

## Title 13

### WATER AND SEWER

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#### Chapter 13.04

#### WATER SERVICE\*

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\* For statutory provisions on municipal water systems, see ORS 225.110 et seq.  
Prior ordinance history: Ords. 392, 379, 328 and 274.

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13.04.010 Definitions. As used in this chapter, the singular shall include the plural, and the masculine shall include the feminine. Except where the context indicates otherwise, the following words have the following meanings:

A. An "applicant" is an individual, firm, corporation, partnership, institution or association applying for water service.

B. "City" means the city of Gold Hill.

C. A "commercial customer" is any individual, firm, corporation, partnership, institution or association receiving water or sewer services from the city, who conducts any business for profit within the city at the location where the water or sewer services are received, regardless of the length of time said business is conducted.

D. A "customer" or "consumer" is an individual, firm, corporation, partnership, institution or association receiving water or sewer services from the city.

E. "Customer line" means the pipes, valves and fittings leading from the service line into the premises served. The customer's line ordinarily begins from the meter, if the meter is immediately adjacent to the customer's property line. If the water meter is on customer's property not immediately adjacent to the property line, then the customer's line begins where the water delivery line crosses from public right-of-way onto private property.

F. "Fire protection service" means a separate water service, usually four inches in diameter or larger, which serves fire protection facilities only.

G. "Household" means a unit where the usual functions of living, sleeping, and preparation of meals are carried on.

H. "Industrial customer" is an individual, firm, corporation, partnership, institution or association who engages in the preparation, processing, treating, making, compounding, assembling, mixing, improving or storing of any product or any solid, liquid or gaseous material for commercial or industrial processes, or who engages in the cleaning, processing or treating of tanks, vats, drums, cylinders or any other container used in the transportation or storage of any solid, liquid or gaseous material used for commercial or industrial processes.

1. "Industrial fluids" shall mean any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated used waters; all types of process water and "used waters" originating from the public potable water system which may deteriorate in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulated 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 from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used industrially, for other processes, or for fire fighting purposes.

I. "Service line" means the pipe, valves and fittings laid from the main to the customer's property line or to and including the meter, meter box and all fittings, whichever comes first.

J. "Standard rates" or "standard costs" means unit costs posted by the city and periodically updated which reflect the fully burdened cost to the city for providing a unit of service or material.

K. "Water main" or "main" means the pipe, usually two inches or larger in diameter, ordinarily laid in the street parallel to the street lines and used for the distribution of water through service lines to water customers.

L. "Cross-connection" means any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent

devices through which or because of which backflow can or may occur are considered to be cross-connections.

1. "Direct cross-connection" means a cross-connection which is subject to both backsiphonage and backpressure.

2. "Indirect cross-connection" means a cross-connection which is subject to backsiphonage only.

3. "Controlled cross-connection" is a connection between a potable water system and a nonpotable 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.

M. "Meter" means a device for measuring the flow of water to a particular water service.

N. "Premises" means any building, structure, improvement or parcel of land which may now or at some future time receive water service from the city.

O. "Backflow" means the undesirable reversal of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources.

P. "Backflow preventer" is an assembly or means designed to prevent backflow.

1. "Air gap" means a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel: in no case less than one inch. (2.54 cm).

2. "Reduced pressure principle backflow prevention assembly" means an assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a nonhealth (i.e., pollutant) or a health hazard (i.e., contaminant). This assembly shall not be used for backflow protection of sewage or reclaimed water.

3. "Double check valve backflow prevention assembly" means an assembly composed of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. (See Specifications of Backflow Prevention Assemblies, Section 10 for additional details) This assembly shall only be used to protect against a nonhealth hazard (i.e., pollutant).

Q. "Backflow prevention devices (types)" means any approved device used to prevent backflow into a potable water system. The type of device used should be based on the degree of hazard either existing or potential.

R. "Director" means the director of public works of the city, or authorized agent.

S. "Service connection" means the ability to receive water from the city water system.

T. "Approved" as herein used in reference to a water supply means a water supply that has been approved by the health agency having jurisdiction. The term "approved" as herein used in reference to an air gap, a double check valve assembly, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies or methods means an approval by the administrative authority having jurisdiction.

U. "Auxiliary water supply" is any water supply on or available to the premises other than the purveyor's approved public water supply. These 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, etc., or 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 water purveyor does not have sanitary control.

V. "Backpressure" means any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

W. "Backsiphonage" means a form of backflow due to a reduction in system pressure which causes a subatmospheric pressure to exist at a site in the water system.

X. "Contamination" means an impairment of the quality of the water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, etc.

Y. "Degree of hazard" means either a pollutional (nonhealth) or contamination (health) hazard and is derived from the evaluation of conditions within a system.

1. "Health hazard" means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

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

ment houses, hotels and commercial or industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate type of backflow prevention assembly.

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

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

Z. "Pollution" means an impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

#### AA. Water.

1. Water--Potable. "Potable water" means any public potable water supply which has been investigated and approved by the health agency. The system must be operating under a valid health permit. In determining what constitutes an approved water supply, the health agency has final judgment as to its safety and potability.

2. Water--Non-Potable. "Nonpotable water" means a water supply which has not been approved for human consumption by the health agency having jurisdiction.

3. Water--Service Connection. "Service connection" means the terminal end of a service connection from the public potable water system, (i.e., where the water purveyor may lose jurisdiction and sanitary control of the water at its point of delivery to the consumer's water system). If a water meter is installed at the end of the service connection, then the service connection means the downstream end of the water meter.

4. Water--Used. "Used water" means 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 service connection and is no longer under the control of the water purveyor. (Ord. 99-05(part), 1999; Ord. 98-01 §1, 1998; Ord. 86-004 (part), 1986; Ord. 483, 1981; Ord. 453 §1 (part), 1980).

13.04.020 Purpose and policy. In order to provide for the equitable distribution of water by the city, water meters are to be installed on all connections with the city water system in such order as the city council shall determine. (Ord. 86-004 (part), 1986: Ord. 453 §1(part), 1980).

13.04.030 Application for service. Each applicant for water service shall file a written application therefor on forms provided by the city. The application shall be signed by the applicant and state the location of the premises for which service is requested, the address to which the bills are to be sent, information adequate to determine which rate shall apply and such other information as may reasonably be required. In signing, the applicant agrees to comply with this chapter and the rules, regulations, policies, and procedures related thereto.

At the time application is made for service, the applicant shall establish credit with the city utility department. The credit of an applicant shall be established once applicant makes a cash deposit as prescribed in Section 13.04.070 of this chapter and amended by Resolution No. 97-R-01 to secure payment of bills for service.

If the prospective customer is a tenant of residential premises, no application will be accepted unless the landlord is the applicant or signs as guarantor of the tenant's obligation to pay for the water and sewer service. If an account becomes delinquent and it becomes necessary to turn off service and forfeit the deposit, the property owner shall be liable for payment of all outstanding bills due the city. If such payments are not made, collection proceedings may be initiated. (Ord. 98-01 § 3, 1998: Ord. 512 §1, 1983: Ord. 453 §1(part), 1980).

13.04.040 Monthly rates. The council shall have the authority by resolution to establish, and thereafter to revise at such times as the council deems appropriate, the monthly rates for the residential and commercial use of water. (Ord. 499 §1, 1982: Ord. 473, 1981: 453 §1(part) 1980).

13.04.042 Water service. All service connections, active or inactive, will require payment of the minimum monthly rate for water service. The minimum monthly rate is to be set by council as prescribed in Section 13.04.040 of this chapter and amended by Resolution 93-03 to offset the cost of maintaining water availability to the customers. (Ord. 98-01 §2, 1998).

13.04.050 Special monthly rates. A. The council shall have the authority by resolution to establish special

rates for water service to public schools, for summer residential service, and for summer irrigation service.

B. Any economically disadvantaged, senior citizens and totally disabled persons utilizing water service shall pay a minimum monthly residential rate of three dollars for up to five thousand gallons of water. For any amount over five thousand gallons, the regular residential rates shall apply.

