

Title 13

PUBLIC SERVICES

Chapters:

- 13.04 Water Service System
- 13.08 Sewer Service System
- 13.12 Underground Wiring Control District
- 13.16 Cross Connection Control Program

Chapter 13.04

WATER SERVICE SYSTEM

Sections:

- 13.04.010 Rules and regulations.
- 13.04.020 Definitions of general terms.
- 13.04.030 Service area.
- 13.04.040 Description of service.
- 13.04.050 Application for service.
- 13.04.060 Main extensions.
- 13.04.070 Services.
- 13.04.080 Meters.
- 13.04.090 Water rates.
- 13.04.100 Notices.
- 13.04.110 Billing and payment.
- 13.04.120 Meter error.
- 13.04.130 Discontinuance of service.
- 13.04.140 Restoration of service.
- 13.04.150 Unusual demands.
- 13.04.160 Access to property.
- 13.04.170 Responsibility for equipment.
- 13.04.180 Fire hydrants.
- 13.04.190 Penalties.
- 13.04.200 Amendments.

13.04.010 Rules and regulations.

A. Short Title. This code shall be known as Rules and Regulations for the Operation of the Water System of the city of Boardman, Oregon, and may be cited and pleaded.

B. Scope. The city and all customers receiving service from the water system, whether inside or outside the city limits, are bound by these rules and regulations. (Ord. 5-2005 §§ 1, 2 (part))

13.04.020 Definitions of general terms.

“Applicant” means the person or persons, firm, or corporation making application for water service from the water system under the terms of these regulations.

“City” means the legally constituted municipal governments of the city of Boardman, Morrow County, Oregon.

“Customer” means an applicant who has been accepted under the terms of these regulations and who receives water service from the water system.

“Property manager” means any individual or firm, hired or retained to manage the interests of the property owner.

“Property owner” means the individual, firm, corporation, or unincorporated association with a claim, either individually or jointly, of ownership of record or any interest, legal or equitable on the property where service is delivered.

“Superintendent” means the person appointed by the city council to manage the affairs of the water system.

“Water system” means all city-owned facilities for supply, transmission, storage, and distribution of potable water. (Ord. 5-2005 §§ 1, 2 (part))

13.04.030 Service area.

The area served by the water system shall be, initially, all that area included within the corporate limits of the city and may be expanded to include such other contiguous or neighboring territory within the identified urban growth area and any wholesale customer service area as the city council shall, from time to time, determine to serve. (Ord. 5-2005 §§ 1, 2 (part))

13.04.040 Description of service.

A. Supply.

1. The city will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a proper pressure and to avoid any shortage or interruption in delivery.

2. The city shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the city for improvements and repairs will be necessary occasionally. Whenever possible and when time permits, all customers affected will be notified prior to shutdowns.

B. Quality. The city will exercise reasonable diligence to supply a safe and potable water, meeting the provisions of Oregon Administrative Rules Chapter 333 concerning drinking water at all times.

C. Ownership of System. All water mains, valves, fittings, hydrants, and other appurtenances, except customer service lines, as defined in subsection A of Section 13.04.070 of this chapter, shall be the property of the city.

D. Classes of Service.

1. The classes of service shall be regular or special, as further described by a number following the letter designation indicating:

a. Inside city limits;

b. Outside city limits.

2. Regular service includes the following:

a. Class A Service. Class A services shall be those where the occupancy is primarily residential and townhomes, where each unit is individually metered.

b. Class B Service. Class B services shall be those where the occupancy is primarily commercial, such as retail stores, multifamily dwellings, apartments, motels, hostels, recreational vehicle parks, etc., without individual meters, shops, service stations, etc.

c. Class C Service. Class C services shall be those where the occupancy is primarily industrial, such as manufacturing plants, warehouses, etc.

d. Class D Service. Class D services shall be those where the occupancy is primarily for public or semipublic use, such as schools, churches, parks, playgrounds, municipal buildings, etc.

e. Class E Service. Class E services shall be those not otherwise classified, consisting of temporary services, standby fire protection service only, services for which special contracts are in effect, etc.

3. Special service includes the following:

a. Special Contracts. When the applicant's requirements for water are unusual or large, or necessitate considerable special or reserve equipment or capacity, the city re-

serves the right to make special contracts, the provisions of which are different from and have exceptions to the regularly published water rates, rules and regulations. This special contract shall be in writing and signed by the applicant and the city.

b. Resale of Water. Resale of water shall only be permitted under special contract, in writing, between the city and the person or party selling the water.

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

d. Emergency Use Regulations. In the event the use of water appears to be approaching or may approach a demand greater than the supply of usable water, the city may authorize the implementation of the water curtailment plan contained in the approved water conservation and management plan. (Ord. 5-2005 §§ 1, 2 (part))

13.04.050 Application for service.

A. Application for service shall be made by the property owner or agent of the property owner. All service accounts shall be carried in the name of the property owner as the property owner is ultimately responsible for the payment of any past due accounts.

B. Application Form. Each applicant for water service shall sign an application form provided by the city giving date of application, location of premises, whether they have been served before, the date on which applicant desires to have service begin, purpose for which service is to be used, the address for mailing or delivery of bills, the applicant's address (owner or agent), the class and size of service, and such other information as the city may reasonably require. In signing the application, the customer agrees to abide by the regulations of the city water system. The application is merely a written request for service and does not bind the city to serve.

C. Application Amendments.

1. Customers desiring a material change in the size, character, or extent of equipment or operation which would result in a material change in the amount of water used shall give the city written notice of such change prior to the change and the application for service shall be amended.

2. Customers desiring a change in the size, location, or number of service shall fill out an amended application. (Ord. 5-2005 §§ 1, 2 (part))

13.04.060 Main extensions.

A. Within the City Limits. Water main extensions to areas within the city limits not included in area initially served shall be installed under the procedure established by the city charter for public improvements. Each property benefited by such extension shall be assessed its proportionate share of the cost of the extension. System development charges credits may be granted by the city council for any oversizing of extended mains to serve future development.

B. Outside the City Limits. Water mains outside the city limits shall be extended only at the expense of the customers served. The main extensions shall become the property of the city upon approval of the construction quality, main location and at the time service is provided. The city shall determine the size of the main extension and system development charges credits may be granted by the city council for any oversizing of extended mains to serve future development. Extensions outside the city limits shall be installed by the city or by contractors approved by the city. The installation procedures and materials used shall be in accordance with plans and specifications approved by the city.

C. Locations of Extensions. The city will make water main extensions only on rights-of-way, publicly owned property, or limited easements dedicated to the city. Rights-of-way and easements or permits secured for main extensions shall either be obtained in the name of the city or transferred to the city, along with all rights and title to the property and the main at the time service is provided to the customers paying for this extension. (Ord. 5-2005 §§ 1, 2 (part))

13.04.070 Services.

A. Definitions.

1. The term “annexed area” shall mean those areas annexed into the city limits with existing water mains, service connections and existing development which preclude installation of service connections to the standards of the city water system.

2. The “service connection” shall be that part of the water distribution system which connects the meter to the main and shall normally consist of corporation stop, service pipe, curb stop, meter, meter setter, and meter box.

3. The “customer service line” shall be that part of the piping on the customer’s property that connects the service to the customer’s distribution system.

4. The “annexed area service connection” shall consist of that part of the water main which includes the service tap and corporation stop at the main.

5. The “annexed area customer service line” shall be any part of the piping on the customer’s property with the exception of the water main within an identified ease-

ment, meter, meter setter, and piping within the meter box which will be city property and responsibility.

B. Ownership, Installation, and Maintenance. The city shall own, install, and maintain all water mains and service connections identified in subsection A of this section and installation and maintenance shall only be performed by employees of the city or their authorized agents. The customer shall own, install, and maintain the customer service line as identified in subsection A of this section.

