

Title 13 PUBLIC SERVICES

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13.04.010 Definitions.

"Applicant" means any person making application for water service.

"Customer" means a property owner of record, agent of the owner or tenant who receives service from the city and is responsible for payment of charges/fees. Any person who applied for and was receiving water service on the effective date of the ordinance codified in this chapter shall be deemed a customer whether or not such person is the owner of the property to which water service is provided.

"Customer service line" means that part of the piping on a customer's property that connects the service connection to the customer's distribution system.

"Director" means the director of the public works department of the City of Estacada or authorized designee.

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

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.020 Application for service.

Any applicant desiring to be served water from the city system shall submit an application in writing upon a form supplied by the city. The application shall include a service agreement whereby the customer shall agree to comply with all rules and regulations adopted by the city for the provision of water service, including notification to the city of any change in the customer's billing address. Applications shall be accompanied by any fees or deposits required and shall be signed by the customer.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.030 Denial of applications.

An application may be denied for any of the following reasons:

- A. The application is incomplete, not signed by the customer, or is illegible.
- B. The application requests service to a property location which would be difficult or impossible to provide without obtaining right-of-way or extending trunk or laterals.
- C. The application requests service to a customer who has a delinquent water or sewer account with the city.
- D. The property where the water service will be provided is located outside the city limits.
- E. The city's water system will be unable to supply the demand created by the proposed use without the acquisition of new sources of water, or capital improvements to the existing system.
- F. The customer has been convicted for a violation of water or sewer ordinances or rules, or a violation of water restrictions.
- G. The plumbing on the premises where services will be provided does not meet the standards required by city, state, or federal law.

Persons whose applications are denied shall be notified in writing. The notice shall state the reasons for denial, and explain the applicant's right of appeal. Persons whose application has been denied under Section 13.04.030.B shall be informed of the procedure for creating a local improvement district to extend existing mains or laterals. Notice of denial shall be mailed to the applicant's address as shown on the application. Notice shall be effective as of the date of mailing.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.040 Rates, fees, and charges.

All rates, fees and charges shall be set by the city council by resolution, except as provided in this section. Rates and fees in effect upon the date of passage of the ordinance codified in this chapter shall remain in effect until modified, suspended, or repealed by resolution of the city council. Fees may include, but are not limited to, the following:

- A. Deposit for New Accounts. At the time request for water service is made, any customer who is not the owner of the property being serviced shall make a deposit as set forth by resolution of the council. The water deposit shall be held by the city until service is discontinued, and then will be applied toward the closing bill, with any extra being refunded. Whenever a water customer's account is delinquent, the city may apply any portion of the deposit to the payment of the account and shall require an additional deposit of any amount equal to that which would be required were the customer then applying for water service. Such additional deposit shall be a condition of continued service and, if not made within thirty (30) days of written demand, shall subject the customer to a discontinuance of water service.
- B. Water Rate Charge. All customers shall be charged monthly for water service provided by the City of Estacada in accordance with rates established by the city council by resolution.
- C. Water Rate Charge Outside City Limits. Charges for water service to properties outside the city limits shall be double the applicable in-city standard meter demand charge as set by resolution of the city council. Outside city limit users will pay the same standard meter charge as users inside the city limits as set by resolution of the city council.
- D. Senior Citizen Reduced Water Rate Charge. Notwithstanding any other provisions of this chapter, senior citizens of the age of sixty-two (62) years or older residing within the city with a five-eighths inch by three-quarter inch water meter at their principal residence who are billed directly by the city for water consumption and with an income level as set by resolution of the council who applies for reduced residential water rates and whose application is approved, shall pay a monthly water rate set by resolution of the city council. Applications for reduced water rates shall be on forms supplied by the city filed with or mailed to the city recorder. All information required to be given on such forms shall be supplied by the customer and shall be verified by the customer. Reduced water rates shall be granted to qualifying applicants commencing with the first full billing period occurring following the acceptance of the application. The reduced rates shall continue for the remainder of the fiscal year in which the application is filed and accepted. All qualifying customers must submit new applications annually by July 1 in order for eligibility to be continued through the next fiscal year from July 1 through the following June 30. A change of address of a qualifying customer terminates the special rate provided in this chapter.
- E. System Development Charge. Pursuant to Section 3.16.090, a system development charge shall be levied upon each new building, structure, or fixture unit attached to the water system at the time of initial attachment, or upon resizing of a connection to accommodate a larger new service pipe.
- F. Shutoff Fee. A shutoff fee shall be charged to a customer for nonpayment of fees or charges or for failure to abide by city ordinances, rules and regulations, or state or federal laws.
- G. Service Reconnection Fee. A service reconnection fee shall be charged to turn on service after termination of service. This fee shall be set by the city council by resolution.
- H. Bad Check Fee. A bad check fee may be charged for each check or draft not paid upon resentment by the customer's bank or financial institution. The fee shall be in amount set by the council by resolution. The business office shall have the right to waive this fee upon receipt of proof that dishonor by the bank or financial institution was improper.

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- I. **Water Service Connection Charge.** An application for water service where no service previously existed, or an application for a change in service, size or location, or a standby service shall be accompanied by a service installation fee based on the actual cost of labor, material and equipment used in making the service connection and providing the service meter, plus twenty (20) percent for administrative costs, plus a system development charge in accordance with Chapter 3.16.

Upon application for a water service having been made, the director shall make an estimate of the cost of making the service connection and providing the service meter. The director shall advise the applicant of the amount of the estimate and the applicant shall be required to deposit with the city cash in the amount of the estimate. When the deposit has been made, the director shall order the connection. When the connection has been completed, the cost thereof shall be paid from the applicant's deposit. If the deposit is insufficient to pay the cost, the applicant shall be billed for the difference. No water service will begin until the entire cost for connection has been paid. If the cost of the connection is less than the deposit, the excess shall be returned to the applicant.

The city may refuse to install a service line which is undersized or oversized as determined by a study and report of the public works director to the city manager.

- J. **Delinquent Charge.** Delinquent water charges shall be charged when a customer is delinquent in making payment. This fee shall be set by the city council by resolution.