1. An economically disadvantaged person is defined as a person whose total income, earned or unearned, is not more than three hundred fifty dollars per month, including income from bonds, stocks, savings interest or other interest or dividend income of any kind and who:

a. Generally derives his income from Social Security or a pension program;

b. Owns no real property other than his home;

c. Is dependent upon his own resources for income;

d. Is living alone or with members of his family who are dependent on him for support.

2. Senior citizens are defined as having a total household income which does not exceed four hundred fifty dollars per month, and that one member of any elderly couple must be at least sixty-five years of age.

3. A totally disabled person must be recognized by the Social Security Administration or by the Workers' Compensation Department as being totally disabled. A totally disabled person is defined in subsection B(1) with the exception that the total household income does not exceed four hundred fifty dollars per month, and that there is no minimum age requirement.

C. Application for the economically disadvantaged, senior citizen, disabled person rate shall be made to the city recorder, and the applicant shall make a sworn statement of his income and financial resources. Such statement and application shall be referred to the common council for final



determination of the qualification of the applicant. Upon such determination by the common council the special rate shall apply as long as the applicant remains an economically disadvantaged person, widow, widower, senior citizen or totally disabled person as herein defined.

D. It shall be the duty of a water customer who has been granted the economically disadvantaged person, senior citizen or totally disabled person rate to inform the city recorder of any change in status affecting his qualification for such special rate. (Ord. 453 §1(part), 1980).

13.04.060 Failure to read meters. In the event it shall be impossible or impractical to read a meter during the billing cycle, the bill shall be computed upon the consumption by the customer for the same month of the preceding year. If there is no usage history for the same month of the preceding year, the bill shall be computed upon the consumption by the customer during the most recent billing period. Failure by the city to read a water meter does not relieve the customer's obligation to pay for actual estimated water use. (Ord. 453 §1(part), 1980).

13.04.070 Cash deposits. Before the water service is turned on, applicants to be served shall make a cash deposit of forty dollars refundable after one year of satisfactory payments. (Ord. 453 §1(part), 1980).

13.04.080 Payment of bills. Charges for water and sewer service shall be shown on the same bill, and all charges are due and payable monthly at the office of the city recorder on the date of mailing and become delinquent ~~ten~~ calendar days thereafter. No city employee, other than an authorized finance department employee at city hall, shall accept payment in any form for water or sewer service, nor are they allowed to make any arrangements for delayed payment. All financial and account transactions must be made with the finance department, office of the city recorder. (Ord. 453 §1(part), 1980).

13.04.090 Conditions of service. Service to water users shall be subject to the rules, regulations and rates applicable thereto and in effect at the time service is accepted or as they may be adopted or modified by the council. Service to individuals or groups may be discontinued for failure of a customer to comply with the provisions of this chapter and related rules, regulations and administrative policy. (Ord. 453 §1(part), 1980).

13.04.100 Discontinuance of service. Water service to customers shall be discontinued under the following circumstances:

A. When bills are delinquent for twenty calendar days. When service is so discontinued, it will not be turned on for the customer or in the name of any member of the family or any resident of the household until all charges due have been paid in advance, including a reconnection fee of twenty dollars. Such turning on shall occur only during normal office hours;

B. When a customer fails to make proper written application for water or sewer service, fails to pay related sewer service charge or when fraudulent payment has been received by the city. When service is so disconnected, it will not be turned on for the customer or in the name of any member of the family or any resident of the household until all charges due have been paid in advance, including a charge of twenty dollars. Such turning on shall occur during normal office hours only. In addition to the above, a charge of five dollars shall be made for each check returned for nonsufficient funds;

C. When locks and seals have been tampered with or removed from the meter assembly, or water service has been turned on by someone other than an authorized city employee. Water meters shall be removed by the city employee and shall be replaced and water valves turned on only after all charges have been paid in advance at the finance department, office of the city recorder, together with a charge of twenty dollars;

D. Prior to any disconnection under the terms of this section, written notice will be mailed from the office of the city recorder to the customer's billing address stating that the water service will be disconnected because bills have been delinquent for a period of least twenty days, or specifying the grounds for the disconnection and advising the customer of the means by which disconnection may be prevented. Water service will be turned off without further customer contact five working days after the above notices have been mailed. (Ord. 457 §3, 1980: Ord. 453 §1(part), 1980).

13.04.110 Extended term discontinuance of service.

If a customer wishes to discontinue the use of all water supplied to the premises for a period of not less than one month and not more than four months, notice in writing and payment in full of all outstanding charges plus ten dollar fee must be made at the office of the city recorder. Water service will be turned off on the first working day after such written notice and payment, and it will be turned on again the first working day after notification to do so. (Ord. 453 §1(part), 1980).

13.04.120 After hours turnons and turnoffs. Water service will be turned on or turned off at times other than normal business hours only upon the advance payment of a thirty dollar service fee. (Ord. 453 §1(part), 1980).

13.04.130 Basis of rates and resale. Rate schedules for each class of service are based on service to one water customer at one point. No water from the city water system shall be resold or distributed by the recipient thereof to any premises or water customers other than those for which application has been made and approved. Where water is distributed through a master meter to members within a group, the rate to each member shall be no higher than that which the city would charge that member if he were served directly by the city, except that lawfully organized cooperative groups or districts may set rates different from those of the city if such rates are submitted to and approved by the council before going into effect. (Ord. 453 §1(part), 1980).

13.04.140 Group customers. The city may at its discretion, and where unusual circumstances exist, serve water through one meter to two or more separate houses or establishments. Such connection shall be considered as one service and shall be billed on the consumption, plus for each house or establishment in excess of one, to a maximum of twenty establishments. No reduction shall be made for any vacant premises which is turned off for less than one billing cycle. This provision shall exclude house trailers in trailer courts. (Ord. 453 §1(part), 1980).

13.04.150 Multiple unit customers. For mobile home parks and one building housing two or more apartments, households or business establishments, the water may be served through one meter or it may be served through a meter for each separate mobile home, apartment, household, or business establishment, at the discretion of the city. Under normal circumstances, all water meters should be installed on city property. If a customer wants one or more water meters to be installed on private property, the customer is entirely responsible for the expense of installing and maintaining the service line and customer's line from wherever it first crosses onto private property from public property, except that the city shall own, install and maintain all water meters and meter gaskets. Common use facilities associated with individually metered multifamily occupancies will be served at the residential rate and shall be in the name of the owner. This policy shall include such usages as common laundry facilities, common water heaters or a common water meter serving two or more residential living units. (Ord. 453 §1(part), 1980).

13.04.160 Water meter testing. The city shall own, install and maintain all water meters. Upon written request, the city will test the meter of any customer. If the meter reads within ninety-four percent to one hundred two percent of true flow, the meter will be replaced and the customer charged for the time taken to remove, test and reinstall the meter at standard rates, but in no case less than fifteen dollars. If the tested meter underregisters water flow by more than six percent, a new meter will be installed for the customer, and charges for water delivered but not charged for in the past will be calculated based on the account's previous actual or estimated usage as determined by the city. If the tested meter overregisters water flow by more than two percent, the customer will be given partial credit for the overbilling for no more than the previous twelve months. Such partial credit shall be based on the percentage the meter overregisters when tested. A meter test requested by a customer shall be made only if the customer is present to observe the test. (Ord. 453 §1(part), 1980).

13.04.170 Water meter location. Every meter location shall be designated by the city. Ordinarily, the meter and related fittings shall be installed on public right-of-way outside of buildings as near the main as practicable. The meter may be located on private property, but only when a location within the public right-of-way or easement is impractical. The customer shall provide sufficient space and exercise proper care to protect the city's property on the customer's premises and, in the event of loss or damage to the city's property on the customer's premises arising from the neglect, carelessness or misuse by the customer, the cost of necessary repairs or replacement shall be billed to the customer. The city will not be responsible for damage arising from meters located on private property. (Ord. 453 §1(part), 1980).