C. System Development Charges. The applicant shall pay all pertinent system development charges prior to any service installation being made by the city. System development charges provide the method for new customers or new development to buy ownership in the capital expenditures made by other customers and development to provide the water system availability for service.

D. Service Connection Charge.

1. At the time the applicant files for service where no service previously existed, or if the applicant is filing for a change in service size or location, the applicant shall submit with their application a service connection charge, as identified in the water service connection matrix, and any system development charges which are applicable.

2. This charge is to cover the cost of the city to install the service from the main to and including the service tap, corporation stop, piping from main to the property line, curb stop, meter setter, meter box and meter. The service connection charge shall be as set by resolution of the council based on average actual cost for installation of services identified in the water service connection matrix.

E. Size of Service. The city will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size requested is one that is listed by the city. The standard size of service connection piping shall be one inch and the minimum size of service connection piping shall be three-quarters inch. The city may refuse to install a service line which is undersized or oversized, as determined by a study and report of the superintendent. The standard meter size will be a five-eighths inch by three-fourths inch unless otherwise indicated by the superintendent.

F. Changes in Service Size. Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the city for making the change.

G. Length of Service.

1. Where the main is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served, for the standard connection fee and

system development charges, provided the length of service connection piping does not exceed the width of the right-of-way.

2. Where the main is on an easement or publicly owned property other than designated rights-of-way, the service connection piping shall be installed to the boundary of the easement or public property by the city, for the standard connection fee and system development charges, provided the length of service connection piping does not exceed thirty (30) feet.

3. If, in either case cited above, the length of service connection piping to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost of the city for labor, materials, and equipment rental, and administration.

H. Number of Service Connections on Premises. The owner of a single parcel of property may apply for and receive multiple services as the applicant and their tenants may require, provided the application or applications meet the provisions of this chapter and other subsequent provisions of the Uniform Plumbing Code and Fire Code.

I. Standby Fire Protection Service Connections.

1. Purpose. Standby fire protection service connections of two-inch size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The city may require that a suitable detector check meter be installed in the standby fire protection service connections, to which hose lines or hydrants are connected. All piping on the customers' premises shall be installed in accordance with the Oregon Plumbing Specialty Code and meet the cross connection control program rules and regulations of Chapter 13.16 of the Boardman Municipal Code.

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

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

J. Fire Service Connections Other Than Standby. A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and shall be metered. All water used through that service, regardless of its use, will be charged at the regular rates.

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

1. Time Limit. Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted, in writing, by the city.

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

3. Installation Charge. The applicant for temporary service will be required to pay the city, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service.

4. Responsibility for Meters and Installation. The customer shall use all possible care to prevent damage or theft to the meter or to any other loaned facilities of the city. If the meter or other facilities are damaged or stolen, the cost of replacement or making repairs shall be invoiced to the applicant/customer. If the loaned materials are returned in satisfactory condition and all bills paid, the service will be terminated and account closed.

L. Customer's Plumbing.

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

2. Control Valves. Customers shall install a suitable control valve in the customer service line as close to the meter as possible. The operation of which will control the entire water supply to the premises served.

M. It is a violation of these rules and regulations for the customer to operate or cause unauthorized operation of the curb stop, meter stop or any other appurtenances on the city-owned service connection. (Ord. 5-2005 §§ 1, 2 (part))

13.04.080 Meters.

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

B. Installation. Installation of water meters shall be performed only by employees of the city or their authorized agents. All meters are sealed at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.

C. The Size and Type of Meter. Applicant may request and receive any size meter regularly stocked or furnished by the city, provided the request is reasonable and further provided that the meter is not greatly oversized or undersized, as determined by the superintendent. The city shall install water meters within the system by city employees or their authorized agents.

D. Location of Meters. Meters shall normally be placed at the boundary of the right-of-way and property lines; the meter will be installed wherever the applicant desires within reason, but the location must be approved by the city. The meters will not be located in driveways or other locations where damage to the meter, meter box or its related parts may occur.

E. Joint Use Meters. The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, with the city.

F. Changes in Size or Location. If, for any reason, a change in size of a meter and service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be amended upon payment of any additional service connection charges and any additional system development charges. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense. (Ord. 5-2005 §§ 1, 2 (part))

13.04.090 Water rates.

The water rates to be charged for each class of service, including minimum charges, charges for water used over the specified minimum, and service connection charges, shall be established by the council by resolution and published in a separate schedule which shall become by this reference a part of this chapter and may be revised as the council sees fit without invalidating the remainder of this chapter. System development charges shall be set by city council by ordinance. (Ord. 5-2005 §§ 1, 2 (part))

13.04.100 Notices.

A. Notices to Customers. Notices from the city to the customer will normally be given, in writing and either mailed or delivered, to the last known address of the customer. Where conditions warrant and in emergencies, the city may notify either by telephone or messenger.

B. Notices from Customers. Notices from the customer to the city may be given by the customer or his or her authorized representative, orally or in writing, at the city hall. (Ord. 5-2005 §§ 1, 2 (part))

13.04.110 Billing and payment.

A. Meter Readings.

1. Meters will be read and customers billed on the basis of the meter reading to the nearest one thousand (1,000) gallons; that is, no charge will be made for amounts from one to four hundred ninety-nine (499) gallons, and the charge for amounts from five hundred (500) gallons to nine hundred ninety-nine (999) gallons will be for one thousand (1,000) gallons.

2. The city will keep an accurate account on its books of all readings of meters and such account, so kept, shall be offered at all times, places, and courts as prima facie evidence of the use of water service by the customer.

B. Rendering of Bills.

1. Billing Period. Meters shall be read and bills rendered therefore monthly.

2. Bills for Other Than Normal Billing Period. Opening or closing bills, or bills that for any other reason cover a period containing ten (10) percent more days or ten (10) percent less days than in the normal billing period, shall be prorated.

3. Bills for More Than One Meter. All meters supplying a customer's premises shall be billed separately, except that where the city has, for operating purposes, installed two or more meters in place of one, the readings may be combined under a single minimum charge for billing.

C. Disputed Bills. When a customer disputes the correctness of a bill, the customer shall pay the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid in a similar manner. Failure of the customer to make such deposit shall warrant discontinuance of service, as provided under subsection F of this section of these rules and regulations.

D. Failure to Read Meters. In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water bill shall reflect only the minimum

service charge. Subsequent billings will only be for the actual consumption above the monthly minimums during the period the meter was not read.

E. Payment of Bills. Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by that date, the account shall be considered delinquent unless other arrangements have been made with the city, in writing, that specify another due date.

F. Delinquent Accounts.

1. Delinquent Notice. A reminder of account delinquency shall be sent with the billing notice to each delinquent account sixty (60) days after the account becomes delinquent. This date is determined by a sixty (60) day account aging report performed in each billing cycle. The sixty (60) day aging begins at the billing date.

2. Turnoff Notice. A ninety (90) day aging report shall be performed on the first business day after the due date of each billing cycle. The ninety (90) day aging begins at the billing date. Accounts on this ninety (90) day aging report shall be notified, in writing, via door hanger of suspension of service three days from the date of door hanger delivery. The notice shall state that water will be turned off if the delinquent account is not paid prior to a stated date not less than three business days following the delivery of the notice and shall state that the customer has an opportunity to be heard, prior to the discontinuance, by a city official or employee empowered to resolve any valid objections to the billing.

3. Service Turnoff. On the turnoff date, the meter reader or other agent of the city shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts have been paid. The meter reader or other agent of the city shall immediately thereafter turn off the service. A delivery to any person residing at the address served by the meter shall be considered a delivery to the customer. If there is no person present at the address served, then the notice may be left on the premises stating that water service has been terminated.

