

ORDINANCE NO. 2023-01

RELATING TO

**RULES AND REGULATIONS OF THE
OCHOCO WEST WATER AND SANITARY AUTHORITY**

WHEREAS, the Ochoco West Water and Sanitary Authority ("Authority") is authorized by ORS 450.640 to exercise the duties, functions, and powers of both water and sanitary authorities under ORS 450.600 to 450.989; and

WHEREAS, the Authority is authorized by ORS 450.810 to establish rules and regulations relating to sanitary sewage disposal and drainage by adopting ordinances pursuant to ORS 198.510 to 198.600; and

WHEREAS, the Authority is authorized by ORS 450.685, ORS 450.085, and ORS 263.264.306 to adopt regulations for water supply and delivery by ordinance adopted in accordance with ORS 198.510 to 198.600;

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

Chapter 1

GENERAL

- 1.1 Title.** This ordinance shall be known as "RULES AND REGULATIONS FOR THE OCHOCO WEST WATER AND SANITARY AUTHORITY" (hereinafter, "Ordinance").
- 1.2 Scope.** All customers receiving water or sanitary sewer services from the Authority are bound by this Ordinance.
- 1.3 Definitions.**
 - 1.3.1 Applicant.** The person or persons making application for water service.
 - 1.3.2 Authority.** Ochoco West Water and Sanitary Authority, located in Prineville, Crook County, Oregon.
 - 1.3.3 Billing Agent.** The individual appointed by the Board to keep the record of meter readings and prepare and mail the appropriate bill.
 - 1.3.4 Board of Directors, or Board.** The governing body of the Authority.
 - 1.3.5 Customer or User.** An applicant who has been accepted under the terms of these regulations or to receive services from the Authority.

- 1.3.6 Customer Service Line. The portion of the water delivery system between the water meter and the residential or commercial structure.
- 1.3.7 Meter Agent. The individual or individuals appointed by the Board to read meters and report the meter reading to the Billing Agent.
- 1.3.8 Service Area. The geographic area served by the Authority.
- 1.3.8 System. The physical plant and other infrastructure needed to deliver water or sanitary services within the Authority's Service Area, including but not limited to the sewer collection system and treatment facilities; sewer mains; water tanks and reservoirs; water mains and pipes; and water meters.
- 1.4 **System Ownership**. All components of the System shall be owned by the Authority, except that Customer Service Lines shall be owned by the Customer. All installation and maintenance of the System shall be performed by or inspected by authorized representatives of the Authority.
- 1.5 **Application for Service**. Each Applicant for water and/or sanitary service shall complete and sign an application form provided by the Authority. In signing the application, the customer agrees to abide by the rules and regulations of the Authority. The application is merely a written request for service and does not bind the Authority to provide service. All applicable connection fees and charges shall be paid at the time of application.
- 1.6 **Establishment of Fees and Charges**. Water and sewer service fees and charges shall be established by resolution of the Authority's Board of Directors.
- 1.7 **Property Owner Responsible**. The property owner of record as shown in the Crook County property records shall be responsible for the payment of all fees and charges prescribed in this Ordinance. Bills shall be issued to the property owner, who is responsible for payment. Collection of payments from tenants or lessees of the property owner is the sole responsibility of the property owner.
- 1.8 **Access to Property**. Any authorized representative of the Authority shall have reasonable access to all exterior parts of structures and premises for the purposes of inspecting connections, fixtures and the manner and extent of water or sewer use. The Authority is not responsible for inspecting or repairing the customer's water lines, plumbing, or equipment. Property owners must keep vicious dogs or other animals secured or confined to avoid interference with the Authority's operation and maintenance.
- 1.9 **Delinquencies**. Any customer fees and charges that remain unpaid after the final date of payment listed on the Customer's bill shall be considered delinquent and will subject the Customer to applicable penalties under this Ordinance.
- 1.10 **Liens**. Any delinquent sanitary sewer charge, or any portion of a user fee assessed for the purpose of repaying a loan lawfully incurred by the Authority, shall become a lien on the

property served. Such lien may be recorded in the Crook County property records and may be collected or foreclosed upon in any manner permitted by law.

- 1.11 **Suspension of Rules.** No employee or agent of the Authority is authorized to suspend or alter any of the policies, rules and regulations cited herein without specific approval or direction of the Authority's Board of Directors, except in emergency situations with a substantial risk of personal injury or serious property damage.
- 1.12 **Savings Clause.** If any part of this Ordinance is determined to be invalid by a court of competent jurisdiction, such determination shall not affect, impair or invalidate the remainder of this Ordinance but shall be limited to the portion directly affected thereby.