13.04.180 Records. The city will keep an accurate record of all water customers and the charges and payment for use of water. For the purpose of making charges, each meter serving a customer's premises will be considered separately and the readings will not be combined except where the city, for convenience or operating necessity, elects to install more than one meter to serve the customer. (Ord. 453 §1(part), 1980).

13.04.190 Leak adjustments and penalties. It shall be the responsibility of the customer to locate any leaks in the customer's line. If a leak occurs in the customer's line under the surface of the ground the city council may approve adjustment in the bill. A leak adjustment credit shall not be given for water lost after a leak has been

discovered by the customer or by the city. When water meters are placed by the city on private property in accordance with Section 13.04.150 or 13.04.170 of this chapter and thereafter an unmetered leak is detected on one or more lines under private maintenance, the owner of said pipes can be charged a per diem (per day) rate according to the following table until the leak is repaired and the city notified of the repair.

| <u>Size of Line</u>  | <u>Per Diem (Per Day) Penalty</u> |
|----------------------|-----------------------------------|
| 3/4 inch or less     | \$ 50.00                          |
| 1 inch               | 80.00                             |
| 1 1/4 inch or larger | 200.00.                           |

(Ord. 453 §1(part), 1980).

13.04.200 Use of water. Water will not be furnished where there are leaky or defective faucets, closets or other devices or fixtures, where there are closets or urinals without selfclosing valves or tanks without selfclosing float valves, or where leaks exist in any pipes or fittings under private maintenance. (Ord. 453 §1(part), 1980).

13.04.210 Waste. No customer shall cause or permit water to run or be discharged through the fixtures, pipes, or faucets on his premises in excess of the quantity actually necessary for domestic, irrigation or other lawful purposes. (Ord. 453 §1(part), 1980).

13.04.220 Damage. No person shall wilfully or maliciously injure or in any manner interfere with or remove any of the pipes, valves, backflow preventer, meters, locks, seals or other property belonging to the city or used in connection with the city water system. Any person violating provisions of this section shall be charged for all standard costs associated with repairing the results of such injury or interference, plus whatever penalties may be adjudged, under the provisions of Section 13.04.400. Failure to pay such repair charges shall be deemed a basis for discontinuance of service under the provisions of Section 13.04.100. Any person who inadvertently damages property belonging to the city or used in connection with the city water supply and disposal system shall be charged for all standard costs associated with repairing such damage, including, but not limited to, labor, materials and overhead. (Ord. 453 §1(part), 1980).

13.04.230 Tampering. No person unless authorized by the city superintendent of public works shall tamper with, alter or injure any part of the city water collection system, reservoir system, pumping plant, distribution and



disposal system, or metering facilities or open or close any fire hydrant or service line. No person shall open or reconnect water service which has been disconnected for non-payment in accordance with this chapter, nor shall any locks or other devices to close water service be altered, damaged or removed. No person shall alter the water service in a manner which would allow service to more than one household without the filing of an application for service and related compliance with this chapter. (Ord. 457 §2, 1980: Ord. 453 §1(part), 1980).

13.04.250 Right of entry. The city superintendent of public works or his designated representative shall have free lawful access at reasonable hours of the day to all parts of buildings and premises for the purpose of inspecting the conditions of the pipes and fixtures and the manner in which the water is used and disposed. Access to water meters, whether on private or public property, must remain unobstructed, so that meter reading and repair people have free and unimpaired access. (Ord. 453 §1(part), 1980).

13.04.260 Curtailment of delivery. The water may be shut off from the mains without notice for repairs and other necessary purposes, and the city will not be responsible for any consequent damages, but whenever practical the city shall give reasonable notice before the water is shut off from the mains. (Ord. 453 §1(part), 1980).

13.04.270 Service connection application. Application for the installation or alteration of a service connection from the city water system will be made at the office of the city recorder. The applicant must state fully and truly all the purposes for which water may be required. (Ord. 453 §1(part), 1980).

13.04.280 Service line. The city shall, upon application and receipt of estimated costs therefor, furnish, install, maintain, connect to the main and own the service line from the main to the customer's property line or water meter, whichever comes last. No connection to or disconnection from the city mains or alteration in the above-described section of the service line shall be made by anyone but the superintendent of public works or his authorized representatives. Service line sizes shall be determined by the city. "Estimated cost" shall be determined by the city and shall include cost of all materials, labor, overhead

at standard rates and a ten percent handling and restocking charge for all materials used. (Ord. 478, 1981: Ord. 453 \$1(part), 1980).

13.04.290 Customer line. The customer line shall begin at the end of the service line and will be laid and maintained by and at the expense of the property owner. The property owner shall protect such line from injury, freezing,

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at standard rates and a ten percent handling and restocking charge for all materials used. (Ord. 478, 1981: Ord. 453 §1(part), 1980).

13.04.290 Customer line. The customer line shall begin at the end of the service line and will be laid and maintained by and at the expense of the property owner. The property owner shall protect such line from injury, freezing, or siphonage and be responsible for all damages resulting from leaks, breaks or other causes. Customers' line pipe shall be not less than three-fourths inch in size and the line shall conform to the plumbing regulations of the city and the state of Oregon. (Ord. 453 §1(part), 1980).

13.04.300 Customer valve. It is the customer's responsibility to install a means of protecting the premises served. A control device, such as a brass body hand valve, shall be installed on the customer's side of the meter. If the customer's control device is not installed in the meter box, it shall be installed in a valve box of its own, readily accessible from the ground surface without digging. At the customer's request, the city will turn off or turn on service without cost to the customer. Conversely, a customer shall be billed for costs incurred by the city for turning the water service on or off when such service is solely for the customer's benefit to make repairs to plumbing other than installing a customer's valve. During normal office hours, the customer shall be billed ten dollars for this service, and at times other than normal business hours, the customer shall be billed thirty dollars for either service. (Ord. 453 §1(part), 1980).

13.04.310 Connection fees--Domestic. A. The connection fees for domestic water service shall be as follows:

| <u>Size of Meter</u> | <u>Fee</u>                   |
|----------------------|------------------------------|
| 3/4 inch or over     | \$1,500.00 plus actual cost. |

B. If installation is permitted outside the city limits, the connection fee shall be 1.5 times the fees shown in subsection (A) of this section.

C. "Actual cost" shall be determined by the city and shall include the cost of all water meters, valves, fittings, meter boxes, pipes, bypasses, backflow preventers, other materials necessary to do the job, labor and overhead at standard rates, plus a ten percent handling and restocking fee for all materials used. Before water connection work is begun by the city, the public works department shall estimate the actual cost and the customer shall pay the entire connection fee based on this estimate. At the



completion of the job if the estimated cost exceeds the actual cost, then the city shall refund the difference to the customer. If the estimated cost is less than the actual cost, the customer shall pay the additional amount to the city prior to using any water.

D. That portion of the connection fee in excess of the estimated cost will be added to the water reserve fund. (Ord. 93-01 §2, 1993: Ord. 453 §1(part), 1980).

13.04.320 Connection fee--Fire protection. When desired, the customer shall pay all costs associated with the installation of fire protection service from the nearest main of adequate capacity. Such costs shall include all meters, valves, meter boxes, pipes, doublecheck valves, backflow preventers, bypasses, backfill, paving patches and all other

material necessary to do the job, labor and overhead at standard rates, plus a ten percent handling and restocking fee for all materials used. Before fire protection service installation work is begun by the city, the customer shall pay an estimated fire protection connection fee to the city, an amount deemed adequate to finish the work as determined by the city. (Ord. 453 §1(part), 1980).

13.04.330 Fire protection service. If there is evidence of water use from a fire protection service for other than fire fighting purposes, the customer shall be billed for all water estimated by the city to have been used, plus the city shall install a meter in the line at the customer's expense. All billings for past and future service shall be based on applicable commercial rates. No interconnections shall be allowed between a fire protection service and any other water system or use. (Ord. 453 §1(part), 1980).

13.04.340 Agreement to annex. Before a new service is provided to a customer outside the city, the owner of the property to be served shall sign a water agreement contract accepting the conditions of city water service and covenanting that whenever the served property is contiguous to the city, the owner will petition for annexation. (Ord. 453 §1(part), 1980).