4. Service Charges.

a. In all instances where water has been turned off because of delinquent accounts, a twenty-dollar (\$20.00) service charge shall be made for the termination of and the restoration of service totaling forty dollars (\$40.00).

b. When the water service to unoccupied structure is turned off and locked by request of the person in control of the property (owner or property manager), a twenty-dollar (\$20.00) charge will be assessed.

c. When the water service to a structure is restored and unlocked by request of the person in control of the property (owner or property manager), a twenty-dollar

(\$20.00) charge will be assessed. A person with access to the inside of the structure must be present for service to be restored.

5. Installation Payments of Delinquent Accounts. In cases of extreme hardship, the city shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount. (Ord. 5-2005 §§ 1, 2 (part))

13.04.120 Meter error.

A. Meter Accuracy. All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of five percent under conditions of normal operation.

B. Meter Test.

1. Field Testing. A city water department official shall perform several field assessments to determine whether a meter is accurately registering water flow. Testing methods shall include: (a) turning the water off inside the house and to all other uses (i.e., irrigation system), a check for flow by the detector which will indicate whether there is water moving in the system indicating a leak; (b) doing a field flow test from a hose bib with all other fixtures off; (c) twenty-four (24) or forty-eight (48) hour field monitoring of meter readings under normal use; and (d) whatever other field investigation deemed appropriate by the superintendent.

2. Should the evidence indicate there is probable cause for additional flow testing, the meter shall be replaced or field flow tested in accordance with standards established by the American Water Works Association.

3. Standard Test. Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association. The city may do this in-house or have an independent contractor perform these tests.

4. On Customer Request. A customer may, giving not less than seven days' notice, request the city to test the meter serving his or her premises. The city will require the customer to pay the testing fee. This fee shall be twenty five dollars (\$25.00), for meters one inch and smaller and for meters larger than one inch, it shall be an estimate of the cost of testing the meter as determined by the superintendent. The charge will be returned to the customer if the test reveals the meter to overregister more than five percent under conditions of normal operation. If the meter is operating satisfactorily or if the meter underregisters more than five percent under the standard test conditions, the charge shall be forfeited to the city. Customers may, at their option, witness any meter tests which they request.

5. On City Request. If, upon comparison of past water usage, it appears that a meter is not registering properly, the city may, at its option, test the meter and adjust the charges accordingly if the meter either overregisters or underregisters. No charge for meter testing will be made to the customer for the meter test under these conditions.

C. Adjustment of Bills for Meter Error.

1. Fast Meters. When, upon test, a meter is found to be registering more than five percent faster under normal operating conditions, the city will refund to the customer the full amount of the overcharge, based on corrected meter readings, not exceeding two regular billing period that the meter was in use.

2. Slow Meters. When, upon test, a meter is found to be registering more than five percent slower, the city may bill the customer for the amount of the undercharge, based upon corrected meter readings, not exceeding two regular billing periods that the meter was in use.

3. Nonregistering Meters. The city will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the previous year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions, or both. (Ord. 5-2005 §§ 1, 2 (part))

13.04.130 Discontinuance of service.

A. On Customer Request.

1. Each customer about to vacate any premises supplied with water service by the city shall give the city written notice of their intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, the requesting party will be responsible for all water supplied to such premises until the city shall receive notice of such removal.

2. At the time, specified by the customer, the customer expects to vacate the premises where service is supplied or the customer desires service to be discontinued, the meter will be read and a bill rendered which is payable in the following billing cycle. There will also be a twenty-dollar (\$20.00) service charge applied to the person in control of the property (owner or property manager being billed) requesting service be terminated.

B. Nonpayment of Bills. A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in subsection F of Section 13.04.110 of this chapter of these rules and regulations.

C. Improper Customer Facilities.

1. Unsafe Facilities. The city may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances, or equipment using water are dangerous, unsafe, or not in conformity with the Uniform Plumbing Code of the state of Oregon.

2. Cross connections shall meet the provisions of Boardman Municipal Code Chapter 13.16 and the provisions of the state of Oregon Drinking Water Program administered by the department of human services.

D. Water Waste. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the city may discontinue service if such conditions are not corrected after due notice by the city.

E. Service Detrimental to Others. The city may refuse to furnish water and may discontinue service to any premises where excessive demand by one customer will result in inadequate service to others.

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

G. Unauthorized Turnon. Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the meter or removing the meter shall be computed at actual cost including administration costs, but not less than twenty dollars (\$20.00). These charges shall be billed to the offending customer and water shall not be furnished to the premises until such charges are paid and the city has reasonable assurances that the violation will not reoccur. Violations of this provision shall be prosecuted in accordance with applicable laws.

H. Noncompliance with Regulations. The city may, upon five days' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of these regulations. (Ord. 5-2005 §§ 1, 2 (part))

13.04.140 Restoration of service.

Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges plus twenty-dollar (\$20.00) service charge for restoration of service.

Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse, or for noncompliance with any of the policies, rules, or regulations

will only be made after the irregularity has been corrected and the city has been assured that the irregularity will not reoccur. The restoration charge shall be twenty dollars (\$20.00) plus any other charges due or past due that the city may have incurred to correct the irregularity. (Ord. 5-2005 §§ 1, 2 (part))

13.04.150 Unusual demands.

A. When an abnormally large quantity of water is desired for filling a swimming pool, tank, or for other purposes, arrangements must be made with the superintendent prior to taking such water.

B. Permission to take water in unusual quantities will be given only if the city facilities and other consumers are not inconvenienced. (Ord. 5-2005 §§ 1, 2 (part))

13.04.160 Access to property.

The duly appointed employees of the city, under the direction of the superintendent, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purpose of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The city does not, however, assume the duty of inspecting the customer's line, plumbing, and equipment, and shall not be responsible for this plumbing unless changes requiring a plumbing permit are made, in which case, the city building department shall be responsible for inspection of those changes covered in the permit. (Ord. 5-2005 §§ 1, 2 (part))

13.04.170 Responsibility for equipment.

A. Responsibility for Customer Equipment.

1. The city shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing, or equipment, nor shall the city be liable for loss or damage due to interruption of service or temporary changes in pressure.

2. The customer shall be responsible for valves on his or her premises being turned off when the water service is turned on.

B. Responsibility for City Equipment. City equipment on the customer's premises remains the property of the city and may be repaired, replaced, or removed by the city employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace, or remove city equipment on their premises. The property owner must exercise reasonable care to prevent damage to equipment and must in no way interfere with its operation. The property owner must

keep menacing dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.

C. **Damage to City Equipment.** The customer shall be liable for any damage to equipment owned by the city which is caused by an act of the customer, his or her tenants, agents, employees, contractors, licensees, or permittees. Damage to equipment shall include, but not be limited to, breaking of seals and locks, tampering with meters, injury to meters, including, but not limited to, damage by hot water or steam, and damaged meter boxes, curb stops, meter stops, and other service appurtenances. (Ord. 5-2005 §§ 1, 2 (part))

13.04.180 Fire hydrants.

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

B. **Moving a Fire Hydrant.** When a fire hydrant has been installed in the location specified by the proper authority, the city has fulfilled its obligation. If a property owner or other party desires to change the size, type, or location of the hydrant, he or she shall bear all costs of such changes. Any change in the location of a fire hydrant must be approved by the city. (Ord. 5-2005 §§ 1, 2 (part))

13.04.190 Penalties.

Any person violating any of the provisions of these rules and regulations shall be prosecuted according to applicable laws. (Ord. 5-2005 §§ 1, 2 (part))

13.04.200 Amendments.

A. **City Council.** The city council shall have the power to establish water rates and charges and amend these policies, rules, and regulations as may be necessary for the efficient operation of the water system.