- K. **Standby Service Connection Demand Charge.** Standby service connection demand charges shall be set by resolution of the council. Monthly minimum charges or standby service connection charges shall not be imposed on properties that are vacant or unoccupied. As used in this section, a property is "vacant or unoccupied" when:

1. The residents or persons who occupy premises have left the premises without intent to return; and
2. Provided no water is used at the property.

Properties which are either occupied or in which water is used for any purpose shall not be considered vacant or unoccupied. Temporary absences of residents for vacations shall not make the property vacant or unoccupied.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.050 Termination of service.

Service to any customer may be terminated upon any of the following events:

- A. The purity of water in the system cannot be guaranteed.
- B. In case of emergency or damage by casualty to the system.
- C. The city does not have a current application and service agreement for the premises where water is being furnished to a customer.
- D. The customer has requested termination of service in writing.
- E. The customer has failed or refused to allow department personnel to inspect plumbing, water lines, sewer lines and appurtenances located upon the premises where water is being furnished.
- F. Customer has served water to a premises or persons in a vehicle or upon premises other than his own or has cross connected his water to serve another parcel of property, a mobile home or camper without the written consent of the director, or that an existing cross connection has not been removed.
- G. System capacity is no longer sufficient to provide adequate service.

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- H. The city has discontinued its water utility or elected to discontinue service to a portion of its service area.
- I. The customer's account is past due as a result of nonpayment of any charge due and owing.
- J. The customer owes a past due balance on another account which has not been satisfied.
- K. The customer has violated the water or sewer ordinances or rules, or a violation of water restrictions.
- L. The customer's service lock or meter has been tampered with.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.060 Notice of termination.

Notice of termination of service shall be provided by the city as follows:

- A. For termination listed in subsections 13.04.050.A, B, C, D, E, or F, no advance notice of termination is required.
- B. For termination listed in subsections 13.04.050.G, H, I, J, K, or L, a written notice of termination shall be mailed to the customer at least five days prior to the date of cessation of service. The notice shall be mailed to the customer's last billing address as shown upon the records of the city. Notices shall state the reason for termination, the earliest date upon which termination may occur and the appeal rights of the customer.
- C. For termination listed in subsections 13.04.050.A and B, the city shall notify customers, by the most practical means possible under the circumstances, of the area of the system affected, the anticipated duration of service interruption and any recommended precautions for in-home treatment of drinking water. A written notice to each individual customer is not required.
- D. For termination listed in subsections 13.04.050.C, E, and F, a written notice of termination shall be mailed to the customer within fifteen (15) days after termination occurs. The notice shall state the reason for termination, the date of termination, and the customer's appeal rights.
- E. Notices provided under this section shall be deemed effective when addressed and deposited in the United States mail. Failure of a customer to receive notice of termination shall in no way invalidate a termination action nor extend any period for appeal. This provision does not prevent the city manager from entertaining a delayed appeal, provided his/her sole discretion finds "good cause" for the delay.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.070 Appeals.

Any person who is aggrieved by a denial of an application for service, by termination of water service, or who disputes the amount of a billing, may appeal as follows:

- A. Informal Appeal (Step 1). Within five calendar days of receipt of a disputed billing or five days of notice of an adverse action on an application, or five days of notice of termination, a person aggrieved thereby may appeal informally by presenting himself at the front desk at city hall and present to the clerk or person in charge at the desk such matters as the customer or applicant believes entitle him to relief, and the relief requested. If the clerk is satisfied on the basis of the discussion that the action of the city was in error, the clerk shall notify the finance director, who will adjust the account accordingly and place a memorandum in the account file explaining the adjustment. If the clerk does not concur that the department was in error, the clerk shall issue

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the aggrieved person an appeal form after endorsing upon the face of the form the clerk's initials, the date and time the appellant appeared and the general nature of the appeal.

- B. Formal Appeal (Step 2). Within five calendar days of completion of step 1, an aggrieved person not satisfied with the decision of the informal appeal may appeal to the city manager in writing. The appeal shall be filed upon the form provided by the clerk. The appellant may add to the form as many sheets as may be necessary to fully explain the reasons for the appeal. Appellant shall indicate upon the form whether a hearing is desired.
- C. Conduct of Appeal Hearings. Within ten (10) days of the filing of appeal, the city manager shall set a time and place for the hearing. Appeal hearings conducted shall be informal by nature. Any ground or issue not raised with the clerk in step 1 shall be considered to have been waived. The city manager may examine the records of the water department, question department personnel, and seek the advice of legal counsel before rendering a decision. Such actions need not be taken in the presence of the appellant.
- D. Written Decision, Date of Decision. Following the hearing and any investigation conducted under subsection C of this section, the city manager shall issue a written decision. The written decision shall be issued within thirty (30) days from the date the appeal is filed. The decision shall be final upon the date that the letter with the decision is deposited in the mail to the appellant at the appellant's address as shown upon the records of the water department.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.080 Billing.

Amounts owed to the water department shall be invoiced and paid as follows:

- A. Deposits. Deposits for new accounts shall be tendered in full at the time of application for service.
- B. Water Charges for Metered Accounts. All bills for metered accounts shall be due and payable upon receipt. Accounts which have not been paid in full by thirty (30) days after the date the meter was read are delinquent and will be charged a water delinquent charge. A written late notice shall be mailed to the customer at the address shown on the city records advising the customer that, unless the bill is paid in full, water service will be terminated five business days after the date of the notice. The notice shall further advise the customer their right to appeal.
- C. System Development Charges. System development charges shall be tendered in full at the time of application for connection to the city water system, at the time a larger service is requested, or at the time units are added to an existing service, in accordance with Chapter 3.16 of this code.
- D. Bad Check Fee. A bad check fee shall be due and payable upon notice of dishonor of the check or draft to the department. The fee shall be added to any outstanding indebtedness of the customer.
- E. Shutoff Fee. The shutoff fee is due and payable, along with the delinquent water bill and service reconnection fee, before water can be turned on after being turned off for nonpayment.
- F. Service Reconnection Fee. The service reconnection fee is due and payable, along with the delinquent water bill and shutoff fee, before water can be turned on after being turned off for nonpayment.
- G. Rate Adjustment Due to Leaks. Whenever a customer has cause to believe a leak may exist between the meter and the customer's premises, it is the customer's responsibility to contact the water department. Where a leak exists on the customer's side of the meter and the same is repaired, an adjustment in the customer's bill may be made. The customer shall only get a one-time credit for any twelve (12) month period. The adjustment shall be calculated by determining

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the customer's six-month average usage, doubling that usage, and then deducting that number from the consumption amount on the bill being adjusted.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.090 Special contracts.

