

## **Title 13**

### **PUBLIC SERVICES**

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## Chapter 13.04

### WATER SERVICE SYSTEM

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Ordinance History: #1331

#### 13.04.010 Short title.

This chapter shall be known as "rates, rules and regulations for the operation of the water department of the city of Bandon, Coos County, Oregon," and may be so cited and pleaded.

#### 13.04.020 Definitions.

As used in this chapter:

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

"City council" means the legally elected group of members comprising the city council, and mayor of the city of Bandon, Oregon.

"Customer" or "user" means an applicant who has been accepted under the terms of these regulations and who receives water service from the water department.

"Superintendent" means the person appointed by the city council to superintend the affairs of the water department.

"Utility department" means the employees of the city of Bandon who are responsible for the financial records pertaining to the billing of water, sewer and electric utility customers.

"Water department" means the water department of the city of Bandon, Oregon.

13.04.030 Service area.

The area served by the water department shall be all that area included within the corporate limits of the city of Bandon and such other contiguous and neighboring territory as the city council shall, from time to time, deem necessary to serve.

13.04.040 Description of service.

- A. Supply. The water department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid, so far as reasonably possible, any shortage or interruption in delivery. The water department shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the water department for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.
- B. Quality. The water department will exercise reasonable diligence to supply safe and potable water at all times.
- C. Ownership of System. All water mains, valves, fittings, hydrants and other appurtenances, except "customer service lines" as defined in Section 13.04.110, shall be the property of the water department.

13.04.050 Classes of service.

- A. The classes of service shall be residential, commercial, standby fire and contract as further qualified by the number after the class as follows:
  - 1. Inside city limits;
  - 2. Outside city limits.
- B. Residential Service. Residential services shall consist of all services for domestic purposes, single-family dwellings, homes and municipal purposes.
- C. Commercial Service. Commercial services shall consist of those services where water is used for commercial services, such as businesses and multifamily dwellings.
- D. Standby Fire. Standby fire service shall consist of those services where water is available or used for fire protection only.
- E. Contract Service. Contract services shall consist of those services for industrial or independent water district purposes under contracts authorized by the city council.

13.04.060 Special contracts.

When the applicant's requirements for water are unusual or large, such as an independent

water district, or necessitate considerable special or reserve equipment or capacity, the water

department, by authorization of the city council, reserves the right to make special contract, the provisions of which are different from and have exceptions to the regularly published water rates, rules and regulations. This special contract shall be in writing, signed by the applicant and approved by the city council and city attorney and signed by the mayor and city recorder of the city of Bandon.

13.04.070 Resale of water.

Resale of water shall be permitted only under special contract, in writing, between the city manager and the persons, parties or corporation selling the water.

13.04.080 Service preference.

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

13.04.090 Application for service.

- A. Application Form. Each applicant for water service shall sign an application form provided by the water department giving the date of application, location of premises to be served, the date applicant desires services to begin, purpose for which service is to be used, the address for mailing of the billings, the class and the size of the meter address for mailing of the billings, the class and size of the meter service, and such other information as the water department may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations of the water department. The application is merely a written request for service and does not bind the water department to serve.
- B. Deposits and Establishment of Credit. At the time application for service is made, the applicant shall establish his or her credit with the utility department.
  1. Establishment of Credit. The credit of the applicant will be deemed established if the applicant makes a cash deposit with the utility department to secure the payment of bills for service. The amount of the deposit shall be in accordance with fees set by council resolution.
  2. Deposits. At the time the deposit is made, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded.
  3. Forfeiture of Deposit. If an account becomes delinquent and it is necessary to turn off the service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to that customer at any premises until all outstanding bills due the water department have been paid and the cash deposit replaced, together with a service charge as provided in Section 13.04.200.
- C. Application Amendments. Customers desiring a material change in the size, character or extent of equipment or operation which would result in a material change in the amount of water used shall give the water department written notice of such change prior to the change and the application for service shall be amended. Customers desiring a change in the size, location or number of services shall fill out an amended application, and pay for the cost of the improvements.

13.04.100 Main extensions.

- A. Within the City Limits. Water main extensions to areas within the city limits not presently served with water shall be installed in accordance with the city and state of Oregon standards. Sub-dividers for newly partitioned properties will assume all costs of main extensions except as otherwise approved by the city council.
- B. Outside the City Limits. Water mains outside the city limits shall be extended only at the expense of the customers served. The main extensions shall be become the property of the water department at the time installed. The city manager or designee shall determine the size of the main extensions and all extensions shall be of suitable material approved by the city manager or designee. Extensions outside the city limits shall be installed by the water department or by contractors approved by the city. The installation procedures and material used shall be in accordance with the city and state of Oregon standards.
- C. Locations of Extensions. The water department will make water main extensions only on rights-of-way, easements or publicly owned property. Easements or permits secured for main extensions shall either be obtained in the name of the city, along with all rights and title to the main, at the time the service is provided to the customers paying for the extension.

13.04.110 Services.

- A. Definitions. As used in this chapter:
  - "Customer service line" means that part of the piping on the customer's property that connects the service to the customer's distribution system.
  - "Service connection" means that part of the water distribution system which connects the meter to the main and shall normally consist of corporation stop, service pipe, curb stop and box, meter, meter yoke and meter box.
- B. Ownership, Installation and Maintenance. The water department shall own, install and maintain all services and installation, and maintenance shall only be performed by authorized employees of the water department. The customer shall own, install and maintain the customer service line.
- C. Service Connection Charge. At the time the applicant files for service where no service previously existed, or if he or she is filing for a change in service size or location, the applicant shall submit with his or her application the service connection charge. This charge is to cover the actual cost to the water department to install the service from the main to, and including, the meter and the meter housing. The service connection charge shall be as determined by the water department in the current published water rate schedule.
- D. Size of Service. The water department will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size requested is one that is listed by the water department. The minimum size of service shall be three-fourths inch. The water department may refuse to install a service line which is undersized or oversized as determined by a study and report of the city manager to the city council.
- E. Changes in Service Size. Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the water department for making the change.
- F. Length of Service.
  - 1. Where the main is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served for the standard connection fee,

provided the length of service line does not exceed the width of the right-of-way.

2. Where the main is on an easement or publicly owned property other than designated rights-of-way, the services shall be installed to the boundary of the easement or public property by the water department, provided the length of service does not exceed thirty (30) feet.
  3. If, in either case cited above, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the water department for labor, materials and equipment plus fifteen (15) percent.
- G. Joint Service Connections. The water department may, at its option, serve two or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed. Service connections from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special considerations approved by the city council.
- H. Number of Service Connections on Premises. The owner of a single parcel of property may apply for and receive as many services as the owner and his or her tenants may require, provided his or her application or applications meet the requirements of the policies, rules and regulations.

13.04.120 Standby fire protection service connections.

- A. Purpose. Standby fire protection service connections of two-inch size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The water department may require that a suitable detector check meter be installed in the standby fire protection service connections, to which hose lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the plumbing code of the state of Oregon.
- B. Charges for Service. Charges for standby fire protection service will be stated in the published water rate schedule. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system. The customers shall pay the full cost of the standby protection service connection, any required detector check meters, and any required special water meter installed for the service to the standby connection.
- C. Violations of Regulations. If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the water department. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of the regular water rates.

13.04.130 Fire service connections other than standby.

A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the

regular rates.

13.04.140 Temporary service.

Temporary service connections are for commercial/industrial purposes only. No temporary service shall be allowed except as specifically approved by the city manager or designee. For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material furnished by the water department. The applicant shall also pay an amount in advance, in accordance with the fee schedule adopted by the council, to be credited toward the quantity of water actually used, or he or she shall otherwise establish satisfactory credit.

- A. Time Limit. Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the water department.
- B. Charge for Water Served. Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.
- C. Installation Charge. The applicant for temporary service will be required to pay the water department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service.
- D. Responsibility for Meters and Installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the water department. If the meter or other facilities are damaged, the cost of making repairs shall be charged to the consumer.

13.04.150 Customer's plumbing requirements.

- A. Plumbing Code. The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the plumbing code of the state of Oregon.
- B. Control Valves. Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this section.
- C. It shall be a violation of these rules and regulations for the customer to operate, cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection.

13.04.160 Meters.

- A. Ownership. The water department will own and maintain all water meters. The water department will not pay rent or any other charge for a meter or other water facilities, including housing and connections on a customer's premises.
- B. Installation. Installation of water meters shall be performed only by authorized employees of the water department. All meters shall be installed with a seal and no seal shall be altered or broken except by one of its authorized employees.
- C. Size and Type of Meter. Applicant may request and receive any size meter regularly stocked or furnished by the water department, provided the request is reasonable and further provided that the meter is not greatly oversized or undersized, as determined by the water superintendent. The water department reserves the right to determine the type of meter to be installed.
- D. Location of Meters. Meters shall normally be placed at the curb or property lines; the meter

will be installed wherever the applicant desires within reason, but the location must be

approved by the water department. The meters will not be located in driveways or other location where damage to the meter or its related parts may occur.

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

13.04.170 Water rates.

The water rates to be charged for each class of service, including minimum charges, charges for water used over the minimum and service connection charges, shall be set by council resolution.

13.04.180 Notices.

- A. Notices to Customers. Notices from the water department to the customer will normally be given in writing and either mailed to or delivered to the customer at his or her last known address. Where conditions warrant and in emergencies, the water department may notify either by telephone or messenger.
- B. Notices from Customers. Notices from the customer to the water department may be given by the customer or his or her authorized representative orally or in writing at the office of the utility department in the City Hall or to an agent of the water department duly authorized to receive notices or complaints.

13.04.190 Billing and payments.

- A. Meter Readings. Meters will be read and customers billed on the basis of the meter reading in thousands of gallons. The water department will keep an accurate account on its books of all readings of meters and such account so kept shall be offered at all times, places and courts as prima facie evidence of the use of water service by the customer.
- B. Rendering of Bills.
  - 1. Billing Period. All meters shall be read and bills rendered therefor monthly.
  - 2. Final bills are calculated twice monthly and are due and payable upon receipt.
  - 3. Bills for More than One Meter. All meters supplying a customer's premises shall be billed separately, except that where the water department has for operating purposes installed two or more meters in place of one, the reading may be combined for billing.
- C. Disputed Bills. A customer who disputes the correctness of a bill shall contact the utility clerk who shall verify the accuracy of the reading and the billing and arrange for inspection of the meter and water line, if deemed necessary. Any disputed bill which cannot be resolved in this manner shall be referred to the city manager.
- D. Failure to Read Meters. In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be estimated for billing purposes.
- E. Payment of Bills. Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by that date, the account shall be considered delinquent, unless other arrangements have been made with City Hall that specifies another due date.

13.04.200 Delinquent accounts.

- A. Delinquent Notice. A reminder of account delinquency will be sent to each delinquent account on or about four days after the account becomes delinquent.

- B. Turn-Off Notice. On or about eleven (11) days after an account becomes delinquent, a turn-off notice will be hand delivered to the customer. Said notice shall state a date on which water will be turned off if delinquent account is not paid in full prior thereto.
- C. Service Turn-Off. On the turn-off date, the meter reader or other agent of the city shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts have been paid. The meter reader or other agent of the city shall immediately thereafter turn off the service. A delivery to the premises served by the meter shall be considered a delivery to the customer.
- D. Service Charge. In all instances when water has been turned off because of delinquent accounts, a service charge shall be made for the restoration of services in accordance with the fee schedule adopted by the council.
- E. Installment Payments of Delinquent Accounts. In cases of extreme hardship the utility clerk shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount.

13.04.210 Meter error.

- A. Meter Accuracy. All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of two percent under conditions of normal operation.
- B. Meter Test.
  - 1. Standard Test. Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.
  - 2. On Customer Request. A customer may, by giving not less than seven days' notice, request the water department to test the meter servicing his or her premises. The customer must pay a testing fee based on the size of the meter and established by the council. If the test reveals that the meter over-registers more than two percent under the standard test conditions, the testing fee will be credited to the customer's current utility bill; if the meter does not over-register more than two percent the testing fee shall be retained by the water department. Customers may at their option witness any meter tests which they request.
  - 3. On Water Department Request. If, upon comparison of past water usage, it appears that a meter is not registering properly, the water department may, at its option, test the meter.
- C. Adjustments of Bill for Meter Error.
  - 1. The city will issue a credit or debit adjustment to a consumer's account if there has been a meter error. The adjustment will not exceed six months prior to the date the error is found. Any extraordinary adjustment may require the city manager's approval.
  - 2. Non-registering Meters. The water department will replace the meter and bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year, or upon reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions. (Ord. 1331 § 11, 1994)

13.04.220 Discontinuance of service.

- A. On Customer Request. Each customer about to vacate any premises supplied with water service by the water department shall give the water department advanced written notice, specifying the date service is to be discontinued. Notice must be rendered no later than one p.m. on the proposed date of disconnection. No disconnections will be done on weekends or holidays. Customer will be responsible for all water supplied to such premises until the water department shall receive written notice of such removal.

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

- B. Nonpayment of Bills. A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in Section 13.04.200 of these rules and regulations.
- C. Nonpayment of Sewer Service Charges. If said sewer service charges are not paid when due by any such person, firm or corporation whose premises are served or who are subject to the charges herein provided, water service provided to that customer by the city water department may be discontinued because of the default in the payment of the sewer service charges. Interest on unpaid bills shall run from the due date thereof at a rate in accordance with the fee schedule. Such unpaid charges may also be recovered in an action at law in the name of the city, with interest as aforesaid.
- D. Improper Customer Facilities.
1. Unsafe Facilities. The water department may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with the plumbing code of the state of Oregon.
  2. Cross Connections. A cross connection is defined as any physical connection between the water department's system and another water supply. (See Chapter 13.12 regarding backflow prevention devices.)
    - a. The Oregon State Health Division and the U.S. Environmental Protection Agency prohibit cross connections.
    - b. The water department will not permit any cross connection and will discontinue service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated. Customers using water from one or more sources in addition to receiving water from the water department on the same premises shall maintain separate systems for each; and the water department's water supply facilities shall be separated from any and all other systems by an air gap of not less than one foot, or if in the ground, by not less than five feet.
- E. Water Waste. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the water department may discontinue service if such conditions are not corrected after due notice by the water department.
- F. Service Detrimental to Others. The water department may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

- G. Fraud or Abuse. The water department will refuse or discontinue service to any premises where it is deemed necessary to protect the water department from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the water department that the condition or conditions exist.
- H. Unauthorized Turn-On. Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be in accordance with the fee schedule adopted by the council. These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such charges are paid and the water department has reasonable assurance that the violation will not reoccur.
- I. Noncompliance with Regulations. The water department may, upon forty-eight (48) hours' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of these regulations.

13.04.230 Restoration of service.

Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges, plus thirty dollars (\$30.00) for restoration charge and possible replacement of the deposit.

13.04.240 Unusual demand for water.

When an abnormally large quantity of water is desired for filling a swimming pool, log pond or for other purposes, arrangements must be made with the utility prior to taking such water. Permission to take water in unusual quantities will be given only if the water department facilities and other consumers are not inconvenienced.

13.04.250 Access to property.

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

13.04.260 Responsibility for equipment.

- A. Responsibility for Customer Equipment. The water department shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing or equipment, nor shall the water department be liable for loss or damage due to interruption of service or temporary changes in pressure. The customer shall be responsible for valves on his or her premises being turned off when the water service is turned on.
- B. Responsibility for Water Department Equipment. Water department equipment on the customer's premises remains the property of the department and may be repaired, replaced or removed by the department employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or remove water department equipment on his or her premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility

operation and maintenance.

- C. Damage to Water Department Equipment. The customer shall be liable for any damage to equipment owned by the water department which is caused by an act of the customer, his or her tenants, agents, employees, contractors, licensees or permittees. Damage to

equipment shall include, but not be limited to, breaking of seals and locks, tampering with meters, injury to meters, including, but not limited to, damages by hot water or steam and damaged meter boxes, curb stops, meter stops and other appurtenances.