B. **Suspension of Rules.** No employee of the city is authorized to suspend or alter any of the policies, rules, and regulations cited in this chapter without specific approval or direction of the city council as stated in subsection A of this section, except in cases of

emergency involving loss of life or property or which would place the water system operation in jeopardy. (Ord. 5-2005 §§ 1, 2 (part))

Chapter 13.08

SEWER SERVICE SYSTEM

Sections:

- 13.08.010 Definitions of general terms.
- 13.08.020 Service area.
- 13.08.030 Use of public sewers required.
- 13.08.040 Description of service.
- 13.08.050 System extensions.
- 13.08.060 Private sewage disposal.
- 13.08.070 Building sewers and connections.
- 13.08.080 Use of the public sewers.
- 13.08.090 Protection from damages.
- 13.08.100 Connection charges.
- 13.08.110 Sewer use rates.
- 13.08.120 Powers and authority inspectors.
- 13.08.130 Penalties.

13.08.010 Definitions of general terms.

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

ASTM Specifications. All references to the form “ASTM specifications” means the standard specifications or methods of the American Society for Testing Materials of the serial designation indicated by the number and, unless otherwise stated, refer to the latest adopted revision of such specification or method.

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

“Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the

walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

“Building sewer” means the extension from the building drain to the property line or right-of-way line and connection with the public sewer service connection.

“City” means the legally constituted municipal governments of the city of Boardman, Oregon.

“Connection charge” means the fee levied by the city of Boardman to cover the cost of inspection and construction of the public sewer lateral to the property which is to be serviced, and for a portion of the construction cost of the lateral sewers, and other administrative costs.

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

“Industrial wastes” means the liquid wastes from any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under the following divisions:

1. Division A -- Agriculture, forestry, and fishing;
2. Division B -- Mining;
3. Division D -- Manufacturing;
4. Division E -- Transportation, communications, electric, gas and sanitary services;
5. Division I -- Services;

The user in the divisions listed may be excluded if it is determined that it will introduce primary segregated domestic waste or wastes from sanitary conveniences.

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

“Person” means any individual, firm, company, association, society, corporation, or group.

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

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

“Public sewer” means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority and the public sewer lies within the limits of the public authority.

“Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and groundwater is not intentionally admitted.

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

“Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

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

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

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

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

“Superintendent” means the person or his or her authorized deputy, agent, or representative appointed by the city council to manage the affairs of the sewage works.

“Suspended solids” means solids that either float upon the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by the laboratory filtering.

“Watercourse” means a channel in which a flow of waste occurs, either continuously or intermittently. (Prior code § 3-3.1)

13.08.020 Service area.

A. The area serviced by the sewer system shall be that area included within the corporate limits of the city, as presently defined and on file with the office of the Secretary of State for the state of Oregon. The service area will be serviced as the council deems practicable under the circumstances then and there existing.

B. The service area may be expanded to include such other contiguous or neighboring area outside the city limits as the city council shall so determine. (Prior code § 3-3.2)

13.08.030 Use of public sewers required.

A. Waste Dumping Prohibited. 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, or in any area under the jurisdiction of the city, any human excrement, garbage, or other objectionable waste.

B. Waste Discharge Prohibited. It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any unsanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

C. Private Disposal Limited. Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage within the corporate limits of the city, or in any area under the jurisdiction of the city.

D. Connection to Public Sewers Required. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is required at his or her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with the provisions of this chapter, within ninety (90) days. (Prior code § 3-3.3)

13.08.040 Description of service.

A. Collection.

1. The city will exercise reasonable care in the installation and maintenance of collection mains, laterals, trunk sewers, pump stations and appurtenances to provide a continuous and adequate collection system.

2. The city shall not be liable for damages resulting from interruptions in service or for malfunctions of equipment beyond the city's control.

B. Treatment. The city will exercise reasonable care to provide a treatment plant of such size, capacity, and method of treatment as required to provide the degree of treatment required by state of Oregon or other authority as may be applicable.

C. Ownership of System. Upon acceptance by the city, sewer mains, laterals and connections shall be turned over to the city free and clear of any and all expenses. The city shall maintain the sewer mains. All laterals to the main shall be the maintenance responsibility of the property served. Connections of the laterals to the sewer mains shall be the responsibility of the city. The city may refuse connection to any main by laterals

which have not been physically inspected for complete and satisfactory installation, unless the city has provided written authorization for such connection. Such inspection shall be borne by the property owner placing the sewer collection laterals; however, should the owner of individual property which was not documented as inspected at the time of installation require immediate service, such service may be extended following posting of bond, sufficient to defray any costs of repairing subsequent leakage's or stoppages, when the provisions of Section 13.08.070(N), contractor's bond, has not been complied with.

D. Class of Service.

E. Special Contracts. (Ord. 168 § 1, 1995; prior code § 3-3.4)

13.08.050 System extensions.

System extensions to areas within the city limits not included in the area initially served by the system may be installed by one or more of the following procedures:

A. General. Extensions of the sewer system inside the city limits not included in the area initially served shall be made by the city under the provisions of the city charter and subsection B of this section or by private parties in accordance with subsection C of this section. In either case, the cost of such extensions shall be borne by the property benefited.

B. Extension by the City. Sewer system extensions and improvements made by the city shall be installed under the procedure established by the city charter for public improvements. Each property benefited by such extension or improvement shall be assessed its proportionate share of the cost of the extension or improvement.

C. Extension by Private Parties.

1. The city council of the city within its judgment may provide that area or areas within the city not now served by the sewerage system desiring to be served by sewer facilities may allow the owners of such area or areas to construct the sewer facilities on such properties, all in accordance with plans and specifications as approved by the engineer of the city and in accordance with plans and specifications approved by the state sanitary authority and installed in a manner satisfactory to and approved by a person authorized to inspect the sewer installations by the city; and, if the sewer installation is done by private persons other than the city, and all of the cost and expenses of installing such sewer and making the connections to the improvements located on the respective parcels of land or parts of land served by such sewer, then in that event, each residence and each unit of multiple residences connecting to the sewer shall forthwith pay when

they are actually connected to the municipal sewer system of the city a sewer connection charge as provided for in this chapter.

2. In all those areas where sewer expansion is done by private persons under supervision of the city as hereinabove provided for in this section, the city and the persons doing the work shall agree as to the time within which the sewer extension work shall be done and, upon completion of such work and acceptance thereof by the city, the sewer mains, laterals, and connections shall be turned over to the city free and clear of any and all expenses for the construction and installation thereof. The person, persons, or company doing the work before turning over the sewers, mains, and laterals to the city shall prepare a map or plat showing all of the property served by such facilities and the lots, parts of lots, or parcels of ground actually hooked up to the sewers. Each of the owners of the lots, parts of lots, or parcels of land shall, when connecting to the sewer, pay to the city a connection charge for the type of property served as provided for in this chapter.

3. The person, persons, or company doing the work shall also specify on the map turned over to the city those lots, parts of lots, or parcels of ground to which service connections have been run from the sewers, laterals, or mains to the property lines.

D. Location of Extensions. The city will make system extension or approve extension by private parties only on rights-of-way, easements, or publicly owned property. Easements or permits secured for system extensions shall be obtained in the name of the city or transferred to the city along with all rights and title to the system at the time service is provided to the party or parties paying for such extensions. (Prior code § 3-3.5)

13.08.060 Private sewage disposal.

A. When a public sanitary or combined sewer is not available under the provisions of Section 13.08.030, the building sewer shall be connected to a private sewage disposal system complying with the requirements of all applicable state laws and regulations, including the plumbing code of the state of Oregon.

B. When a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 13.08.030, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material, except as provided below or as the council otherwise permits. When existing buildings are too low to be served by gravity by an available sewer, the existing septic tank facilities shall be maintained in use and, when so ordered by the city under Section 13.08.030, approved pumping facilities shall be installed to pump the septic tank effluent into the available sanitary sewer system.

