set rates by resolution.

(G) *Effective date of metered rates.* The rates herein provided to be paid and collected shall be effective for all collection periods beginning on and after the date on which the City Council, by resolution, established the beginning of metered charges.

(Ord. 421, passed 5-30-1990; Ord. 508, passed 6-28-2007)

§ 50.069 NOTICES.

(A) *Notices to customers.* Notices from the Water Department to the customer will normally be given in writing and either mailed to or delivered to him or her at his or her last known address. Where conditions warrant and in emergencies, the Water Department may notify either by telephone or messenger.

(B) *Notices from customers.* Notices from the customer to the Water Department may be given by the customer or his or her authorized representative orally or in writing at the office of the Water Department in the City Hall or to an agent of the Water Department duly authorized to receive notices or complaints.

(Ord. 421, passed 5-30-1990)

§ 50.070 BILLING AND PAYMENT.

(A) *Meter readings.* Meters will be read and customers billed on the basis of the meter reading to the nearest cubic foot. The Water Department will keep an accurate account on its books of all readings of meters and the account so kept shall be offered at all times, places and courts as prima facie evidence of the use of water service by the customer.

(B) *Rendering of bills.*

(1) *Billing period.* All meters shall be read and bills rendered therefore monthly, except during winter months as determined by the City Council.

(2) *Bills for other than normal billing period.* Opening or closing bills, or bills that for any other reason cover a period containing 10% more days or 10% less days than in the normal billing period shall be prorated.

(3) *Bills for more than one meter.* All meters supplying a customer's premises shall be billed separately, except that where the Water Department has for operating purposes installed two or more meters in place of one, the reading may be combined for billing.

(C) *Disputed bills.* When a customer disputes the correctness of a bill, he or she shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make a deposit shall warrant discontinuance of service as provided under division (F) below.

(D) *Failure to read meters.* In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of 30 days per month and the total water consumption for billing purposes for that period shall be estimated.

(E) *Payment of bills.* Water bills shall be due and payable when rendered. Any account for which the bill is not paid in full during the month shall be considered delinquent.

(F) *Delinquent accounts.*

(1) *Past due billing.* Any amount due on a delinquent account shall be listed as “ Previous Balance” on the next month’ s billing statement.

(2) *Turn-off notice.* About a week before the due date, a turn-off notice will be sent to any customer who has not paid the “ Previous Balance” listed on the billing statement. The notice shall state a date on which water will be turned off if delinquent account is not paid in full prior thereto.

(3) *Service turn-off.* On the turn-off date, the meter reader or other agent of the City of Union shall deliver a written notice to the customer stating that the water service is being turned off until all current and delinquent amounts have been paid. The meter reader or other agent of the city shall immediately thereafter turn-off the service. A delivery to the premises served by the meter shall be considered a delivery to the customer.

(4) *Service charge.* In all instances where water has been turned off because of delinquent accounts, a \$10 service charge shall be made for the restoration of services and replacement of cash deposit as stated in division (F)(2) above, will be required.

(G) *Installment payments of delinquent accounts.* In cases of extreme hardship, the City Recorder shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount. The plan shall be in writing and the installment period shall not exceed the period of time the account was delinquent.

(H) *Water charge liens.* Water service charges shall be a lien against the premises served from and after the date of billing and entry on the ledger or other records of the city pertaining to its water system, and the ledger, records or other records shall remain accessible for inspection by anyone interested in ascertaining the amount of the charges against the property. Whenever a bill for water service remains unpaid 90 days after it has been rendered, the lien thereby created may be foreclosed in the manner provided for by Oregon Revised Statutes, or in any other manner provided for by law or city ordinance.

(Ord. 421, passed 5-30-1990)

§ 50.071 METER ERROR.

(A) *Meter accuracy.* All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of 2% under conditions of normal operation.

(B) *Meter test.*

(1) *Standard test.* Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.

(2) *On customer request.* A customer may, giving not less than seven days' notice, request the Water Department to test the meter servicing his or her premises. The Water Department will require the customer to deposit the testing fee. This fee shall be \$10 for meters three-fourths inch and smaller, and for meters larger than three-fourths inch shall be an estimate of the cost of testing the meter as determined by the Water Superintendent. The deposit will be returned to the customer if the test reveals the meter to over-register more than 2% under the standard test conditions; otherwise, the deposit shall be retained by the Water Department. Customers may, at their option, witness any meter tests which they request.