13.04.270 Fire hydrants.

- A. Operation. No person or persons other than those designated and authorized by the water department shall open any fire hydrant belonging to the water department, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and received water through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.
- B. Moving a Fire Hydrant. When a fire hydrant has been installed in the locations specified by the proper authority, the water department has fulfilled its obligation. If a property owner or other party desires to change the size, type or location of the hydrant, he or she shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the water department and the fire department.

13.04.280 Easement.

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

13.04.290 Violation--Penalty.

Any person violating any of the provisions of these rules and regulations shall, upon conviction thereof, be punished in accordance with Chapter 1.16. Each day a violation continues shall be considered a separate violation. (Editorially amended during 2000 codification)

13.04.300 Suspension of rules.

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

## Chapter 13.08

### SEWER SERVICE SYSTEM

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Ordinance History: #1254, 1295, 1297, 1406, 1474, 1476, 1488

**Article I. General Provisions and Definitions**

13.08.010 Purpose and intent--Liability.

- A. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.
- B. It is the specific intent of this chapter to place the obligation of complying with these regulations upon the applicant or discharger and no provision nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers, employees or agents, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.
- C. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the city or its officers, employees or agents, for any injury or damage resulting from the failure of an applicant or discharger to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or inaction on the part of the city related in any manner to the implementation or the enforcement of this chapter by its officers, employees or agents.

13.08.020 Definitions.

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

"Administrative authority" means the Bandon city manager or his or her authorized

representative.

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

"Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

"Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

"City" means the city of Bandon or any authorized representative.

"Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.

"Commercial user" means all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

"DEQ" means the Department of Environmental Quality.

"Easement" means an acquired legal right for the specific use of land owned by others.

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

"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

"Governmental user" means and includes legislative, judicial, administrative and regulatory activities of federal, state and local governments.

"Industrial user" means and includes any non-governmental, nonresidential user of publicly owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions: Division A-Agriculture, Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, communications, Electric, Gas and Sanitary; and Division I-Services.

"Industrial wastes" means the wastewater from industrial or commercial processes, trade, or business as distinct from domestic or sanitary wastes.

"Infiltration" means that water other than sewage which enters the sewer system from the surrounding soil, typically from broken pipes, or defective joints in pipe and manhole walls.

"Inflow" means water from storm water runoff which directly enters the sewerage system only during or immediately after rainfall. Typical points of entry include connections with roof and area drains, storm drain connections, and holes in manhole covers in flooded streets.

"Institutional user" means and includes social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

"Interceptor" means a device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into the disposal terminal by gravity.

"May" is permissive.

"Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.

"Normal domestic wastewater" means wastewater that has a BOD concentration of not more than three hundred fifty (350) mg/l and "SS" (denoting suspended solids) concentration of not more than three hundred fifty (350) mg/l or one pound of BOD and SS per day.

"Operation and maintenance" means those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing the treatment works as designed. The term "operation and maintenance" includes replacement as defined in this section.

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

"pH" means the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

"Properly shredded garbage" means the wastes from the preparation of food in a residential kitchen which has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

"Public sewer" means a common sewer controlled by a governmental agency or public utility.

"Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

"Residential user" means any contributor to the city's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

"Sanitary sewer" means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

"Sewage" is the spent water of a community. (The preferred term is "wastewater.")

"Sewer" means a pipe or conduit that carries wastewater drainage water.

"Sewer charge" means the total fees and charges paid by a customer for the use of the wastewater treatment and collection works.

"Shall" is mandatory.

"Slug" means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than ten (10) minutes, more than two times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

"Standard construction specifications" means the latest version of the city of Bandon's "Standard Specifications for Street, Storm Drain, Sewer and Water Line Construction."

"Storm drain" (sometimes termed "storm sewer") means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

"Supervisor" means the Treatment Plant Supervisor of water and wastewater treatment facilities of the city of Bandon, or his or her authorized representative.

"Suspended solids (SS)" means 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 the latest edition of "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

"Treatment works" means any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, power, and other equipment and their appurtenances;

extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

"Unpolluted water" means 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.

"Upset" means a condition created in the wastewater treatment plant where the aerobic action of the plant is inhibited by the introduction of effluent from a connection.

"Useful life" means the estimated period during which a treatment works will be operated.

"User charge" means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement cost.

"Wastewater" means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

"Wastewater facilities" means the structures, equipment and processes required to collect, carry away, and treat domestic, commercial and industrial wastes and dispose of the effluent.

"Wastewater treatment works" means an arrangement of devices and structures for treating wastewater, commercial wastes, industrial wastes, and sludge (sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant").

"Watercourse" means a natural or artificial channel for the passage of water, either continuously or intermittently.

"Water meter" means a water volume measuring and recording device, furnished and installed by the city.

#### 13.08.030 Use of public sewers required.

- A. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property any human or animal excrement, garbage, or objectionable waste.
- B. It is unlawful to discharge into any public storm drain or ditch any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. Except as provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- D. The owners of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, are required at the owners' expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within sixty (60) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line.
- E. Notwithstanding the requirement for connection to the sanitary sewer specified above,

owners of a property who have an existing structure that is not connected to the public sewer shall not be required to connect to a public sewer installed, if all of the following conditions are met:

1. The existing structure was connected to a Department of Environmental Quality (DEQ) approved private sewage treatment and disposal system prior to the installation of the new sewer line; and
2. The subject property has been assessed as part of a local improvement district (LID) which has financed all or part of the new sewer line; and
3. The existing private sewage treatment and disposal system continues to be properly operated and maintained in accordance with all applicable DEQ requirements. There shall be no replacement of the system.

This exemption to connect is valid only until the earlier of the following:

Seven years after the date the sewer line is completed, or upon sale of the affected property. All owners of the property receiving the exemption shall sign a statement in such form as prescribed by the city that specifies the terms of the exemption. The form will be recorded at the owner's expense with the Coos County Clerk.

- F. If any person continues to construct, maintain or use an outside toilet, cesspool or septic tank for a period of sixty (60) days after service of written notice to connect with the public sewer, the administrative authority shall discontinue water service to the location until connection is made with the sewer system. Notice shall be made by certified mail or personal delivery. This remedy may be used in addition to any other penalty which may be imposed.
- G. In cases where it is determined to be in the public interest to implement alternative sewer system connection requirements and schedules, the city council may approve agreements with individual property owners which provide for the preferred connection requirements and schedules..

13.08.040 Private wastewater disposal.

- A. Where a public sewer is not available as set forth in Section 13.08.030(D), the building sewer shall be connected to a private sewage disposal system complying with all parts of this chapter.
- B. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permission from the city signed by the administrative authority to apply for DEQ permit. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information considered necessary by the administrative authority. The application form may be waived if the administrative authority is satisfied with copies of the DEQ permit.
- C. A permit fee, as set by council resolution, shall be paid to the city at the time the application is filed.
- D. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations and regulations of DEQ and plumbing codes of the state.
- E. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of DEQ.
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city or DEQ.

- G. When a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 13.08.030(D), a direct connection shall be made to the public sewer in compliance with this chapter; and any septic tanks, cesspools, or other private sewage disposal facilities shall be disconnected, abandoned and filled as required and to the satisfaction of the administrative authority and DEQ.
- H. Temporary use of portable privies may be authorized by the administrative authority where found necessary to serve workers on a construction project or to otherwise serve a short-term or emergency need. The portable privies shall not be allowed to discharge in any manner into the city's sewage disposal system. They must be emptied at another disposal site authorized by the state.

## **Article II. Administration and Enforcement**

### **13.08.050 Powers and authority of inspectors.**

- A. The administrative authority bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.
- B. The administrative authority is authorized to obtain information concerning commercial and industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The owner may not withhold information considered confidential. To keep it proprietary by city personnel the industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
- C. While performing the necessary work on private properties referred to in subsection A of this section, the administrative authority shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death of city employees, and the city shall indemnify the owner against loss or damage to the owner's property by the city employees and against liability claims and demands for personal injury or property by the city employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in Sections 13.08.210(C) and 13.08.220(A) and applicable state and federal regulations.
- D. The administrative authority, bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

### **13.08.060 Board of appeals.**

- A. Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the administrative authority on any matter covered by this chapter and shall be entitled to a prompt, written reply. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this chapter or deals with a wastewater discharge permit issued pursuant hereto for which enforcement activity relates to an alleged violation, receipt of a discharger's request shall not stay enforcement

proceeding pending. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local and state law.

- B. If a discharger is not satisfied by subsection A of this section or in order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this chapter, the city council of the city or a duly created and appointed appeals body for the city shall exercise its authority to conduct such hearings and make such determinations concerning the provisions of this chapter as required and necessary.

13.08.070 Records.

All dischargers subject to this chapter shall retain and preserve for no less than three years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative authority or any other enforcement or litigation activities brought by the administrative authority pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

13.08.080 Fees.

Any fees or fines or penalties provided for in this chapter may from time to time be established by resolution of the council.

13.08.090 Violations--Penalties.

- A. Any person found to be violating any provision of this chapter, except Section 13.08.250, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who continues any violation beyond the time limit specified in such notice and, on conviction thereof, shall be fined in the amount of not less than two hundred fifty dollars (\$250.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- B. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.
- C. Any person convicted of violating Section 13.08.120(C) or 13.08.250 shall be fined in an amount not less than five hundred dollars (\$500.00).

13.08.100 Judicial proceedings.

Following the entry of any order by the administrative authority with respect to the violation by a discharger of this chapter, the administrative authority may commence an action for appropriate legal and/or equitable relief in the appropriate local court.

13.08.110 Civil penalties.

Any discharger who violates an order of the administrative authority, or who wilfully or negligently fails to comply with (A) any provision of this chapter, or (B) any regulations, rule or permit of the city issued pursuant to this chapter, shall be liable to the city for civil penalty. The amount of

such civil penalty shall not be less than seven hundred fifty dollars (\$750.00) per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. Such penalties may be recovered by judicial actions and/or, to the extent permissible by state law, by administrative procedure.

13.08.120 Additional penalties.

- A. In addition to the penalties provided herein, the city may recover reasonable administrative costs, fees for wastewater testing, attorneys' fees, court costs, court reporters' fees, and other expenses of litigation against the person found to have violated this chapter or the orders, rules and regulations issued hereunder.
- B. Any discharger violating any of the provisions of this chapter who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the city's wastewater disposal system shall be liable to the city for any expense, loss or damage caused by such violation or discharge. The administrative authority shall bill the discharger for the cost incurred by the city for any cleaning, repair or replacement work caused by the violation or discharge, including the costs for bringing the wastewater facilities back into compliance with its National Pollutant Discharge Elimination System (NPDES) permit, which shall include any and all civil penalties incurred by the city as a result of violations of its NPDES permit associated with violation of this chapter. Refusal to pay the assessed costs shall constitute a violation of this chapter, enforceable under the provisions of this chapter.
- C. Any person who knowingly makes any false statement, representation or certification in any application, record, plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall be in violation of this chapter and upon conviction thereof subject to the penalties provided in Section 13.08.090(C).

13.08.130 Suspension of service and permit.

- A. The administrative authority may, without advance notice, order suspension of the wastewater treatment service and the wastewater discharge permit of a discharger when it appears to the administrative authority that an actual or threatened discharge: (1) presents or threatens an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment; or (2) threatens to interfere with the operation of the wastewater facilities, or to violate any pretreatment limits imposed by this chapter or any wastewater discharge permit issued pursuant to this chapter. Any discharger notified of the administrative authority's suspension order shall immediately cease all discharges.
- B. In the event of failure of the discharger to comply with the suspension order, the administrative authority may commence judicial proceedings immediately thereafter to compel the discharger's specific compliance with such order and/or to recover civil penalties. The administrative authority shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof by the discharger of the elimination of the noncomplying discharge or conditions creating the threat as set forth above.

13.08.140 Notice of violation--Hearing--Defense.

- A. Whenever the administrative authority finds that any discharger has violated the prohibitions herein, the administrative authority shall cause to be served upon such discharger a written notice (either personally or by certified or registered mail, return receipt requested) stating the nature of the alleged violation. Within five days of the date of receipt of the notice, the

discharger shall respond personally or in writing or by certified or registered mail, return receipt requested, to the administrative authority, advising of its position with respect to the allegations. Thereafter, the discharger shall be given the opportunity to meet with the administrative authority to ascertain the veracity of the allegations and establish a plan for the satisfactory correction of the violations and prevention of a recurrence thereof.

- B. Where the violation of this chapter is not corrected by timely compliance by means of administration adjustment, the administrative authority may order any discharger which suffers or permits a violation hereof to show cause before the administrative authority why

the proposed service termination action should not be taken. A written notice shall be served on the discharger, as mentioned above, specifying the time and place of a hearing to be held by the administrative authority regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before the administrative authority why the enforcement action should not be taken. The notice of the hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, officer, or authorized representative of a discharger. The proceedings at the hearing shall be considered by the administrative authority, which shall then enter appropriate orders with respect to the alleged violations of the discharger. Appeal of such orders may be taken by the discharger in accordance with provisions of this chapter.

- C. A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the administrative authority against the discharger for any noncompliance with this chapter or any wastewater discharge permit issued pursuant hereto, which arises out of violations alleged to have occurred during the period the upset.

### **Article III. Building Sewers and Connections.**

#### **13.08.150 Permit required.**

No unauthorized persons 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 city.

#### **13.08.160 Sewer permit classes--Application.**

There shall be two classes of building sewer permits: (A) for residential service, and (B) for service to commercial and industrial establishments. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the administrative authority. Permit and inspection fees shall be paid as required by applicable provisions of this chapter or as established by the city council by resolution.

#### **13.08.170 Costs and expenses for sewer connection and installation.**

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

directly or indirectly be occasioned by the installation of the building sewer.

13.08.180 Building sewer and connection requirements.

- A. A separate and independent building sewer shall be provided for every building; except, where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but where both sewers come together and beyond to the public sewer must be one pipe size larger than normally required by the city for a building sewer. The city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- B. Existing building sewers may be used in connection with new buildings only when they are found, on examination and tested as required of the permittee by the administrative authority, to meet all requirements of this chapter.
- C. 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 city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
- D. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- E. No person 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.
- F. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9.
- G. All such connections shall be made gastight and watertight and verified by proper testing. A cleanout Y shall be installed where the building sewer connects to the public sewer. This cleanout Y is to be plugged and the building sewer filled with water up to and including the cleanout Y just outside the building and must maintain this water level without loss for one hour to be considered proper testing. Any deviation from the prescribed procedures and materials must be approved by the administrative authority before installation.
- H. Connections to sanitary sewers of the city shall not be made without inspection by the city. Before connecting to a sanitary sewer of the city, the property owner or person making the connection shall obtain a permit from the city. Fee for such permit shall be as set from time to time by motion of the council. Application for such permit shall be made on forms provided by the city. The application must show the location of the property involved and state a time at least twenty-four (24) hours in advance of the time when inspection of the connection can be made, the date and time thereof being on a regular working day within regular working hours. If city personnel are not available at the time requested on the application, notice shall

be given to the applicant of the time when such inspection can be made. The connection shall not be covered before inspection by the city.

- I. All excavations for building sewer installation shall adequately meet the city's standard construction specifications.
- J. Before any permit shall be issued for connection to a sanitary sewer system, a connection fee and a pavement breakage fee in an amount equal to the cost of replacement of pavement broken to make the sewer connection as estimated by the city engineer shall be paid. The connection fee is one hundred fifty dollars (\$150.00) or such other amount as may be set by resolution of the council. No connection fee or pavement breakage fee shall be charged for a sewer connection to property which has been assessed for construction of the sewer to which the connection is made when connection is made to a property lateral already in existence; provided, however, that for the purposes of Section 13.08.040 and Article III of this chapter, a connection made to a house or building drain at a point more than one hundred (100) feet from a sewer shall be deemed a connection

to property not assessed for construction of the sewer to which the connection is made.