Chapter 2

WATER SUPPLY AND DELIVERY

- 2.1 **Class of Service.** Water provided by the Authority shall be solely for domestic purposes.
- 2.2 **Supply.** The Authority will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to customers at a reasonable pressure and to avoid so far as reasonably possible any shortage or interruption in delivery.
- 2.3 **Quality.** The Authority will exercise reasonable diligence to supply safe and potable water at all times.
- 2.4 **Shortages; Notice.** In case of shortage of supply, the Authority reserves the right to limit the use of water to inside use or to impose restrictions on outdoor use. The Authority will provide reasonable advance notice to all customers affected by limitations on water use.
- 2.5 **Interruptions in Service.** If occasional temporary suspension of service by the Authority for improvements and repairs becomes necessary, whenever possible all customers affected will be notified in advance. The Authority shall not be liable for damage resulting from the interruption in service or from the lack of service.
- 2.6 **Resale of Water.** Resale of water shall be permitted only by written agreement between the Authority and the customer.
- 2.7 **Length of Service Line.** The meter will normally be placed nearest the main line and property to be served. If the connection requires an extension in excess of thirty (30) feet, the Applicant shall pay the actual cost of the connection to the Authority.
- 2.8 **Service Extensions.** Extensions of service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted.
- 2.9 **Plumbing.** Customer plumbing shall comply with the Plumbing Code of the State of Oregon and shall include anti-siphon devices and control valves. It shall be a violation of

this Ordinance for the customer to operate cause or permit unauthorized operation of the meter stop or any portion of the meter connection after installation.

2.10 Meters.

- 2.10.1 Ownership. The Authority shall own and maintain all water meters. The Authority will not pay rent or any other charge for a meter on a Customer's premises.
- 2.10.2 Separate Meters. Each separate residence served shall have a meter, and no two residences may share a meter. Water meters shall be installed or inspected only by authorized representatives of the Authority.
- 2.10.3 Location. Meters shall normally be placed at the curb or property line. Meters may be installed where the Applicant desires provided the location is approved by the Authority. Meters will not be located in driveways or other locations where damage to the meter or its related parts may occur.
- 2.10.4 Relocation. Any change in location of a meter for any reason at the convenience of the Customer shall require prior permission of the Authority and shall be relocated at the Customer's expense and shall require the Authority's permission.

2.11 Billing and Payment.

- 2.11.1 Meter Readings. Customers will be billed monthly on the basis of meter readings to the nearest cubic foot. The Authority shall maintain records of meter readings and amounts billed to each Customer and shall provide such records upon request. If a Customer is responsible for more than one bill, a separate bill will be issued for each service.
- 12.11.2 Disputed Bills. A Customer may dispute the amount of a bill by filing a written complaint and depositing the amount of the disputed bill with the Authority. If it is determined that a billing error occurred, the Customer shall be refunded the difference from the disputed amount or shall be charged an additional amount, depending on the outcome of the settlement. Failure of the customer to make the required deposit shall warrant discontinuance of service as provided in this Ordinance.
- 12.11.3 Meter Replacement. If a Customer or the Authority feels that a meter is not registering properly, the Authority may exchange the meter. If a meter is found to be in error, the meter will be replaced at the Authority's cost, and the use measured by the malfunctioning meter will be computed upon an estimate based on either the customer's prior year usage during the same period or other customers receiving similar service. If the meter was replaced at the Customer's request and is found to be working properly, the cost of the replacement meter may be charged to the Customer.

12.11.4 Failure to Read Meters. If it is impossible or impractical to read a meter on the regular reading date, water consumption for the Customer shall be estimated by assuming thirty (30) days per month and prorating the total water consumption for that month for each customer. Subsequent bills will be adjusted to reflect the difference between estimated and actual metered use.

2.12 Discontinuance of Service.

2.12.1 On Customer Request. When premises becomes vacant the property owner will remain responsible for water charges until the Authority is officially notified of the vacancy. If the Authority is notified of the vacancy in advance, the meter will be read and a final bill prepared accordingly.

2.12.2 At Authority's Direction. The Authority may, upon five (5) days' notice to the premises, disconnect service for non-payment or other noncompliance with this Ordinance, or to protect the Authority from fraud or abuse.

2.12.3 Improper Customer Facilities. The Authority may refuse to furnish water and may discontinue service to any premises without prior notice if plumbing facilities or equipment using water are determined to be dangerous, unsafe or not in conformity with the applicable codes. Any illegal or unauthorized connection will be shut off as soon as detected.

2.12.4 Water Waste. If water is wastefully or negligently used on a customer's premises to the degree that it could, or does, seriously affect supply or delivery of water generally, and such conditions are not corrected within twenty-four (24) hours of notice to the customer of such conditions, the Authority may terminate service to the premises.