13.04.350 Reading of meters. The city shall at the direction of the common council read water meters on a monthly or bimonthly schedule. Billing for water service shall be consistent with the established reading cycle. (Ord. 453 §1(part), 1980).

13.04.360 Normal business hours. Normal business hours are eight a.m. to four thirty p.m., Monday through Friday, holidays excluded. (Ord. 453 §1(part), 1980).

13.04.370 Hot water. If a meter is damaged by hot water from the customer's line, the customer will be required to pay the cost of repairing the meter and the estimated loss of revenue resulting from the damage. The proper installation and maintenance of a water heater is a customer's responsibility, and no liability will be assumed by the city for water heater damage caused by the delivery or nondelivery of water. (Ord. 453 §1(part), 1980).

13.04.382 Cross-connections or physical connections with other water supplies or systems and backflow devices.  
A. Water System Requirements.

1. The water system shall be considered as made up of two parts: The water purveyor's system and the consumer's system.

2. Water purveyor's system shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under the complete control of the purveyor, up to the point where the consumer's system begins.

3. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

4. The distribution system shall include the network of conduits used for the delivery of water from the source to the consumer's system.

5. The consumer's system shall include those parts of the facilities beyond the termination of the water purveyor's distribution system which are utilized in conveying potable water to points of use.

#### B. Policy.

1. No water service connection to any premise shall be installed or maintained by the water purveyor unless the water supply is protected as required by the city laws and regulations and this chapter. Service of water to any premise shall be discontinued by the water purveyor if a backflow prevention assembly required by this chapter is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

2. The consumer's system should be open for inspection at all reasonable times to authorized representatives of the city to determine whether unprotected cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the director shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the consumer has corrected the condition(s) in conformance with the city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

3. An approved backflow prevention assembly shall also be installed on each service line to a consumer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:

a. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the director, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard.

b. In the case of premises on which any industrial fluid or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard. This shall include the handling of process waters and waters originating from the water purveyor's system which have been subject to deterioration in quality.

c. In the case of premises having (i) internal cross-connections that cannot be permanently corrected or protected against; or (ii) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.

4. The type of protective assembly required under subsections B(3)(a), (b) and (c) of this section shall depend upon the degree of hazard which exists as follows:

a. In the case of any premises where there is an auxiliary water supply as stated in subsection B(3)(a) of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

b. In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve backflow prevention assembly.

c. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

d. In the case of any premises where there are unprotected cross-connections, either actual or potential, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly at the service connection.

e. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system

shall be protected against backflow from the premises by either an approved air gap or an approved reduced pressure principle backflow prevention assembly on each service to the premises. (Ord. 99-05 (part), 1999: Ord. 86-004 (part), 1986).

13.04.384 Backflow preventer testing requirements.

A. Any backflow prevention assembly required herein shall be a make, model and size approved by the director. The term "approved backflow prevention assembly" means an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association entitled:

AWWA/ANSI C510-92\* Standard for Double Check Valve Backflow Prevention Assemblies;

AWWA/ANSI C511-92 Standard for Reduced Pressure Principle Backflow Prevention Assemblies;

and, have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (USC FCCCHR) established in:

Specifications of Backflow Prevention Assemblies--  
Section 10 of the most current edition of the Manual  
of Cross-Connection Control.

Said AWWA and USC FCCCHR standards and specifications have been adopted by the director. Final approval shall be evidenced by a "certificate of compliance" for the said AWWA standards; or "certificate of approval" for the said USC FCCCHR specifications; issued by an approved testing laboratory.

The following testing laboratory has been qualified by the director to test and approve backflow prevention assemblies:

Foundation for Cross-Connection Control and Hydraulic  
Research  
University of Southern California  
KAP-200 University Park MC-2531  
Los Angeles, California 90089-2531

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\* Prior to 1989 the AWWA/ANSI C506 Standard covered both the double check valve assembly and the reduced pressure principle backflow prevention assembly.

Testing laboratories other than the laboratory listed above will be added to an approved list as they are qualified by the director.

Backflow preventers which may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow prevention assemblies may be used without further test or qualification.

B. The director shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgement of said director an approved backflow prevention assembly is required for the safety of the water system, the director or his designated agent shall give notice in writing to said consumer to install such an approved backflow prevention assembly(s) at a specific location(s) on his premises. The consumer shall immediately install such an approved backflow prevention assembly(s) at the consumer's own expense; and, failure, refusal or inability on the part of the consumer to install, have tested and maintained said assembly(s), shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

C. It shall be the duty of the consumer at any premises where backflow prevention assemblies are installed to have a field test performed by a certified backflow prevention assembly tester upon installation and at least once per year. In those instances where the director deems the hazard to be great enough he may require field tests at more frequent intervals. These tests shall be at the expense of the water user and shall be performed by public works department personnel or by a certified tester approved by the director. It shall be the duty of the director to see that these tests are made in a timely manner. The consumer shall notify the director in advance when the tests are to be undertaken so that an official representative may witness the field tests if so desired. These assemblies shall be repaired, overhauled or replaced at the expense of the consumer whenever said assemblies are found to be defective. Records of such tests, repairs and overhaul shall be kept and made available to the director.

D. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the testing and maintenance requirements under subsection C of this section, be excluded from the requirements of these rules so long as the director is assured that they will satisfactorily protect the water purveyor's system. Whenever the existing device

is moved from the present location or requires more than minimum maintenance or when the director finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.

E. The director is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this chapter. All such rules and policies shall be consistent with the provisions of this chapter and shall be effective ten days after being filed with the city recorder of the city. (Ord. 99-05 (part), 1999: Ord. 86-004 (part), 1986).

13.04.386 Prohibited connections--Separate violations. No structure of any kind shall be connected to the municipal water system without following the steps required

by this chapter. Each day that a prohibited connection shall continue, after notice to the property owner or possessor, shall constitute a separate offense. (Ord. 91-15 §1, 1991: Ord. 86-004 (part), 1986).

13.04.390 Connection outside city prohibited. Except for previously negotiated commitments, no water permits shall be issued or connection allowed for units located outside the city limits. (Ord. 453 §1(part), 1980).

13.04.392 Service disconnection. When a person is found to be in violation of Section 13.04.386, the city shall disconnect the water service to the water system involved. (Ord. 91-15 §2, 1991).

13.04.400 Penalty. Any person found to have violated any of the provisions of this chapter, other than those provisions relating to payment or nonpayment of rates or charges, shall be punished by a fine not to exceed four hundred dollars. (Ord. 91-15 §3, 1991: Ord. 453 §1(part), 1980).

## Chapter 13.12

### WATER CONSERVATION

#### Sections:

- 13.12.010 Established.
- 13.12.020 Phase I.
- 13.12.030 Phase II.

13.12.010 Established. The water conservation program for the city is established, and phase I, set forth is declared to be in effect. In the event of the need for increased water conservation measures, the city council shall meet, and by supplemental ordinance, institute phases II or III of this water conservation program, together with appropriate penalty provisions. (Ord. 417 §1, 1977).

13.12.020 Phase I. Phase I of the water conservation program of the city shall consist of voluntary water conservation measures. The city council by the adoption of the ordinance codified in this chapter recommends to and urges the citizens of the city to voluntarily conserve water and suggests as examples the following measures:

- A. Use of minimum depth of water in bathtubs;
- B. Use of minimum length of showers;



- C. Full loads in washing machines and dishwashers;
- D. Filling wash basins rather than allowing taps to  
run;

- E. Watering lawns and landscaping during cool times of day and mulching gardens;
- F. Recycling water;
- G. All other reasonable and practical water conservation measures. (Ord. 417 §2, 1977).

13.12.030 Phase II. Phase II of the water conservation program of the city, when deemed necessary by the city council, shall in addition to the steps recommended in phase I, include outside watering and water use schedule, whereby all homes on north and east sides of the streets within the city shall perform all outside watering and outside water use on odd-numbered days, and all homes on south and west on even-numbered days.