13.08.190 Use of public sewers.

- A. No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the administrative authority and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the administrative authority and other regulatory agencies, to a storm sewer or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers, storm drains or ditches:
  - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
  - 2. Any waters containing toxic or poisonous solids, liquids or gases as listed by EPA, 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 treatment plant;
  - 3. Any waters or wastes having a pH lower than 6.0, or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, personnel of the wastewater works or natural organisms;
  - 4. Solid or viscous substances such as, but not limited to, ashes, bones, rocks, gravel, cement, tile, ceramics, roots, cinders, sand, dirt, mud, straw, shavings, metal, bark, cloth, tires, boots, hoses, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, fat, glue, bottles, grease, toys, combs, cosmetics, hair and fleshings, entrails, paper dishes, paper towels, paper bags, paper cups, milk containers, disposable diapers, etc., either whole or ground by garbage grinders;
  - 5. Septic tank or cesspool waste.
- D. Wastewater and septic tank or wastewater treatment sludge accidentally spilled shall be contained, pumped into a vehicle and transported to the assigned disposal site; provided, any spilled materials which pose an immediate danger to the public and cannot be handled in some other manner may be discharged to sanitary sewers on the orders of the

administrative authority. In either case the area of the spill shall be limed to the satisfaction of the administrative authority. (Ord. 1297 § 2 (part), 1992; Ord. 1254 §§ 6.1--6.4, 1989)

13.08.200 Limits on discharges.

The following described substances, materials, waters or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, public property, or constitute a nuisance. The administrative authority may set limitations lower than the limitations established in this chapter if in his or her opinion such more severe limitations are necessary to meet the above objectives. In forming his or her opinion as to the acceptability, the administrative authority 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 materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the administrative authority are as follows:

- A. Wastewater having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius);
- B. Wastewater containing any petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin;
- C. Wastewater containing oils, fat or grease;
- D. Any garbage, even if it has been properly shredded as per Section 13.08.020. Garbage grinders may be connected to sanitary sewers from homes where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises. If required by the administrative authority, an approved grease and floatable trap between building drain and building sewer, which must be maintained properly to the satisfaction of the administrative authority, may be required;
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances;
- F. Any waters or wastes containing odor-producing substances;
- G. Any radioactive wastes or isotopes;
- H. Quantities of flow, concentrations or both which constitute a "slug" as defined in Section 13.08.020;
- 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 process cannot reasonably be expected to meet other agencies' requirements;
- 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.

13.08.210 Rejection of or conditions placed on certain discharges.

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewer, which waters contain the substances or possess the characteristics enumerated in Sections 13.08.190 or 13.08.200 and which in the judgment of the administrative authority

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 administrative authority may:

1. Reject the wastes;
  2. Require pretreatment to an acceptable condition before discharge to the public sewers;
  3. Require control over the quantities, strength and rates of discharge; and/or
  4. Require payment to cover added costs of handling and treating the wastes not covered by existing fees or sewer charges under the provisions of Section 13.08.230.
- B. When considering the above alternatives, the administrative authority shall give consideration to the economic impact of each alternative on the discharger. If the administrative authority 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 administrative authority.
- C. Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

13.08.220 Additional requirements of sewer owner or user.

- A. When required by the administrative authority, the owner of any property serviced by a building sewer 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 administrative authority. The structure shall be installed by the owner at his or her expense and shall be maintained by the owner so as to be safe and accessible at all times.
- B. The administrative authority may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:
1. Wastewater discharge peak rate and volume over a specified time period;
  2. Chemical analyses of wastewaters;
  3. Information on raw materials, processes and products affecting wastewater volume and quality;
  4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;
  5. A plot plan of sewers on the user's property showing sewer and pretreatment facility location;
  6. Details of wastewater pretreatment facilities;
  7. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- C. The City shall be responsible for maintaining and repairing all sewer main lines. The property owner(s) shall be responsible for maintaining and repairing the sewer lateral line(s) serving their property, from their origination point to their connection with the City's sewer main line. Notwithstanding the above requirement, however, the City will be responsible for repairing sewer lateral lines in cases where damage or blockage to such lines has been caused by activity in the right-of-way, including but not necessarily limited to, vehicular traffic, street or utility construction or

repair, main line breakage or obstructions, and roots from City-maintained trees.

13.08.230 Measurements, tests and analyses.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the administrative authority.

13.08.240 Special agreement.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby a waste of unusual strength or character may be accepted by the city for treatment. (Ord. 1254 § 6.12, 1989)

13.08.250 Unlawful conduct.

It is unlawful for any person to maliciously, wilfully or negligently break, damage, destroy, uncover, deface, tamper with or insert any substance described in Sections 13.08.190 or

13.08.200 into any structure, appurtenance or equipment which is a part of the wastewater facilities, including but not limited to manholes and the flush ends of sewer lines.

13.08.260 Infiltration and inflow.

- A. All property owners identified by the city as contributors to excessive or improper infiltration or inflow into the treatment works shall be advised of their infiltration and inflow problems.
- B. All such situation properties shall be provided a sixty (60) day grace period in which to correct the infiltration and inflow problems as identified, said sixty (60) day grace period to extend from the date of notification.
- C. By the end of the sixty (60) day grace period, each property owner shall notify the city that corrective actions have been taken or are in progress, which actions shall be specified in the notification to the city.
- D. A property owner failing to notify the city of corrective actions prior to the end of the sixty (60) day grace period shall be subject to termination of service, without further notice, and water service, if provided by the city, shall be immediately discontinued and shut off until the violation shall have been corrected in accordance with federal, state and city regulations.
- E. In the event any instance of excessive or improper infiltration or inflow into the treatment works of the city shall continue beyond the sixty (60) day grace period, it is declared that such continuing infiltration or inflow is a public nuisance, that the city shall have the right to abate such public nuisance, and to enter upon any private property within the city for such purpose. The public nuisance shall be prosecuted as other public nuisances in the city.

13.08.270 Interceptors and separators.

- A. Grease, oil and sand interceptors shall be provided when, in the opinion of the administrative authority, they are necessary for the proper handling of liquid wastes containing grease, as specified in Section 13.08.200(B) to (D), or any flammable wastes, non-biodegradable material, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units except as provided for in Section 13.08.200(D). All interceptors shall be of a type and capacity approved by the administrative authority and this section. They shall be located readily accessible for cleaning and inspection. In the

maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material at no cost or responsibility of the city and shall maintain records of the dates and means of disposal which are subject to review by the administrative authority. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

- B. Interceptors (clarifiers), including grease, oil and sand interceptors (clarifiers), etc., shall be provided when, in the judgment of the administrative authority, they are necessary for the proper handling of liquid wastes containing grease, flammable wastes, non-biodegradable material, solids, acid or alkaline substances or other ingredients harmful to the building drainage system, the public or private sewer or to public or private sewage disposal.
- C. The size, type and location of each interceptor (clarifier) or interceptor shall be approved by the administrative authority, in accordance with these standards. Except where otherwise specifically permitted, no wastes other than those requiring treatment or separation shall be discharged into any interceptor (clarifier). Wastes in excess of one

hundred forty (140) degrees Fahrenheit (sixty (60) degrees Centigrade) shall not discharge into a grease interceptor.

- D. Interceptors (clarifiers) for sand and similar heavy solids shall be so designed and located as to be readily accessible for cleaning and shall have a water seal in accordance with the most recent state of Oregon plumbing code and other applicable codes.
- E. Interceptors (clarifiers) shall be so designed that they will not become air-bound if closed covers are used. Each interceptor (clarifier) shall be properly vented.
- F. Each interceptor (clarifier) cover shall be readily accessible for servicing and maintaining the interceptor (clarifier) in working and operating condition. The use of ladders or the removal of bulky equipment in order to service interceptors (clarifiers) shall constitute a violation of accessibility. Location of all interceptors (clarifiers) shall be shown on the approved building plan.
- G. Every fish, fowl and animal slaughter-house or establishment and every fish, fowl and meat packing or curing establishment and every soap factory, tallow rendering, fat rendering and hide curing establishment, or any other establishment from which a considerable amount of grease is likely to be discharged into any plumbing system, sewer system or private sewage disposal system, shall be connected to and shall drain or discharge into a grease interceptor (clarifier) of an approved design for this use.
- H. Every private or public wash rack and/or floor or slab used for cleaning machinery or machine parts shall be adequately protected against storm or surface water. It shall drain or discharge into an approved interceptor for grease and sand designed for this use.
- I. When, in the judgment of the administrative authority, waste pretreatment is required, an approved type grease trap complying with the provisions of this section shall be installed in the waste line leading from sinks, drains and other fixtures or equipment in establishments such as restaurants, sanitarium, factory or school kitchens, or other establishments where grease may be introduced into the drainage or sewage system. A grease trap is not required for individual dwelling units or any private living quarters unless required by the administrative authority.
  - 1. A grease trap shall be installed which has an approved rate of flow in accordance with the most recent state of Oregon plumbing code and other applicable codes except when specially approved by the administrative authority.

- 2. All interceptors shall be installed and operated in accordance with the most recent state of Oregon plumbing code and other applicable codes.
- J. When grease interceptors are required, the sizing criteria shall be in accordance with the most recent state of Oregon plumbing code and other applicable codes.
- K. Unless specifically required or permitted by the administrative authority, no food waste disposal unit shall be connected to or discharge into any interceptor or grease trap.
- L. Use of Emulsifiers Prohibited. The introduction of emulsifiers, enzymes, or any other products into a grease trap or interceptor (clarifier) which would cause, or is meant to cause, oil or grease to pass through the grease trap or interceptor (clarifier) is prohibited.

**Article IV. Commercial and Industrial Users**

13.08.280 General requirements for commercial and industrial users.

- A. No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.
- B. If deemed necessary by the administrative authority, all wastes discharged by commercial and industrial establishments shall be adequately screened by a twenty (20) mesh or finer screen before discharge. An additional screen, with openings not to exceed one-fourth-inch square, shall be installed in a fixed position so that all material must pass through said screen immediately before entrance into sewer.
- C. Any waters or wastes containing higher than two hundred forty (240) mg/l five-day BOD or suspended solids may be required to discharge at a specific release rate or at a specified strength if, in the opinion of the administrative authority, the release of such waste in an uncontrolled manner could adversely affect proper handling and treatment in the wastewater facilities.
- D. The administrative authority may impose mass limitations on discharges in cases where the imposition of mass limitations is deemed appropriate by the administrative authority.

13.08.290 Accidental discharges.

- A. Each discharger shall provide protection from accidental discharge of materials or substances prohibited or limited under this chapter into the wastewater facilities or into waters of the state. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the administrative authority for review, and shall be approved by the administrative authority before construction of the facility. Each discharger, when requested by the administrative authority, shall complete its plan and submit same to the administrative authority within ninety (90) days of being notified by the administrative authority. No discharger who discharges to wastewater facilities after the aforesaid date shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the administrative authority. Review and approval of such plans and operating procedures by the administrative authority shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.
- B. Dischargers shall notify the administrative authority immediately upon the occurrence of a

slug load or accidental discharge of substances prohibited by this chapter. Notification by telephone call shall be followed by a written report containing the following information within five days. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges a slug load of prohibited materials shall be liable for any expense, loss or damage to the wastewater facilities, in addition to the amount of any fines imposed by the administrative authority on account thereof under city, state or federal law.

- C. Signs shall be permanently posted in conspicuous places on discharger's premises, advising employees when to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

13.08.300 Wastewater pretreatment.

Dischargers shall provide necessary wastewater pretreatment as required to comply with this chapter and shall achieve compliance with all applicable pretreatment standards within the time limitations as specified by appropriate statutes, regulations and this chapter. Any facilities required to pre-treat wastewater to a level acceptable to the administrative authority shall be provided, properly operated, and maintained at the user's expense. Detailed plans showing the

pretreatment facilities shall be submitted to the administrative authority and DEQ for review, and must be acceptable to the administrative authority and the DEQ before construction of the facility. The discharger shall obtain all necessary construction/operating permits from the administrative authority. The review of such plans shall in no way relieve the user from the responsibility of modifying its facility as necessary to produce an effluent acceptable to the administrative authority under the provisions of this chapter. Within a reasonable time after the completion of the wastewater pretreatment facility, the discharger shall furnish its operations and maintenance procedures for the administrative authority and DEQ to review. Any subsequent significant changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the administrative authority and DEQ prior to the discharger's initiation of the changes.

13.08.310 Fees.

Dischargers to the wastewater facilities who are required to obtain a permit shall pay fees to compensate the city for the cost of treating their waste and administration of the pretreatment program established herein. Fees shall be set by resolution.

- A. Fees for treating waste shall be computed on an equivalent single-family basis. Average single-family use is defined as 0.5 pounds of BOD per day and 0.5 pounds of TSS per day. Industrial charges shall be based upon total average daily BOD and TSS pounds discharged by a permittee divided by average daily BOD and TSS pounds discharged by an average single-family dwelling times the average single-family sewer charges, or if the permittee's waste has characteristics making it easier or more difficult to treat than the waste from a single-family dwelling, a fee defined in the permit which would compensate for the ease of treatment.
- B. Fees or penalty fees for damage caused by nonpermitted discharges to the wastewater treatment system shall be based upon damage to the system, cost of extra work by city, any fines imposed upon the city.
- C. Fees to cover the cost of monitoring permittees including application cost, appeals fees, all testing and fees for investigation of procedure to correct actual or potential accidental

discharges shall be actual cost.

- D. Fees for reviewing accidental discharge procedures and review construction shall be actual cost.

13.08.320 Wastewater discharge permits.

- A. It is unlawful to discharge sewage, commercial and industrial wastes, or other wastes except as authorized by the administrative authority, in accordance with the provisions of this chapter, to the municipal sewer system.
- B. All existing significant commercial and industrial dischargers connected to or discharging to the wastewater facilities shall obtain a wastewater discharge permit within one hundred twenty (120) days of being notified by the city. New source dischargers shall obtain a wastewater discharge permit prior to discharging.
- C. No discharge permit shall be issued unless and until the following information has been provided:

- 1. Disclosure of name, address, and location of the discharger;
- 2. Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- 3. Disclosure of wastewater constituents and characteristics as requested by the

administrative authority and determined by bona fide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the EPA and contained in 40 CFA, Part 136, as amended;

- 4. Disclosure of time and duration of discharges;
- 5. Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the administrative authority due to non-feasibility;
- 6. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
- 7. Description of activities, facilities, and plant processes on the premises including all materials which are or may be discharged to the wastewater facilities;
- 8. Disclosure of the nature and concentration of any pollutants or materials prohibited by this chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the discharger to comply with this chapter;
- 9. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities:
  - a. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this chapter,
  - b. Under no circumstances shall the administrative authority permit a time increment for a single step directed toward compliance which exceeds six

- months,
- c. Not later than fourteen (14) days following each milestone date in the schedule, and the final date for compliance, the discharger shall submit a progress report to the administrative authority, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date, and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than six (6) months elapse between such progress reports to the administrative authority;
10. Disclosure of each product produced by type, amount, process or processes, and rate of production;
  11. Disclosure of the type and amount of raw materials (including chemicals) utilized (average and maximum per day). A materials safety data sheet shall also be required;
  12. The signature of an authorized official of the applicant.
- D. The administrative authority will evaluate the complete application and data furnished by the discharger and may require additional information. Within thirty (30) days after full evaluation and acceptance of the data furnished, the administrative authority shall issue
- a wastewater discharge permit subject to terms and conditions provided herein.
- E. The administrative authority may require inspection and sampling manholes (twenty-four (24) inch diameter entrance and an internal diameter of no less than thirty-six (36) inches), and/or flow measuring, recording, and sampling equipment as required by the administrative authority to assure compliance with this chapter.
- F. The administrative authority reserves the right to amend any wastewater discharge permit issued hereunder in order to assure compliance by the city with applicable laws and regulations. Within six months of the promulgation or revision of a National Categorical Pretreatment Standard, the wastewater discharge permit of each discharger subject to such standards shall be revised to required compliance with such standards if more stringent within the timeframe prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of this chapter shall be enforced by the city as part of this chapter. The discharger shall be informed of any proposed changes in his or her permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions upon the discharger may require modification of the wastewater discharge permit, as well as include a reasonable time schedule for compliance.
- G. Wastewater discharge permits shall specify no less than the following:
1. Fees and charges to be paid upon initial permit issuance;
  2. Limits on the average and maximum wastewater constituents and characteristics regulated herein;
  3. Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization;
  4. Requirements for installation and maintenance of inspection and sampling facilities;
  5. Special conditions as the administrative authority may reasonably require under particular circumstances of a given discharge, including sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule;
  6. Compliance schedules;

7. Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this chapter;
8. Any special agreements the administrative authority chooses to continue or develop between the city and the discharger.