Whenever a customer's requirements for water are unusual, large, or necessitate considerable special or reserve equipment or capacity, the city may enter into special contracts with such customer, and the provisions thereof may be different from and have exceptions to the provisions of this chapter, and any amendments thereto.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.100 Ownership of improvements.

All pumps, water mains, laterals, valves, fittings, hydrants, and all other appurtenances located within easements or public rights-of-way shall be deemed to belong to the city at the time of connection to the city water system, provided such items meet city standards as to size, construction and quality. Meters shall be considered city property, regardless of location, and shall be maintained in accordance with the provisions in Section 13.04.190. All pipes, valves, fixtures, service stubs, and pressure enhancement equipment not located in easements or public rights-of-way shall be the property of the owner of the premises upon which the improvements are located. The water department shall be responsible for maintenance of city property. The customer shall be responsible for maintenance and repair of private property.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.110 Inspection of premises.

City employees and persons assigned to read meters shall be authorized to enter upon customer or applicant premises without prior notice for the purposes of reading meters, inspecting customer equipment or investigating violations of this chapter or department rules. Entry shall normally occur during daylight hours, except in the event of an emergency. Failure to grant entry shall be grounds to terminate service under Section 13.04.050.E. Presence of an unrestrained domestic animal, dog, or a vicious animal upon the part of the premises to be inspected shall be deemed refusal of entry.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.120 Tampering with water department property.

No person shall trespass upon, mark, destroy, or tamper with any property or equipment of the water department unless authorized by the director. If the water department discovers that services have been restored, by means of tampering with a meter, to a premises to which service has been terminated, the customer or other person(s) who commits the act of tampering shall be responsible for all costs associated with repairing any damage done to the system improvements. If the water department documents a second incident of tampering that illegally restores service to a premises, the water department has the right to terminate service and excavate the service at the corporation stop. The customer or other person(s) who commits the second act of tampering shall be responsible for all deposits, fees, and labor and material costs required to restore service.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.130 Initiation or termination of service.

No person, except an authorized employee of the water department, an emergency service personnel acting in the line of duty, a contractor employed by the city to work on the system, or a licensed plumber with permission of the director, shall open or close a service lock or operate a meter in such a manner as to commence or to terminate the flow of water to a premises. Plumbers shall obtain permits from the director prior to initiating or interrupting service.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.140 Resale of water.

No customer shall resell any water obtained through the city water system.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.150 Declaration of water emergency—Water restrictions.

The city manager of the City of Estacada shall, upon receiving reliable information that system function or capacity is about to be impaired or has been impaired, declare a water emergency. Upon declaration of such an emergency, the city manager shall impose such restrictions upon the use of water as is deemed necessary to protect the health, safety, and welfare of the citizens of the affected area. The city manager shall use reasonable means to notify the public of the restrictions imposed. At the next city council meeting following imposition of restrictions, the city manager shall present a report describing the nature of the emergency, the expected duration of the emergency, and the steps taken to alleviate the emergency. The city council may, at any meeting subsequent to the emergency, confirm, alter, amend or terminate the restrictions imposed by the city manager by resolution. No person shall violate the terms of any restriction or condition placed upon the use of water by the city manager or the city council pursuant to this provision. It shall be no defense to a charge of violation that the person cited had no knowledge of the terms of the restriction.

In case of shortage of supply, the city may grant preferences in the matter of furnishing water service to customers from the standpoint of public convenience or necessity. Water service to users outside the city shall, at all times, be subject to the prior and superior rights of the customers within the city.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.160 Change in service.

A customer desiring a change in the size, location or number of services shall file an amended application for water service in compliance with Section 13.04.020.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.170 Shutoff for repairs.

The city may shut off water from mains at any time without notice to any customer for repairs or other necessary purposes and shall not be responsible for any damage resulting therefrom to tanks, boilers or other property. No liability shall exist on the part of the city resulting from the breaking of mains, service

pipe fittings or other appurtenances. No deductions in water rates shall be made for any time that mains or service pipes are out of use or when service is discontinued.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.180 System standards.

All parts of the water system and all service pipes, appurtenances, fixtures and devices attached to the system by any means shall be of a size, quality and construction acceptable to the director. Fixtures and devices shall conform to the Uniform Plumbing Code as adopted by the state of Oregon and the city of Estacada on the date of connection and such other standards as the director may, from time to time, impose. When imposing standards, the director shall be guided by the operating restrictions imposed by system design, good engineering practice, consideration of standardization, and industrial practice. The following guidelines will also be applied:

- A. **Size.** All mains, laterals, pipes, valves, building connections, devices and appurtenances shall be sized to provide appropriate flows and pressure throughout the system and any foreseeable extensions of it. Mains and pipes connected to hydrants or sprinklers shall be sized to accommodate fire flows. No service pipe or stub shall be less than three-quarters-inch in size.
- B. **Materials.** All materials shall be of types approved by the director. In making approvals, the director shall consider the factors set out above, the durability of the item when in actual use under local conditions, and compatibility with system maintenance practices.
- C. **Design.** All component designs shall be compatible with maintenance, durability and standardization requirements of the system. The director may refuse any component, the design of which has not been proven through laboratory testing and field use.
- D. **Connections.**
 1. The owner of all houses, buildings, or properties used for human occupancy, commercial, recreation, or other purposes, abutting on any street, alley or right-of-way in which there is located a public water system operated by the city, is required at the owner's expense to install suitable facilities and to connect such facilities directly with the city's water system in accordance with the provisions of the ordinance codified in this section, within ninety (90) days after being given notice to do so by the city.
 2. Exemptions: All houses, buildings, or properties used for human occupancy, commercial, recreation, or other purposes, abutting on any street, alley or right-of-way in which there is located a public water system on a well or other water source at the time of enactment of the ordinance codified in this section are exempt from subsection D.1 of this section until one of the following occurrences:
 - a. The existing well or other water source needs to be replaced. At that time, the well must be abandoned and application for connection to the city water system and compliance with the requirements in subsection D.1 is required.
 - b. The property is developed through a land use application.
 - c. The property owner seeks a building permit except if the building permit is for an addition that does not constitute the addition of a dwelling unit or the installation of an uninhabitable out building or garage.