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

2.12.6 Unauthorized Turn On. If water service that has been discontinued for any reason is turned on by the customer or other unauthorized person, the Authority may terminate service at the main and/or remove the meter. The actual cost for terminating service under this subsection will be charged to the the customer.

2.13 **Excessive Demands**. Customers who require an unusually large quantity of water for filling a swimming pool or other purpose shall notify the Authority in advance to ensure that the excessive demand will not impact service to other customers. The Authority may issue instructions or guidelines for the customer in order to minimize the impact to water service generally, or may delay or disallow the use if it is likely to negatively affect water supply or service to other customers.

2.14 Equipment.

2.14.1 Customer Responsibility. The Authority shall not be liable for any loss or damage whatsoever caused by any defect in the customer's line, plumbing or equipment, nor for any loss or damage due to interruption of service or temporary changes in pressure. The customer is responsible for ensuring that water outlets on the premises are in the off position when water service is turned on.

2.14.2 Authority Equipment. Metering equipment and service lines on the customer's premises remain the property of the Authority and may be repaired, replaced or removed by the Authority's authorized agents at any time without the consent of the customer. The customer is not entitled to compensation for the loss of Authority-owned equipment removed by the Authority.

2.14.3 Damage. The customer shall be liable for any damage to equipment owned by the Authority caused by an act of the customer, the customer's tenant(s), or any invitee or licensee of the customer.

2.15 Easement. As a condition of receiving water service from the Authority, each applicant shall be deemed to grant to the Authority a 20-foot easement and right-of-way on and across the property for the installation, maintenance, and or repair of water mains, lines, valves and equipment in connection therewith, whether or not such easement is recorded in the county property records.

Chapter 3

SANITARY SEWER SERVICE

3.1 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Section shall be as set out in this Section.

3.1.1 APHA. American Public Health Association.

3.1.2 ASTM. American Society for Testing and Materials.

3.1.3 Building drain. The part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning immediately outside the building wall.

3.1.4 Electrical service. The circuit used exclusively for the pumping facilities in the interceptor tank.

3.1.5 Floatable oil. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

- 3.1.6 Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- 3.1.7 Industrial wastes. The wastewater from industrial processes, trade, or businesses as distinct from domestic or sanitary wastes.
- 3.1.8 Interceptor tank. A septic tank-like structure which contains facilities for pumping effluent or a vault containing a grinder pump.
- 3.1.9 Natural outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- 3.1.10 May. "May" is permissive.
- 3.1.11 Owner. The person or persons holding title to real property. "Owner" also includes a purchaser under land sale contract.
- 3.1.12 Person. Any individual, firm, company, association, society, corporation, or group.
- 3.1.13 pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example has a pH value of 7 and a hydrogen ion concentration of 10^{-6} .
- 3.1.14 Practical route. The route determined by the Board or designee to be economically feasible.
- 3.1.15 Properly shredded garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the building drain with no particle greater than one-half inch (1.27 centimeters) in any dimension.
- 3.1.16 Public sewer. The sewerage system, also referred to as "system," including interceptor tanks, pumping facilities, service lines, system piping and control panels.
- 3.1.17 Sanitary sewer. A sewer that carries liquid carried and water-carried wastes from the residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, stormwater, and surface waters that are not admitted intentionally.
- 3.1.18 Service fees or Service charges. The fees, normally monthly, levied for operation and maintenance of the system.
- 3.1.19 Service lines. Piping installed on property to connect the interceptor tank serving the structures thereon to the system piping. Unlike a lateral of a main or a main, service lines are not designed or intended to receive effluent flow from structures other than

those structures with wastewater plumbing existing on the property when the lines were installed.

- 3.1.20 Sewage. The spent water of a community. The preferred term is "wastewater."
- 3.1.21 Sewer. A pipe or conduit that carries wastewater or drainage water.
- 3.1.22 Shall. "Shall" is mandatory.
- 3.1.25 Slug. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow shall adversely affect the collection system or performance of the wastewater treatment works.
- 3.1.26 Storm drain or storm sewer. A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- 3.1.27 Board or designee. The Authority's Board of Directors or its authorized deputy, agent or representative.
- 3.1.28 Suspended solids. Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater."
- 3.1.29 System piping. The main transmission lines and its laterals which collect wastewater from service lines.
- 3.1.30 Unpolluted water. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.
- 3.1.31 WPCF. "Water Pollution Control Federation."
- 3.1.32 Wastewater. The spent water of a community. From the standpoint of source, it may be a combination of the liquid-carried and water-carried wastes from residences, commercial buildings, industrial plants and institutions.
- 3.1.33 Wastewater facilities. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent. Wastewater facilities include the interceptor tanks, pumping facilities, service lines, system piping and control panels.
- 3.1.34 Wastewater treatment works. An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used synonymously with "waste treatment plant" or "water pollution control plant."