A. All such outside watering shall occur between the hours of six to nine a.m. and seven to ten p.m.

B. Automobiles should be washed by the use of buckets only and not with running water.

C. Violations of phase II shall be punishable by appropriate penalties to be determined by the city council at the time of imposition of phase II requirements. (Ord. 417 §3, 1977).

## Chapter 13.16

### SEWERS\*

#### Sections:

- 13.16.010 Definitions.
- 13.16.020 Purpose and policy.
- 13.16.030 General requirements.
- 13.16.040 Conditions of service.
- 13.16.050 Application for service.
- 13.16.060 User charges.
- 13.16.070 Appeals.
- 13.16.090 Payment of bills.
- 13.16.100 Service connection application, permit and inspection.
- 13.16.110 Connection fees.
- 13.16.120 Installation.
- 13.16.130 Cleanouts.

\* For statutory provisions on city sewer, see ORS Chs. 224 and 454.  
Prior ordinance history: Ords. 429, 378 and 298.

Sections: (Continued)

- 13.16.140 Open toilets, septic tanks and cesspools.
- 13.16.160 Certain wastes prohibited in all sewers.
- 13.16.170 Certain wastes prohibited in sanitary sewers or combined sewers.
- 13.16.180 Certain wastes only in storm sewers.
- 13.16.190 Elimination of combined sewers.
- 13.16.200 Grease and oil interceptors.
- 13.16.210 Preliminary treatment.
- 13.16.220 Preliminary treatment facilities.
- 13.16.230 Right of entry and inspection.
- 13.16.240 Testing.
- 13.16.250 Damage.
- 13.16.260 Violation--Penalty.

13.16.010 Definitions. As used in this chapter, the singular shall include the plural, and the masculine shall include the feminine. Except where the context indicates otherwise, the following words shall mean:

A. An "applicant" is an individual, firm, corporation, partnership, institution or association applying for sewer service.

B. "Biochemical oxygen demand (BOD)" means the quantity of oxygen, expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of twenty degrees centigrade as set forth in Standard Methods.

C. "City" means the city of Gold Hill.

D. "City specifications" means the latest edition, with amendments, of Standard Specifications for Public Works Construction, as published by the city of Gold Hill.

E. "Combined sewer" means a sewer receiving both sewage and surface runoff, as designated by the city engineer.

F. "Commercial customer" means the same as an industrial customer for the purpose of the ordinance codified in this chapter.

G. A "customer" is an individual, firm, corporation, partnership, institution or association receiving water or sewer services from the city.

H. "Customer lateral" means any sewer pipe between the service line and the premises being served.

I. "Garbage" means the residue from the preparation and dispensing of food, and from the handling, storage and sale of food products and produce.

J. "Grease and Oil Interceptor." This device, commonly called a grease trap, is used to remove greases, oils and sludges from sewage before the sewage is delivered to city sewers.

K. "Industrial customer" means any customer who engages in the preparation, processing, treating, making, compounding,

assembling, mixing, improving or storing of any product or any solid, liquid or gaseous material for commercial or industrial processes, or who engages in the cleaning, processing or treating of tanks, vats, drums, cylinders or any other container used in the transportation or storage of any solid, liquid or gaseous material used for commercial or industrial processes.

L. "Industrial Waste." Any water-carried waste other than normal household wastes shall be considered "industrial wastes."

M. "Operation and maintenance" means all activities, goods and services which are necessary to maintain the proper capacity and performance of the treatment works for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined hereinafter.

N. "pH" means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter, as set forth in Standard Methods.

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

P. "Replacement" means acquisition and installation of equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

Q. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted, as designated by the city engineer.

R. "Service lateral" means any sewer pipe between the main sewer line of the city and the property line of the customer. Service lines exist only on public property on public rights-of-way.

S. "Sewage" means water-carried human, household, commercial, or industrial wastes, together with such ground, surface and storm waters as may be present.

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

U. "Sewerage" means the means and facilities for the collection, transportation, pumping and treatment of sewage.

V. "Standard Methods" means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association and the Federation of Sewage and Industrial Wastes Association.

W. "Storm sewer" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted wastes, as designated by the city engineer.

X. "Suspended solids" means solids that either float on the surface of, or are in suspension in, water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made as set forth in Standard Methods.

Y. "User charge" means a charge levied on users of treatment works for the cost of operations and maintenance of such works.

Z. "Sewer service" means the ability to discharge into the city sewer system. (Ord. 98-02 §1, 1998; Ord. 497 §1, 1982; Ord. 454 §2(part), 1980).

13.16.020 Purpose and policy. The city declares its intention to acquire, own, construct, equip, operate, and maintain inside and outside the city limits sewage disposal plant or plants, sewers, equipment or appurtenances necessary, useful or convenient for a complete sewer system and disposal plant, including maintenance and extension of the present sewerage system. All users of the water and sewer system either inside or outside the city limits, and all users of the sewer system outside the city limits shall pay just and equitable charges for service, as hereinafter stated. (Ord. 454 §2(part), 1980).

13.16.030 General requirements. A. It is unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city any human excretion, garbage or other objectionable waste which causes pollution of the surrounding ground, surfaces, air or waterways.

B. It is unlawful to discharge to any natural waterway within the city any sewage, industrial waste, or other polluted water or wastes except where suitable treatment has been provided in accordance with the provisions of this chapter.

C. No private sewage disposal system shall be installed or used within the city without written permission of the public works superintendent and the recurring payment of reasonable inspection fees as determined by the public works superintendent. Private sewage disposal systems shall be operated and maintained in a sanitary manner at all times at no expense to the city.

D. No person shall use or occupy a building within three hundred feet of an accessible public sewer unless the building is connected with a public sewer. No person required to connect to city sewer shall connect to a house sewer located on other premises. (Ord. 454 §2(part), 1980).

13.16.040 Conditions of service. Service to sewer users shall be subject to the rules, regulations and rates

applicable thereto and in effect at the time service is accepted, except for previously negotiated contracts or as they may be adopted or modified by the council. Service to individuals or groups may be discontinued for failure of a customer to comply with the provisions of this chapter and related rules, regulations and administrative policy. (Ord. 454 §2 (part), 1980).

13.16.050 Application for service. Each prospective customer shall make a written application for sewer service. The application shall be signed by the applicant and state the location of the premises for which service is requested, the address to which bills are to be sent, information adequate to determine which rate shall apply and such other information as may reasonably be required. (Ord. 454 §2 (part), 1980).

13.16.060 User charges. The council shall by resolution establish user charges for all sewer service active or inactive, in accordance with the general requirements of the Environmental Protection Agency for all user charge systems and in establishing user charges shall:

A. For the first year of operation, base operation and maintenance charges upon past experience for existing treatment works;

B. Review not less than every two years, the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system. It shall revise the charge for users or user classes to accomplish the following:

1. To maintain the proportionate distribution of operating and maintenance costs among users and user classes as required herein,

2. To generate sufficient revenue to the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works, and

3. Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly;

C. Provide that each user which discharges any toxic pollutants or hazardous materials shall pay for any cost and/or expense, including testing and monitoring as deemed necessary by the city, incurred for managing and treating the effluent and/or sludge off grantees sewer or water treatment plant contaminated, or otherwise effected by such toxic pollutants or hazardous material;

D. Provide that the costs of operation and maintenance for all flow not directly attributable to user (i.e., infiltration and inflow) be distributed among all users of

the treatment works system based upon either of the following:

1. In the same manner that it distributes the costs of operation and maintenance among users or user classes for their actual use, or

2. Under a system which uses one of any combination of the following factors on a reasonable basis:

- a. Flow volume of the user,
- b. Land area of the user,
- c. Number of hookups or discharges to the user,
- d. Property valuation of the user, if the city

has a user charge system based on ad valorem taxes approved under EPA Regulation No. 35.929-1(b);

E. Provide that each user be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charge or ad valorem taxes which are attributable to waste water treatment services;

F. Provide that the costs necessary to carry out any approved pretreatment program and to comply with any federal statutes or regulations shall be included within the costs of operation and maintenance of the system and paid through user charges, or paid in whole or in part by other identified sources of funds;

G. Insure that this user charge system shall take precedence over any terms or conditions of any agreements or contracts between the city and any users which terms or conditions may be consistent with the requirements of any applicable federal statute or regulation. (Ord. 98-02 §2, 1998: Ord. 497 §2, 1982: Ord. 454 §2(part), 1980).