These exemptions do not relieve any property owner from the obligation to pay connection or other charges set forth in this code, nor waive any other applicable provision or code section herein.

- d. Industrial and/or agricultural uses within the light industrial (M-1) or heavy industrial (M-2) zones when the use of city treated water is prohibitive as determined by the city council. Office buildings on the property will be required to use city metered water.

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- E. Check Valves and Backflow Prevention.
1. Check valves shall be installed in customer service laterals as close as practicable to the meter. The customer shall also install and maintain such additional pressure reducing valves, pressure relief valves, check valves, pop-off valves, or other control valves as the director of public works may direct to protect the customer's plumbing from abnormal high or low pressures or from interruptions of service.
 2. The director of public works shall establish and enforce such rules and regulations as are necessary to prevent the backflow of water into city mains. The rules and regulations shall be approved by the council. Compliance with the backflow rules and regulations shall be a condition of receiving water service from the city, and violation thereof shall be deemed a violation of this chapter.
- F. Standby Fire Protection Service Connections. Standby fire protection service connections of two-inch size or larger shall be installed by the city 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 provision. The city may require that a suitable detector-check meter be installed in the standby fire protection service connection to which hose lines or hydrants are connected. All costs for standby fire protection service connections shall be paid by the applicant. 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. If water is used from a standby connection service for purposes other than to extinguish accidental fires or for routine testing of the fire protection system, an estimate of the amount used will be computed by the director and the customer shall pay for the water so used at regular rates.
- G. Cross-Connections Prohibited. No plumbing facility, appliance or equipment connected to the city water system shall be cross-connected to any other water supply. Owners of industrial and/or agricultural uses within the light industrial (M-1) or heavy industrial (M-2) zones desiring to use both a city water supply and a supply of water other than that furnished by the city water system may obtain city water at metered rates upon the following conditions and not otherwise. Under no circumstances shall a physical connection, direct or indirect, exist or be made in any manner, even temporarily between the city water supply and that of a private water supply. Where such connection is found to exist, or where provision is made to connect the two systems by means of a spacer or otherwise, the city water supply shall be shut off from the premises without notice. In case of such discontinuance, service shall not be reestablished until satisfactory proof is furnished that the cross-connection has been completely and permanently severed.

(Ord. No. 2013-003, § 1, 1-13-2014; Ord. No. 2015-001, § 1, 2-9-2015)

13.04.190 Water meters.

- A. All premises using water shall be metered. Upon advance payment of any applicable charges, the city shall install a separate service from the water main to the property or other location designated by the city.
- B. For ordinary metered consumption of water, a three-quarters-inch by five-eighths-inch meter will be furnished by the water department. Where application is made for a meter larger than three-quarters-inch by five-eighths-inch, the director shall determine whether a meter of such size is required.
- C. Meters shall be placed at the right-of-way line nearest the property to be served for the standard connection fee, provided the distance from the main to the meter location does not exceed thirty (30) feet. If the distance exceeds thirty (30) feet, the applicant shall pay the additional cost of the line on the basis of actual cost to the city for labor, materials and equipment.

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- D. The water department will maintain all service connections in good order, and will make all necessary repairs and replacements of the city-owned meters and other parts thereof, at the expense of the city. Each customer is required to take all due precautions to protect the connection through which the customer is served.
- E. All water furnished by the city and used on any metered premises must pass through the meter. A bypass or connection around the meter will be permitted only with the prior written approval of the director.
- F. All meters of the city water system are the property of the city, and any regular maintenance to the meters shall be made by the city. If a meter is damaged by the carelessness or negligence of the owner or occupant of the premises, the water department will repair the meter, and the cost of such repairs shall be charged to the customer. If any water meter is out of order or if, in the judgment of the director, such meter is not making proper water measurement, the same shall be promptly repaired; and the amount of water to be paid for the term subsequent to the previous monthly readings until the meter shall be replaced in proper condition shall be determined by averaging the amount of use for such prior period as the director may deem just.
- G. When any customer makes a complaint that the bill for any particular period is excessive, the water department will, upon request, have such meter re-read and the service inspected for leaks. A customer disputing the accuracy of a meter may have the meter tested by the water department upon submission of a written request to the director. In the event the test results establish the meter is registering on an accurate basis within guidelines established by the American Water Works Association (98.5 percent to 101.5 percent), the customer shall bear all costs associated with the testing of the meter. In the event the test results establish the meter is not reading on an accurate basis, the city shall pay for the costs of testing and shall install another meter at no cost to the customer.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.200 Service area limits.

Under no circumstances shall water service be extended to persons or premises located outside of the city limits of the City of Estacada without the express permission of the city council, which may include, but shall not be limited to, a petition for consent to annexation and installation of the necessary improvements to receive water service by the applicant for the costs of such improvements.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.210 Water main extensions—Application—Regulations.

Any application for water service which requires an extension of existing water mains shall be accompanied by a request in letter form for such extension. The request shall contain information on the location at which water service is required, an estimate of the monthly water requirement, and the uses to which the water will be put. Requests for extension of water mains shall be approved only by the council which may impose any conditions or requirements which the council deems necessary or advisable for the public health, welfare and safety and for the orderly growth and development of the city. The cost of the extension of any main will be borne by the applicant. The extension will be constructed by the city maintenance crews, if circumstances permit, or by a contractor approved by the director and the city engineer. All installed pipe must be checked by the director prior to backfilling. The city will assist the contractor in planning to the extent of giving code requirements, location of existing utilities, lines, etc. Costs for the review by the city engineer will be paid by the applicant. If the main extension is constructed by the city maintenance crews, the applicant shall deposit with the city prior to construction either in cash or bond the amount estimated by the director as the cost of the extension. If a private contractor is employed by the applicant, the applicant shall make all financial arrangements with the contractor and

shall deposit with the city in cash or bond an amount equal to the director's estimate of the cost of repairing all city streets which will be disturbed by construction. The bond shall be returned upon final approval of construction by the director. The contractor shall carry liability insurance naming the city as an insured party in an amount to be determined by the council in approving the request for main extension.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.220 Water main extensions—Location, size and ownership.