- 3.1.35 Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

3.2 Sewer Use Required.

- 3.2.1 Prohibited discharge. It is unlawful to discharge to any natural outlet any wastewater or other polluted waters, from any house, building or structure located within six hundred feet, as measured along the practical route, of any system piping except where suitable treatment has been provided in accordance with subsequent provisions of this Section.
- 3.2.2 Privies prohibited. Except as provided in this chapter, it is unlawful to construct or use any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- 3.2.3 Sewer connection required. The owners of all property within the boundaries shown on the map attached to the ordinance codified in this Section, a copy of which is available for inspection in the office of the Crook County Clerk, are required, in accordance with the provisions of this Section and within sixty (60) days after date of official notice to do so, to connect the wastewater plumbing of any house, building or structure now existing or subsequently developed, to the system when any system piping, initially constructed or extensions thereafter, is located within six hundred feet along the practical route to such house, building or structure.
- 3.2.4 Private wastewater disposal--Compliance. Where a public sanitary sewer is not available under the provisions of Section 1.03.030, the building sewer shall be connected to a private wastewater disposal system complying with the subsurface sewage disposal provisions of the State of Oregon Department of Environmental Quality.
- 3.2.5 Private wastewater disposal--Connection with public system. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within sixty (60) days after official notice to do so in compliance with this Section, and any septic tanks, cesspools, and similar private wastewater disposal facilities not utilized in the connection to the public sewer shall be cleaned of sludge and filled with suitable material or removed or crushed at the owner's expense.

3.3 Sewer Connections.

- 3.3.1 Connection without permit unlawful. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board or designee.

- 3.3.2 Classes of permits--Application. There shall be three classes of written permits: (a) single-family residential, (b) commercial, multifamily including mobile home parks or any other service where an interceptor tank will be utilized by more than one building, structure, or mobile home or which will have a flow exceeding the equivalent flow of a single-family residence, and (c) establishments producing industrial wastes. The owner(s) or his agent shall make application on a special form furnished by the Authority. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Board or designee or as required in Section 1.03.050 and shall be accompanied by a properly executed easement approved by the Board or designee which permits access by the Authority to owner's property for the purpose of installing, constructing, maintaining, and inspecting service lines, interceptor tanks and control panels serving owner's property.
- 3.3.3 Costs to be borne by owner. All costs and expenses incidental to the installation and connection of the building sewer and electrical service shall be borne by the owner(s). The owner(s) shall indemnify the Authority from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- 3.3.4 Plot plan contents for class (b) or (c) permit. With each application for a class (b) or (c) permit (See Section 1.03.020) or for an application to provide sewers to a subdivision the applicant shall submit one set of plot plans showing the general layout of the proposed development at a scale no smaller than 1"=100' and showing the following:
- A. Name of owner and applicant;
 - B. Name of person who prepared plans;
 - C. Scale used;
 - D. Property line and both existing and proposed layout
 - E. Building sewers or sewer connections and their distance from system piping
 - F. Existing and proposed water lines;
 - G. Buildings;
 - H. Streets, if any;
 - I. Existing private sewage disposal systems.

3.4 Sewer Use Regulations.

- 3.3.1 Discharge of unpolluted waters prohibited. No person(s) shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer.
- 3.3.2 Discharge of certain substances prohibited. No person(s) shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

- B. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient concentration, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater facilities.
- C. Any waters or wastes having a pH lower than 4.5 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- E. Ceramic dusts or particles or other abrasive substances.
- F. Any water received through infiltration or inflow.

3.3.3 Discharge of certain substances limited. The following described substances, materials, waters, or waste shall be limited in discharges to the system to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Board or designee may set limitations lower than the limitations established in the regulations below if it is determined that more severe limitations are necessary to meet the above objectives. In making this determination, the Board or designee will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on material or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Board or designee are as follows:

- A. Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (sixty-five degrees Celsius).
- B. Wastewater containing more than twenty-five milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- C. Wastewater from industrial plants containing floatable oils, fat, or grease.