13.08.330 Permit duration.

All wastewater discharge permits shall be issued for a five-year duration, subject to amendment or revocation as provided by this chapter. Under extraordinary circumstances, a permit may be issued for a stated period or may be stated to expire on a specific date.

13.08.340 Permit not transferable.

Wastewater discharge permits are issued to a specific discharger for a specific operation and are not assignable to another discharger without the prior written approval of the administrative authority, or transferable to any other location.

13.08.350 Compliance reports.

- A. Within ninety (90) days following the date for final compliance by the discharger with applicable pretreatment standards set forth in this chapter, or following commencement of the introduction of wastewater into the wastewater facilities by a new discharger, any

discharger subject to this chapter shall submit to the administrative authority a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and if not, what additional procedures and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the discharger. If permit conditions are not being met, the statement must be signed by a professional engineer licensed in the state of Oregon.

- B. Any discharger subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard, or, in the case of a new discharger, after commencement of the discharge to the city, shall submit to the administrative authority, monthly (or other frequency as specified by the administrative authority), a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement.
- C. Reports of permittees shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the administrative authority. The frequency of monitoring by the discharger shall be as prescribed in the wastewater discharge permit. All analyses shall be performed in accordance with 40 CFR, Part 136 and amendments thereto. Where 40 CFR, Part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the EPA.

13.08.360 Monitoring facility.

Each discharger shall provide and operate, at the discharger's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the wastewater facilities, as required by the administrative authority to assure compliance with this chapter. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis by the discharger and the administrative authority. The monitoring facilities shall include a shutoff valve or other approved device with which industrial waste may be prevented from entering the wastewater facilities. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger. The administrative authority may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

13.08.370 Disclosure of information to the public.

Information on data furnished to the administrative authority with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the administrative authority that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets or proprietary information of the discharger. When requested by a discharger furnishing a report, the portions

of a report or other information which may disclose trade secrets or secret processes, shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, State Disposal System Permit, and/or the pretreatment programs; provided, however, that such portions of a report or other information shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the administrative authority as confidential shall not be transmitted to any governmental agency or to the general public by the administrative authority until and unless a ten-day notification is given to the discharger.

13.08.380 Violations subject to permit revocation or termination of services.

A discharger shall not (A) fail to factually report accurately the wastewater constituents and characteristics of its discharge; (B) fail to report significant changes in wastewater constituents or characteristics; (C) refuse reasonable access to the discharger's premises by the administrative authority for the purpose of inspection or monitoring; or (D) violate the conditions of its permit or the provisions of this chapter, or any order of the administrative authority with respect thereto. The administrative authority may terminate wastewater treatment services or revoke the permit to any discharger who violates any of the foregoing prohibitions.

13.08.390 Upset in operations leading to noncompliance.

Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter or a wastewater discharge permit issued pursuant hereto shall inform the administrative authority thereof immediately after first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the administrative authority within five days. The report shall specify:

- A. Description of the upset, the cause thereof, and the upset's impact on the discharger's compliance status;
- B. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur;
- C. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

**Article V. Sewer User Charges**

13.08.400 Purpose of charges.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to collect charges from all users who contribute wastewater to the city's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment and collection works.

13.08.410 Use of revenue.

- A. The revenues collected as a result of the sewer charges levied shall be deposited in a separate non-lapsing fund known as the sewer fund.
- B. Fiscal year-end balances in the operation, maintenance and replacement fund shall be used for no other purposes than those designated. Moneys which have been transferred from other sources to meet temporary shortages in the operation, maintenance and

replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred moneys will be returned to their respective accounts within six months of the fiscal year in which the moneys were borrowed.

13.08.420 User charges.

- A. Each user shall pay for the services provided by the city based on his or her use of the treatment works as determined by water meter readings acceptable to the city.
- B. For residential, industrial, institutional, government and commercial users, monthly sewer charges will be based on a fixed charge, plus a user charge on actual water usage. If a residential, commercial, institutional, government or industrial user has a consumptive use of water, or, in some other manner, uses water which is not discharged into the wastewater collection system, the user charge for that contributor may be based on readings of a wastewater meter approved by the city and installed by the customer.
- C. Each user shall pay a sewer charge for availability of the system and a treatment user charge for treatment of his or her wastewater. These charges shall be set at a level to include all costs of the sewer system, including administration, accounting and billing, collections, treatment, reserve fund and debt service.
- D. For those institutional and government uses who do not pay local property taxes, the monthly charge shall include a G.O. Debt Service Component charge so their sewer charges shall reflect the total cost of treating their waste.
- E. For those users whose wastewater has a greater strength than normal domestic sewage, a surcharge, in addition to the normal user charge, will be collected. The surcharge shall be in the form of a minimum bill computed by equating the BOD and SS loading with the

average single-family dwelling and ensuring the charges to the greater strength customers is equivalent to the multiple of the single-family dwelling.

- F. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the city's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the appropriate financial personnel and approved by the city manager.
- G. The user charge rates established by this section shall apply to all users of the city's treatment works and shall be set in accordance with this section by the city council of the city by resolution subsequent to a public hearing no later than September 30, 1993, and reviewed at least annually thereafter.

13.08.430 Billing--Delinquent bills and disconnection.

- A. All users shall be billed monthly. Billings for monthly service shall be made at the end of the month, and billing for partial months may be billed at other times of the month. Payments are due within fifteen (15) days after the end of the month. Any payment not received within twenty-five (25) days after the end of the month shall be delinquent.
- B. A late payment penalty of 0.5 percent of the user charge bill will be added to each delinquent bill for each thirty (30) days or portion thereof of delinquency. When any bill is more than thirty (30) days in default, water and/or sewer service to such premises may be discontinued until such bill is paid.
- C. A disconnection may be appealed to the city manager, whose decision may be appealed to the city council who shall, upon review of all the facts, make the final determination.

13.08.440 Connection without approval and permit.

Any user who connects to the sewer system without approval and permit, thereby avoiding sewer charges, shall be liable for a penalty sewer fee of ten (10) times the normal fee for similar type service, in addition to all other fees and penalties.

13.08.450 User charge based on sampling report.

All users contributing more than one hundred twenty thousand (120,000) gallons per month and whose waste strength is greater than three hundred fifty (350) mgBOD/l or three hundred fifty (350) mgSS/l, or any user whose strength is greater than five hundred (500) mg/l of BOD or SS, shall prepare and file with the city a report that shall include pertinent data relating to the wastewater characteristics, including the methods of composite sampling and measurement to obtain these data, and these data shall be used to calculate the user charge for that user. The city shall have the right to gain access to the wastestream and take its own samples. Should the city do so and should the results be substantially different as determined by the city from the data submitted by the user, the user charge for that user shall be revised for the next billing cycle/period.

13.08.460 Review of charges.

- A. Any user who feels his or her user charge is unjust and inequitable may make written application to the city manager requesting a review of his or her user charge. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of the user's wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

- B. Review of the request shall be made by the city manager and if substantiated, the user charges for that user shall be recomputed based on the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period.

13.08.470 Review and notification of charges.

- A. The city council will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.
- B. The city will notify each user at least annually of the rate being charged for operation and maintenance, including replacement, of the treatment works.

Chapter 13.10

WATER AND SEWER SERVICE EXTENSION OUTSIDE CITY LIMITS

Sections:

- 13.10.010 Policy declared.
- 13.10.020 Requirements.

Ordinance History: #1473, 1529, 1536

13.10.010 Policy declared.

- A. Out-of-city connections to the water and sewer system shall only be allowed in cases where a pre-existing agreement exists which specifically allows such connections with or without a main line extension, and in cases where the subject property can be directly connected to an existing main line by way of a lateral connection without a main line extension.
- B. In no case shall out-of-city connections to the water and/or sewer system be allowed for properties from which the easement or right-of-way, in which the subject main line is located, was acquired through condemnation, monetary payment, or any means other than voluntary contributions.
- C. All other water and sewer connections will be allowed only to property annexed into the city.

13.10.020 Requirements.

As a condition of allowing out-of-city water and/or sewer service, property owners shall be required to sign a consent for annexation of property owner's property without further action and an anti-remonstrance agreements regarding annexation and local improvement districts, shall be subject to the same fees, charges, street and drainage construction standards, utility installation standards and development review processes as would apply to in-city property, except that county zoning regulations and out-of-city utility rates would apply.

Chapter 13.12

CROSS-CONNECTION CONTROL

Sections:

- 13.12.010 Purpose.
- 13.12.020 Definitions.
- 13.12.030 Responsibilities of city and customer.
- 13.12.040 Authority of city.
- 13.12.050 Water system components.
- 13.12.060 Policy.
- 13.12.070 Type of backflow prevention to be required.
- 13.12.080 Methods of installation.
- 13.12.090 Existing backflow preventers.
- 13.12.100 Testing and inspection.
- 13.12.110 Failure to comply.

Ordinance History: #1250

13.12.010 Purpose.

The purpose of this chapter is:

- A. To protect the public potable water supply of the city of Bandon from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s)

- or the consumer's private water system(s) such contaminants or pollutants which could backflow into the public water systems; and
- B. To promote the elimination or control of existing cross-connections, actual or potential, between the consumer's in-plant potable water system(s), plumbing fixtures and industrial piping systems(s); and
  - C. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

13.12.020 Definitions.

As used in this chapter:

"Approved device" means a backflow preventer listed as approved by the USC Foundation For Cross Connection Control Research, the Oregon State Health Division or approved in writing by the city of Bandon.

"Auxiliary water supply" means any water supply that is or may be cross-connected to the domestic water supply system. Auxiliary water supplies include, but are not limited to, private wells, ponds, lakes, springs, streams, used water or industrial fluids on or available to the property served, storage tanks, holding tanks, processing equipment, plumbing fixtures or any other vessel or piping system where the physical or chemical quality of the water contained is not under the direct supervision and control of the city of Bandon.

"Backflow" means the reversal of the normal flow of water caused by either backpressure or backsiphonage.

"Backpressure" means the flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of the city of Bandon's potable water supply from any source other than the intended source.

"Backsiphonage" means the flow of water or other liquids, mixtures or substances into the distribution pipes of the city of Bandon's potable water supply from any source other than the intended source caused by the reduction of pressure in the potable water supply system.

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

1. "Air-Gap" means a physical break between a supply pipe and a receiving vessel. The air gap shall be at least twice the inside diameter of the supply pipe, measured vertically above the overflow rim of the vessel ; but in no case less than one inch.
2. "Double check valve assembly" means an assembly of two independently operating approved check valves with tightly closing shutoff valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. To be approved these assemblies must be readily accessible for in-line testing, maintenance and be installed in a location where no part of the assembly will be submerged.
3. "Pressure vacuum breaker" means an assembly consisting of a spring-loaded check valve (three inches and larger consists of two), an independently operating air inlet valve with tightly closing shutoff valves on each end of the device, plus properly located test cocks for the testing of each check valve. They are designed to protect against backsiphonage only.
4. "Reduced pressure principle assembly" means an assembly of two independently acting approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and at the same time below the first check valve with tightly closing shutoff valves on

each end of the check valves, plus properly located test cocks for the testing of each check valve. To be approved these assemblies must be readily accessible for in-line testing, maintenance and be installed in a location where no part of the assembly will be submerged.

5. "Vacuum breaker" means an assembly consisting of an independently operating air inlet valve. They are effective against back-siphonage only and cannot be used where positive pressure can be developed on the downstream side of the device or where the device is subject to flooding.

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water which creates an actual or potential hazard. A contaminant may or may not create a health hazard.

"Cross-Connection" means an actual or potential connection, link or channel between the city of Bandon water supply system and a pipe or piping system used or intended to be used for some other purpose; or between the city of Bandon water supply system and a plumbing fixture, appliance, receptacle, vessel or other service; or a source other than the intended source of water supply whereby it may be possible for contaminated water or water of questionable or unsafe quality, or fluid substance other than potable water, to enter any part of the domestic water supply system.

"Degree of hazard" means an evaluation of the potential risk to public health and the effect of the hazard upon the potable water system.

1. "Health hazard" means any condition or practice in the water system and its operation which could create, or may create a danger to the health of the water consumer.
2. "Plumbing hazard" means a plumbing type cross-connection in a consumer's potable water system that has not been properly protected by an approved air-gap or approved backflow prevention assembly.
3. "Pollutional hazard" means an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system which would constitute a nuisance or be aesthetically objectionable but would not be dangerous to health.
4. "System hazard" means an actual or potential threat of damage to the physical properties of the public potable water system or to the consumer's potable water system or of a pollution or contamination which would have an effect on the quality of the potable water in the system.

"Nonpotable water" means water which is not safe for human consumption or which is of questionable potability.

"Potable water" means any water which, according to recognized standards, is safe for human consumption. (Editorially amended during 2000 codification)

#### 13.12.030 Responsibilities of city and customer.

- A. The city shall be responsible for the protection of the public potable water distribution/system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the city, an approved backflow prevention assembly is required (at the customer's water service connection; or, within the customer's private water system) for the safety of the water system, the city or its designated agent shall give notice in writing to said customer to install such an approved backflow prevention assembly(s) at specific location(s) on his or her premises. The consumer shall immediately

install such approved assembly(s) at the consumer's own expense; and failure, refusal or inability on the part of the customer to install, have tested and maintain said assembly(s) shall constitute a ground of discontinuing water service to the premises until such requirements have been satisfactorily met.

- B. The customer shall make his or her premises and water system reasonably available for inspection for cross-connection hazards by designated agent(s) of the city.
- C. The customer shall install required backflow prevention device(s) in accordance with the city's instructions at the customer's expense.
- D. The customer shall maintain the device in good working order including required testing at the customer's expense. The city shall perform the initial performance test following installation on request at no cost to the customer.

13.12.040 Authority of city.

The city shall have the authority to:

- A. Inspect and classify all customer water system(s) according to cross-connection status at the city's expense;
- B. Assure that the proper backflow measures are installed and maintained by the customer;
- C. Terminate water service for noncompliance with provisions of this chapter.

13.12.050 Water system components.

- A. The water system shall be considered as made up of two parts: The utility system and the consumer's system.
- B. Utility system shall consist of the source facilities and the distribution system; and shall include all those facilities of the water system under complete control of the utility, up to the point where the customer's system begins.
- C. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.
- D. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.
- E. The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility-delivered domestic water to points of use.

13.12.060 Policy.

- A. No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state laws and regulations, the current Manual of Cross-Connection Control and this chapter. Service of water to any premises shall be discontinued by the city if a backflow prevention assembly required by this chapter is not installed, tested and maintained, or if it is found that a backflow prevention assembly has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- B. The customer's system should be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross-connections or other sanitary hazards, including violations of these regulations, exist.
- C. An approved backflow prevention assembly shall be installed on each service line to a

customer's water system at or near the property line or immediately inside the building being served, but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:

1. Where an auxiliary water supply exists;
2. Where any substance is handled under pressure in a manner that may permit its entry into the potable system. This includes process water and water originating from the potable system which may have deteriorated in quality;
3. Where internal piping cross-connection exists that is not correctable or where an intricate plumbing arrangement makes it impractical to determine whether or not a cross-connection may exist;
4. Where the customer's water system is not available for inspection.