- A. Location. Water main extensions shall be located only on public rights-of-way, easements, or publicly-owned property. Easements secured for main extensions shall be conveyed to the city prior to the time the water from the city system is turned into the main extension. Easements shall be in the form approved by the city.
- B. [Minimum Size.] The minimum-sized main which shall be installed in the city is six inches. If, upon application for a main extension, the city requires the installation of a main larger than six inches and larger than that determined to be necessary for the applicant's needs, the additional costs attributable to the main oversizing shall be borne by the city.
- C. Ownership. Main extensions shall become the property of the city at the time water from the city water system is turned into the main extension.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.230 New or oversized mains.

Any application for water service in an area previously adequately served requiring the installation of new or oversized mains shall be deemed a request for a main extension and the cost thereof shall be borne by the applicant as provided by Section 13.04.210.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.240 Single meter for more than one user.

The city may refuse to serve two or more users that are served through one meter. If more than one user is connected to a single meter, each user shall be charged the monthly minimum charge for the size of meter installed; provided, however, any month when the number of gallons of water shall exceed four thousand five hundred (4,500) gallons, the monthly charge for such excess as provided in Section 13.04.270 shall be divided equally among the users connected to the single meter.

(Ord. No. 2013-003, § 1, 1-13-2014)

13.04.250 Violations.

Violation of any provision of this chapter is punishable by a fine of not more than five hundred dollars (\$500.00) for each day of violation or by imprisonment for a period of not more than six months or by both such fine and imprisonment. Where applicable, the city shall be entitled to seek restitution for the costs of terminating service and repairing any damage done to the system improvements.

(Ord. No. 2013-003, § 1, 1-13-2014)

FOOTNOTE(S):

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Editor's note—Ord. No. 2013-003, § 1, adopted Jan. 13, 2014, amended Ch. 13.04 in its entirety to read as herein set out. Section 2 of said ordinance further amended the chapter by repealing in their entirety §§ 13.04.270—13.04.310, pertaining to water rates, senior citizens—application for reduced rate, reduced rate, and single meter for more than one user. Section 13.04.260, entitled "Severability," has been omitted at the editor's discretion. Former Ch. 13.04, §§ 13.04.010—13.04.310, pertained to similar subject matter. See Code Comparative Tables for complete derivation. ([Back](#))

Chapter 13.08 STORM SEWERS

Sections:

[13.08.010 Inspection application.](#)

[13.08.020 Inspection required.](#)

[13.08.030 Connections by city and connection fees.](#)

[13.08.040 Storm sewer maintenance fee.](#)

[13.08.050 Senior citizens—Application for reduced rate.](#)

13.08.010 Inspection application.

Prior to the issuance of a building permit for new construction, the owner of property to be improved shall complete an application for a storm sewer inspection.

(Prior code § 3.900)

13.08.020 Inspection required.

- A. When a storm sewer inspection application has been filed the property to be improved shall be inspected by the city's director of public works, or his or her designate, for a determination of the need to connect to the city's storm sewer system. Connection to the city's storm sewer shall be required when all of the following criteria are met:
 1. A storm sewer main is located within twenty-five (25) feet of the perimeter of the property, calculated by measurement made only upon property owned by the individual developing the property and upon city rights-of-way.
 2. A connection is technically feasible.
 3. After the improvements are completed, the property would have significant storm runoff if not connected to the storm sewer system.
- B. If the above criteria are met, the city's director of public works or his or her designate shall determine the types of on-site runoff sources which must be diverted to the storm sewer system in order to

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eliminate significant storm runoff from the property, and shall advise the property owner of the on-site diversions to be made. The cost of all required on-site diversions shall be the responsibility of the property owner.

- C. Inspections under this section shall be performed in accordance with Section 1.08.010 of this code.

(Ord. 2000-16 § 4; prior code § 3.910)

13.08.030 Connections by city and connection fees.

If connection to the storm sewer system is required, the applicant shall pay a connection fee. The connection fee shall be set by resolution of the city council. Connections to the storm sewer system shall be made only by the city.

(Prior code § 3.920)

13.08.040 Storm sewer maintenance fee.

- A. There is imposed a storm sewer maintenance shall be used to maintain and improve the city's storm sewer system. The amount of the fee shall be set by resolution. The fee shall be billed and collected in the same manner as water bills.
- B. Under no circumstances shall a storm sewer maintenance fee be imposed on properties that are vacant or unoccupied. As used in this section, a property is "vacant or unoccupied" when the residents or persons who occupy the premises have left the premises without an intent to return. Temporary absences of residents for vacations shall not make the property vacant or unoccupied as meant in this section. Rental properties without current tenants shall be considered vacant and unoccupied, but only so long as no water is used at the property.

(Prior code § 3.930)

13.08.050 Senior citizens—Application for reduced rate.

Notwithstanding any other provisions of this chapter, senior citizens of the age of sixty-five (65) years or older residing within the city who are billed directly by the city for storm sewer, with an income during the preceding calendar year from all sources of less than thirteen thousand six hundred sixteen dollars (\$13,616.00) or who is the head of a family with a family income during the preceding calendar year from all sources of less than eighteen thousand two hundred four dollars (\$18,204.00) who applies for reduced residential storm sewer maintenance rates and whose application is approved, shall pay a monthly storm sewer rate as set by resolution of the council. Applications for reduced storm sewer rates shall be on forms supplied by the city filed with or mailed to the city recorder. All information required to be given on such forms shall be supplied by the customer and shall be verified by the customer. Reduced storm sewer rates shall be granted to qualifying applicants commencing with the first full billing period occurring following the acceptance of the application. The reduced rates shall continue for the remainder of the fiscal year in which the application is filed and accepted. All qualifying customers must submit a new application annually by July 1st in order for eligibility to be continued through the next fiscal year from July 1st through the following June 30th. A change of address of a qualifying customer terminates the special rate provided in this chapter.