C. The provisions of this chapter are in addition to and not in derogation of the requirements of general law. (Prior code § 3-3.6)

13.08.070 Building sewers and connections.

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

B. Classes of Permits. There shall be two classes of building sewer permits: (1) For residential and commercial service, and (2) For service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent to the superintendent's judgment. A permit and inspection fee [that is] negotiable shall be paid to the city recorder at the time the application is filed. No permit shall be issued until the connection charge specified in Section 13.08.100 has been paid.

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

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

E. Pipe Materials. The building sewer shall be of cast-iron soil pipe conforming to Federal Specification WW-P-401, Class B, with leaded or rubber gasketed joints, asbestos cement pipe with rubber ring joints conforming to Federal Specification SS-P-331a, or clay pipe conforming to ASTM C-200, C-278, or C-463 and Clay Pipe Institute West Coast Standards. Clay pipe joints shall be factory-made compression type conforming to ASTM C-425 and concrete pipe with rubber gasket and shall conform to ASTM C-14, extra strength.

F. Connections. Building sewer connections shall be made on the house side of the septic tank to the existing cast-iron soil pipe, or approved existing asbestos cement or clay pipe. When connecting cast-iron soil pipe to asbestos cement or clay pipe, a special approved adaptor shall be used. Connection of the building sewer to the city sewer at the property line shall be with an approved adaptor.

G. Size and Slope. The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall not be less than one-quarter inch per foot, unless otherwise approved by the superintendent and in no case will grades flatter than one-eighth inch per foot be approved.

H. Basements. Building sewers serving buildings with basements shall, whenever possible, be brought to the building at an elevation below the basement floor.

I. Grade and Alignment. The building sewer shall be laid at uniform grade and in straight alignment insofar as is possible. Changes in direction shall be made only with curved pipe no greater than forty-five (45) degree bends. No ninety (90) degree elbows shall be used. All pipe shall be laid on a firm earth bedding containing no material larger than one inch. If the trench bottom contains mud and water or the base is otherwise unsatisfactory, the pipe shall be laid on a minimum four-inch granular base of three-quarter inch minus rock, pea gravel, sand, or a combination thereof.

J. Pumping Required. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

K. Excavations. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. No backfilling of the trench shall be done until receipt of written approval from the city. Minimum cover shall be one foot, six inches above the top of the pipe.

L. Joints. All joints and connections shall be made gastight and watertight.

M. Inspection Required. The applicant for a building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. After final approval and testing of the building sewer by the superintendent, the owner shall make the final connection to the building drain as defined in Section 13.08.010, unless otherwise authorized by the superintendent. A thirty (30) minute internal hydrostatic test will be required on all building sewers before connection is made to the building drain. All water, plugs, and other facilities for making the test shall be furnished by the applicant. Minimum head over the top of the pipe shall be two feet and maximum allowable leakage shall be four gallons per hour per one hundred (100) feet.

N. Contractor's Bond. No plumbing contractors shall be allowed to make connections of building sewers to the sewage works of the city on behalf of any owners of property therein without first posting with the city a bond in the sum of one thousand dollars (\$1,000.00), indemnifying the city and the inhabitants thereof against any loss or

damage which the city or the inhabitants thereof might suffer by reason of the actions of such contractors in making such connections. (Prior code § 3-3.7)

13.08.080 Use of the public sewers.

A. Stormwater Prohibited.

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

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

B. Other Substances Prohibited. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

1. Any liquid or vapor having a temperature higher than one hundred forty (140) degrees Fahrenheit;

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

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

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

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

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

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

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

D. Maximum BOD. The admission into the public sewers of any waters or wastes having: (1) A five-day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (2) Containing any quantity of substances having the characteristics described in Section 13.08.010 for "industrial wastes," or (3) Containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (4) Having an average daily flow greater than two percent of the average daily sewage flow of the city shall be subject to the review and approval of the superintendent. Where necessary in the opinion of the superintendent, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary. Plans, specifications, and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and of the Oregon state sanitary authority, and no construction of such facilities shall be commenced until such approvals are obtained in writing.

E. Control Manholes. When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible at all times.

F. Operation of Preliminary Treatment Facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his or her expense.

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

H. Special Treatment Agreements. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment subject to payment therefor by the industrial concern. (Prior code § 3-3.8)

13.08.090 Protection from damages.

No person, or persons, shall unlawfully, maliciously, wilfully, or, as the result of gross negligence or his or her or their part, break, damage, destroy, uncover, deface, or tamper with any structure, facility, appurtenance, or equipment which is a part of the sanitary sewer system of the city. This section does not apply, however, to any employee of the city during the time he or she is engaged in his or her official employment, nor to any person or persons authorized to work in any manner thereon. (Prior code § 3-3.9)

13.08.100 Connection charges.

A. General. All houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes which are required to connect to the public sewer under the provisions of this chapter shall pay a connection charge for each separate service connection provided to the property except as noted below. When one service connection serves two or more persons, each person shall pay a connection charge.

B. Initial System Connection Charges:

1. Connections Inside Initial Service Area. Those persons desiring or requiring to connect to the initial system to serve property located in the four subdivisions above or desiring to alter the size or location of the connection originally provided by the city shall, when applying for a sewer connection, agree to pay the actual cost of providing the connection or three hundred fifty dollars (\$350.00), whichever is greater. The actual cost of the connection shall include the construction cost plus a fifteen (15) percent administrative charge.

2. Connections Outside Initial Service Area.

a. Those persons desiring or required to connect to the initial system to serve property not located in the four subdivisions above shall, when applying for a connection, agree to pay a connection charge. The city in each such case shall establish the connection charge to be made.

b. The city shall also establish the connection charge to apply in the case of alterations of the location or size of such service connection installed under the provisions

of this section. In no case will the connection charge for such alteration be less than the actual cost, as defined above, of such alteration.

C. Connection to Extensions of the System.

1. Those persons desiring or required to connect to extensions of the existing system constructed by the city under the provisions of Section 13.08.050(A) shall pay a connection charge to be established by the city. The amount of such connection charge will be established prior to construction of the extensions and all affected property owners will receive notice as provided by law.

2. In the case of system extensions made and paid for by private parties, a connection charge of three hundred fifty dollars (\$350.00) will be made for each connection.

3. Connection charges made under the provisions of this section apply only to connections made to services installed at the time of construction of the system extension. Subsequent services, or alterations, will be made as provided in subsection (B)(1) of this section and the connection charge will be the actual cost of such service or three hundred fifty dollars (\$350.00), whichever is greater. (Prior code § 3-3.10)

13.08.110 Sewer use rates.

The sewer use rates to be charged for each class of service, including minimum charges, shall be established by the council by resolution, in a separate schedule which shall become by this reference a part of this chapter and may be revised as the council sees fit. (Prior code § 3-3.11)

13.08.120 Powers and authority inspectors.

The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter at such times and during such hours that the council shall approve. (Prior code § 3-3.13)

13.08.130 Penalties.

Violation of Section 13.08.090. Any person or persons violating any of the provisions of Section 13.08.090 of this chapter shall be guilty of disorderly conduct and, upon conviction thereof, shall be punished by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment for not more than one hundred (100) days, or both. (Prior code § 3-3.14)

Chapter 13.12

UNDERGROUND WIRING CONTROL DISTRICT

Sections:

- 13.12.010 Findings.
- 13.12.020 Boundaries.
- 13.12.030 Overhead wires prohibited.
- 13.12.040 Subdivision utilities.
- 13.12.050 Application for permit.
- 13.12.060 Designation of space by council.
- 13.12.070 Filing plans and specifications.
- 13.12.080 Permits.
- 13.12.090 Repair of streets.
- 13.12.100 Excavation and restoration of streets.
- 13.12.110 Use of sidewalk space and building fronts.
- 13.12.120 Location maps.
- 13.12.130 Exemptions.
- 13.12.140 Variances.
- 13.12.150 Joint use of conduits permitted.
- 13.12.160 Control of electrical currents.
- 13.12.170 Traffic signal installations.
- 13.12.180 Violation.