- D. Any garbage that has not been properly shredded (See Section 1.01.220). Garbage grinders are discouraged.
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Board or designee for such materials.
- F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Board or designee.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board or designee in compliance with applicable state or federal regulations.
- H. Quantities of flow, concentrations, or both which constitute a "slug" as defined in this Section.
- I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- J. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

3.3.4 Action of Board or designee upon discharge of certain limited substances.

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics prohibited under this Ordinance, and which in the judgment of the Board or designee may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Board or designee may:
 - 1. Reject the wastes;
 - 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
 - 3. Require control over the quantities and rates of discharge; and/or

3. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
 - B. When considering the above alternatives, the Board or designee shall give consideration to the economic impact of each alternative on the discharger. If the Board or designee permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Board or designee.
- 3.3.5 Grease, oil and sand interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the Board or designee, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in this Ordinance, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Board or designee and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Board or designee. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.
- 3.3.6 Maintenance of pretreatment facilities. Any pretreatment or flow-equalizing facilities provided or required for any waters or wastes shall be maintained continuously in satisfactory and effective operation by the owner(s) at the owner's expense.
- 3.3.7 Observation, sampling and measurement. When required by the Board or designee, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Board or designee. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- 3.3.8 Information to be provided by holders of class (b) or (c) permits. The Board or designee may require an applicant or holder of a class (b) or (c) permit to provide information needed to determine compliance with this Section. These requirements may include:
- A. Wastewaters discharge average and peak rate and volume over a specified time period.

- B. Chemical and biological analysis of wastewaters sampled at specified times, locations, durations and frequencies.
- C. Information on raw materials, processes, and products affecting wastewater volume and quality.
- D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- E. A plot plan of sewers on the user's property showing sewer and pretreatment facility location.
- F. Details of wastewater pretreatment facilities.
- G. Details of system to prevent and control the losses of materials through spills to the public sewer.

3.3.9 Wastewater analysis standards. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Section shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the APHA. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the Board or designee.

3.3.10 Special agreements between Authority and industrial concerns. Nothing contained in this chapter shall be construed as preventing any special agreement or arrangement between the Authority and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Authority for treatment.

3.4 Sewer Design And Construction Requirements.

3.4.1 Separate electrical service for each interceptor tank required. A separate and independent electrical service shall be provided for every interceptor tank.

3.4.2 Existing building sewers. Existing building sewers may be used in connection with new buildings only when they meet all requirements of the applicable plumbing code.

3.4.3 Standards for construction. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the state. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of this Ordinance and the most current edition of the WPCF Manual of Practice.

- 3.4.4 Elevation. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the interceptor tank, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- 3.4.5 Surface runoff connections. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Board or designee in writing for purposes of disposal of polluted surface drainage. Otherwise, no infiltration or inflow shall be permitted.
- 3.4.6 Connection to interceptor tank. The connection of the building sewer into the interceptor tank shall conform to the requirements of the applicable plumbing code. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Board or designee before installation.
- 3.4.7 Notification of inspection readiness. The applicant for the sewer permit shall notify the Board or designee when the building sewer is ready for inspection and connection to the interceptor tank. The connection and testing shall be made under the supervision of the Board or designee or his representative in cooperation with the Authority building official.
- 3.4.8 Protection from excavation hazards. All excavations for sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Authority.
- 3.4.9 Plumbing orientation in new construction. Plumbing within newly constructed houses, buildings, or structures shall be so oriented unless otherwise approved by the Board or designee as to allow the building sewer to stem from the side closest to the system piping.
- 3.4.10 Independent facilities for subdivided parcels. Upon sale of a subdivided or partitioned parcel with a house, building or structure utilizing an interceptor tank serving another house, building or structure which was not included in the sale or located on the parcel after division, another interceptor tank, control panel and proper piping shall be installed so that each parcel has independent sewerage facilities. The interceptor tank shall be located within the boundaries of the parcel it serves. In the alternative, the owner of the property served by a tank located on an adjacent property shall provide evidence satisfactory to the Authority of a recorded easement to allow access and use the tank so located.

3.5 Sewer Extensions.

3.5.1 Request procedure. Any person who owns property located within the boundaries of the Authority may request permission from the Board or designee to extend the system piping to provide service to such property. The request to extend the system piping shall be made in writing. The Board or designee may approve or deny the request or approve it with modifications. The decision of the Board or designee may be appealed in accordance with the procedure set forth in this Ordinance. If the request to extend the system piping is approved by the Board or designee or on appeal, the system piping extension may be financed and constructed by any of the following methods:

- A. If the extension of system piping is being installed to provide service to lots in a subdivision the system piping may be constructed and financed with other improvements in the manner set forth in land use and development ordinance for Crook County.
- B. The owners of the property to be served by the system piping extension may enter into an agreement with the Authority for construction of the piping by the owners. The owner is responsible for providing the plans and specifications for the construction of the piping, which shall be subject to the approval of the Authority. The agreement shall provide that if construction of the piping is not completed within a period specified in the agreement, the Authority may complete the work and recover the full costs and expense thereof from the owners. To ensure full performance of the agreement for construction of the piping, the owners shall be required to provide one of the following:
 - 1. A surety bond executed by a surety company authorized to transact business in the state on a form approved by the Authority counsel; or
 - 2. Cash deposit with the Authority treasurer; or
 - 3. Cash deposit with an escrow agent authorized to transact business in the state subject to escrow instructions that require the escrow agent to release the money only upon the direction of the Board or designee. Escrow instructions shall be approved by the Authority counsel.