(3) *On Water Department request.* If, upon comparison with past water usage, it appears that a meter is not registering properly, the Water Department may, at its option, test the meter and adjust the charges accordingly if the meter either over-registers or under-registers. No charge for meter testing will be made to the customer for the meter test under these conditions.

(C) *Adjustments of bill for meter error.*

(1) *No credits or debits.* No credits or debits will be borne by the city or the customer should the tested meter show variance high or low, from the accuracy defined in § 50.072(A).

(2) *Non-registering meters.* The Water Department will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions.

(Ord. 421, passed 5-30-1990) Penalty, see § 50.999

§ 50.072 DISCONTINUANCE OF SERVICE.

(A) *On customer request.* Each customer about to vacate any premises supplied with water service by the Water Department shall give the Water Department written notice of his or her intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, he or she will be responsible for all water supplied to the premises until the Water Department shall receive notice of the

removal. At the time specified by the customer that he or she expects to vacate the premises where service is supplied or that he or she desires to be discontinued, the meter will be read and a bill rendered which is payable immediately. In no case will the bill be less than the monthly minimum specified in the schedule applying to the class or classes of service furnished.

(B) *Nonpayment of bills.* A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in § 50.071.

(C) *Nonpayment of sewer service charges.* The charges for sewer service are authorized by Chapter 51 and set by resolution of the City Council. If the sewer service charges are not paid when due by any person, firm or corporation whose premises are served or who are subject to the charges herein provided, water service provided to that customer by the City of Union Water Department may be discontinued because of the default in the payment of the sewer service charges. As an additional alternative method, if the rates and charges are not paid when due by any person, firm or corporation, the amounts so unpaid may be certified by the City Recorder to the County Assessor of Union County, Oregon, and shall be by him or her assessed against the premises served as provided by law and shall be collected and paid over to the city in the same manner as other taxes are assessed, collected and paid over, with interest. Interest on unpaid bills shall run from the due date thereof at a rate to be set by resolution of the City Council. The unpaid charges may also be recovered in an action at law in the name of the city, with interest as aforesaid.

(D) *Improper customer facilities.*

(1) *Unsafe facilities.* The Water Department may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with the Plumbing Code of the State of Oregon.

(2) *Cross-connections.* A cross-connection is defined as any physical connection between the Water Department's system and another water supply. The Oregon State Health Division and the U.S. Environmental Protection Agency prohibit cross-connections. The Water Department will not permit any cross-connection and will discontinue service to any persons or premises where a cross-connection exists. Service will not be restored until the cross-connection is eliminated. Customers using water from one or more sources in addition to receiving water from the Water Department on the same premises shall maintain separate systems for each; and the Water Department's water supply facilities shall be separated from any and all other systems by an air gap of not less than one foot, or if in the ground, by not less than five feet.

(E) *Water waste.* Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the Water Department may discontinue service if the conditions are not corrected after due notice by the Water Department.

(F) *Service detrimental to others.* The Water Department may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

(G) *Fraud or abuse.* The Water Department will refuse or discontinue service to any premises where it is deemed necessary to protect the Water Department from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the Water Department that the condition or conditions exist.

(H) *Unauthorized turn-on.* Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be computed at actual cost to the Water Department plus 15% overhead, but not less than \$75. These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until the charges are paid and the Water Department had reasonable assurance that the violation will not reoccur.

(I) *Noncompliance with regulations.* The Water Department may, upon five days' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of these regulations.

(Ord. 421, passed 5-30-1990)

§ 50.073 RESTORATION OF SERVICE.

(A) Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges, plus \$10 for restoration charge and posting a deposit as hereinbefore provided.

(B) Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse or for noncompliance with any of the policies, rules and regulations will only be made after the irregularity has been corrected and the Water Department has been assured that the irregularity will not reoccur. The restoration charge shall be \$50 plus any other charges due or past due that the Water Department may have incurred to correct the irregularity.