13.12.070 Type of backflow prevention to be required.

- A. Where there is an auxiliary water supply as stated in Section 13.12.060(C)(1) or where the customer's system is not available for inspection as in Section 13.12.060(C)(4), the city's system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device.
- B. Where a substance that would be objectionable but not hazardous to health, if introduced into the city's distribution system, is handled in a manner which may permit entry into the potable water system, an approved double check valve assembly shall be installed.
- C. Where a substance that would produce a health hazard, if introduced into the city's distribution system, is handled in a manner which may permit entry into the potable water system, an approved air-gap separation or an approved reduced pressure principle backflow preventer shall be installed.
- D. Where there is a fire system one-and-one-half inches or more in size, the minimum protection required would be an approved double check valve assembly.
- E. Where there is an underground irrigation system, an approved atmospheric-type or pressure-type vacuum breaker shall be installed where one or more of the following do not exist:
  1. The device may be subjected to positive back pressure;
  2. A chemical injection system is used in the customer's system;
  3. An auxiliary water supply exists.
- F. Vacuum breakers must be approved as defined in Section 13.12.020.

13.12.080 Methods of installation.

- A. Installation shall be in accordance with the city's instructions and the current Accepted Procedure and Practice in Cross-Connection Control Manual.
- B. Backflow preventers shall be installed in the customer's service line between the meter and the first branch line or point of use, except that the city shall allow isolation of a cross-connection within a customer's water system to provide protection for the remainder of the customer system, as well as the city's system.
- C. Generally, backflow preventers shall be installed in a manner and location which provides ample space for access and testing. A pit or structure housing a device shall be drained to daylight. Additional directions for installation will be provided by the city on a case-by-case basis.

13.12.090 Existing backflow preventers.

All backflow prevention devices presently installed which do not meet the requirements of this chapter but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the requirements of Section 13.12.100, Testing and Inspection, be exempt from the requirements of this chapter so long as they satisfactorily protect the water system. Whenever the existing device is moved or requires more than minimum maintenance or constitutes a health hazard, the device shall be replaced by a backflow preventer which meets the requirements of this chapter.

13.12.100 Testing and inspection.

- A. Backflow prevention devices shall be tested and inspected by persons certified as competent by the state of Oregon Health Division at least annually or whenever:
  - 1. A device is moved or replaced;
  - 2. A device requires maintenance;
  - 3. A history of repeated failures indicates more frequent testing is necessary.
- B. Customer water systems shall be subject to, and available for, inspection by authorized city personnel upon request. (Ord. 1250 § 3.6, 1989)

13.12.110 Failure to comply.

Failure to comply with the provisions of this chapter shall result in termination of water service until such time as the violation has been corrected.

**Chapter 13.16**

**WATER EMERGENCIES**

Sections:

- 13.16.010 Plan adopted.
- 13.16.020 Definitions.
- 13.16.030 Declaration of water emergency.
- 13.16.040 Water curtailment stages.
- 13.16.050 Applicability.
- 13.16.060 Enforcement.
- 13.16.070 Violation and penalties.
- 13.16.080 Exceptions.

Ordinance History: #1370, 1462

13.16.010 Plan adopted.

The following water curtailment plan to regulate the use of water from the municipal water system during periods of water shortage is adopted.

13.16.020 Definitions.

For the purpose of this chapter, the following terms, words, phrases and their derivations shall have the meaning given herein. When not inconsistent with the context, the words used in the present tense shall include the future, words in the singular shall include the plural, and words in the plural shall include the singular. The word "shall" is always mandatory and not merely directory.

"Customer" means any person purchasing water from the city of Bandon water system.

"Tank" means the treated water storage tank located at the city of Bandon water treatment plant.

"Water" means water from the city of Bandon water system. ( Editorially amended during 2000 codification)

13.16.030 Declaration of water emergency.

When treated water storage declines to certain levels as described herein, the mayor shall be authorized to declare a water emergency, indicating the curtailment stage in accordance with this water curtailment plan. Upon such declaration, the city shall implement the restrictions and actions corresponding with that curtailment stage. In the absence of the mayor, authority to declare a water emergency shall rest with the city council president, the city manager, and the chief water treatment plant operator, in that order.

13.16.040 Water curtailment stages.

When water levels in the treated water storage tank decline to the following levels, that fact shall immediately be reported by the water treatment plant operator to the city manager. That information shall then be reported to the fire chief, police chief, public works director, and the mayor, who shall decide whether to declare a water emergency. In the event a water emergency is declared, the actions specified for that particular curtailment stage shall be undertaken.

A. Stage 1--Moderate Water Shortage--Voluntary Compliance.

1. Tank Level: forty-eight (48) feet (two million five hundred thousand (2,500,000) gallons) at any one time.
2. Notification: All water customers and other persons shall be notified through publication of notices in the Western World and World newspapers and the Coffee Break; press releases to all applicable news, television and radio media; posting notices at City Hall, the post office, and other appropriate locations; and utility bill mailings. The fire chief shall be notified by telephone or in person.
3. Restrictions: All water customers and other persons shall be asked to restrict landscaping irrigation, vehicle washing, sidewalk and outdoor surface cleaning, ornamental water use, and filling swimming pools. In addition, motels will be requested to notify guests of the water shortage, and restaurants will be requested to serve water only when specifically asked by customers.
4. Duration: Once declared, a Stage 1 shortage shall remain in effect until the water level has been maintained above forty-eight (48) feet for a continuous period of at least seven days.

B. Stage 2--Serious Water Shortage--Mandatory Compliance.

1. Tank Level: forty-eight (48) feet (two million five hundred thousand (2,500,000)

- gallons), for the second time in any seven-day period.
2. Notification: All water customers and other persons shall be notified in the same manner as in Stage 1. All restaurants, motels and lodging businesses, health care facilities, senior citizen housing facilities, and all customers whose monthly use exceeded one hundred thousand (100,000) gallons during any of the previous three months shall be individually notified by telephone or in person.
  3. Restrictions: The city shall announce in the notification the uses that will be prohibited or restricted. No person shall use water for any of the prohibited uses or contrary to the terms of the restricted use. The city may institute any measure of water curtailment it deems necessary including but not limited to landscaping irrigation, vehicle washing, sidewalk and outdoor surface cleaning, ornamental water use, and filling swimming pools. In addition, motels will be required to notify their guests of the water shortage, and restaurants will be prohibited from serving water except when specifically asked by customers. A moratorium shall be placed on all new water service installations.
  4. Duration: Once declared, a Stage 2 shortage shall remain in effect until the water level has been maintained above forty-eight (48) feet for a continuous period of at least seven days. The water service moratorium shall remain in effect until the underlying Stage 1 restrictions have been lifted.
- C. Stage 3--Severe Water Shortage--Warning.
1. Tank Level: forty (40) feet (two million (2,000,000) gallons) at any one time.
  2. Notification: In addition to notification as provided in Stage 2, all agricultural, commercial and industrial water users shall be notified by telephone or in person of an impending Stage 3 water shortage.
  3. Restrictions: All Stage 2 restrictions shall continue.
  4. Duration: Warning and notification only.
- D. Stage 3--Severe Water Shortage--Mandatory Compliance.
1. Tank Level: forty (40) feet (two million (2,000,000) gallons), for the second time in any seven-day period.
  2. Notification: Notification of the Stage 3 declaration shall be given in the same manner as the Stage 3 warning.
  3. Restrictions: In addition to the Stage 2 restrictions, water service shall be discontinued to all agricultural, commercial and industrial customers, except as described herein. The only allowable uses of water shall be for the following purposes: Drinking, showering, laundering, and cooking within residences, motels and lodging facilities, and restaurants, and for necessary food cleansing and maintenance in stores selling groceries, fruits and produce.
  4. Duration: Once declared, a Stage 3 shortage shall remain in effect until the water level has been maintained above forty (40) feet for a continuous period of at least seventy-two (72) hours.
- E. Stage 4--Critical Water Shortage--Delivery System Shut-Down.
1. Tank Level: thirty-two (32) feet (one million five hundred thousand (1,500,000) gallons) when, in the opinion of the mayor, upon the advise of the city manager and/or water treatment plant operator, the water level is expected to continue declining. A Stage 4 declaration may also be made in the event of a system failure which would cause a similar decline in the water level.
  2. Notification: The city council members, fire chief, police chief, and public works

director shall be immediately notified. As much additional notice as possible shall be given depending on the specific situation, but none is specifically required before the shut-down. After the shut-down, notice shall be provided via a press release to all newspaper, television and radio media.

3. Restrictions: The water delivery system shall be shut down at the water treatment plant.
4. Duration: Once the water delivery system has been shut down, water service shall not be re-established until the tank level has reached forty (40) feet, or upon the order of the fire chief in the event of a fire.

13.16.050 Applicability.

The provisions of this chapter shall apply to all persons using city water, and all customers of the city water system, both inside the city limits and outside the city limits.

13.16.060 Enforcement.

Any police officer of the city, accompanied by other city employees as necessary, may enter upon the premises of any person for the purpose of shutting off or reducing the flow of any water being used contrary to the provisions of this chapter.

13.16.070 Violations and penalties.

- A. Any person convicted of violating any provision of this chapter shall be punished in accordance with Chapter 1.16. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
- B. In addition to fines, violating any provision of this chapter shall subject the convicted person to the possibility of having the city disconnect their water service, and to deny water service in his/her name, in accordance with the law. ( Editorially amended during 2000 codification)

13.16.080 Exceptions.

- A. Nothing in this chapter shall prohibit bypassing or not implementing a particular water curtailment stage, when it is determined to be in the best interest of the health, safety and welfare of the citizens of Bandon to do so.
- B. Nothing in this chapter shall prohibit implementing the restrictions of a particular water curtailment stage without proper advance notification, when such advance notification is not possible or practical.

## **Chapter 13.20**

### **UNDERGROUNDING OF UTILITIES**

Sections:

- 13.20.010 Policy declared.
- 13.20.020 Permit required.
- 13.20.030 Permit approval.
- 13.20.040 Temporary placement.
- 13.20.050 Permanent placement.
- 13.20.060 Replacement of existing poles.

Ordinance History: #1152, 1170

13.20.010 Policy declared.

- A. It is declared to be the public policy of the city that all poles, wires, pipes, cables and other apparatus of utility companies or others erected on or above and within the boundaries of the city streets are a nuisance and shall be removed within twenty (20) years. Exceptions to this policy are poles erected for street light purposes, on ground electric transformers and telephone control boxes, street signs, traffic signs and control structures, and public purpose signs erected by public agencies.
- B. The city council may, by resolution, declare specific areas to be cleared of aboveground structures as described in subsection A of this section. Utility services shall be placed underground in such areas within one year of the date of the council's declaration. No new facilities shall be constructed aboveground in such areas within the one- year period.
- C. In all areas of new development, whether the areas be new subdivisions or the development of previously unopened platted land, all utility structures shall be placed underground as provided in subsection A of this section.

13.20.020 Permit required.

If a utility desires to place a new utility pole permanently within the right-of-way of a city street, it shall apply to the city for permission on an application prepared by the city, which shall include:

- A. Why the utility desires to place the new utility pole;
- B. Why the service cannot be placed underground;
- C. The exact description of where the new pole is located, type of facilities to be placed, and reason why facilities cannot be placed upon other poles of this utility or another utility;
- D. When the utility plans to place the aboveground facilities underground in conformance with Section 13.20.010.

13.20.030 Permit approval.

The city manager shall act on all applications within five working days, or the application will be referred to the council at its next regular meeting, at which time it will be considered to be a denial by the city manager and appeal by the utility.

13.20.040 Temporary placement.

Utility poles placed for periods of less than ninety (90) days are exempt from the application requirement of Section 13.20.020.

13.20.050 Permanent placement.

Utility poles not replacing existing poles shall not be placed within the city street rights-of-way on a permanent basis unless they are specifically approved by the city.

13.20.060 Replacement of existing poles.

Existing utility poles may only be replaced with poles of like height in the same location.

## Chapter 13.24

### ELECTRICAL SERVICE

13.24.010	Short Title
13.24.020	Preface
13.24.030	Definitions
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13.24.050	Revisions
13.24.060	General Terms and Conditions of Service
13.24.070	Service Descriptions
13.24.080	Emergency Medical Certificates
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13.24.100	Connect and Disconnect Fees

13.24.110	Service Transfer
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13.24.130	Basis of Charge
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13.24.150	Termination of Service
13.24.160	Service Charges for Termination of Service
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13.24.180	Billing
13.24.190	Tax/Surcharge
13.24.200	Resale of Energy
13.24.210	Point of Delivery
13.24.220	Utility's Property
13.24.230	Inspection of Consumers' Facilities
13.24.240	Phase Balance
13.24.250	Electric Water and Space Heating
13.24.260	Installation of Large Loads by the Consumer
13.24.270	Notice of Trouble
13.24.280	Interruption of Service
13.24.290	Metering
13.24.300	Temporary Service
13.24.310	Services with Connected Loads in Excess of 50 KVA
13.24.320	Emergency Generation
13.24.330	Permits and Rights-of-Way
13.24.340	Special Measurements
13.24.350	Completion of Contract Terms
13.24.360	No Prejudice of Rights
13.24.370	Supply Line Construction
13.24.380	Area Lighting (yard lights)
13.24.390	Upgrade of Existing Services
13.24.400	Electric Service Extension, Relocation and/or Change in Type of Service
13.24.410	Meter Locations
13.24.420	Abandoned Line Removal
13.24.430	Rights of Appeal

Ordinance History: #1496, 1525

Sections:

13.24.010 Short Title

This chapter shall be known as the "rates, rules and regulations for the operation of the electric department of the City of Bandon, Coos County, Oregon," and may be so cited and pleaded.

13.24.020 Preface

It is the intent of the Utility to provide, through these service policies, a guide to the consumer, the electrical and building trades, and the employees and representatives of the Utility, to achieve efficient and safe electrical service, and to insure that all consumers of the Utility receive uniform and equitable consideration. A copy of the Rate Schedules and Rules and Regulations for

electric service available for inspection at the office of the Utility at Bandon City Hall.

13.24.030 Definitions

The following terms wherever used in any of these Service Policies, the Utility's Rate Schedules, and in any application or agreement for electric service, shall have the following meanings, unless otherwise clearly stated.

Actual Cost: Actual costs incurred by the Utility for material, labor, overtime charges, overhead, acquisition and clearing of rights-of-way, permits, leases, legal fees, required federal, state and/or municipal studies, engineering fees and any other costs incurred in the construction of an electric service.

Billing Period: The interval between successive meter reading dates for billing purposes. as established by the Utility.

Change in Style of Service: Change in style of service means changing voltages, changing metering, or changing from 3-phase to single phase or single phase to 3-phase.

Change in Type of Service: Change in type of service means changing from overhead to underground service or from underground to overhead service.

City Council: The governing body of the City of Bandon elected by the people.

Consumer: An individual, firm, or organization who purchases electric service at one location under one rate classification, contract, or schedule.

Developer: For the purposes of these rules and regulations, a developer is a person seeking or planning to have electric service provided to two or more building plots which exist or are to be developed for residential, commercial or industrial use.

Electric Service: The availability of electric energy at the point of delivery for use by the consumer, regardless of whether electric energy is actually used.

Electric Service Relocation: Any change in the location of electric equipment requested by the consumer which results in an expense to the Utility to make the change.

Energy: Electric energy, measured in kilowatt-hours

Estimate or Estimated Cost: An approximation, based on prior experience, of the amount of expenses to be incurred by the Utility.

Irrigation Service: The supply of electric service to any type of irrigation operation, pumps and/or equipment.

Kilowatt-Hour: Unit of electrical energy or work equal to the power supplied by one kilowatt for one hour.

Month: An interval of approximately 30 days, between normal meter reading dates.

Multi-Family Dwelling

A structure with more than one dwelling unit on the same lot or parcel, and designed for occupancy by more than one household living independently of each other.

Point of Delivery: The point where the Utility's circuit connects to the consumer's system.

Power Factor: The ratio of kilowatt-hour to kilovolt ampere hours expressed in a percent.