13.16.070 Appeals. Any sewer user who feels his user charge is unjust and inequitable as applied to his premises within the intent of this chapter may make written application to the city council requesting a review of his user charge. The written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurement or estimates were made. Review of the request shall be made by the city council, which may recommend further study of the matter by the superintendent of public works, the city engineer or any other registered professional engineer, and shall make a determination whether or not the appeal is substantiated. (Ord. 497 §3, 1985: Ord. 454 §2(part), 1980).

13.16.090 Payment of bills. A. Charges for water and sewer service shall be shown on the same bill, and all charges are due and payable monthly at the office of the city recorder on the date of mailing and become delinquent ten calendar days thereafter. No city employee other than an authorized employee at City Hall shall accept payment in any form for water or sewer service, nor are they allowed

to make arrangements for delayed payment. All financial and account transactions must be made with the office of the city recorder.

B. Sewer user charges levied in accordance with this chapter shall be a debt due to the city and a lien upon the property. If this debt is not paid within thirty days after



it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both.

C. In the event of failure to pay sewer charges after they have become delinquent, the city shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes. The expense of such discontinuance, removal, or closing, as well as the expense of restoring service shall be a debt to the city and lien upon the property and may be recovered by civil action in the name of the city against the property owner, the person, or both.

D. Sewer service shall not be restored until all charges, including interest accrued and the expense of removal, closing and restoration shall have been paid.

E. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties. (Ord. 468, 1981: Ord. 454 §2(part), 1980).

13.16.100 Service connection application, permit and inspection. A. Application for the installation or alteration of a service connection to the city sewer system shall be made at the office of the public works. The applicant must state fully and truly all information required by the city, and shall supplement this application with any plans, specifications or other information as required by the public works. If the city approves the application, if there are no connection allocation restrictions in effect, and if the fee or fees are paid as provided in this chapter, the city shall issue a sewer connection permit.

B. At the same time such application is made, the applicant shall pay a twenty-five dollar inspection fee. No portion of the sewer installation shall be covered until the public works or his representative inspects the work for compliance with city and state specifications. No inspections shall be made unless the work place complies with state and federal safety regulations. (Ord. 454 §2(part), 1980).

13.16.110 Connection fees. A. Sewer connection fees shall be one thousand five hundred dollars plus actual cost of connection. If installation is permitted outside the city limits, the connection charge shall be two thousand two hundred fifty dollars, together with the actual costs of connection. That part of the sewer connection fee in excess of the actual costs of connection shall be added to the sewer reserve fund.

B. "Actual cost of connection" shall be determined by the city based on all labor and materials used to do the job plus a ten percent handling and restocking fee for all materials used. Before the sewer connection work is begun

by the city, the public works department shall estimate the actual cost of connection and the customer shall pay the entire sewer connection fee based on this estimate. At the completion of the job if the estimated cost exceeds the actual cost of connection, then the city shall refund the difference to the customer. If the estimated cost is less than the actual cost of connection, the customer shall pay the additional amount to the city prior to making any use of the sewer service. (Ord. 93-01 §1, 1993: Ord. 484, 1981: Ord. 454 §2(part), 1980).

13.16.120 Installation. All work including, but not limited to, excavation, piping, backfilling, compaction, repaving and other work incidental to a complete sewer installation up to and including tapping the nearest adequate public sewer mains and ten percent handling and restock fee for all material used, shall be at the expense of the customer or prospective customer. The customer or prospective customer shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation. All work and material shall be according to city specifications. Cleanouts shall be required adjacent to public property or right-of-way, and lateral sizes shall be determined by state and city requirements, whichever is larger. Old sewers may be used in connection with new buildings only when they are found, upon examination and test, to meet all requirements of this chapter and city specifications. Such examination and test shall be paid for by the customer or prospective customer. (Ord. 454 §2(part), 1980).

13.16.130 Cleanouts. It is the customer's responsibility to install a means for the city to clean and inspect his service lateral. The city shall not attempt to clean, inspect, or repair a service lateral until a sewer cleanout is in place adjacent to the property or right of way line where the customer's lateral enters the service lateral. Such cleanouts shall be installed to city specifications by the customer at his expense. (Ord. 454 §2(part), 1980).

13.16.140 Open toilets, septic tanks and cesspools. It is unlawful for the owner or occupant of any premises to construct, maintain or use any open toilet, privy, or cesspool thereon. All septic tanks, open toilets and cesspools when no longer used shall be emptied and filled with clean sand or gravel. It is unlawful to make alterations or repairs to, or to install new septic tanks on any premises located within the city limits unless granted special permission by the council. No septic tank or cesspool shall be permitted to discharge directly to any public sewer, natural surface or waterway. (Ord. 454 §2(part), 1980).

13.16.160 Certain wastes prohibited in all sewers. It is unlawful for any person, directly or indirectly using public sewer facilities inside the city or under city control, to discharge or cause to be discharged into any pipe, main, conduit, manhole, street inlet, gutter, catch basin or aperture of the public sewer system, any of the following:

A. Any gasoline, benzene, naphtha, alcohols, fuel oil, diesel oil, mineral oil, motor oil or other flammable or

explosive liquid, solid or gas except in emergency when directed to do so by the public works or his acting representative;

B. Any solid or viscous substance capable of obstructing sewage flow or of interfering with the operation of the sewerage works or treatment facilities. These substances include, but are not limited to, ashes, cinders, sand, mud, gravel, straw, insoluble shavings, metal, glass, rags, feathers, tar, creosote, plastics and plastic products, wood, offal from slaughterhouses, lard, tallow, baking dough, chemical residues, cannery waste bulk solids, diapers, plastic or paper dishes, cups, towels, or food or beverage containers, whether whole or ground;

C. Any noxious or malodorous gas or substance when either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing entry into a sewer, manhole or pump station;

D. Any radioactive wastes, except upon permit issued by the Oregon State Board of Health and approved by the public works and which, in the determination of the public

works, will not be hazardous to structures, equipment or personnel working on sewage disposal or sewer repair, or to receiving waters;

E. Any material from a cesspool or septic tank, except as allowed under provisions of Section 13.16.150 of this chapter;

F. Any substance which will form deposits or obstructions in the sewerage system, or which when mixed with sewage will precipitate materials causing deposits or obstructions in sewer lines or any part of the sewerage system;

G. Any pesticides, herbicides, organic solvents or hydrocarbons;

H. Any toxic, corrosive, or poisonous substances, chemical elements, or compounds containing heavy metals in quantities sufficient to impair the operation of efficiency of the sewage treatment facilities or which render sludges unfit for fertilizer, or that will pass through the sewage treatment plant or sewerage system and cause the effluent thereof to violate state water standards for the receiving stream;

I. Any waters or wastes containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials in any sewer, pump, sewage treatment plant or other part of the sewerage system;

J. Any material which exerts or causes excessive discoloration such as, but not limited to, dye wastes or vegetable tanning solutions;

K. Any unusual concentrations of dissolved solids such as, but not limited to, sodium chloride, calcium chloride and sodium sulfate. (Ord. 454 §2(part), 1980).