(Ord. 421, passed 5-30-1990)

§ 50.074 UNUSUAL DEMANDS.

(A) When an abnormally large quantity of water is desired for filling a swimming pool, log pond or for other purposes, arrangements must be made with the Water Department prior to taking the water.

(B) Permission to take water in unusual quantities will be given only if the Water Department facilities and other consumers are not inconvenienced.

(Ord. 421, passed 5-30-1990)

§ 50.075 ACCESS TO PROPERTY.

(A) All duly appointed employees of the Water Department, under the direction of the City Administrator, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The Water Department does not, however, assume the duty of inspecting the customer's line, plumbing and equipment and shall not be responsible therefore.

(B) It shall be the responsibility of the customer to ensure that Water Department personnel have access to the meter at the customer's premises for determining consumption and billing. In the event that a meter cannot be read because it has been blocked by a parked vehicle, covered with dirt or debris, or otherwise rendered inaccessible by the customer, making it necessary for Water Department personnel to make a special trip to attempt to read the meter, the customer shall be assessed an additional charge for the additional service. The amount of the charge shall be determined by resolution of the City Council.

(Ord. 421, passed 5-30-1990; Ord. 495, passed 4-11-2005)

§ 50.076 RESPONSIBILITY FOR EQUIPMENT.

(A) *Responsibility for customer equipment.* The Water Department shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing or equipment, nor shall the Water Department be liable for loss or damage due to interruption of service or temporary changes in pressure. The customer shall be responsible for valves on his or her premises being turned off when the water service is turned on.

(B) *Responsibility for Water Department equipment.* Water Department equipment on the customer's premises remains the property of the Department and may be repaired, replaced or removed by the Department employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or removed Water Department equipment on his or her premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.

(C) *Damage to Water Department equipment.* The customer shall be liable for any damage to equipment owned by the Water Department which is caused by an act of the customer, his or her tenants, agents, employees, contractors, licensees or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damages by hot water or steam, and damaged meter boxes, curb stops, meter stops and other appurtenances.

(Ord. 421, passed 5-30-1990)

§ 50.077 FIRE HYDRANTS.

(A) *Operation.* No person or persons other than those designated and authorized by the Water Department shall open any fire hydrant belonging to the Water Department, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and received water through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.

(B) *Moving a fire hydrant.* When a fire hydrant has been installed in the locations specified by the proper authority, the Water Department has fulfilled its obligation. If a property owner or other party desires to change the size, type or location of the hydrant, he or she shall bear all costs of the changes. Any changes in the location of a fire hydrant must be approved by the Water Department and the Fire Department.

(Ord. 421, passed 5-30-1990)

§ 50.078 SUSPENSION OF RULES.

No employee of the Water Department is authorized to suspend or alter any of the policies, rules and regulations cited herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or in circumstances which would place the water system operation in jeopardy.

(Ord. 421, passed 5-30-1990)

§ 50.079 EASEMENT.

Each applicant and user gives and grants to the City of Union an easement and right-of-way on and across his or her property for the installation of water mains and the necessary valves and equipment in connection therewith.

(Ord. 421, passed 5-30-1990)

§ 50.999 PENALTY.

(A) *General.* Any person violating any provisions of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Rules and regulations for the conduct and operation of the water system.* Any person violating any of the provisions of these rules and regulations, §§ 50.060 through 50.079, shall, upon conviction thereof, be punished by a fine not exceeding \$500.

(Ord. 421, passed 5-30-1990)

CHAPTER 51: SEWER REGULATIONS

Section

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GENERAL PROVISIONS**§ 51.001 DEFINITIONS.**

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

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

BUILDING DRAIN. That part of the lowest horizontal piping of a 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 (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other places of disposal.

COMBINED SEWER. A sewer receiving both surface runoff and sewage.

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

INDUSTRIAL WASTES.

(1) The liquid waste from any non-governmental user of publicly owned treatment works identified in the *Standard Industrial Classification Manual*, 1972, Office Management Budget, as amended and supplemented under the following divisions:

- (a) Division A: Agriculture, Forestry and Fishing;
 - (b) Division B: Mining;
 - (c) Division C: Manufacturing;
 - (d) Division D: Transportation, Communications, Electric, Gas and Sanitary Services;
- and
- (e) Division I: Services.

