

**TITLE 8**  
**WATER AND SEWER**

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CHAPTER 1  
**WATER SYSTEM**

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8-1-1: **TITLE:** The provisions of this chapter shall be known as the ***WATER REGULATION ORDINANCE*** and may be so cited and pleaded. (Ord. 84, 8-8-2006)

8-1-2: **PURPOSE:** The city declares its intention pursuant to the statutes of the state of Oregon and the powers granted by the city charter to continue to acquire, own, construct, equip, operate, maintain, repair, reconstruct, extend, improve and expand the city water system and

all facilities and equipment related thereto which include, but are not limited to, water mains, valves, fittings, water meters, hydrants, and other appurtenances. The purpose of this chapter is to provide and regulate for collection, pumping, treating and distribution of water for human consumption as provided for herein to promote the public health, safety and welfare of the citizens of the city and outside of the city as provided for herein, fix charges for said water service, make certain acts unlawful and provide for penalties. (Ord. 84, 8-8-2006)

**8-1-3: DEFINITIONS AND WORD USAGE:** The following word usages apply herein:

- A. Certain terms, phrases, words and their derivatives shall be construed as specified in this chapter.
- B. Words in the singular include the plural and the plural the singular.
- C. Words in the masculine gender include the feminine and the feminine the masculine. The word "and" indicates that all connected items or provisions apply.
- D. The word "or" indicates that the connected items or provisions may apply singly or in combination.
- E. The word "shall" is mandatory. The word "may" is permissive.

As used herein, the following definitions and word usage apply:

**APPLICANT:** The person making application for water service from the city of Seneca and is considered the "customer or user" as defined herein.

**CITY:** The legally constituted municipal government of the city of Seneca in Grant County, Oregon.

**CITY COUNCIL AND COUNCIL:** The elected council by charter of the City of Seneca.

**CONNECTION WITH THE WATER SYSTEM:** A connection of the abutting property or other real property at the curb line to the meter at the water main line.

<b>CUSTOMER OR USER:</b>	Any person or owner who receives water service from the city. The customer, if not the owner, is deemed to be the agent of the owner in receiving water service from the city and does so with the knowledge and under the direction of the owner.
<b>CUSTOMER SERVICE LINE:</b>	That part of the piping that connects the owner's abutting property or other real property plumbing system to the meter.
<b>PERSON:</b>	All individuals as well as public or private corporations, including domestic and foreign corporations, firms, companies, partnerships of every kind, associations, organizations, syndicates, joint ventures, societies, any other group acting as a unit, and individuals transacting and carrying on any business within and outside the city of Seneca.
<b>PREMISES:</b>	Any lot, parcel, or tract of land owned by a single entity.
<b>SERVICE LINE:</b>	The line or pipe connecting from the water main to and including the water meter.
<b>WATER MAIN:</b>	A pipe or conduit laid in a public street or easement to which all owners of abutting properties or other real properties have equal rights and benefits, and is owned and controlled by the city.
<b>WATER SERVICE:</b>	Connection or use of water provided from the city of Seneca's water system to any person, single residence, multi-residences, business or any other establishment.
<b>WATER SYSTEM:</b>	The entire public water system owned and controlled by the city of Seneca, Oregon which shall include, but is not limited to, all water main lines, water meters, valves, fittings, hydrants, and other appurtenances. (Ord. 84, 8-8-2006)

8-1-4:       **SERVICE AREA:** The area served with the water system shall be all that area included within the incorporated limits of the city and such other contiguous and neighboring territory as the city council shall deem necessary to serve. (Ord. 84, 8-8-2006)

8-1-5:       **WATER SYSTEM OWNERSHIP AND CONFORMANCE WITH CITY STANDARDS:**

- A.    **Ownership, Installation And Maintenance:** The water system including all water main lines, valves, fittings, hydrants, service connections, water meters and other appurtenances, with the exception of "customer service lines" as defined in section 8-1-3 of this chapter, are the property of the city and are under the exclusive control of the city. Except as otherwise provided for by this chapter, the city shall own, install and maintain the water system, and installation and maintenance shall only be performed by authorized employees of the city or persons or contractors authorized by the city council.
- B.    **Conformance With City Standards:** All public or private water distribution systems to be connected to the water system, whether publicly or privately constructed, shall conform to standards of design, sizing, materials and workmanship prescribed by the city. Failure to meet standards shall be grounds for refusal of acceptance. Water service connections will not be made until the system is approved and accepted. (Ord. 84, 8-8-2006)