13.16.170 Certain wastes prohibited in sanitary sewers or combined sewers. It is unlawful for any person, directly or indirectly using public sewer facilities inside the city or under city control, to discharge or cause to be discharged into any pipe, main, conduit, manhole, street inlet, gutter, catch basin or aperture of the public sanitary sewer system or combined sewer system, without written permission of the public works and pretreatment if so required, any of the following:

A. Any garbage that has not been properly comminuted to one-quarter inch or less in any dimension, or industrial wastes that will not fit through an approved twenty mesh screen;

B. Any liquid, vapor, gas or solid having a temperature higher than one hundred fifty degrees Fahrenheit;

C. Any water or wastes which contain in excess of one hundred milligrams per liter or a lesser amount as fixed by the public works for a particular establishment, of fat, waste, oil or grease, whether or not emulsified, ether-soluble or hexane-soluble matter or any substance which may solidify or become discernibly viscous at temperatures above thirty-two degrees Fahrenheit;

D. Any soluble waste or wastewaters having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property which reasonably could be hazardous to structures, equipment or personnel of the city such as, but not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine;

E. Any water or wastes containing substances in such concentration that they are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of any other agency having jurisdiction over discharge to the receiving waters;

F. Any water or wastes having a five-day twenty degree Centigrade biochemical oxygen demand of more than three hundred milligrams per liter (mg/l) or an immediate oxygen demand of more than one hundred mg/l;

G. Any water or wastes having a suspended solids content of more than three hundred fifty mg/l;

H. Any water or wastes having a chlorine demand of more than twenty mg/l;

I. Any water or wastes having a maximum instantaneous rate of flow exceeding ten percent of the capacity of the available lateral or appropriate trunk sewer;

J. Any water or wastes having an average daily flow greater than two percent of the average daily sewage flow of the city during summer months;

K. Any water or wastes having characteristics or constituents exceeding the maximums fixed elsewhere in this chapter;

L. Stormwater;

M. Surface water;

N. Groundwater;

O. Roof runoff;

P. Parking area runoff;

Q. Unpolluted industrial process water, such as, but not limited to, cooling water and stream condensation.  
(Ord. 454 §2(part), 1980).

13.16.180 Certain wastes only in storm sewers. Only the following wastes shall be discharged to the storm sewer system:

- A. Stormwater;
- B. Surface water;
- C. Groundwater;
- D. Roof runoff;
- E. Parking area runoff;

F. Unpolluted industrial process water, with written permission of the city engineer only, and only then when a valid and current NPDES waste discharge permit is in force governing the discharge. (Ord. 454 §2(part), 1980).

13.16.190 Elimination of combined sewers. It is the express intent and policy of the city council to eliminate combined sewer flows. To this end, storm, surface and ground, water, roof and parking area runoff, and unpolluted industrial process water shall be allowed to enter a combined sewer only if there is no reasonable alternative and the city grants written permission before any such flow is allowed into a combined sewer. (Ord. 454 §2(part), 1980).

13.16.200 Grease and oil interceptors. Within one year of the adoption of the ordinance codified in this chapter, all restaurants, meat markets, butcher shops, service stations, and/or wash racks of any kind shall be equipped with suitable grease and oil interceptors (grease traps), approved by the city before installation and operation, and maintained at the expense of the occupant of the property. All grease traps shall be maintained to prevent grease, oil, or sludge from entering the public sanitary or combined sewer systems in excess of the limits imposed in Section 13.16.170(C). If the city finds that the operator of any such establishment fails to maintain his grease trap or traps in effective operation, the public works may have the water service to the premises shut off and/or the sewer service summarily terminated until the facility is put back into effective operation. (Ord. 454 §2(part), 1980).

13.16.210 Preliminary treatment. If any water or wastes, industrial or otherwise, are discharged to a public sanitary or combined sewer system, and such water and wastes exceed the limits set in Section 13.16.170 and which, in the judgment of the city may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or create malodors, the public works may (1) Reject the water or wastes, or (2) Require the preliminary treatment to an acceptable condition before discharge to the public sanitary

or combined sewer system. If it is necessary to require preliminary treatment, the public works may require any or all of the following:

A. Reduction of the five-day twenty-degree Centigrade biochemical oxygen demand to less than three hundred mg/l and the immediate biochemical oxygen demand to less than one hundred mg/l;

B. Reduction of the suspended solids content to less than three hundred fifty mg/l;

C. Reduction of the chlorine demand to less than twenty mg/l;

D. Regulation of the quantities and/or rates of discharge;

E. Payment to cover the added cost of handling and treating the water and wastes, if the commercial or industrial occupancy requests such arrangement in lieu of preliminary treatment or to reduce the extent of preliminary treatment, and the public works finds that city treatment is feasible. (Ord. 454 §2(part), 1980).

13.16.220 Preliminary treatment facilities. A.

Plans, specifications and other information relating to construction or installation of preliminary treatment facilities required by the city under this chapter shall be submitted to the city and to the Oregon State Department of Environmental Quality as required by the laws of Oregon. No construction, installation or modification of preliminary treatment facilities shall begin until written approval of plans and specifications by the public works and the Oregon State Department of Environmental Quality are obtained. No person, by virtue of such approval, shall be relieved of compliance with other laws of the city and of the state relating to construction and to permits. Every facility for the preliminary treatment or handling of water and wastes shall be constructed in accordance with the approved plans and specifications, and shall be installed and maintained at the expense of the occupant of the property discharging the water and wastes.

B. When the occupant of any property is required by the public works to install preliminary treatment facilities, he shall not let any water and wastes enter the public sewer system until such preliminary treatment facilities are built and in operation, without prior written consent of the public works. If the occupant of any property allows water and wastes to enter the sewer system before such preliminary treatment facilities are built and in operation, without prior written consent of the public works, the city may turn off water service to the occupant, and sewer service to the premises may be summarily terminated.



C. Every facility for preliminary treatment or handling of water and wastes shall be subject to inspection by the public works or his representative, who shall determine whether or not such facility is being maintained in effective operation.

D. Notwithstanding installation and operation of a preliminary treatment facility, no person shall discharge or permit the discharge into a public sewer any water or waste prohibited by this chapter.

E. If the city finds that the occupant of property who controls a preliminary treatment facility fails to maintain such facility in effective operation, he may have the city shut off water service to the premises and/or summarily terminate sewer service to the premises until the facility is put back into effective operation.

F. Any person constructing a preliminary treatment facility shall also install and maintain at his own expense a sampling manhole for checking and investigating the discharge from the preliminary treatment facility to the public sewer. The sampling manhole shall be placed in a location designated by the city engineer and in accordance with specifications approved by the city engineer, and shall be accessible to the city engineer at all times.

G. Where continuous testing is deemed necessary by the public works the occupant of property who controls a preliminary treatment facility shall supply testing equipment, utilities to serve such equipment and structures to protect such equipment at the occupant's expense. (Ord. 454 §2 (part), 1980).

13.16.230 Right of entry and inspection. The city shall have free lawful access at reasonable hours of the day to all parts of buildings and premises for the purpose of inspecting, testing, sampling, measuring or observing the conditions of the sewer pipes and fixtures, preliminary treatment facilities, grease traps and water and wastes being disposed. The city shall have free access at all hours of the day or night to any sampling manhole or similar sampling facility. (Ord. 454 §2(part), 1980).

13.16.240 Testing. All measurements, tests and analyses of the characteristics of waters and wastes referred to in this chapter shall be determined according to the specifications of Standard Methods. The occupant of any premises being treated shall bear the costs of all tests. Such costs will be added to the monthly sewer bill. (Ord. 454 §2(part), 1980).

13.16.250 Damage. No person shall wilfully or maliciously injure or in any manner interfere with or remove any pipes, pumps, samplers, appurtenances, facilities, or other property belonging to the city or used in connection with the city sewer system. Any person violating provisions of this section shall be charged for all standard costs associated with repairing the results of such injury or interference, plus whatever penalties may be adjudged under the provisions of Section 13.16.260. Any person who inadvertently damages property belonging to the city or used in connection with the city sewer system shall be charged for all standard costs associated with repairing such damage, including, but not limited to, labor, materials and overhead. (Ord. 454 §2(part), 1980).

13.16.260 Violation--Penalty. Any person violating any of the provisions of this chapter, other than those relating to payment or nonpayment of rates or charges, shall upon conviction thereof be punished under the general penalty ordinance of the city, as codified in Chapter 1.20. (Ord. 454 §2(part), 1980).