3.5.2 Performance bond or security. The performance bond or other security provided pursuant to this chapter shall be for a sum determined by the Board or designee to be sufficient to cover the costs of the system piping extension.

3.5.3 Failure to carry out agreement provisions. If the owner fails to carry out provisions of the agreement for the construction of system piping and the Authority has unreimbursed costs or expenses resulting from such failure, the Authority shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the costs and the expenses incurred, the remainder shall be released.

If the amount of the bond or cash deposit is less than the cost and expense incurred, the applicant shall be liable to the Authority for the difference.

Chapter 4

FEES AND CHARGES

4.1 Definitions.

- 4.1.1 Connection Fee. Flat amount charged to the property owner upon application for connection to the System, to cover the cost of installation, connection, and inspection. The Connection Fee is separate from and in addition to any applicable tax, assessment, charge, fee in lieu of assessment, system development charge, or fee otherwise provided by law or imposed as a condition of development.
 - 4.1.2 Change-of-Use Fee. An additional connection fee charged to the property owner upon a change of use resulting in an increased number of Units charged to the property.
 - 4.1.3 Inspection Fee. Flat amount charged to the property owner upon application for connection to the sanitary system. Inspection charges are intended to cover the costs incurred by the Authority in providing sewer system construction inspection and testing for the type of service for which the application has been submitted and the permit to connect been granted.
 - 4.1.4 Reconnection Fee. Flat amount charged upon reconnection the System.
 - 4.1.5 Service Charge or Service Fee. Regular, ongoing fee charged to a property for the purpose of financing the construction, operation and maintenance of the water delivery system.
 - 4.1.6 Unit. A Unit is equivalent to sewerage of a strength and volume normally associated with an average single-family dwelling or dwelling equivalent, by which all uses of the sanitary sewerage system may be measured.
- 4.2 **Service charge**. Service charges shall begin upon connection to the System and shall be due and payable to the Authority in an amount determined by the Board. Service Charges shall commence the month in which connection to the System receives final approval from the Authority or becomes usable for the intended purpose, whichever first occurs. Charges may be pro-rated based on the remaining days in the month when approval takes place.
- 4.3 **Connection fee**. A connection fee shall be charged for each new connection to the System at the time of application for service. Connection fees shall be established by the Board to cover the reasonable administrative costs to the Authority of establishing the new connection. The Authority reserves the right to modify the Connection Fee, or establish an

alternative Connection Fee, on a case-by-case basis for individual properties when, in the Authority's discretion, the type of use, atypical or unique installation requirements, or other special circumstances so require. Connection and reconnection fees for houses, buildings or structures located farther than three hundred (300) feet from system piping shall also contain an additional charge for every foot the interceptor tank is located beyond three hundred feet from system piping.

- 4.4 **Reconnection fee.** Reconnection Fees shall be established by the Board to cover the reasonable administrative costs to the Authority of making the reconnection. The reconnection fee shall be charged when service has been disconnected or discontinued and the owner of the premises requests reconnection.

Reconnection Fees shall also be required when an existing structure connected to the sanitary sewer system is removed for the purpose of replacing it with a new structure of similar service type, disconnection of sanitary service is required to facilitate such removal and replacement, and the new structure requires reconnection to the sanitary sewer system.

Reconnection Fees shall be in addition to, and not in lieu of, any penalty or other charge required to be paid prior to reconnection to the system.

- 4.5 **Inspection fee.** Each person making an application for connection to the sanitary sewer system shall pay an inspection fee as established by the Board.
- 4.6 **Unlawful connection charge.** Any connection to System without first making application, securing a permit if required, and paying all charges due to the Authority shall be unlawful. Any owner of property where an unlawful connection has been made shall be responsible for all fees and charges required to be paid, plus an additional twenty percent (20%) of the total of such fees and charges.
- 4.7 **Changing Class of Service.** Whenever a parcel of property that has been connected to the sewer system undergoes a change of use so that a different number of Units would be assigned to the property if connection were made after the change, the following shall occur:
- A. If the change results in the assignment of a greater number of Units, a Change-of-Use Fee shall be levied at the time of such change. The additional charge shall be equal to the net increase of Units times the cost per Unit. Thereafter, the Service Charge for such property shall be based on the increased number of Units.
 - B. If the change results in the assignment of a lesser number of Units there shall be no additional charge or rebate. The Service Charge for such property shall be based on the decreased number of Units.
 - C. If the change in use necessitates replacement or expansion of tanks, equipment, or other materials, the property owner shall be responsible for all installation and inspection costs in addition to the fee described herein.