13.12.010 Findings.

The council finds that a program for the establishment of an underground wiring control district is highly desirable to beautify the city and to promote its orderly development; that the underground wiring shall be required for installation of underground utility facilities in the city, except as hereinafter provided; that such a program is in the public interest and will allow property owners who must provide on-premises facilities to make such plans as are necessary to take the underground service; that such a program is in conformity with ORS Chapter 221, which provides that the city may prescribe by ordinance the character of service to be furnished by any public utility and the conditions upon which such utility may be permitted to occupy the streets and public property

within the city; that such an underground wiring program is necessary in such area in order to protect and promote the public health, safety and welfare. (Prior code § 3-2.1)

13.12.020 Boundaries.

The underground wiring control district shall mean and include the entire city of Boardman. (Prior code § 3-2.2)

13.12.030 Overhead wires prohibited.

It is unlawful for any person to erect, construct or maintain on or over the surface of any of the streets in the underground wiring control district any wires, poles, cables, appliances, or apparatus of any kind, on, through, or by means of which electric current is transmitted or used for operating any telephone, telegraph, television, television cable, messenger, or electric light or power system or for any other purpose, excepting as hereinafter provided specifically and by variance procedures. (Prior code § 3-2.3)

13.12.040 Subdivision utilities.

A. Wire utilities to subdivisions and lots which, in addition to being underground as above provided for, shall be in common trenches and at the rear of lots where practicable, and where easements are provided by the subdivider or property owner of not less than ten (10) feet in width for installation and maintenance. That the property owner and possessor of the property shall be obligated to maintain the easement and shall be prohibited from placing permanent improvements and improvements that would interfere with the access to the utilities for service and maintenance.

B. It is the duty of the city building inspector to enforce the building restrictions on the utility easement right of way. Should the enforcement of the building restrictions on the right of way be impractical, such substitution shall be sufficient for the utility to obtain variance upon application. (Prior code § 3-2.3A)

13.12.050 Application for permit.

Any person owning a franchise or privilege to erect, construct, or maintain wires, cables, poles, appliances or apparatus on, over, or by means of which electric current is transmitted or used for any purpose on, over, and along any of the streets, public property, or parts thereof in the underground wiring control district, shall file with the clerk of the city a written application for a permit to install and maintain such wires, cables, appliances, and apparatus in conduits, subways or trenches beneath the surface of the streets and public property, or such parts thereof as may be required, together with an agreement to promptly repave and repair any of the streets, public property, or portions thereof that

may be disturbed or undermined by such applicant, either upon original construction or installation of wires underground or upon repairing, altering, or maintaining the same thereafter. (Prior code § 3-2.4)

13.12.060 Designation of space by council.

Upon the filing of such application, the council will designate that portion, or those portions, of space in such streets, public property, or parts thereof in the underground wiring control district that such applicant shall use. No person shall have any right or privilege to use any part or parts of such streets or public property in the district except as designated by the council. (Prior code § 3-2.5)

13.12.070 Filing plans and specifications.

Within a reasonable time after space in such streets or public property has been designated, such applicant shall file with the clerk for approval by the council, plans and specifications for a system of underground conduits, subways or trenches for wires, cables, and appliances, including the necessary manholes, service boxes and transformer enclosures, and in addition thereto shall file a map showing the general route and location of such conduits, subways or trenches. (Prior code § 3-2.6)

13.12.080 Permits.

If the plans, specifications, and map of the general route of underground utility installations are satisfactory, the council will approve the same and thereupon issue to such applicant a permit to enter upon the streets, public property, or parts thereof, in the district to make such excavation therein as may be necessary for the construction of conduits, subways or trenches, the laying of wires, cables and appliances therein, and for building manholes or service boxes underground within the space theretofore designated for the applicant. (Prior code § 3-2.7)

13.12.090 Repair of streets.

Upon the installation and completion of such underground system of wires, cables and appliances, the person installing the same shall put the surface of the parts of such streets or public property which were disturbed in as good order and condition as the same were prior thereto. (Prior code § 3-2.8)

13.12.100 Excavation and restoration of streets.

A. It is unlawful to make any excavation in any of the streets in the district for the purposes mentioned herein without such permit from the council. However, in case of

an emergency, when service to subscribers or customers is interrupted by accident and immediate repairs are necessary, such repairs may be begun without such permit after notice to the department of public works.

B. All excavations for the purpose of placing wires or cables under such streets and public property, or for the purpose of making repairs, additions and changes thereto, and all work upon pavements and the foundations thereof where excavations are made shall be under the supervision of the department of public works and only after notice to such department. (Prior code § 3-2.9)

13.12.110 Use of sidewalk space and building fronts.

Any person owning or operating underground wires, cables, conduits, or subways in compliance with this chapter may connect the same at the side lines of the street, and to that end may use such space under the streets and sidewalks as may be necessary or convenient, and may also have access to all area-ways under sidewalks, and may place and maintain such wires, cables, and appliances in proper conduits in and through such area-ways or spaces. If wires or cables are run up the sides or in front of any building, such wires or cables shall be placed in proper tubes so as to prevent danger to life or property. No wire, cable, or the supports therefor shall cross any window or opening in any building. (Prior code § 3-2.10)

13.12.120 Location maps.

Every person to whom a permit has been granted pursuant to this chapter shall, upon completion of the installation of underground wires, cables, and appliances, file with the clerk of the city a map showing the location of the conduits, subways, trenches, wires, cables, manholes, and service boxes under such streets, public property or parts thereof in the underground wiring control district. The clerk shall thereupon record such maps in a book kept for such purpose and shall enter in appropriate indexes the name of the owner of such conduits or subways with a reference to the volume and page where such map is recorded. (Prior code § 3-2.11)

13.12.130 Exemptions.

The provisions of this chapter with respect to underground utility construction or installation shall not apply to the following:

A. Wires, poles and appliances for lighting the streets of the city under contract with the city, or under private contracts, connected with wires or cables in such conduits, subways, or trenches, but all such wires for street lighting above the surface of the streets

shall be placed inside or on the outside of poles used in connection with such street lighting and shall be connected underground from the foot or base of such respective poles directly with the nearest wires or cables placed in such conduits, subways or trenches. Such wires for street lighting if put on the outside of such poles shall be placed in proper tubes so as not to be dangerous to life or property, excepting, however, wires above the ground connecting such poles and the wires thereof with the electric lamp, or lamps, used on such pole.

B. Wires, cables and appliances for electric signs, advertisements, and decorative lighting, connected with wires or cables in such conduits, subways or trenches; but all such wires for electric signs, advertisements, and decorative lighting shall be carried from or connected with the building. If such wires are placed on the sides or front of any such building, they shall be placed in proper tubes so as not to be dangerous to life or property, and such wires shall be connected underground from the foundations or base-ment of such respective buildings directly with the nearest wires or cables placed in such conduits, subways or trenches. No such wire for electric signs, advertisements, or decorative lighting shall cross any street above ground.

C. Enclosed electric transformers and pedestals used in connection with under-ground wiring and mounted on the surface of the streets and public property.

D. Those installations of utilities presently completed providing for overhead wiring shall not be subject to the provisions of this chapter. However, this chapter does not preclude such from being subject to future ordinances.

E. Feeder Lines. That line that serves the system but not a specific customer. Feeder lines to be placed underground by council order shall be put underground at the expense of the city by crediting franchise fees in the amount of the actual cost differential between overhead and underground installation. (Prior code § 3-2.12)

13.12.140 Variances.

A. Variances with the provisions of this chapter may be allowed upon written ap-plication for the same being first made to the city planning commission. Within ten (10) days thereof the city planning commission shall then make a recommendation to the city council concerning the requested variances. It shall then be the duty of the city council to grant or deny a request for variance on or before the next regular council meeting.