(2) A user in the divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic waste or waste from sanitary conveniences.

INSPECTOR. The State of Oregon Plumbing Inspector or his or her authorized deputy, agent or representative.

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

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

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

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.

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

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

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

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

SEWAGE WORKS. All facilities for collecting, pumping, treating and disposing of sewage.

SEWER. A pipe or conduit for carrying sewage.

SHALL; MAY. *SHALL* is mandatory; *MAY* is permissive.

SLUG. 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 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

STORM DRAIN (sometimes termed **STORM SEWER**). A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

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

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 304, passed 4-7-1975; Ord. 319, passed 5-18-1977)

USE OF PUBLIC SEWERS REQUIRED

§ 51.015 UNSANITARY DISPOSAL OF WASTE.

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Union, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable wastes.

(Ord. 304, passed 4-7-1975) Penalty, see § 51.999

§ 51.016 UNLAWFUL DISCHARGE OF SEWAGE.

It shall be unlawful to discharge to any natural outlet within the City of Union, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(Ord. 304, passed 4-7-1975) Penalty, see § 51.999

§ 51.017 PRIVIES, SEPTIC TANKS AND THE LIKE.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage on any premises located within 200 feet of a sewer line.

(Ord. 304, passed 4-7-1975)

§ 51.018 SEWER CONNECTIONS REQUIRED.

(A) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way, in which there is now located, or may in the future be located, a public sanitary or combined sewer of the city, is hereby required at his or her expense to install suitable toilet facilities therein and to connect the facilities directly with the proper public sewer, in accordance with the provisions of this chapter, within 90 days after date of official notice to do so; provided that the public sewer is within 200 feet of the property line.

(B) There will be a \$200 minimum late fee charged after 90 days from the date of official notice.

(Ord. 304, passed 4-7-1975)

PRIVATE SEWAGE DISPOSAL**§ 51.035 PRIVATE DISPOSAL.**

When a public sanitary or combined sewer is not available under the provisions of § 51.018, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(Ord. 304, passed 4-7-1975)

§ 51.036 PERMIT.

(A) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Inspector.

(B) The application for the permit shall be made on a form furnished by the city which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Inspector.

(C) A permit and inspection fee may be charged by the Inspector.
(Ord. 304, passed 4-7-1975)

§ 51.037 INSPECTION.

(A) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Inspector.

(B) He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Inspector when the work is ready for final inspection and before any underground portions are covered.

(C) The inspection shall be made within 24 hours of the receipt of notice by the Inspector.
(Ord. 304, passed 4-7-1975)

§ 51.038 COMPLIANCE WITH STATE RECOMMENDATIONS.

(A) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environmental Quality of the State of Oregon.

(B) No septic tank or cesspool shall be permitted to discharge to any natural outlet.
(Ord. 304, passed 4-7-1975) Penalty, see § 51.999

§ 51.039 SEWER CONNECTIONS.

At the time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in § 51.038, a direct connection 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.

(Ord. 304, passed 4-7-1975)

§ 51.040 OPERATION AND MAINTENANCE.

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

(Ord. 304, passed 4-7-1975)

§ 51.041 ADDITIONAL REQUIREMENTS.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

(Ord. 304, passed 4-7-1975)

§ 51.042 DISCONTINUANCE OF PRIVATE DISPOSAL.

When a public sewer becomes available, the building sewer shall be connected to the sewer within 90 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank run gravel or dirt.

(Ord. 304, passed 4-7-1975)

§ 51.043 USER FEES.

A user fee will be charged to all property owners to whom the sewer is available.

(Ord. 304, passed 4-7-1975)

BUILDING SEWERS AND CONNECTIONS

§ 51.060 PERMITS.

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

(Ord. 304, passed 4-7-1975) Penalty, see § 51.999

§ 51.061 APPLICATIONS.

There shall be two classes of building sewer permits:

(A) For residential and commercial service; and

(B) For service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit may be charged by the Inspector at the time the application is filed.

(Ord. 304, passed 4-7-1975)

§ 51.062 COSTS.