Fees charged under this Section shall be in addition to any system development charges or other costs related to system expansion which may be imposed by the Authority by agreement, or pursuant to separate ordinance or resolution.

4.8 Procedure for fee increase. Individual Connection Fees, Reconnection Fees, or Service Charges for sanitary sewer service may be increased by order of the Board after a public hearing when the Board or designee finds that the actual wastewater flow from the house, building or structure is substantially in excess of the flow specified in the permit required by this Ordinance or when the final assessments were made. Before raising an individual fee the Board or designee shall notify in writing the person responsible for the fee or assessment of the intended increase. The notice shall describe the reasons for and the amount of the increase and a time, date and place for the Board or designee to hear the matter. In lieu of raising the fee or assessment the Board or designee may allow the person responsible for such fee to reduce the flow to correspond with the flow indicated on the final assessment or permit within thirty (30) days of the Board's order. If flow is not reduced and kept reduced for a period of nine (9) months after the order, the fee or assessment may be raised without further hearing.

4.9 Procedure for fee reduction.

- A. Individual Connection Fees, Reconnection Fees, or Service Charges for sanitary sewer services may be reduced by order of the Board or designee when the Board or designee determines:
1. That the actual wastewater from the house, building or structure is substantially below the flow specified on the permit required under this Ordinance; or
 2. That an owner or purchaser who requested service in writing and such service was approved, but who is unable to obtain a building permit because of restrictions imposed by statute, ordinance or other governmental regulation; or
 3. That the use for which the approval was given has changed and such use will utilize a substantially lesser sewage flow; or
 3. That the structure for which the approval was given has been destroyed or removed and will not be rebuilt or replaced.
- B. The owner or contract purchaser of the property affected shall submit a written request for such reduction and the reason(s) for the request. The Board or designee shall then either grant the request or hold a hearing on the request.
- C. If the charge or fee is reduced the Board or designee shall refund the difference in cash or cause the Board to enter an order to reduce the amount charged if such amount has not yet been paid. In no case may a fee or charge be reduced below the cost or flow of

one Unit unless such reduction is for one of the reasons listed in subparagraph 4.12.A above.

- 4.10 System Development Charges ("SDCs").** The Board may assess system development charges ("SDCs") by separate resolution or ordinance, according to the procedures described in ORS 223.297 through 223.313.
- 4.11 Assessment Ordinance.** The Board may, by separate ordinance, declare that the cost of sewers, drains or sewage treatment plants, or any portion thereof, be assessed against the property or properties directly benefited thereby, according to the procedures in ORS 450.140.

Chapter 5

ADMINISTRATION AND ENFORCEMENT

- 5.1 Service fees a debt to Authority.** Service fees and charges levied pursuant to this Ordinance shall be a debt due to the Authority. If fees and charges due remain unpaid, water service may be terminated. Unpaid service charges may also be collected and enforced as provided in ORS 453.454.224.225. Unpaid connection and reconnection fees shall become a lien upon the real property to which the service is connected. In case the whole or any portion of the cost of the water delivery system or sanitary sewer system is assessed against the property directly benefited and the owner of the property fails to pay the amount of the lien, or any portion thereof, or the interest thereon, when they become due, the Board may proceed to foreclose the lien in any manner provided by law for the collection of liens by local governments as defined in ORS 473.174.116 and may provide by ordinance a general procedure for the collection of liens in any manner not inconsistent with law.
- 5.2 Delinquent payments.** Charges not paid within thirty (30) days from the date of billing are delinquent. Delinquent charges bear interest at the rate of one per cent per month or fraction thereof. Unpaid fees and charges may be collected as provided in this Ordinance.
- A. Delinquent charges shall be considered to have been automatically entered into the Authority's lien docket at the time they become delinquent and may be collected as provided by law, including any expense incurred in collection.
 - B. Where delinquent charges are certified to the County Assessor for collection on the property tax roll in accordance with ORS 453.454.225, additional charges may be added to the amount to be certified to cover the cost of processing.
 - C. In any action at law or suit in equity to collect any delinquent fees or charges, the Authority shall be entitled to reasonable attorney's fees, costs and disbursements that may be awarded by the trial court, including any appeal therefrom.
 - D. Unpaid accounts, including any lien filed as a result thereof, shall incur interest at a rate established by the Board. In addition, a twelve percent (12%) penalty fee shall be

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added to the amount of any lien recorded in the County property records or certified to the County Assessor pursuant to ORS 453454.224225.