(Prior code § 3.935)

Chapter 13.12 SEWERS

Sections:

- [13.12.010 Definitions.](#)
- [13.12.020 Taps to sewer lines.](#)
- [13.12.030 Sewer service connection charge.](#)
- [13.12.040 Connection to directly to sewer lines.](#)
- [13.12.050 Use of public sewers.](#)
- [13.12.060 Private disposal systems.](#)
- [13.12.070 Service to property outside city limits.](#)
- [13.12.080 Materials prohibited in sanitary sewer.](#)
- [13.12.090 Sewer grades.](#)
- [13.12.100 Grade release.](#)
- [13.12.110 Easements.](#)
- [13.12.120 Owners to pay recording fees.](#)
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- [13.12.230 Reduction or waiver of charges.](#)
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- [13.12.280 Notice to repair.](#)
- [13.12.290 Indemnification of owner.](#)
- [13.12.300 Nonconforming private service laterals.](#)
- [13.12.310 Not-in-conformance assessment.](#)
- [13.12.320 Disconnection from water service.](#)

13.12.010 Definitions.

As used in this chapter:

"BOD" (denoting "biochemical oxygen demand") means the quantity of oxygen utilized in the biochemical oxidation of organic matter under statutory standard laboratory procedure in five days at twenty (20) degrees Celsius, expressed in milligrams per liter.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

"Industrial or commercial waste" means water-carried wastes originating from industrial or commercial processes, trade or businesses as distinct from water-carried wastes originating from a residential user.

"Operation and maintenance" means those activities undertaken to achieve the required level of sewage collection system and sewage treatment plant performance and to extend the operating life of plant and collection system components.

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

"Residential user" means user of a single-family dwelling.

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

"Side sewer" means those public sanitary sewers which extend from a tee or wye in the public sewer to the property line.

"Suspended solids" means the solid residual resulting from filtering and drying a sample of wastewater in accordance with laboratory procedures dictated by Standard Methods for the Examination of Water and Wastewater, latest edition, expressed in milligrams per liter.

"Unusual strength of character" means any wastewater or combination of wastewaters which:

1. Measures greater than three hundred (300) mg/L BOD);
2. Measures greater than three hundred (300) mg/L suspended solids;
3. Measures less than pH 6.0 or greater than pH 9.0; and
4. Demonstrates toxicity to or inhibition of sewage treatment processes.

"User charge" means a charge levied on the user of the sewage collection system and sewage treatment plant for the user's proportionate share of the cost of operation, maintenance and replacement of these facilities.

(Prior code § 4.050)

13.12.020 Taps to sewer lines.

All taps to sewer lines shall be made by the city or a licensed bonded contractor approved by the city.

(Prior code § 4.100)

13.12.030 Sewer service connection charge.

An application for sewer service where no service previously existed, or an application for a change in service, size or location shall be accompanied by a service installation fee based on the actual cost of labor, material and equipment used in making the service connection, plus twenty (20) percent for administrative costs, plus a system development charge in accordance with Section 3.16.010.

- A. Application Fee. The fee for application will be set by resolution of the council and is payable when submitting the application to the city.
- B. Deposit. Upon application for a sewer service connection having been made, the public works superintendent shall make an estimate of the cost of making the service connection. The public works superintendent shall advise the applicant of the amount of the estimate and the applicant shall be required to deposit with the city cash in the amount of the estimate. When the deposit has been made, the public works superintendent shall order the connection. When the connection has been completed, the cost thereof shall be paid from the applicant's deposit. If the deposit is insufficient to pay the cost, the applicant shall be billed for the difference. No service will begin until the entire cost for connection has been paid. If the cost of the connection is less than the deposit, the excess shall be returned to the applicant.
- C. The city may refuse to install a service line which is undersized or oversized as determined by a study and report of the public works superintendent to the city manager.

(Prior code § 4.102)

13.12.040 Connection to directly to sewer lines.

No sewer connection to premises may be installed or maintained unless the same is connected directly to the sewer line coming from the buildings on the premises. No connections may be made indirectly to cesspools or septic tanks. Parallel water and sewer lines shall be laid at least ten (10) feet apart horizontally. Where it is necessary for sewer and water lines to cross each other, the crossing shall be made at an angle of approximately ninety (90) degrees, and the sewer shall be located three feet or more below the water line. The superintendent may, in his or her discretion, allow minor variations of the foregoing if he or she finds that it is uneconomical or practically impossible to comply with such conditions. Before any backfilling is done in the trench for the sewer on the private property of one making a new connection to the sewer, the recorder shall be notified. The recorder shall notify the superintendent, and no backfilling shall take place until the superintendent shall have made an inspection. If the superintendent desires, he or she may, in his or her discretion, require a test for leakage to be carried out under his or her direction and in his or her presence; and, in such case, the person installing the sewer shall make the test at no expense to the city. Upon completion of the test, any tees or openings in the pipe shall be capped tightly and secured against back pressure. If the sewer is properly installed and the joints are tight, the superintendent shall give written approval of the same. If he or she does not approve it, he or she shall state the deficiencies in writing.

(Prior code § 4.106)

13.12.050 Use of public sewers.

It is unlawful for any person to:

- A. Place or permit to be placed or deposited in an unsanitary manner any human or animal excrement, garbage or other objectionable waste on public or private property within the city limits of Estacada; and
- B. Discharge sewage or polluted water to any natural body of water or drainage within the city.

(Prior code § 4.107)

13.12.060 Private disposal systems.

Connections to existing septic tanks may be continued until such time as a public sewer is available, or the council shall by resolution determine that such connection constitutes a health hazard and shall require the owner of property served by a septic tank to connect to the city sewer. Public sewer is "available" when it is within one hundred (100) feet of the affected property and two hundred (200) feet of the building sewer.

(Prior code § 4.108)

13.12.070 Service to property outside city limits.

The city shall not be required to provide sewer service to any property on the outside of the city limits. When, however, in the opinion of the city council, it would be in the best interest of the city and would promote the general welfare of its inhabitants to provide sewer service outside the city limits, the city council may authorize connections to property located outside of the city. All applications for sewer connections outside of the city shall be presented by the recorder to the city council and shall be approved only by the council. The council may, as a condition of approval, require a connection charge in excess of that required by Section 13.12.030. If the council finds that the cost of connection may reasonably be expected to exceed the connection charge provided for in Section 13.12.030.