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

(Ord. 304, passed 4-7-1975)

§ 51.063 SEPARATE INSTALLATIONS.

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

(Ord. 304, passed 4-7-1975)

§ 51.064 INSPECTION OF OLD BUILDING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and tests by the Inspector, to meet all requirements of this chapter.
(Ord. 304, passed 4-7-1975)

§ 51.065 SPECIFICATIONS FOR BUILDING SEWERS.

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 back-filling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the *A.S.T.M.* and *W.P.C.F. Manual of Practice No. 9* shall apply.
(Ord. 304, passed 4-7-1975)

§ 51.066 ELEVATION; LIFT.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.
(Ord. 304, passed 4-7-1975)

§ 51.067 SURFACE DRAINAGE.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
(Ord. 304, passed 4-7-1975) Penalty, see § 51.999

§ 51.068 SPECIFICATIONS FOR CONNECTIONS.

The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the *A.S.T.M.* and the *W.P.C.F. Manual of Practice No. 9*. All connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Inspector before installation.
(Ord. 304, passed 4-7-1975)

§ 51.069 INSPECTION.

The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his or her representative.

(Ord. 304, passed 4-7-1975)

§ 51.070 BARRICADES; RESTORATION OF PUBLIC PROPERTY.

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

(Ord. 304, passed 4-7-1975)

USE OF PUBLIC SEWERS**§ 51.085 PROHIBITED DRAINAGE IN SANITARY SEWERS.**

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

(Ord. 304, passed 4-7-1975) Penalty, see § 51.999

§ 51.086 DRAINAGE IN STORM SEWERS.

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

(Ord. 304, passed 4-7-1975)

§ 51.087 PROHIBITED DISCHARGES IN PUBLIC SEWERS.

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

- (A) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(B) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CH in the wastes as discharged to the public sewer;

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

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

(Ord. 304, passed 4-7-1975) Penalty, see § 51.999

§ 51.088 SUBSTANCES PROHIBITED IN PUBLIC SEWERS EXCEPT BY PERMISSION.

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

(A) Any liquid or vapor having a temperature higher than 150°F (65°C);

(B) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C);

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Inspector;

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

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

(F) Any waters or wastes containing phenols or other taste or odor-producing substances, in the concentrations exceeding limits which may be established by the Inspector as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for the discharge to the receiving waters;

(G) Any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the Inspector in compliance with the applicable state or federal regulations;

(H) Any waters or wastes having a pH in excess of (9.5);

(I) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

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

(3) Unusual BOD, chemical oxygen demand or chlorine requirements in the quantities as to constitute a significant load on the sewage treatment works; and

(4) Unusual volume of flow or concentration of wastes constituting “ slugs” as defined herein.

(J) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(Ord. 304, passed 4-7-1975) Penalty, see § 51.999

§ 51.089 REQUIREMENTS FOR DISCHARGE OF SPECIAL WASTES.

(A) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 51.088, and which in the judgment of the Inspector may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Inspector may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 51.094.

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

(Ord. 304, passed 4-7-1975)

§ 51.090 INTERCEPTORS.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except, that the interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Inspector and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. 304, passed 4-7-1975)

§ 51.091 PRETREATMENT OR FLOW EQUALIZATION.

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

(Ord. 304, passed 4-7-1975)

§ 51.092 MANHOLES.

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

(Ord. 304, passed 4-7-1975)

§ 51.093 SAMPLING AND TESTING.

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at 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. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)
(Ord. 304, passed 4-7-1975)

§ 51.094 SPECIAL ARRANGEMENTS.

No statement contained in this chapter 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 therefore by the industrial concern.
(Ord. 304, passed 4-7-1975)

PROTECTION FROM DAMAGE

§ 51.110 DAMAGE; DISORDERLY CONDUCT.

No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
(Ord. 304, passed 4-7-1975) Penalty, see § 51.999

POWERS AND AUTHORITY OF INSPECTORS

§ 51.125 INSPECTIONS; RIGHT OF ENTRY.

The Inspector and duly authorized employees and agents of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Inspector or his or her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers, waterways or facilities for waste treatment.
(Ord. 304, passed 4-7-1975)

§ 51.126 LIABILITY.