Reactive Demand: The maximum rate of delivery of reactive kilovolt amperes during a month, measured in kilovars (kvar) registered over a 15 minute period.

Reasonable Advance Notice: Reasonable advance notice is considered to be a minimum of two business working days (48 hours).

Residential Service: The supply of electric service to individual homes, farms, apartments or other living quarters occupied by a person or persons who constitute a distinct household and use the energy for domestic purposes including home lighting and the operation of household appliances.

Service Drop: A service drop is an electrical connection from the side of the Utility's transformer to the point of contact at the consumer's building or pole.

Service Extension: The additional electric facilities required to connect the Utility's existing power line to a consumer's premises. The service extension shall include all poles, primary wiring, secondary wiring, transformer(s), meter(s), right-of-way acquisition, clearing, trenching and backfilling, and any other cost associated with providing service to one new consumer.

Underground Service: A primary or secondary cable buried to specifications of the City of the Bandon Electric Department, National Electric Code and National Electric Safety Code, that supplies electric energy from the Utility's electric power lines to the consumer's facility.

Utility: City of Bandon Electric Department

13.24.040 Applicability

The provisions of the Rate Schedules and Service Rules and Regulations apply to everyone lawfully receiving electric service from the Utility. Receipt of electric service shall mean that the receiver is a consumer of the Utility as the term is used herein, whether such service is based upon contract, agreement, accepted signed application or otherwise. In the case of conflict between any provisions of any Rate Schedule or Special Contract and these Rules and Regulations, the provisions of the Rate Schedule or Special Contract shall apply.

13.24.050 Revisions

The Rate Schedule for electric service and the Service Rules and Regulations may be revised, amended, supplemented, or otherwise changed from time to time and such changes shall

be effective as though originally incorporated herein. It is the Utility's intent that its rules and regulations comply at all times with applicable law. Should applicable law be amended or interpreted contrary to the express language of any provision, that provision is automatically amended so as to be deemed in compliance. Further, should any provision of the rules and regulations be found invalid or without legal effect, that provision shall be disregarded without affecting the remainder of the rules and regulations.

13.24.060 General Terms and Conditions of Service

- A. The Utility will use reasonable diligence to maintain uninterrupted service, but does not guarantee a constant or regular supply of electric energy and shall not be liable for damage due to variations or cessation to such supply. The consumer should give immediate notice to the Utility of any interruptions or irregularities in service, or any known trouble, defect or accident to the supply.
- B. The Utility may interrupt service to the consumer for the protection of life or property, for making repairs, for changes or improvements in any part of its system for the general good of the service or safety of the public or, when in the Utility's sole judgement, such interruption will prevent or alleviate an emergency threatening the integrity of its system, or will aid in the restoration of service. Circumstances permitting, the Utility will give reasonable notice of any contemplated suspension of service.
- C. Additional Loads  
If the consumer desires to increase his/her load materially, the consumer shall notify the Utility sufficiently in advance so that the Utility may provide the facilities required to serve the increased load. If the consumer fails to notify the Utility and, as a result, the Utility's equipment is damaged, the consumer shall be liable for the cost of such repair.
- D. Application For Service  
Each applicant for any electric service shall be required to complete and sign the appropriate forms. Whoever signs the forms will be responsible for payment of all fees including, but not limited to, consumption, basic charges, deposits, etc. The Utility's staff will assist the applicant in the process.
- E. All new or existing electric services must comply with the requirements of the most recent revised edition of the National Electric Safety Code and the National Electric Code before the service will be energized.
- F. Deposit  
Any residential consumer that connects to the Utility and has not been on the service for a least one year with a good payment record shall be required to make a deposit.
  - 1. A Letter of credit from a former utility may be accepted to offset half of the required deposit of a residential customer at the discretion of the Utility.
  - 2. All new or reconnected residential customers who have been off service for at least one year shall pay a deposit of two (2) times their estimated monthly utility bill (the utility bill includes electric, water and sewer charges).
  - 3. All new or reconnected commercial or industrial electric consumers shall pay a deposit of two (2) times their estimated monthly utility bill (the utility bill includes electric, water and sewer charges).
  - 4. When the credit of a consumer with the Utility has become impaired, an advance payment or other guarantee satisfactory to the Utility, may be required as security before the Utility will render or continue service.
  - 5. A consumer moving back to the Utility's service who has a bad debt for non-payment

of previous utility charges must pay the entire balance of the debt in full, plus the deposit, at the time service is requested.

6. The deposit, plus interest, will be credited to the consumer's account after 12 consecutive months of prompt payments have been received by the Utility, or will be applied to the final bill if a consumer is on the service less than 12 months and the balance, if any, will be refunded.

G. Assignments All contracts for electric service and line extensions made by the Utility shall be binding upon, and oblige, and insure to the benefit of the successors and assigns, heirs, executors, and administrators of the parties thereto.

H. Change of Occupancy

When a change of occupancy or of legal responsibility takes place on any premises, a written notice of such change shall be given within a reasonable time prior to such change. The outgoing consumer shall be responsible for all service charges until such notice has been received and thereafter until the meter has been read.

I. Character of Service

1. The Utility provides a certain standard of service to all of its consumers. The characteristics of this standard of service are described below. When feasible, consumers whose service requirements are different or more stringent than the service normally supplied to all consumers, the Utility will construct, at the consumer's cost, facilities to satisfy the consumer's special requirements.
2. The use of the Utility's service shall be for no purpose other than covered by the provisions of the rate schedule under which service is supplied, or by any part of these rules and regulations which may be applicable.
3. The rates apply to the supply of electric energy of standard characteristics and capacity which may be available in the locality of the premises to be served or which may be made available by the Utility.
4. All service shall be alternating current, 60 hertz (cycle). Normal services are single phase, 120 volt, two wire; 120/240, three wire; three phase, 120/240, 120/208 - 240/480 and 277/480.
5. Service may also be delivered at other voltages when applicable and where such secondaries exist, or in instances when the size of the load justifies primary voltage delivery or separate transformer installation. The availability of service for the consumer's equipment shall be determined by the Utility before proceeding with the wiring or the installation of equipment. The Utility shall advise the consumer of the available phase and voltage for that service.

6. If it is determined that a consumer's equipment creates unacceptable voltages on the electric system neutral, that consumer will be required to eliminate the source of such voltages. Consumers may be required to provide plans or drawings showing details of the electrical wiring design. The consumer's service may be discontinued until such time as the source of such voltage is eliminated.

J. Consumer Loads of a Character Which Are Seriously Detrimental to the Service Being Rendered to Other Consumers or to the Utility's Distribution System:

Examples of detrimental loads include, but are not limited to, those items listed below. When such conditions exist concerning a consumer's load, the consumer will be required to pay for the corrective actions needed to eliminate the problems their service is causing.

1. Alternating - Current Welders

The Utility reserves the right to refuse the supply of service to any a.c. arc welders which cause interference or disturb the quality of service to other consumers. The use of a.c. arc welders in conjunction with a residential service or under residential service rates will generally be restricted to limited-input welders up to 180 amperes maximum welding current rating. Three-phase service to commercial shop arc welders will be provided upon payment of, or the signing of a payment agreement, for all Utility-owned three-phase equipment required specifically as a result of the welder installation.

2. High Fluctuation

For highly fluctuating and intermittent loads which seriously affect voltage, such as large motor starting equipment or heating units, welders, x-ray machines, etc., the Utility may require payment or the signing of a payment agreement for such additional equipment as deemed necessary to maintain satisfactory service to other consumers. If the consumer delays or refuses to install adequate starting compensators or other devices to correct the situation, power shall be discontinued.

3. Motors:

The Utility requires the use of starting motors for motors 50 HP or larger. The Utility reserves the right to refuse the supply of service to polyphase installations aggregating less than 5 HP. The use of a single phase motor up to 10 HP individual rating will normally be permitted, upon specific authority of the Utility, provided the Utility's local facilities are adequate to supply the service and provided the use of such motor or motors does not interfere with the quality of service rendered to other consumers.

4. Phase Balance:

Current unbalance in phase wires of services, except the wild leg of three phase for delta services, shall not exceed 10 percent of the current which would be required at maximum load under balanced current conditions.

5. Power Factor:

All three phase loads in excess of 25 KW shall be subject to the power factor adjustment provisions contained in the applicable rate schedule. The use of equipment by the consumer for power factor correction must conform to requirements of the Utility as to electrical characteristics of equipment and its operation and control. The consumer may be required to limit the size of his static capacitor installation or to maintain effective control of the capacitors or other corrective equipment in order to prevent the use of such equipment from causing excessive voltage at the service. Corrective equipment installed by the consumer

after the effective date hereof must be located on the load side of his service disconnecting device.

6. Protective Apparatus:

With permission from the Utility, the consumer may install, at his/her own expense, a reverse-phase relay of approved type on all alternating-current motors for passenger and freight elevators, hoists, and cranes, and reverse-power relay for parallel operation. (Note - Section 13.24.320 (emergency generation prohibits parallel operation.)

7. Services with Connected Loads in Excess of 50 KVA:

When the connected load to be served exceeds 50 kilovolt amperes, the Utility may,

at its option, require the consumer to arrange his or her wiring to receive polyphase service.

K. Consumer Power Outage:

If the consumer's service fails, he/she shall endeavor to determine if it is a blown fuse, tripped breaker, or if his/her equipment is at fault before calling the Utility. If a service person is sent out at the consumer's request, and it is determined that the consumer's equipment is at fault, a charge may be made for calls during regular working hours. If the call is outside of regular working hours, the charge will be made for the actual cost of labor.

L. Utility Power Outage

If the Utility service fails, electric service will be restored on a priority basis as follows:

1. Transmission Lines
2. Substations
3. Major Distribution Feeders
4. Critical Loads
  - a) Emergency Response Locations
  - b) Hospitals
  - c) Medical Clinics
  - d) Nursing Homes/Assisted Care Facilities
  - e) Residences with Special Medical Needs
5. Individual Service to Consumers

M. Consumer's Premises

All property owned by the Utility and located on the consumer's premises shall be deemed to be personal property of the Utility and title thereto shall remain with the Utility. The Utility shall have the right at the expiration of service to remove all of its property. The Utility shall keep in repair and maintain its property installed on the premises of the consumer.

N. Right-of-Way

Under no circumstances, except when given specific permission from the City of Bandon through a right-of-way permit, shall a consumer place any building, fence, other structure, trees, shrubs or any other improvement within the Utility right-of-way, or change the grade, fill or excavate or carry on or permit any other activity within said right-of-way.

O. Consumer's Responsibility - Wiring and Equipment

The consumer shall install, own and maintain all wiring and equipment beyond the point of delivery except meters and special facilities installed or furnished by the Utility. The consumer's wiring shall conform to applicable municipal, county and state requirements, and the Utility's rules and regulations, and to accepted modern standards as exemplified by the National Electrical Code, and the National Electrical Safety Code. The Utility reserves the right to deny or discontinue service to a consumer's equipment or wiring

where such equipment or wiring is in hazardous condition, or not in conformity with lawful codes and local regulations.

1. In all cases, the meter will be furnished by the Utility, which is necessary to adequately measure the service taken by the consumer. If instrument transformers are required, the Utility will install them at the consumer's expense.
2. It shall be the consumer's responsibility to provide suitable protective equipment such as fuses, circuit breakers, surge protectors and relays to adequately protect his equipment.
3. The Utility shall not be held liable for any loss or damage to persons or property

resulting from defects beyond the point of delivery or in the consumer's installation of equipment or the delivery of energy thereto.

13.24.070 Service Descriptions

A. Residential

Residential service may be extended by the consumer from his/her domestic meter to other structures which are directly adjacent to, or connected with, the residence and used for noncommercial purposes by the occupants of the residence being served, provided such installations shall be in compliance with all applicable codes.

B. Multi-Family Dwelling

The Utility may require a meter for each unit of a multi-family dwelling at the consumers' expense.

C. Commercial

1. Commercial service is defined as the supply of electric service to businesses and public buildings, for all commercial lighting and/or power purposes, including lodges, churches, clubs, tourist homes, nursing homes, offices, beauty parlors, stores, shops, schools, gas stations, restaurants, etc.

2. A commercial consumer is seeking electrical service for a property to be used in whole or part for a business and not a property to be occupied by the owner solely as his or her residence or a property to be used as a single family dwelling unit.

D. Industrial and Large Commercial

Industrial and large commercial service is defined as the supply of electric service to consumers with demand requirements of 30 KVA or more at available voltage.

E. Irrigation Service

Irrigation service is defined as the supply of electric service to any type of irrigation operation, pumps or equipment. Irrigation services with a demand of 25 KVA polyphase or more at available voltage will be required to have Demand Metering.

F. Street Lighting Service

Street Lighting Service is defined as the supply of electric service to political subdivisions such as towns and villages for dusk to dawn lighting of streets, alleys and other public ways.

G. Area Lighting (Yard Lights)

Area Lighting Service is defined as the supply of electric service to residential, commercial and industrial consumers for area lighting of yards, docks, lots, piers, etc.

13.24.080 Emergency Medical Certificates

Medical certificates are accepted by the City for residential electric service. Certificates or oral certification from a qualified medical professional must be submitted to the City prior to the date of disconnection.

A. The Utility shall not disconnect residential service if the consumer submits certification from a qualified medical professional stating that disconnection would significantly endanger the physical health of the consumer or a member of the consumer's household. "Qualified medical professional" means a licensed physician, nurse-practitioner, or physician's assistant authorized to diagnose and treat the medical condition described without direct supervision by a physician.

B. The oral certification to the electric utility must be confirmed in writing within 14 days by the qualified medical professional prescribing medical care. Written certifications must include:

1. The name of the person to whom the certificate applies and relationship to the

- consumer;
  - 2. A complete description of the health conditions;
  - 3. An explanation of how the person's health will be significantly endangered by terminating the service;
  - 4. A statement indicating how long the health condition is expected to last;
  - 5. A statement specifying the particular type of utility service required (for example, electricity for respirator); and
  - 6. The signature of the qualified medical professional prescribing medical care.
- C. If a medical certificate is not submitted in compliance with sections (1) and (2) of this rule, the Utility may disconnect service after providing a five-day notice to the consumer. The notice shall comply with the requirements of OAR 860-021-0405, except subsection (1)(b), subsection (2)(e), and section (4) of this rule shall not be applicable.
- D. An emergency medical certificate shall be valid only for the length of time the health endangerment is certified to exist, but no longer than six months without renewal for certificates not specifying chronic illnesses, and no longer than twelve months for certificates specifying illnesses identified as chronic by a "Qualified Medical Professional" as defined in this rule. At least 15 days before the certificate's expiration date, the Utility will give the consumer written notice of the date the certificate expires unless it is renewed before that date.
- E. A consumer submitting a medical certificate is not excused from paying for electric utility service:
- 1. Consumers are required to enter into a written time-payment agreement with the Utility when an overdue balance exists. Terms of the time-payment agreement shall be those in OAR 860-021-0415 or such other terms as the parties agree upon in writing.
  - 2. When financial hardship can be shown, a consumer with a medical certificate may renegotiate the terms of a time-payment agreement with the Utility.
  - 3. Time-payment arrangements in effect when a medical certificate terminates remain in effect for the balance then owing. If a consumer fails to pay charges incurred after the certificate terminates, the provisions of OAR 860-021-0415 (standard time-payment provisions) shall apply to payment of the arrearage incurred after the medical certificate expires. The terms of the medical certificate time-payment plan continue to apply to the arrearage accrued during the disability.
- F. If a medical certificate consumer fails to enter into a written time-payment agreement within 20 days of filing the certificate, or to abide by its terms, the Utility shall notify the Commission's Consumer Services Division of its intent to disconnect service and the reason for the disconnection. The Utility may disconnect service after providing a notice 15 days in advance of disconnection for nonpayment, or five days before disconnection
- for failure to enter into a written time-payment agreement. The notice shall comply with the requirements of OAR 860-021-0405, except subsection (2)(e) shall not be applicable. A hearing may thereafter be held to determine whether the Utility should be permitted to disconnect service to the consumer.
- G. The Utility may verify the accuracy of a medical certificate. If the electric utility believes a consumer does not qualify, or no longer qualifies for a medical certificate, the Utility may apply to the commission to terminate the service of the consumer .