(Prior code § 4.110)

13.12.080 Materials prohibited in sanitary sewer.

It is unlawful for any person to introduce any of the following into the sewers of the city:

- A. Any flammable or explosive liquid or solid;
- B. Any ashes, cinders, sand, mud, straw, shavings, glass, rags, feathers, tar, plastics, wood, or any other solid or viscous substance capable of obstructing the flow in the city sewer or other interference with or damage to the proper operation of the city's sanitary sewage disposal system or treatment facility;
- C. Any waters or waste having a pH lower than 5.5 or higher than 9.0 or having any other corrosive or caustic property capable of causing damage or hazard to structures, equipment or personnel of the city, or other property of the city;
- D. Any wastes from the cutting of cloth or cloth garments, dye, or other chemicals used in the manufacturing process of cloth or cloth garments;
- E. Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process of the city or constituting a hazard to persons or animals, or to create any hazard in the receiving waters of the sewage treatment plant of the city;
- F. Garages, service stations, washracks or other establishments shall be equipped, as directed by the city, with suitable grease, gravel, or grit traps and shall be inspected by the superintendent before the same may be connected to the sanitary sewer system. Such traps shall be maintained by the owner at his or her expense in a manner so as to prevent such material from entering the sanitary sewer system and shall be subject to periodic inspection by the city;
- G. When an owner of property has industrial or commercial waste of unusual strength or character, the city reserves the right to reject the application for service, or to require certain preliminary

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treatment of such waste and require the owner to pay such charges as may be fixed by the city for such waste disposal. Where preliminary treatment facilities may be required, they shall be maintained continuously by the owner at his or her expense in satisfactory and effective operation. The city may also require of such owner at his or her expense a suitable control manhole to facilitate observation, sampling, and measurement of the wastes;

- H. Any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters;
- I. Any water or wastes containing oils, fats or greases, emulsified or not, in excess of one hundred (100) mg/L;
- J. Any garbage that has not been properly shredded;
- K. Any water or wastes which by themselves or when mixed with other wastewaters and treated by the city cause the limits of the city's discharge permit to be exceeded; including metals, solids, BOD, phenols, or toxic wastes.

(Prior code § 4.112)

13.12.090 Sewer grades.

All sewers shall be laid on a grade of not less than three-sixteenth inch per foot for four-inch pipe and one-eighth inch per foot for six-inch pipe.

(Prior code § 4.114)

13.12.100 Grade release.

If the grade of the building or side sewer is to be less than three-sixteenth inch per foot for four-inch pipe or one-eighth inch per foot for six-inch pipe, the property owner shall sign and acknowledge a grade release in a form approved by the city, the effect of which shall be to release the city from all future claims for damages due to the installation of the sewer. If there is doubt about the grade, a grade release shall be procured before the pipe is laid. If upon inspection the grade is inadequate, the grade release shall be filed in the office of the recorder before any backfilling takes place.

(Prior code § 4.116)

13.12.110 Easements.

When two or more houses are to be connected on one building sewer, easements must be furnished. The easements shall be approved as to form by the city, shall contain provisions insuring that all properties involved shall have perpetual use of the sewer, shall contain provisions for maintenance, repair and access, and shall be signed by the owner of the property subject to the easement. The easement shall be acknowledged and must be filed with the recorder before application for service is approved.

(Prior code § 4.118)

13.12.120 Owners to pay recording fees.

Recording fees for easements and releases from easements shall be paid by the owner of the property affected.

(Prior code § 4.120)

13.12.130 Construction specifications.

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

(Prior code § 4.122)

13.12.140 Building sewer lines.

- A. A four-inch building sewer may be used to serve up to two houses or four single-family units of a multifamily dwelling. If a building sewer serves three or four houses or more than four single-family units of a multifamily dwelling, a six-inch pipe shall be used from the receiving line to the wye at the confluence of the separate building sewers.
- B. A maximum of four houses can be connected to a single building sewer; where three or four houses are connected to the same building sewer, a six-inch cleanout extending to the ground surface shall be required at the wye or tee where the upper connection is made.
- C. If more than four houses or their equivalent are to be served the installer shall submit plans to the city for approval.

(Prior code § 4.124)

13.12.150 Minimum cover for side sewers.

The minimum cover for side sewers under ditches shall be two feet wherever possible.

(Prior code § 4.126)

13.12.160 Prohibited connections.

No roof, surface, foundation, footing, or other groundwater drain shall be connected to the sanitary sewer system.

(Prior code § 4.128)

13.12.170 Artificial lifters.

In any buildings, structures or premises in which the house drain is too low to permit gravity flow to the sewer, the sewage shall be lifted by artificial means and discharged to the sewer. Wherever a situation exists involving an unusual danger of backup, the city may prescribe the minimum elevation at which the house drain may be discharged to the public sewer. Sewers below such minimum elevation shall be lifted by artificial means. However, if approved by the superintendent, the property owner may install a backwater sewage valve, which shall be installed and maintained at his or her expense.

(Prior code § 4.130)

13.12.180 Inhibiting sewer use.

No person shall tamper with, remove, destroy, or do any act inhibiting the use of any installation made and maintained by the city for the purpose of aiding disposal of sanitary sewage or storm water.

(Prior code § 4.132)

13.12.190 Sewer deposits.

At the time request for sewer service is made, any customer who is not the owner of the property being serviced shall make a deposit as set forth by resolution of the council.

The sewer deposit shall be held by the city until service is discontinued, and then will be applied toward the closing bill, with any extra being refunded.

Whenever a sewer customer's account is delinquent, the city may apply any portion of the deposit to the payment of the account and shall require an additional deposit of any amount equal to that which would be required were the customer then applying for sewer service. Such additional deposit shall be a condition of continued service and, if not made within thirty (30) days of written demand therefor, shall subject the customer to a discontinuance of service.

(Ord. 2000-11: prior code § 4.149)

13.12.200 Sewer charges.

Sewer rates shall be set by resolution of the council.