B. Variances shall be allowed upon a finding by the city council that:

1. The topography is such, due to terrain, rock, etc., as to make compliance physically impractical;
2. It is economically not feasible;

3. The size, shape or design of the plat or subdivision does not lend itself to underground or rear lot placement; or

4. The utility lines are of such voltage, size or capacity that common trenching, underground or back lot installation is not feasible. (Prior code § 3-2.12A)

13.12.150 Joint use of conduits permitted.

Nothing in this chapter shall be construed to prevent or impair any agreement between or among any persons affected by this chapter designed to provide for joint ownership, control, or use of conduits, subways or trenches. (Prior code § 3-2.13)

13.12.160 Control of electrical currents.

It is the duty of all persons using or employing electrical currents to provide and put in use such means and appliances as will, as far as practicable, control and effectually contain such currents in their proper channels and on their own wires, cables and other structures so as to prevent injury to pipes and other structures belonging to the city or to any other person; to repair and renew such means and appliances; and from time to time to change and improve the same as may be necessary to accomplish such purpose, all at his or her charge and expense, and at his or her own risk, selecting and adopting such means and appliances as shall prevent injury to the pipes and other structures belonging to the city as aforesaid, or to any other person. (Prior code § 3-2.14)

13.12.170 Traffic signal installations.

The provisions of this chapter relating to underground wiring shall not be applicable to traffic signal installations made and maintained by the city. When deemed appropriate by the city engineer, agreements may be made with private property owners permitting attachment of such traffic signal installations to privately owned buildings, and the council may direct entry into or to approve agreements relating thereto, such agreements having first been approved as to form by the city attorney. (Prior code § 3-2.15)

13.12.180 Violation.

Violation of this chapter shall constitute the creation of a nuisance and the procedure for abating the same and the penalties shall be as provided in Sections 8.04.200 through 8.04.220 of this code. (Prior code § 3-2.16)

Chapter 13.16

CROSS CONNECTION CONTROL PROGRAM

Sections:

- 13.16.010 Definitions.
- 13.16.020 Purpose.
- 13.16.030 Application and responsibilities.
- 13.16.040 Cross connections regulated.
- 13.16.050 Backflow prevention assembly requirements.
- 13.16.060 Retrofitting.
- 13.16.070 Landscape irrigation systems.
- 13.16.080 Thermal expansion.
- 13.16.090 Wholesale customers.
- 13.16.100 Mobile units.
- 13.16.110 Installation requirements.
- 13.16.120 Pressure loss.
- 13.16.130 Fire systems.
- 13.16.140 Plumbing code.
- 13.16.150 Access to premises.
- 13.16.160 Annual testing and repairs.
- 13.16.170 Responsibilities of backflow prevention assembly testers.
- 13.16.180 Cost of compliance.
- 13.16.190 Termination of service.

13.16.010 Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires different meaning. If a word or term used in the chapter is not contained in the following list, its definition, or other technical terms used, shall have the meaning or definitions listed in the most recent edition of the Manual of Cross Connection Control published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California (“USC”).

“Approved backflow prevention assembly” or “backflow assembly” or “assembly” means an assembly to counteract back-pressure and/or prevent back-siphonage. This assembly must appear on the list of approved assemblies issued by the Oregon Health Division.

“Approved potable water supply” means any system of water supply intended or used for human consumption or other domestic use as approved by the city and regulated by the Oregon Health Division as a public water supply.

“Auxiliary supply” means any water source or system other than the city of Boardman water system.

“Backflow” means the flow in the direction opposite to the normal flow or introduction of any foreign liquids, gases or substances into the water system of the city of Boardman.

“Certified backflow assembly tester” means a person who has successfully completed and maintains all requirements as established by the Oregon Health Division to be a tester in the state of Oregon.

“Certified cross connection control inspector” means a person who has successfully completed and maintains all requirements as established by the Oregon Health Division to be an inspector in the state of Oregon.

“City” means the city of Boardman.

“City water system” refers to and means the city of Boardman water system, which shall include, wells, treatment mechanisms or processes pumping stations, reservoirs, supply trunk or feeder lines, service lines, meters and all other appurtenances, device lines and items necessary to the operation of the system and to supply water service to individual property or premise and shall include the city’s potable water with which the system is supplied.

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

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

“CCC manager” means cross connection control manager or their designee for the city of Boardman.

“Degree of hazard” means low or high hazard classification that shall be assigned to all actual or potential cross connections.

“Double check valve backflow prevention assembly” or “double check assembly” or “double check” means an assembly, which consists of two independently operating check valves, which are spring-loaded or weighted. The assembly comes complete with a

shut-off valve on each side of the checks, as well as test cocks to test the checks for tightness.

“Health hazard” means an actual or potential threat of contamination of a physical, chemical, or biological nature to the public water system or the consumer’s potable water system that would be a danger to health.

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

“Inspector” means an Oregon Health Division certified cross control inspector, either employed with the city of Boardman or contracted by the city of Boardman.

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

“Mobile units” means units that are temporary in nature, connecting to the water system through a hydrant, hosebib, or other appurtenance of a permanent nature that is part of the city water system or a permanent water service to a premise. Examples can include but are not limited to the following: water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste or septage hauler’s trucks or units, sewer cleaning equipment, carpet or steam cleaning equipment other than homeowner use, rock quarry or asphalt/concrete batch plants, or any other mobile equipment or vessel that poses a threat of backflow into the city of Boardman water system. Uses that are excluded from this definition are recreational vehicles at assigned sites or parked in accordance with other city ordinances pertaining to recreational vehicles, and homeowner devices that are used by the property owner in accordance with other provisions of this chapter, or other, city of Boardman ordinances pertaining to provision of water service to a premise.

“OHD” means Oregon Health Division.

“Point of use isolation” means the appropriate backflow prevention within the consumer’s water system at or near the point which the actual or potential cross connection exists.

“Pollution 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 water system, but which would not constitute a health or system hazard, as defined. The maximum intensity of pollution to which the potable water system could be degraded under this definition would cause minor damage to the system or its appurtenances.

“Premise” or “premises” means any piece of property to which water service is provided, including but not limited to, all improvements, mobile structures and other structures located upon it.

“Premises isolation” means the appropriate backflow prevention at the service connection between the public water system and the premises. This location will be at or near the property line and downstream from the service connection meter.

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

“Resident” means a person or persons living within the area(s) served by the city water system.

“Retrofitting” means to furnish a service connection with parts or equipment made available after the time of construction or assembly installation.

“Submerged heads” means irrigation sprinkling or delivery devices that are located below the surface of the landscaped area in which they are installed.

“Thermal expansion” means the pressure created by the expansion of heated water. (Ord. 2-2001 § 1)

13.16.020 Purpose.

The purpose of this chapter is to protect the water supply and distribution system of the city from contamination or pollution due to any existing or potential cross connections and to comply with the Oregon Administrative Rule Chapter 333-061-0070, 0071, 0072 and 0074, or as amended. (Ord. 2-2001 § 2)

13.16.030 Application and responsibilities.

This chapter applies throughout the city and to every premise and property served by the city water system. It applies to all premises, regardless of date of connection to the city water system. Every owner, occupant or person in control of any concerned premise is responsible for the terms and provisions contained in this chapter. (Ord. 2-2001 § 3)

13.16.040 Cross connections regulated.

A. No cross connections shall be created, installed, used or maintained within the area(s) served by the city water system, except in accordance with this chapter.

B. The city CCC manager shall carry out or cause inspections to be carried out to determine if any actual or potential cross connection exists. If found necessary, an assembly commensurate with the degree of hazard will be installed at the service connection.