*Stat. Auth.: ORS 183, ORS 756, ORS 757 & Ch. 290, OL 1987*

*Stat. Implemented: ORS 756.040, ORS 757.750, ORS 757.755 & ORS 757.760 Hist.: PUC 6-1979, f. & ef. 10-6-79 (Order No. 79-680); PUC 5-1983, f. 5-31-83, ef. 6-1-83 (Order No. 83-284); Renumbered from 860-021-0095; PUC 12-1983, f. & ef. 10-7-83 (Order No. 83-623); PUC 3-1989, f. 2-6-89, cert. ef. 2-8-89 (Order No. 89-038); PUC 16-1990, f. 9-28-90, cert. ef. 10-1-90 (Order No. 90-1105); PUC 11-1995, f. & cert. ef. 11-27-95 (Order No. 95-1217); PUC 11-1998, f. & cert. ef. 5-7-98; PUC 16-2001, f. & cert. ef. 6-21-01.*

13.24.090 Discontinuance of Service

- A. Consumers who wish to discontinue service must give a written 2-working days advance notice to appropriate personnel at the office of the Utility during normal business hours. Requests are generally processed the same day. The consumer is liable for service until such written advance notice is given to the Utility and thereafter until the meter has been read. The final bill for service is due and payable upon presentation.
- B. If the consumer moves to another residence on the Utility's service and the final bill is unpaid, all monies received shall be applied to the final bill or any outstanding bad debts prior to payment being applied to current charges.
- C. A change of name does not alleviate the debt to the Utility.
- D. A consumer receiving Community Action assistance is still required to pay at least one-half of their current bill each month until the funds are received, or be subject to disconnect of utilities.

13.24.100 Connect and Disconnect Fees

- A. An account opening fee, in accordance with the current Rate Schedule, shall be charged for each new consumer account or transfer of an account.
- B. All charges and monthly billing fees begin on the date the electric meter is installed.
- C. When service is temporarily disconnected at the request of the consumer, a reconnect fee may be charged.
- D. There is no disconnect fee unless the City pulls the meter for nonpayment.

13.24.110 Service Transfer

A service transfer from one consumer to another consumer will be considered a disconnect and a reconnect, even though the service is not physically disconnected.

13.24.120 Rental Property Agreement

Property owners who wish to have the electric service to their rental units remain connected after the unit has been vacated, may sign an "Uninterrupted Service Letter" with the Utility. The property owner agrees to assume responsibility for payment of all electricity and charges from the date of the tenant's disconnect order until the new tenant requests service.

Without an "Uninterrupted Service Letter" a service fee shall be charged each time a service is reconnected by the property owner.

13.24.130 Basis of Charge

- A. Except as specifically provided for temporary short term service, the rates for electric service are priced on a monthly basis and provide that service shall be billed at monthly intervals and are subject to any monthly minimum payments. The rates named in the rate

schedule for each class of service are based upon the supply of service to each consumer for a specific type of service.

- B. When a structure is subdivided and used for multiple purposes (such as a home being converted to a family and business unit), the Utility will select the rate to apply to each type of use in accordance with the Rate Schedule. The service to each type of use may be separately metered and separately billed, depending on the specific circumstances, at the sole discretion of the Utility.

13.24.140 Meter Service Order

- A. Each applicant for electric service shall be required to sign the Utility's "Meter Service Order" and an application for each electric service. Whether or not a signed agreement for service is on record for the consumer and accepted by the Utility, the rendering of the service by the Utility at the request of the consumer shall be deemed a contract between the parties and subject to the Rate Schedule and to compliance with all City rules and regulations.
- B. Residential, irrigation, large industrial, or commercial service contracts may be written on a special contract, and contain such provisions and stipulations as may be necessary or desirable to protect the interest of both the Utility and the consumer. These rules and regulations are a part of every contract for service, unless specifically modified by the special contract. In case of conflict between any Rate Schedule or Special Contract or these Rules and Regulations, the provisions of the Rate Schedule or Special Contract shall apply.

13.24.150 Termination of Service

Service may be terminated in accordance with the following policies.

A. Shut-Off for Non-payment

The Utility will disconnect electric service for non-payment.

1. At least 15 days before a consumer is disconnected for nonpayment, a Shut Off notice will be mailed to the consumer.
2. At least 5 days before the disconnect date, the Utility will mail a final shut-off notice. Service of the notice is considered complete, on the date after the U.S. postmark, or on the day after the date of postage metering. A charge is applied to the account for processing a final shut-off notice.
3. If a final shut off notice is served while a Payment Agreement is in effect, the agreement shall be null and void and the balance shall be due immediately.

B. Shut-Off for Cause

The Utility may disconnect upon 48 hour written notice if entry to its meter or meters is refused, or if access thereto is obstructed or hazardous; or for other violations of these rules and regulations.

C. Shut-Off for Safety

The Utility may disconnect without notice if the consumer's installation has become dangerous or defective.

D. Shut-Off for Fraud/Theft/Diversion

1. The Utility may disconnect without notice for abuse, fraud, or tampering with the connections, meters, or other equipment of the Utility.
2. The Utility may also disconnect for violation of any City utility regulation or contract

provisions, and for theft or for diversion of current.

3. The discontinuance of service for any of these causes does not release the consumer from his/her obligations to pay for energy received or charges specified in any existing contract.

E. Shut-Off for Detrimental Loads

The Utility may refuse to serve loads of a character which are seriously detrimental to the service being rendered to other consumers.

F. Shut-Off for Unauthorized Use

Unauthorized connections to the Utility's electric service facilities, or use of service obtained from the Utility without authority or through false pretense, may be terminated by the Utility without notice. For unauthorized use of service, the Utility will, in addition to any other lawful remedies which the Utility may have, render the user liable for the service so unlawfully used at the rate or rates applicable thereto; the measurement where possible, otherwise by estimate.

G. Shut-Off for Unrestrained Animals or Unsafe Condition

The Utility may disconnect with or without notice if a consumer's unrestrained animal(s) present a safety threat to the Utility's employees or if the safety of Utility personnel is otherwise put at risk.

H. Shut-Off for Local or State Development Violations

Service may be discontinued if a structure or structures, or use of property or structure, are found to be in violation of the Bandon Municipal Code or Oregon Revised Statutes.

13.24.160 Service Charges for Termination of Service

A. General

Whenever electric service has been disconnected for non-compliance with service policies, non-payment, fraudulent use, or for violation of local or state regulations, the service will not be reconnected until the situation requiring such action has been corrected to the satisfaction of the Utility or applicable government agency.

1. A charge will be made for all such re-connections which can be completed during working hours of the Utility.
2. For re-connections requested to be completed during other hours, the charge will be as specified on the Rate Schedule.
3. A deposit shall be required for reconnecting services which have been disconnected for these reasons.

B. Collection Trip Fee

When electric service is subject to disconnection for non-payment and, in-lieu-of actual disconnection the consumer elects to pay the Utility's representative in full for all past due balances, or makes subsequent payment for those past due balances, a collection fee will be charged.

13.24.170 Meter Reading

Meters shall be read monthly, or at the Utility's discretion at other periodic times. The Utility will, as nearly as possible, read meters on the same cycle date, but because of holidays, and weekends, and the difference in the length of months, variations will occur. The Utility reserves the right to modify meter reading schedules as required by changing conditions. If for any reason a meter reading cannot be obtained for a particular period, the Utility will estimate the reading and render

a bill based on this estimate. In the event of error, the Utility may revise such estimate on the basis of the best evidence available, or the bill will self-adjust the next time an actual reading is obtained.

13.24.180 Billing

A. Payment Obligations, Utility Bills

The supply of energy service for any purpose, at any location is contingent upon payment of all charges provided for in the Rate Schedule as applicable to the location and the character of service. All utility bills, except final or closing bills are due and payable- upon presentation . Final or closing bills are calculated on a daily basis and due and payable upon presentation. Demand charges will be billed per the Rate Schedule. Failure to receive a bill or a disconnect notice shall not release the consumer from obligation of payment. A late payment charge shall be applied to all unpaid amounts.

B. Payment Obligation, Non-Energy

Non-energy bills for service rendered by the Utility shall be due and payable upon presentation. Further, the Utility may require an estimated amount for service to be rendered prior to providing such service. A late payment charge shall be applied to all unpaid amounts.

C. Billing Period

1. All City of Bandon rate schedules for electric service are based on one month's service. One month's service covers approximately a thirty (30) day period, not a calendar month. The geographic location of the consumer's service determines when the meter is read. This should be about the same date each month.
2. The City of Bandon will mail bills on or about the last working day of each month. Payment is due by the 15<sup>th</sup> of the following month.

D. Irrigation Billing

Irrigation service is subject to the basic monthly charge, regardless of any energy consumption or presence of any energy measuring device.

E. Damaged/Destroyed Meter

1. If a meter has been destroyed by fire, has stopped registering, or otherwise fails to correctly register power and energy supplied to the consumer, the Utility will render a bill based on an estimate of the amount of power, energy, and demand supplied by using the best available information.
2. When it has been determined that a consumer has caused the service furnished to be improperly or inaccurately metered, the Utility may render bills for such service based upon its reasonable estimate of the service actually furnished for the full period during which the service was un-metered or improperly metered, and the consumer may be billed for a meter replacement at the discretion of the Utility.

F. Disputed Bills

1. Disputed bills must first be discussed with the Utility Clerk, and, if unresolved, with the City Manager.
2. If the matter cannot be resolved at the staff or management levels the consumer may present the disputed bill before the Bandon City Council at its next regularly scheduled meeting.

G. Shut Off Notice

1. Bills not paid by the 15<sup>th</sup> of the month shall be considered delinquent. A "Shut Off" Notice is mailed on delinquent accounts after the 15<sup>th</sup> of the month.

2. The consumer has ten (10) days to pay the account in full or make payment arrangements.
  3. A Shut Off Notice does not apply to consumers who have signed a payment agreement on a delinquent account.
  4. Failure to receive a reminder notice will not release the consumer from obligation of payment.
- H. Disconnect Notice  
If an account remains unpaid or if payment arrangements have not been made ten (10) days after a Shut Off notice has been sent, the Utility will mail a Final Shut Off notice to the consumer. The Final Shut Off notice shall include a processing charge. The notice shall state a date and approximate time when the electricity will be turned off.
- I. Service Disconnect
1. On the disconnect date, a representative of the Utility will attempt to make personal contact with the consumer stating that the electric service is being terminated until the delinquent amount is paid.
  2. If a customer wishes re-connection, he/she must pay the total amount past due, plus the fees and a reconnect fee. There are additional charges for connections made after hours, weekends and holidays.
- J. Interest Charges Related to Delinquent Bills  
An interest charge, as per the Rate Schedule, is applied to all unpaid amounts carried forward to the next month's bill.
- K. Payment Arrangements - Delinquent Bills
1. The Utility does not want consumers to be without service. To avoid disconnection and termination of service, consumers having difficulty paying electric bills must contact the Utility prior to the date of service termination and make mutually acceptable arrangements.
  2. Payment plans shall be designed to bring the account up to date no later than six months from the date of the agreement.
  3. Should the consumer default on the payment agreement, the total amount due must be paid in full or the consumer will be disconnected.
  4. The Utility will provide consumers with information on known financial assistance programs where help might be obtained.
- L. Returned Checks
1. If a consumer's check is returned unpaid to the Utility the consumer will be charged an amount according to the Rate Schedule with possible termination of all services should the check not be covered by cash or a money order.
  2. If the Utility has two (2) checks from a consumer returned in any twelve (12) month period, the Utility may require future payments be made in cash or money order at the Utility's discretion.
  3. Receipt of a bad check constitutes non-payment of the utility bill.
- M. Budget Billing
- a) Utility offers consumers a "Budget Billing Plan" designed to make their payment approximately the same each month of the year.
  - b) To be eligible, the applicant must be a residential consumer, the account must be

current, there must be a good payment history and he/she must apply for the plan during the months of March through May. Good payment history constitutes a record of timely payments for a period of one year on the entire utility bill which may include water and sewer in addition to electricity.

- c) The monthly budget billing payment will be determined by averaging the actual amount of energy used during the previous twelve (12) months. This amount shall be recalculated periodically to keep payments in line with actual costs.

N. Third-Party Notification

Third-party notification is available to all consumers. It is especially useful for elderly, handicapped, or home-bound consumers who live alone and/or those who travel a great deal or spend winters out of town. A third-party notification has someone on record, other than or in addition to the consumer, who the Utility will notify for billing purposes or when problems arise. Under this double notification procedure the consumer also authorizes the Utility to send a copy of shut off notices to the third party before the disconnect date. The third party can be any person or agency selected by the consumer. The third party person or agency is not obligated to pay the consumer's bill. This person or agency generally is meant to act as an additional communication link between the consumer and the Utility.

13.24.190 TAX/SURCHARGE

The Bandon City Council may impose a sales, privilege tax, or other tax or surcharge upon the monthly charge or volume of power delivered, in amounts set by the City Council, subject to conformance with all State, Federal, and local rules, regulations, and statutes. The use of these funds shall be at the sole discretion of the City Council.

13.24.200 RESALE OF ENERGY

The consumer shall not resell, or share with others, any electric service furnished by the Utility.

13.24.210 POINT OF DELIVERY

The point of delivery is that point on the consumer's premises (or other agreed point) where the Utility connects its electrical service conductors with the consumer's wires. The rates of the Utility are based upon the supply of service to the entire premises through a single delivery and metering point. A separate supply for the same consumer at other points will be separately metered and billed. Where the Utility contracts to furnish separate transformers to provide multiple services or multiple voltages for the benefit of the consumer, metering and billing shall be either by separate accounts at low voltage or consolidated at high voltage with inclusion of transformer losses, at the discretion of the Utility.

13.24.220 THE UTILITY'S PROPERTY

The consumer shall be responsible for the safe-keeping of the property of the Utility on his/her premises and, in the event of damage, shall pay to the Utility the cost of inspection and repairs.

A. Meter Seals

The consumer shall not permit any person, except an employee of the Utility, to break any seals, or perform any work on any meter or other apparatus of the Utility that is located on the consumer's premises, unless authorized by a representative of the Utility.

B. Right of Access

1. The consumer shall grant any necessary permission to enable the Utility to install and maintain its serving facilities on the premises of the consumer and to carry out its contract. If any such equipment is located within a locked enclosure, the Utility shall be furnished a key for access.
2. The Utility shall have the right through its employees, or other agents, to enter upon the premises of the consumer at all reasonable times for the purpose of reading, inspecting, maintaining, repairing, or removing the metering devices, wiring, or other facilities of the Utility and for the purpose of tree trimming, right-of-way clearing and other vegetation management.
3. Unrestrained animals present a safety threat to the Utility's employees. Should a consumer's unrestrained animal(s) prohibit employee access to the premises or interfere in any way with necessary work, the consumer will be notified—and a mutually agreeable permanent solution must be arranged. If a consumer does not comply with such a request, the Utility will disconnect service without further notice. In the event a threatening, unrestrained animal(s) hinders the ability of Utility personnel to address an emergency situation, service will be discontinued without notice.
4. Vegetation Management  
The Utility has a legal obligation for tree removal, tree trimming and/or right-of-way maintenance around all existing primary and secondary electrical facilities to maintain such facilities in accordance with the National Electric Safety Code and the Rules and Regulations of the Oregon Public Utility Commission. Vegetation management is essential for employee safety, public safety and continuity of service to the consumers. The Utility may, through its employees or other agents, enter the consumer's property at all reasonable times in order to undertake necessary vegetation management work. The property owner agrees not to interfere with such activity.
5. Unauthorized Attachments  
Written permission must be obtained from the Utility before any equipment or material of any description may be attached to any utility pole, guy wire, electrical equipment, or other property of the Utility.