While performing the necessary work on private properties referred to in § 51.125, the Inspector or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, the company shall be held harmless for injury or death to the city employees, the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation; except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.092.

(Ord. 304, passed 4-7-1975)

§ 51.127 EASEMENTS.

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

(Ord. 304, passed 4-7-1975)

USER CHARGES

§ 51.140 RATES AND ASSESSMENTS.

The City Council shall, by resolution, establish rates, hook-up fees and other assessments it deems necessary for the use of the sewer.

(Ord. 304, passed 4-7-1975; Ord. 319, passed 5-18-1977)

Cross-reference:

For information relating to the Sewer Reserve Fund and sewer rates, see § 50.068(F).

§ 51.141 ANNUAL REVIEW.

The City Council shall review the sewer use charges on an annual basis.

(Ord. 304, passed 4-7-1975; Ord. 319, passed 5-18-1977)

§ 51.142 APPLICATIONS FOR PUBLIC SEWER SERVICE.

Applications for the use of the public sewer must be made at the office of the City Recorder, and applicant must agree to conform with the rules and regulations herein as a condition for the use of the public sewer. The property owner of record shall be responsible for the payment of all charges prescribed for the use of the public sewer.

(Ord. 304, passed 4-7-1975; Ord. 353, passed 1-12-1981; Ord. 377, passed 2-11-1985)

§ 51.143 PUBLIC SEWER CHARGE LIENS.

Public sewer charges shall be a lien against the premises served from and after the date of billing and entry on the ledger or other records of the city pertaining to its public sewer system, and the ledger records or other records shall remain accessible for inspection by anyone interested in ascertaining the amount of the charges against the property. Whenever a bill for sewer service remains unpaid 90 days after it has been rendered, the lien thereby created may be foreclosed in the manner provided for by Oregon Revised Statutes, or in any other manner provided for by law or city ordinance.

(Ord. 304, passed 4-7-1975; Ord. 353, passed 1-12-1981)

§ 51.144 TEMPORARY DISCONTINUANCE OF SERVICE.

Should it be desired to discontinue the use of the public sewer supplied to the premises for a period not less than one month, notice in writing must be given and payment in full of all arrearage made at the office of the City Recorder. The monthly sewer user fee will be reduced to the minimum user fee as prescribed by Council resolution until use of the public sewer resumes.

(Ord. 304, passed 4-7-1975; Ord. 353, passed 1-12-1981)

§ 51.145 PREPAYMENT OF SEWER RATES.

If any public sewer user shall desire to pay a year's sewer user fee in advance, he or she shall be entitled to a 5% discount from the annual amount. The anniversary date for all payments of sewer user fees one year in advance shall be July 1 of each year and the payment must be made by July 15 at the office of the City Recorder in order to receive the 5% discount.

(Ord. 304, passed 4-7-1975; Ord. 353, passed 1-12-1981)

§ 51.146 PAYMENT OF RATES; DELINQUENCIES.

(A) All public sewer user fees accruing shall become due and payable at the office of the City Recorder, in advance, on the first day of each month, and if the same shall not be paid on or before day ten of the following month, the same shall become past due; provided that the City Council may fix a different time for payment of public sewer service charges owing by the U.S. Government and the State of Oregon.

(B) Upon any sewer user charge becoming past due as herein provided, the office of the City Recorder shall notify the property owner of record that sewer use charges are one month in arrears. Should the sewer use charge remain in arrears 30 days after the first notification, the property owner of record shall be furnished a notice of the delinquencies by the City of Union which shall allow ten days to remedy the delinquency. All sewer users requiring the second delinquent notification will not only pay the two delinquent rentals, but the current month's fee as well.

(Ord. 304, passed 4-7-1975; Ord. 353, passed 1-12-1981; Ord. 377, passed 1-11-1985)

§ 51.999 PENALTY.

(A) *Notice of violation.* Any person found to be violating any provision of this chapter, except § 51.110, 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 the notice, permanently cease all violations.

(B) *Penalty.* Any person who shall continue any violation beyond the time limit provided for in division (A) above shall be guilty of an offense, and on conviction thereof shall be fined in the amount not exceeding \$25 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

(C) *Liability of violators.* Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of the violation.