- 5.3 **Right of entry.** The Board or designee of the Authority bearing proper credentials and identification shall be permitted to enter all private properties through which the Authority holds a duly negotiated easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the System lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- 5.4 **Damage to equipment prohibited.** No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the System.
- 5.5 **Excavation without permit prohibited.** No person shall excavate within any area subject to a recorded easement granting the Authority access and installation rights for water or wastewater facilities without first obtaining a permit to do so from the Board or designee.
- 5.6 **Stop work order.** If any person constructs a public sewer, private sewer or building sewer or other structure or device in violation of this Ordinance, the Board or designee may issue an order to such person to stop work or to correct work which has been performed. The person so ordered shall promptly take action as necessary to comply with the order and shall be solely responsible for the cost of such compliance.
- 5.7 **Correction of prohibited discharge.**
- A. The Board or designee may order the owner of any property from which discharges prohibited by this Ordinance are entering any sewer to correct such condition. The Board or designee shall first give written notice to the owner of the prohibited discharge. If the owner fails to correct the condition within thirty (30) days after receipt of such notice, the Board or designee may enter upon the property and remove or close sewer connections as provided in this Ordinance.
 - B. Any person discharging any material deemed to be dangerous, injurious to treatment process, hazardous to any person, structure or treatment unit may be subject to immediate discontinuance of sewer service without prior notice at the discretion of the Board or designee. The Board or designee shall have the right to enter upon the person's property to remove or close sewer connections as provided in this Ordinance.
- 5.8 **Right to terminate service and to remove or close connections.**
- A. If an action prohibited under this Ordinance does not cease promptly after issuance of a written order from the Authority, the Board or designee shall have the right to terminate service and to remove or close sewer connections, and enter upon the property for accomplishing such purposes.

- B. The expense of such termination, removal, or closing, as well as the expense of restoring service, shall be a debt due to the Authority and may be recovered in any manner permitted by law.

5.9 Restoration of Service.

- 5.9.1 **After Non-Payment.** Service that has been terminated due to nonpayment shall be restored after all current and past-due charges, and any applicable penalties, are paid in full and the account is made current.
- 5.9.2 **After Other Violations.** Service that has been terminated due to unsafe facilities, water waste, fraud, abuse or for any other noncompliance with this Ordinance will be restored upon the Authority's determination that the unsatisfactory condition has been corrected, and all applicable costs and penalties have been paid in full. The cost to restore service under this subsection shall be a minimum of \$50.00 in addition to payment of all amounts past-due, plus the actual costs incurred by the Authority to correct the condition.

- 5.10 **Charges for Returned Financial Instruments.** The Authority may assess a fee against the maker of any check, draft, warrant or other instrument issued for payment of any amount owed to the Authority and returned due to insufficient funds. This charge must be paid in cash, by money order or with a certified check. Each charge levied under this section shall be a debt due the Authority and shall be governed and recoverable in the same manner as any other Service Charge. All charges levied under this section shall be in addition to any other charges lawfully levied by the Authority.

5.11 Violation--Penalty.

- A. Any person found to be violating any provision of this Ordinance shall be served by the Authority with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.
- B. Any person who continues any violation beyond the time limit provided in the written notice required by this Section shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this Ordinance shall be liable to the Authority for any expense, loss or damage occasioned by the Authority by reason of such violation.
- D. The Authority reserves the right to seek injunctive relief against violation of any of the provisions of this Ordinance.

Chapter 6

APPEALS

- 6.1 Written Appeal.** Except as otherwise provided in this Ordinance, any person aggrieved by a ruling under or interpretation of the provisions of this Ordinance may submit a written appeal to the Board. The appeal shall set forth the events and circumstances leading to the appeal, the nature of the ruling or interpretation from which relief is sought, the nature of the impact of the ruling on appellant's property or business together with any other reasons for the appeal.
- 6.2 Investigation.** The Board shall study the matter, hear testimony if deemed necessary, and prepare a written decision summarizing its findings, which shall be sent to the appellant within thirty (30) days of the date of appeal. The Board's written decision shall be final for purposes of judicial review.
- 6.3 Judicial review.** Decisions of the Board shall be reviewable in the Circuit Court for Crook County Oregon, solely and exclusively under the provisions of ORS 33.010 to 33.100.
- 6.4 Applicability of appeal provisions.** Conformance with the requirements of this Ordinance shall in no way be a substitute for, or eliminate the necessity of conforming with, any and all federal, state, or local laws, ordinances and rules and regulations which are now or may in the future be in effect relating to the public health.

This Ordinance shall be effective 30 days from its adoption.

FIRST READING: _____, 2023.

SECOND READING: _____, 2023.

APPROVED AND ADOPTED on _____, 2023.

AYE VOTES: _____
NAY VOTES: _____

Board Chair

ATTEST:

Authority Secretary