C. The owner, occupant or person in control of any given premise is responsible for all cross connection control within the premises. (Ord. 2-2001 § 4)

13.16.050 Backflow prevention assembly requirements.

A certified cross connection inspector, employed by or under contract with the city, shall determine the type of backflow assemblies to be installed within the city's water system. All assemblies shall be installed at the service connection unless it is determined by the inspector and approved by the CCC manager that it should be installed at the point of use. An assembly shall be required in each of the following circumstances, but the inspector is in no way limited to the following circumstances:

A. When the nature and extent of any activity at a premises, or the materials used in connection with any activity at a premises, or materials stored at a premises, could contaminate or pollute the potable water supply;

B. When a premises has one or more cross connections as the term is defined in Section 13.16.010;

C. When internal cross connections are present that are not correctable;

D. When intricate plumbing arrangements are present making it impractical to ascertain whether cross connections exist;

E. When the premises has a repeated history of cross connections being established or re-established;

F. When entry to the premises is restricted so that inspections for cross connections cannot be made with sufficient frequency to assure cross connections do not exist;

G. When materials are being used such that, if backflow should occur, a health hazard could result;

H. When an appropriate cross connection survey form has not been filed with the city CCC manager;

I. Any and all used water return systems;

J. If a point-of-use assembly has not been tested or repaired as required by the chapter, the installation of a reduced pressure assembly will be required at the service connection;

K. When there is a premise or are premises with an unapproved auxiliary water supply, which is or can be connected to the city water service or supply system;

L. All nonresidential multi-story buildings or any building with a booster pump or elevated storage tank;

M. There is piping or equipment for conveying liquids other than potable city water and that piping or other equipment is under pressure and installed and operated in a manner that could cause a cross connection;

N. All services one and one-half inches or larger;

O. When installation of an approved backflow prevention assembly is deemed by an inspector to be necessary to accomplish the purpose of this chapter;

P. The use of any type of chemical spray attachment connected to the premise plumbing, including garden hose fertilizer and pesticide applicators, is not allowed within the city's water system without proper protection from the potential of backflow occurring;

Q. The use of any type of radiator flush kits attached to the premise plumbing is not allowed within the city's water system without proper protection from backflow occurring. (Ord. 2-2001 § 5)

13.16.060 Retrofitting.

Retrofitting shall be required on all service connections where an actual or potential cross connection exists, and wherever else the city deems retrofitting necessary. Retrofitting requires obtaining a plumbing permit from the city's building department. (Ord. 2-2001 § 6)

13.16.070 Landscape irrigation systems.

All landscape irrigation systems shall be protected according to plumbing code regulations. In the event any system is equipped with an injector system, or has submerged heads, a reduced pressure principle assembly will be required. (Ord. 2-2001 § 7)

13.16.080 Thermal expansion.

It is the responsibility of the property owner, the occupant, or person in control of the property to eliminate the possibility of damage from thermal expansion, if a closed system has been created by the installation of a backflow prevention assembly, or other appurtenances. (Ord. 2-2001 § 8)

13.16.090 Wholesale customers.

Any customer that has a wholesale contract for water services with the city must have an active, ongoing cross connection program. The cross connection program must

be in compliance with Oregon Administrative Rule Chapter 333 Division 61 requirements pertaining to public water systems. The city reserves the right to require a reduced pressure principle assembly at the interconnect, commensurate with the assigned hazard. Wholesale customers shall provide a copy of the annual summary report on cross connection control to the city. (Ord. 2-2001 § 9)

13.16.100 Mobile units.

Any mobile unit or apparatus, as defined in Section 13.16.010, which uses the water from any premises within the city water system, shall first obtain a permit from the city and be inspected to assure an approved air gap or reduced pressure principle assembly is installed on the unit. (Ord. 2-2001 § 10)

13.16.110 Installation requirements.

A. All backflow prevention assembly installations shall follow the requirements as stipulated by the Oregon Administrative Rules 333-061-0070 Section 8 and Section 1 through 4 of Oregon Administrative Rules 333-061-071, or as amended.

B. The type of backflow prevention assembly required shall be commensurate with the degree of hazard that exists and must, at all times, meet the standards of the Oregon Health Division. All backflow prevention assemblies required under this section shall be of a type and model approved by the Oregon Health Division. (Ord. 2-2001 § 11)

13.16.120 Pressure loss.

Any decrease in water pressure caused by the installation of a backflow assembly shall not be the responsibility of the city. (Ord. 2-2001 § 12)

13.16.130 Fire systems.

An approved double check detector assembly shall be the minimum protection on a fire sprinkler systems using piping material that is not approved for potable water use and/or does not provide for periodic flow through during each twenty-four (24) hour period. A reduced pressure principle detector assembly (“RPDA”) must be installed if any solution other than the potable water can be introduced into the fire sprinkler system. (Ord. 2-2001 § 13)

13.16.140 Plumbing code.

As a condition of water service, customers shall install, maintain and operate their piping and plumbing systems in accordance with the Oregon Specialty Plumbing Code,

or as amended. If there is a conflict between this chapter and the Plumbing Code, consultation of the CCC manager and city building official will render a decision for appropriate protection of the city water system. (Ord. 2-2001 § 14)

13.16.150 Access to premises.

Authorized personnel of the city, with proper identification and sufficient notice, shall have access during reasonable hours to all parts of a premise and within the structure to which water is supplied. However, if any owner, occupant, or person in control refuse authorized personnel access to a premise, or to the interior of a structure, during these hours for inspection, a reduced pressure principle assembly must be installed at the service connection to that premise. (Ord. 2-2001 § 15)

13.16.160 Annual testing and repairs.

All backflow prevention assemblies installed within the area(s) served by the city shall be tested immediately upon installation, and at least annually thereafter by an Oregon Health Division certified backflow prevention assembly tester. All such assemblies found not functioning properly shall be promptly repaired or replaced at the expense of the owner, occupant or person in control of the premise. In the event an assembly is moved, repaired or replaced it must be re-tested immediately. If any such assembly is not promptly repaired or replaced the city shall deny or discontinue water service to the premise. (Ord. 2-2001 § 16)

13.16.170 Responsibilities of backflow prevention assembly testers.

A. All backflow assembly testers operating within the city water system service area shall be certified in accordance with all applicable regulations of the Oregon Health Division.

B. Persons certified as backflow prevention assembly testers shall agree to abide by all requirements of the United States Occupational Safety and Health Administration (“OSHA”) and Oregon Occupational Safety and Health Administration (“OR-OSHA”); and have completed confined space entry training to enter any confined space with the city.

C. No person shall operate as a backflow prevention assembly tester within the city without first being annually registered with the city’s cross connection control program.

D. At the time of registration, re-certification, and/or upon the city’s request, each person certified as a backflow prevention assembly tester shall furnish evidence to

show that they are insured and bonded to perform services, have a current valid Oregon Health Division backflow assembly tester certification, and have proof of gauge accuracy verification within the previous year. (Ord. 2-2001 § 17)

13.16.180 Cost of compliance.

All costs associated with the purchase, installation, inspections, testing, replacement, maintenance, parts, and repairs of the backflow prevention assembly are the financial responsibility of the property owner, occupant or other person in control of the premise. (Ord. 2-2001 § 18)

13.16.190 Termination of service.

Failure on the part of any owner, occupant or person in control of the premise, to discontinue the use of all cross connections and to physically separate cross connections in accordance with this chapter is sufficient cause for the discontinuance of public water service to the premise pursuant to Oregon Administrative Rule Chapter 333-061-0070, or as amended. In the case of an extreme emergency or where an immediate threat to life or public health is found to exist discontinuance or termination of public water service to the premise shall be immediate. In all other cases discontinuance or termination of public water service to the premise shall be taken upon twenty (20) days written notice of the failure to comply with the provisions of this chapter. The city may grant an extension of the twenty (20) day correction period if it is demonstrated to the satisfaction of the city that corrective action has begun and cannot be completed within twenty (20) days. (Ord. 2-2001 § 19)