(Ord. 304, passed 4-7-1975)

CHAPTER 52: SOLID WASTE

Section

General Provisions

- 52.01 Purpose, policy and scope
- 52.02 Definitions

Customer Responsibility

- 52.15 Preparation of solid waste for collection
- 52.16 Solid waste receptacles
- 52.17 Placement of receptacles for collection
- 52.18 Multiple dwelling units
- 52.19 Payment for services
- 52.20 Prohibitions

- 52.99 Penalty

Cross-reference:

Solid waste management franchise, see TSO, Table II

GENERAL PROVISIONS

§ 52.01 PURPOSE, POLICY AND SCOPE.

It is declared to be the public policy of the City of Union to regulate solid waste management by:

- (A) Insuring safe, economical and comprehensive solid waste management service;
- (B) Insuring rates and charges that are just and reasonable and adequate to provide necessary solid waste management service;
- (C) Prohibiting rate preferences and other discriminatory practices; and

(D) Complying with all requirements of O.R.S. Chapters 459 and 459A, together with regulations promulgated thereunder.
(Ord. 517, passed 2-9-2009)

§ 52.02 DEFINITIONS.

Except where the content clearly indicates a different meaning, definitions appearing in O.R.S. 459.005 and 459A.005 and regulations promulgated thereunder, are applicable in this chapter. The singular includes the plural and vice versa. As used in this chapter, the following words shall be defined as follows unless the context indicates or requires a different meaning.

CITY. The City of Union.

COMPACT and **COMPACTION.** The process of, or to engage in, the shredding of material, or the manual or mechanical compression of material.

COMPENSATION. Includes:

(1) Any type of consideration paid for service, including, but not limited to, rent, the proceeds from resource recovery, any direct or indirect provision for the payment of money, goods, services or benefits by tenants, lessees, occupants or similarly situated persons;

(2) The exchange of service between persons; and

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

DISPOSE or **DISPOSAL.** The accumulation, storage, discarding, collection, removal, transportation, recycling or resource recovery of waste.

FRANCHISE. The grant by the city to a person to provide solid waste management service, as provided by this code.

FRANCHISEE. The person to whom the exclusive franchise is granted under this code.

GENERATOR. The person who produces solid waste or recyclable material to be placed, or that is placed, out for collection and disposal. As used in this chapter, a **GENERATOR** does not include any person who manages an intermediate function resulting in the alteration or compaction of the solid waste or recyclable material after it has been produced by the **GENERATOR** and placed out for collection and disposal.

HAZARDOUS WASTE. This has the meaning given in O.R.S. 466.005.

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

PLACED FOR COLLECTION. To put solid waste out for collection by a franchisee, as provided in this code.

RECEPTACLE. A trash can, cart, bin, container, drop box or other vessel used for the disposal of solid waste, and into which solid waste may be placed for collection and disposal.

SERVICE. The collection, storage, transportation, transfer or disposal of solid waste by the franchisee, which shall be performed in accordance with the service requirements of this code.

SOLID WASTE. All putrescible and non putrescible wastes, including but not limited to garbage, rubbish, refuse, trash, ashes, waste paper, cardboard, grass clippings, compost, tires, equipment and furniture; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home or industrial appliances; manure, vegetable or animal solid and semi-solid wastes, dead animals; infectious waste as defined in O.R.S. 459.386; and other wastes; but the term does not include:

(1) **HAZARDOUS WASTE** as defined in O.R.S. 466.005.

(2) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals.

(3) Beverage containers, subject to reuse or refund provisions, contained in O.R.S. 459A.700 to 459A.740.

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

WASTE. Useless or discarded materials.
(Ord. 517, passed 2-9-2009)

CUSTOMER RESPONSIBILITY

§ 52.15 PREPARATION OF SOLID WASTE FOR COLLECTION.

(A) Garbage shall be drained of surplus liquid and placed in a closed, leak-proof receptacle.

(B) Pet feces, sharp objects such as broken glass and knives, and any other waste with potential of causing injury or disease shall be securely wrapped in a manner to prevent exposure or injury to the public, the franchisee, or employees of the franchisee.