(Prior code § 4.150)

13.12.210 Billing procedures.

- A. Sewer bills shall be mailed at least every other month. All sewer charges are due and payable thirty (30) days after the date of billing or they are delinquent. When a bill is delinquent, written notice shall be mailed to the customer at the address shown on the city records advising the customer that, unless the bill is paid, water service will be shut off five business days after the date of the notice. The notice shall further advise the customer that the customer may, within five business days of the receipt of the notice, request an informal hearing before the city manager. Such hearing shall be given as soon as is practicably possible. At the end of the hearing, the city manager shall give his or her decision to the customer either affirming or overruling the termination notice. The customer may be represented by an attorney at the hearing, and any probative evidence shall be admissible. If a hearing is timely requested by the customer, service shall not be terminated until a decision has been rendered following the hearing. In the event that the city manager shall have participated in the decision to terminate the customer's water supply, the city manager shall appoint some other disinterested city official as the hearing's officer.
- B. If water services are discontinued for delinquency of payment, they shall not be restored until:
 - 1. All delinquent billings have been paid in full;
 - 2. A service restoration fee, as set by council resolution, has been paid; and
 - 3. The deposit required by Section 13.12.190 is made.
- C. Delinquent sewer charges shall be set by resolution of the council.

(Prior code § 4.155)

(Ord. No. 2012-003, § 2, 6-25-2012)

13.12.220 Senior citizens—Application for reduced rate.

Notwithstanding any other provisions of this chapter, senior citizens of the age of sixty-five (65) years or older residing within the city who are billed directly by the city for sewer, with an income during the preceding calendar year from all sources of less than thirteen thousand six hundred sixteen dollars (\$13,616.00) or who is the head of a family with a family income during the preceding calendar year from all sources of less than eighteen thousand two hundred four dollars (\$18,204.00) who applies for reduced residential sewer rates and whose application is approved, shall pay a monthly sewer rate as set by resolution of the council. Applications for reduced sewer rates shall be on forms supplied by the city filed with or mailed to the city recorder. All information required to be given on such forms shall be supplied by the customer and shall be verified by the customer. Reduced sewer rates shall be granted to qualifying applicants commencing with the first full billing period occurring following the acceptance of the application. The reduced rates shall continue for the remainder of the fiscal year in which the application is filed and accepted. All qualifying customers must submit a new application annually by July 1st in order for eligibility to be continued through the next fiscal year from July 1st through the following June 30th. A change of address of a qualifying customer terminates the special rate provided in this chapter.

(Prior code § 4.160)

13.12.230 Reduction or waiver of charges.

Upon application, the council, in its sole discretion, may reduce or waive charges under Section 13.12.200. The reduction or waiver shall be for a specified period only. Before making such reduction or waiver, the council must find one or more of the following conditions:

- A. Continued vacancy of the property;
- B. Reduction of units in use;
- C. Special circumstances making the charges inequitable;
- D. Waivers of charges granted by the council from the date of this amendment shall be consistent with the requirements of the Federal Clean Water Act, as amended.

(Prior code § 4.165)

13.12.250 Revision and reporting of charges.

The sewer user charges shall be reviewed annually at the first regular city council meeting in January. Charges shall be revised as required to reflect actual costs of operation, maintenance and replacement of the sewage collection system and sewage treatment plant, and to maintain the equity of the user charges system based upon the above costs in proportion to each user class proportionate contribution to the total wastewaters loading from all user classes.

Each user shall be notified annually in conjunction with a regular bill of the rate of that portion of the user charges which are attributable to sewage collection and treatment services.

(Prior code § 4.175)

13.12.260 Owner responsibility.

The owner of any property on which there are facilities connected to the city sewerage system, is responsible for the maintenance and cost of maintaining the private service lateral within the property to its connection with the city's sewerage system.

(Prior code § 4.180)

13.12.270 Right of entry.

The director of public works or other duly authorized employees of the city shall be permitted to enter private property for inspection as provided in Section 1.08.010 of this code to make such tests as determined by the director of private service lateral piping to determine whether such piping is watertight according to the standards adopted by the city.

The property owner shall be responsible to supply a four-inch clean out at or adjacent to the house or building upon ten (10) days' written notice by the city.

(Ord. 2000-16 § 5: prior code § 4.181)

13.12.280 Notice to repair.

Where the city finds that any private service lateral piping is leaking or not properly connected, the property owner will be notified in writing by the city to make necessary repairs. The notification shall include the type of repairs to be made and the date, not less than thirty (30) days from the date of notice, in which the repairs shall be completed.

The property owner shall notify the director of public works when repairs have been made and the city shall make such further tests of the private service lateral as the director deems necessary. The private service lateral will be considered repaired when it passes the test conducted by the city according to the standards adopted by the city.

(Prior code § 4.182)

13.12.290 Indemnification of owner.

While performing test or repair work pursuant to this code on private property, the city shall indemnify the property owner against loss or damage caused by the negligence of city employees to the property.

(Prior code § 4.184)

13.12.300 Nonconforming private service laterals.

- A. Any property owner who shall fail to comply with the provisions of Sections 13.12.020 through 13.12.180 and 13.12.260 through 13.12.280 shall be deemed to possess a private service lateral not in conformance.
- B. The director of public works shall notify by mail each property owner which he determines is in violation of the above reference sections of this code at the address of such owner as listed on the latest tax rolls of the tax assessor for Clackamas County, Oregon. The notice shall set forth the basis for such alleged violations along with an explanation of the consequences of having a private service lateral deemed not in conformance. The notice shall include notification of the right to a hearing as described in this chapter.

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- C. Within ten (10) days of the mailing of the notice described in subsection B. of this section, the property owner may request a hearing before the city manager. At such hearing the city manager shall determine whether or not the property owner is in violation as alleged. Unless such request for a hearing is filed within the time provided by this code, the property owner shall be deemed to possess a private service lateral not in conformance. If the property owner is found to be in violation at the hearing by the city manager then the property owner's private service lateral shall be deemed not in conformance. The property owner may appeal the decision of the city manager to the city council within ten (10) days of such decision by filing a written notice of appeal with the city recorder.

(Prior code § 4.185)

13.12.310 Not-in-conformance assessment.

Any property owner who maintains a private service lateral not in conformance with the maintenance requirements of this code shall be assessed double the appropriate monthly sewer charge determined under Section 13.12.200 until the private service lateral is brought into conformance with the requirements of this code.

(Prior code § 4.186)

13.12.320 Disconnection from water service.

The premises served by the city sewerage system may be disconnected from water service by the city and not resumed until the private service lateral is repaired or replaced according to the specifications of the director. Disconnection shall occur upon failure to correct a private service lateral that is not in conformance within ten (10) days following the last to occur: director's written notice to property owner; or decision of city manager; or decision of city council.

(Prior code § 4.187)