## Chapter 13.20

### SYSTEM DEVELOPMENT CHARGE\*

#### Sections:

- 13.20.010 Purpose.
- 13.20.020 Scope.
- 13.20.030 Definitions.
- 13.20.040 System development charge established.
- 13.20.050 Methodology.
- 13.20.060 Authorized expenditures.
- 13.20.070 Expenditure restrictions.
- 13.20.080 Improvement plan.
- 13.20.090 Collection of charge.
- 13.20.100 Exemptions.
- 13.20.110 Credits.
- 13.20.120 Notice.
- 13.20.130 Segregation and use of revenue.
- 13.20.140 Appeal procedure.
- 13.20.150 Prohibited connection.
- 13.20.160 Penalty.
- 13.20.170 Construction.
- 13.20.180 Severability.
- 13.20.190 Classification.

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\* Prior history: Ordinances 509, 530 and 90-02.

13.20.010 Purpose. The purpose of the system development charge is to impose a portion of the cost of capital improvements for water, wastewater, drainage, flood control, transportation, and parks upon those developments that create the need for or increase the demands on capital improvements. (Ord. 98-04 §1(part), 1998).

13.20.020 Scope. The system development charge imposed by this chapter is separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development. (Ord. 98-04 §1(part), 1998).

13.20.030 Definitions. For purposes of this chapter, the following mean:

"Capital improvements" means facilities or assets used for:

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

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

"Dwelling unit" means a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Equivalent Dwelling Unit (EDU). For purposes of water, wastewater, and street development, an EDU is considered to be the demand on the systems that could be expected from one single-family dwelling. For purposes of drainage SDCs, an EDU is the amount of runoff from a typical single-family dwelling and parcel. Other land uses, such as commercial and industrial, are assigned an appropriate number of EDUs based on their size and/or degree of imperviousness.

"Improvement fee" means a fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to Section 13.20.040 of this chapter.

"Land area" means the area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plan 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 scenic or preservation purpose.

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

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

"Permittee" means the person to whom a building permit, development permit, a permit or plan approval to connect to the sewer or water system, or right-of-way access permit is issued.

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

1. Required as a condition of residential development approval;

2. Identified in the plan adopted pursuant to Section 13.20.080 of this ordinance; and either:

- a. Not located on or contiguous to a parcel of land that is the subject of the development approval, or

- b. 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;

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

"Reimbursement fee" means a fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to Section 13.20.040 of this chapter.

"System development charge" means 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 water and sewer facilities. "System development charge" does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision. (Ord. 98-04 §1(part), 1998).

13.20.040 System development charge established. A. System development charges shall be established and may be revised by resolution of the council. The resolution shall set the amount of the charge, the type of permit to which

the charge applies, and, if the charge applies to a geographic area smaller than the entire city, the geographic area subject to the charge.

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

C. 1. The following water system improvement development charge is imposed on all development as described herein:

- a. Multiple residential, forty-five cents per square foot;
- b. Mobile homes, forty-five cents per square foot;
- c. Commercial, sixty cents per square foot;
- d. Single-family residential, forty-five cents per square foot.

2. The square footage refers to the size of the building or mobile home being constructed or installed, or in the case of an addition to an existing building, the size of the addition. If a building or mobile home is being connected to the city water or sewer system, and was not previously connected to such system, then the entire size of the building or mobile home shall be used even if an addition is being constructed during the same time period as the connection is to be made. (Ord. 99-04 §1, 1999; Ord. 98-04 §1(part), 1998).

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

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

C. The methodology used to establish the improvement fee or the reimbursement fee, or both, shall be contained in an ordinance adopted by the council. (Ord. 98-04 §1(part), 1998).

13.20.060 Authorized expenditures. A. Reimbursement fees shall be applied only to capital improvements associ-

ated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.

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

2. A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the city pursuant to Section 13.20.080 of this chapter.

C. Notwithstanding subsections A and B of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this chapter, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures. (Ord. 98-04 §1(part), 1998).

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

B. System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements. (Ord. 98-04 §1(part), 1998).

13.20.080 Improvement plan. The council shall adopt a plan that:

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

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

C. Describes the process for modifying the plan.

In adopting this plan, the council may incorporate by reference all or a portion of any public facilities plan, master plan, capital improvements plan or similar plan that contains that information required by this section. (Ord. 98-04 §1(part), 1998).

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

1. A building permit;

2. A development permit;

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

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

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

6. A right-of-way access permit.

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

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

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

E. The city recorder shall not issue such permit or allow such connection until the charge has been paid in full, or unless an exemption is granted pursuant to Section 13.20.100 of this chapter. (Ord. 98-04 §1(part), 1998).

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

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

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

D. A project financed by city revenues is exempt from all portions of the system development charge. (Ord. 98-04 §1(part), 1998).

13.20.110 Credits. A. When development occurs that is subject to a system development charge, the system development charge for the existing use, if applicable, shall be calculated and if it is less than the system development charge for the use that will result from the development, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge. If

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

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

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

D. When construction of a qualified public improvement located in whole or in part or contiguous to the property that is the subject of the development approval gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project, the credit in excess of the improvement fee for the original development project may be applied against improvement fees that accrue in subsequent phases of the original development project.

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

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

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

H. Credits shall be used within ten years from the date the credit is given. (Ord. 98-04 §1(part), 1998).



13.20.120 Notice. A. The city shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any system development charge. Written notice shall be mailed to persons on the list at least forty-five days prior to the first hearing to adopt or amend a system development charge. The methodology supporting the adoption or amendment shall be available at least thirty days prior to the first hearing to adopt or amend a system development charge. The failure of a person on the list to receive a notice that was mailed shall not invalidate the action of the city.

B. The city may periodically delete names from the list, but at least thirty days prior to removing a name from the list, the city must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list. (Ord. 98-04 §1(part), 1998).

13.20.130 Segregation and use of revenue. A. All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the city. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in Section 13.20.060 of this chapter.

B. The appropriate city official shall provide the city council with an annual accounting, based on the city's fiscal year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account. (Ord. 98-04 §1(part), 1998).

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

B. Appeals of any other decision required or permitted to be made by the city recorder under this chapter must be filed within ten days of the date of the decision.

C. After providing notice to the appellant, the council shall determine whether the city recorder's decision or the expenditure is in accordance with this chapter and the provisions of ORS 223.297 to 223.314 and may affirm, modify, or overrule the decisions. If the council determines that there has been an improper expenditure of system development charge revenues, the council shall direct that a sum equal to the misspent amount shall be deposited within

one year to the credit of the account or fund from which it was spent. The decision of the council shall be reviewed only as provided in ORS 34.010 to 34.100, and not otherwise.

D. A legal action challenging the methodology adopted by the council pursuant to Section 13.20.050 of this chapter shall not be filed later than sixty days after the adoption. A person shall contest the methodology used for calculating a system development charge only as provided in ORS 34.010 to ORS 34.100, and not otherwise. (Ord. 98-04 §1(part), 1998).

13.20.150 Prohibited connection. No person may connect to the water or sewer systems of the city unless the appropriate system development charge has been paid or the lien or the installment payment method has been applied for and approved. (Ord. 98-04 §1(part), 1998).

13.20.160 Penalty. Violation of Section 13.20.150 of this chapter is punishable under the general penalty ordinance of the city, as codified in Chapter 1.20. (Amended during 3/00 supplement; Ord. 98-04 §1(part), 1998).

13.20.170 Construction. The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference made a part of this chapter. (Ord. 98-04 §1(part), 1998).

13.20.180 Severability. The invalidity of a section or subsection of this chapter shall not affect the validity of the remaining sections or subsections. (Ord. 98-04 §1(part), 1998).

13.20.190 Classification. The city council determines that any fee, rates or charges imposed by this chapter are not a tax subject to the property tax limitations of Article XI, Section 11(B) of the Oregon Constitution. (Ord. 98-04 §1(part), 1998).

Title 14

(RESERVED)