(C) Hazardous materials, chemicals, paint, corrosive materials, infectious waste or hot ashes shall not be put into a receptacle. Ashes shall be allowed to cool and shall be securely wrapped or bagged before being deposited in any receptacle. When materials or customer abuse, fire or vandalism causes excessive wear or damage to a receptacle, the cost of repair or replacement may be charged to the customer.

(Ord. 517, passed 2-9-2009) Penalty, see § 52.99

§ 52.16 SOLID WASTE RECEPTACLES.

(A) Receptacles for mechanical collection shall be provided to the generator by franchisee, unless otherwise authorized by the franchisee. The loaded weight of a receptacle shall comply with the manufacturer's specifications.

(B) Except for drop boxes, receptacles shall be equipped with lids sufficient to keep out water and to prevent disturbance by animals and entrance of pests; they shall be kept closed, except when being filled, emptied or cleaned; and they shall be kept in a clean, leak-proof and sanitary condition by the generator of the solid waste.

(C) Sunken refuse cans or receptacles shall not be installed or used.

(D) Stationary compactors shall comply with applicable federal and state safety regulations. No stationary compactor or other container or drop box shall be loaded so as to exceed the safe design limit or operation limit for collection vehicles used by franchisee. A person who wishes service for a compactor that the person is going to acquire shall acquire a compactor approved by the franchisee that is compatible with the equipment of the franchisee or the equipment the franchisee is willing to acquire. (Ord. 517, passed 2-9-2009) Penalty, see § 52.99

§ 52.17 PLACEMENT OF RECEPTACLES FOR COLLECTION.

(A) Receptacles shall be kept or placed so that there is convenient and safe access for collection service.

(B) All carts designed for mechanical collection shall be placed at the curb or roadside by the generator prior to collection time.

(C) The generator shall provide safe access to the pick-up point so as not to jeopardize the persons or equipment supplying service, or the motoring public.

(D) Receptacles shall be kept outside of any locked, latched, bolted or hooked enclosure.

(E) No person shall block service access to a commercial receptacle that is one cubic yard capacity or larger, a drop box or roll-off box or other similar receptacles for collection.

(Ord. 517, passed 2-9-2009) Penalty, see § 52.99

§ 52.18 MULTIPLE DWELLING UNITS.

Apartment houses, trailer courts, duplexes or other multiple dwelling units shall have weekly solid waste collection for a volume that is equivalent to at least 35 gallons for each dwelling unit.

(Ord. 517, passed 2-9-2009)

§ 52.19 PAYMENT FOR SERVICES.

Any person who receives service shall be responsible for payment of that service. The landlord of any premises impliedly consents to the provision of service to the tenant thereof, and shall be responsible for payment of that service if the tenant does not pay.

(Ord. 517, passed 2-9-2009) Penalty, see § 52.99

§ 52.20 PROHIBITIONS.

(A) Except as otherwise provided in this code, it shall be unlawful for any person other than the franchisee to offer or to advertise to provide, or to provide, solid waste management service to another person for compensation.

(B) No person shall dispose of hazardous waste in any manner that is not authorized or permitted by federal, state or local laws and regulations. No person shall place hazardous waste out for collection or into any receptacle supplied by the franchisee.

(C) No person shall enter into a receptacle for the purpose of compacting the contents of the receptacle.

(D) No person shall remove a receptacle from the location where the receptacle was placed for collection, unless the person is authorized to do so by the generator.

(E) No person shall remove the lid from any receptacle and remove, disturb, collect, compact or scatter solid waste placed in such receptacle, nor shall they deposit solid waste into such receptacle, unless the person is authorized to do so by the generator.

(Ord. 517, passed 2-9-2009) Penalty, see § 52.99

§ 52.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) A violation by any person of the provisions in § 52.20 shall be deemed to be a misdemeanor and shall be punishable upon conviction by a fine that is set pursuant to a schedule and a process that are approved by City Council resolution for ordinance violations. The schedule shall include an amount for court fees. The City Council may revise the schedule or process from time to time as it determines necessary to comply with changing circumstances, state statutes or to offset court costs.

(Ord. 517, passed 2-9-2009)