13.24.230 INSPECTION OF CONSUMERS' FACILITIES

- A. The Utility's property ends at that point on the consumer's premises (or other agreed point) where the Utility connects its electrical service conductors with the consumer's wires.
- B. The Utility shall have the right, but shall not be obligated, to inspect the consumer's wiring or equipment before or during the time service is supplied. Such inspection, or lack of inspection, shall not be construed as placing upon the Utility any responsibility for the condition or maintenance of the consumer's wiring, current consuming devices or other equipment.

13.24.240 PHASE BALANCE

Current unbalance, in phase wires of services, except the wild leg of three-phase four-wire delta services, shall not exceed 10 per cent unbalance at maximum load under balanced current conditions.

13.24.250 ELECTRIC WATER AND SPACE HEATING

Electric water and space heating equipment to be served by the Utility shall be constructed and installed in conformity to all appropriate codes.

13.24.260 INSTALLATION OF LARGE LOADS BY THE CONSUMER

The Utility shall be advised and consulted prior to the purchase and installation of large loads, as described in the Rate Schedule, to ascertain whether or not:

- A. the proposed equipment is of adequate capacity to do the job intended,
- B. the heating elements or units and the thermostats controlling them are the proper size and balance to assure that the use of the equipment will not cause disturbances of the Utility's system, and
- C. the Utility can make the changes to its facilities, if required, in order to satisfactorily serve the additional load when needed.

13.24.270 NOTICE OF TROUBLE

The Utility will endeavor to give the best possible service to its consumers at all times. The consumers shall assist the Utility in fulfilling its purpose by promptly notifying the Utility of any defects, or trouble affecting the supply of electricity, or if service is unsatisfactory for any reason.

13.24.280 INTERRUPTION OF SERVICE

- A. The Utility will exercise reasonable care to provide adequate and continuous electric service but does not guarantee same and shall not be liable for injury, loss, or damages resulting from any failure or curtailment of electric service. When practicable, advance public notice shall be given and effort will be made to make interruptions as short as possible and at such times as will cause the least inconvenience to the consumer.
- B. The Utility will endeavor to maintain its delivery voltages and frequency within reasonable limits, but will not guarantee same beyond established limits set by public authorities having jurisdiction such as the Public Utility Commission and the National Electric Safety Code and National Electric Code.

13.24.290 METERING

- A. Tests  
The Utility may, at its own option and expense, inspect and test its meters as reasonably required.
- B. When a consumer requests a meter to be tested and the meter is found to be accurate, the consumer shall bear the cost of the testing. If the meter is found to be inaccurate the Utility shall bear the cost of the testing. If the meter is found to have a positive average error in excess of four percent, either fast or slow, the Utility will adjust the consumer's billing for the known or assumed period of error, not to exceed the previous six months.
- C. Additional Meter  
Should the consumer desire the installation of additional meters other than those necessary to adequately measure the service taken by the consumer, such additional meters shall be provided, installed, and maintained by the consumer at the consumer's expense.
- D. Meter Pole/Post  
Meter poles or posts will be furnished and installed by the consumer, subject to the Utility's approval.

13.24.300 TEMPORARY SERVICE

- A. Temporary service such as service to construction jobs, fairs, and carnivals shall be supplied in accordance with the applicable rate schedule except that the consumer shall pay, in addition to the charges under the rate schedule, the total cost of all materials and installation and removal service, less the value of materials returned to stock. An applicant who desires temporary of service may be required to complete an Agreement for Engineering Fees and will be required to provide a copy of the appropriate permits. A reasonable fee, in advance, may be required for the full amount of the estimated bill for service, including the cost of installation and removal.
- B. All services are considered temporary while a structure is under construction until it is approved for service and/or an occupancy permit is issued by the City of Bandon. Temporary services shall be discontinued after a six- month period, unless special conditions warrant. The Utility will make the determination of the special conditions warranting the extension.

13.24.310 SERVICES WITH CONNECTED LOADS IN EXCESS OF 50 KVA

Where the connected load to be served exceeds 50 kilovolt amperes, the Utility may, at its option, require the customer to arrange his wiring to receive polyphase service.

13.24.320 EMERGENCY GENERATION

Any consumer with a source of emergency generation on his/her premises shall notify the Utility and must provide a Utility-approved double throw transfer switch on the line side of his/her service entrance box. This switch must be so arranged that a single handle on the switch will disconnect the Utility's lines completely prior to the emergency plant being connected to any part of the consumer's wiring system. The service entrance box shall be subject to being sealed by the Utility and subject to Utility inspection.

13.24.330 PERMITS AND RIGHTS-OF-WAY

- A. Consumers applying for the construction of a line extension or a location change-of-service will be required to secure, in the name of the Utility, all necessary and convenient rights-of-way and easements, and to pay the costs incidental thereto for legal recording. Satisfactory proof, by copy of recorded deed, identifying all current owners concerning said property or properties involved shall be provided to the Utility prior to the recording of any documents necessary for service connections.
- B. Concerning complicated easements and rights-of-way, the Utility may require that necessary documents and location drawings be prepared by registered surveyors, engineers and/or attorneys as necessary. Costs for these services shall be paid for by the consumer requesting service. Where necessary, the Utility may require the staking in the field by appropriate professionals of easements and rights-of-way. The consumer shall pay all costs associated with licenses, permits and approvals required for the initial installation of services and extensions.
- C. When necessary, for its own purposes, the Utility shall make or cause to be made, applications for any necessary street or highway permits from governmental agencies and

shall not be required to supply energy until a reasonable time after such permits are granted.

13.24.340 SPECIAL MEASUREMENTS

The Utility shall have the right, at its option, and its own expense, to place demand-meters, or other instruments on the premises of any consumer for the purpose of measuring the demand, or for other tests of all or any part of the consumer's load.

13.24.350 COMPLETION OF CONTRACT TERMS

If by reason of any act, neglect, or default of a consumer, the Utility's service is suspended, or the Utility is prevented from supplying service in accordance with the terms of any contract it may have entered into with the consumer, the monthly minimum charge for the unexpired portion of the contract term shall become due and payable immediately as liquidated damages in-lieu-of the anticipated returns from said contract.

13.24.360 NO PREJUDICE OF RIGHTS

The failure of the Utility to enforce any of the terms of the rate schedule or these rules and regulations shall not be deemed a waiver of its right to do so.

13.24.370 SUPPLY LINE CONSTRUCTION

The Utility will construct, own and maintain supply facilities located on the highway, streets and roads, or on rights-of-way acquired by or on behalf of the Utility and used or usable as part of the Utility's general supply system.

A. Obligation to Extend, Enlarge or Change

1. The Utility's obligations are limited, where extraordinary costs of construction are involved, with respect to single-phase line extensions. Applications involving extensions requiring abnormal construction which would result in extraordinary costs may be considered as special cases to be handled as the circumstances warrant. Examples include providing underground service, crossing rivers and ponds, extending to an island, as well as the use of submarine cable.
2. With respect to polyphase line extensions, the Utility's obligation to extend its facilities, or to change the characteristics of service, is limited to the assumption of new investment to the extent warranted by the revenue anticipated from the business to be supplied.
3. The Utility is not obligated under the single-phase line extension policy to provide temporary service or to extend its lines to a non-permanent structure.

13.24.380 AREA LIGHTING/YARD LIGHTS

A. The Utility will provide, install and maintain yard or area lights for its customers. The cost to customers for a new light service shall be set by resolution of the Bandon City Council. Future unit replacement costs will be borne by the Utility. Consumers must sign appropriate forms and pay fees according to the Rate Schedule. Should additional materials and work be required for the installation of the light, such as setting a pole and associated expenses, the actual cost will be borne by the consumer and paid in advance of the installation. When service to an area light is required to be underground, the consumer is required to provide all trenching.

B. Yard light maintenance will be undertaken as soon as possible but will not be scheduled on a priority basis. Work will be done when crews are available and in the area. It is the

responsibility of the customer to notify the Utility when maintenance is required. The monthly charges for security light service are as stated in the rate schedule adopted by the Bandon City Council.

13.24.390 UPGRADE OF EXISTING SERVICES

In the event a consumer requests an upgrade of service, and should the service upgrade require additional poles or other equipment, the consumer shall pay the Utility for such additional costs, including materials, labor and overhead and sign appropriate forms. The consumer will be required to pay, in advance, an estimated amount sufficient to reimburse the Utility for actual costs. The consumer will furnish and install a meter socket, ground rod(s), breaker box, and breaker and/or disconnect switch.

13.24.400 ELECTRIC SERVICE EXTENSION, RELOCATION AND/OR CHANGE IN TYPE OF SERVICE

- A. The requirements and specifications of this section apply to all single-phase and multi-phase electric service extensions, relocations and/or change in type of service. Change in type of service means changing from overhead to underground service or from underground to overhead service.
- B. Electric service extensions, relocations and/or change in type of service will be constructed upon completion of all applicable agreements and any other required forms, acquisitions of all required permits and right-of-way easements, and payment of all required fees and cost of materials, labor and overhead by the consumer.
- C. Consumers residing within the City of Bandon who are installing a new service, repairing an existing service, extending a service or replacing a service are required to install the service underground. The consumer will be responsible for the cost of materials, labor and overhead, and for providing trenching. A service fee may be charged for replacing or repairing an existing service at the discretion of the Utility.

*The City of Bandon reserves the right to require any service to be installed underground.*

D. Preliminary Engineering and Cost Estimate

An applicant who desires an electric service extension, relocation of a service and/or changes in the type of service shall be responsible for payment of preliminary engineering sufficient to develop a cost estimate of providing electric service. All engineering fees are non-refundable. In consideration of this payment, the Utility will conduct one site visit to the property, accompanied by the applicant, property owner or agent to gain information by which staking sheets and cost estimates can be developed. Engineering fees will include additional visits to the site if necessary. Before any work will be undertaken all provisions contained herein must be complied with.

E. Unsolicited Relocation of Service

If a consumer's electric service does not meet the requirements of this policy or other applicable rules, codes or regulations, the Utility may require the consumer to relocate, change or extend electric service at the consumer's expense. When the Utility requires a relocation, change or extension of electric service and the consumer's service meets the

requirements of this policy, other applicable rules, codes and regulations, the Utility will be responsible for the costs.

F. Cost Recovery - Large Commercial or Industrial Manufacturing

The Utility may require a special cost recovery contract between the Utility and the consumer for a large commercial or industrial manufacturing service. Such contract shall, at a minimum, contain the following terms:

1. length of the agreement
2. termination
3. facility charges;
4. minimum charges
5. ownership of the facilities
6. maintenance of the facilities
7. renewal terms of the agreement.

G. Commercial and Industrial Services; Land Developers, Land Developments, Speculative Developments, Subdivisions and Commercial Mobile or Manufactured Home Parks

1. Commercial and industrial consumers; developers carrying out land developments, speculative developments, subdivisions and commercial mobile or manufactured home parks, shall comply with the above sections and further comply with the following:
2. At the time of application for service, the consumer shall provide lot plans and load estimates to the Utility in a form adequate to permit the Utility to accurately plan the placement of Utility facilities sufficient to meet the needs of the consumer, and to allow the Utility sufficient lead time to order required materials. After completion, and prior to energizing the service extension, the consumer shall provide to the Utility a duly issued State of Oregon electrical permit.
3. If special transformers and/or meters are required for a service extension, which are not part of the Utility's standard inventory or system use, and the consumer wishes to have spare equipment available at the Utility for emergency purposes, the consumer shall pay the cost of such equipment. The consumer shall pay all costs for the line extension facilities.
4. The developer or owner who requests the underground electric service may, at his/her expense, purchase and install vaults and duct systems that meet the Utility's specifications. The ownership of the vault and duct system will revert to the Utility after inspection and acceptance of the system. The cost of inspection shall be borne by the developer or owner.
5. Service to commercial mobile and/or manufactured home parks will depend upon the permanency of the business by evidence of the owner's own investment in water, sewerage, grounds, roads, and other investments. The requirements of the Utility's service extension policy will apply. Tenants of the park must apply directly to the Utility for establishment of service. The Utility will bill the tenants directly on the appropriate rate and will be responsible for collections.
6. Privately Constructed Extension  
Privately constructed extensions are prohibited. However, consumers requesting underground service shall dig and backfill all service conductor trenches as per the Utility's specifications.
7. General Provisions  
Prior to electric service extension, relocation or change in type of service, the Utility reserves the right to require:
  - a) Proof of ownership of property by contract or deed.
  - b) Proof of septic tank approval of the City, County or other agency.

- c) State electrical inspection and permit, as necessary.
  - d) Evidence of approval for structure by the City, County, or other governing agencies when necessary.
  - e) Notification by the applicant of any property deed restrictions or zoning requirements that may affect the installation of the Utility's facilities.
  - f) Agreement, when necessary, to provide a gravel road on which the Utility's vehicles and equipment will be able to operate in order to build and maintain the electric power line.
  - g) All permits and easements.
8. Ownership of Facilities  
The Utility will own and maintain its lines together with all meters, transformers, poles and other facilities constructed or installed in connection with service extensions.
9. General Provisions for Single-Phase Line Extensions:
- a) Qualifications  
To qualify for a single-phase line extension an installation must be permanent as to structure, location and intended use of service.
  - b) Determination of Distance  
For the purpose of determining line extension costs, charges to the consumer will be based on actual length of the line extension. In cases where the City chooses a longer route for the purpose of serving their existing or future customers, the City will pay the additional costs. Such distances shall be taken to the nearest foot.
  - c) Choice of Route - Public vs Private Right-of-Way  
As a general rule extensions are to be built in public rights-of-way along public streets, in preference to private property routes and easements, even though the latter may be shorter. This will provide for future extensions and additional consumers as well as more convenient and economical maintenance and service.
  - d) Choice of Feed - Between Two Acceptable Sources  
Where premises to be served lie between two adequate and acceptable sources of feed, consumer requirements shall be based on the shorter of the two distances regardless of the route selected by the Utility for actual construction of the line. Approval must be obtained from the Utility for construction along the longer route.
  - e) Security  
The Utility may require adequate security, including the granting of a lien on the real property where the work is performed, to secure any outstanding payments.

13.24.410 METER LOCATIONS

- A. Meters shall be installed, at the discretion of the Utility, on the outside of buildings or service structures or a meter pole. Exceptions to this practice must be approved by the Utility. The consumer shall furnish a convenient place in which to install the metering equipment. That location shall be readily accessible without risk of bodily harm to Utility employees and free from vibration, corrosive atmosphere and abnormal temperatures.
- B. Meters shall not be located under porches, stairs, carports and breeze-ways, or under the

outfall of eaves, rain spouts, or drains, or where doors and other hinged building accessory might damage the metering equipment.

- C. Meters shall be installed in front of, or no more than five (5) feet down, the side of the structure nearest to the street.
- D. Meters shall be accessible at all times without doors, fences, gates, enclosures, boxes or covers denying access.
- E. Meters shall be installed at such a height that the center of the meter, or top row of multiple meter installations, is approximately six feet plus or minus six inches (66 to 78 inches) above the ground or platform when installed on a building.
- F. When the electric service meter base is attached to a post, the minimum height is 36" and the maximum height is 72"
- G. There shall be a minimum of four inches (4") clearance between the meter base and any physical obstruction which might interfere with the installation of the meter or use of the meter test equipment.
- H. New service entrance locations shall be approved by the Utility prior to installation. Where unusual conditions exist, the Utility shall be consulted prior to installation.

13.24.420 ABANDONED LINE REMOVAL

Any extension built to serve a single consumer (regardless of the number of meters) shall be deemed abandoned when service is discontinued, and request for reconnection is not made within the following twelve months. In such circumstances, at the Utility's sole option, the Utility may consider any interest of the consumer in the line extension plant and equipment, if any, forfeited.

13.24.430 RIGHTS OF APPEAL

Interpretation of these rules and regulations may be appealed to the City Manager and, if not resolved, to the Bandon City Council.