8-1-6:       **CONNECTION REQUIREMENT:** All new construction or uses that are intended for residential, commercial and industrial activity, as well as public gatherings requiring a water supply, are required to connect to the city water system prior to occupancy or use. An owner of real property in the city needs a city water supply from a connection with the water system when a sewer connection is mandated under chapter 3 of this title, and does not involve a vacant lot. (Ord. 84, 8-8-2006)

8-1-7:       **APPLICATION REGULATIONS; WATER DEPOSIT:**

- A.    **Application For Water Connection:** No person shall connect to the city water system unless and until: 1) an application is submitted and approved; 2) charges and fees authorized herein have been paid; 3)

a connection inspection by the city is completed and approved; and  
4) all other conditions and requirements herein are complied with by the applicant.

**B. Application For Service Or Water:**

1. No service shall be supplied, or water furnished, to any premises, be it residential, commercial, industrial, or for any other type of use, except on the written application of the owner of said premises or on the application of the customer.

2. Application for the use of water must be made on printed forms to be furnished by the city.

3. All applications must state fully and accurately the purposes for which the water is required and, as a condition for the use of the water, the applicant must agree to conform to the rules, regulations, resolutions and ordinances that relate to the city water system by signing the application form.

4. No incomplete application forms will be approved by the city.

5. All applicants must give their current mailing address to the city, and any changes thereof while using city water and until all of their debt with the city is paid in full.

**C. Use Of Water: No person shall take or use water supplied by the city for any purposes other than stated in the application, or to supply in any way other persons, families or businesses.**

**D. Water Deposit: Delinquencies:**

**1. Deposit Required; Disposition:**

a. At the time of application a deposit shall be made to the city to secure payment for water service and a receipt will be given for same.

b. The deposit is not to be considered as a payment on account.

c. In the event service is discontinued, the deposit will be applied to the closing bill, and any amount in excess of the closing bill will be refunded.

d. Following twelve (12) consecutive nondelinquent payments for water service the deposit will be applied to the applicant's billing as "credit".

e. The city will not pay any interest on any deposit.

f. All customers that have had water service with the city for twelve (12) consecutive months at the time this chapter is enacted and did not have a delinquent water service payment or past due balance do not have to provide a deposit.

2. Deposit Amounts; Delinquency Payment Rule: Deposit amounts and related delinquent payment rule may be fixed by the city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council as is reasonable and prudent.

3. Forfeiture Of Deposit: If an account becomes delinquent and it is deemed necessary to disconnect the water service, the deposit shall be applied to the unpaid balance due. Water service shall not be restored to the premises or user or the same customer at any different premises until all unpaid bills due the city are paid in full and a new application is made and all the application terms are complied with by the applicant.

4. History Of Delinquency: If an applicant has a previous history of delinquency in payment of applicant's bills as determined by the city and is requesting a new account, the minimum deposit shall be determined on the basis of previous delinquent amounts, or one hundred fifty dollars (\$150.00), whichever is greater.

5. Restoration Of Discontinued Service: Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse or noncompliance with any of the policies, rules or regulations will only be made after: a) the irregularity has been corrected; b) all outstanding bills due the city are paid in full; c) a new application is made; d) the applicant assures the city that the irregularity will not reoccur; and e) all the application terms are complied with by the applicant.

E. Application Time Period: An application for new service or restoration of service shall be invalid after a period of one hundred eighty (180) days from the date of approval by the city, or within thirty (30) days of the completion of the meter installation, whichever period is shorter, unless the connection to the water system is

completed and the service is activated by the applicant. If such application is rendered invalid on this basis, the connection fee shall be nonrefundable, and a new application and connection fee will be required if service is still desired by the applicant. A connection fee shall only be refundable if requested within thirty (30) days of application and prior to the installation of the service line or water main line extension.

- F. **Requests To Discontinue Water Service:** Requests to turn water off at any premises already served by the city water system shall in all cases be made in writing at the city hall, and signed by the customer.
- G. **Material Change In Service:** Customers desiring a material change in the size, length, character or extent of equipment or operation which would result in a material change in the amount of water used, shall file an amended application with the city at least thirty (30) days prior to the material change in service. The amended application must be signed by the applicant and approved by the city before the material change in service can begin. Any change of service noted herein with a fee requirement is considered a material change in service.
- H. **Payment For New Service Line Before Construction:** After application and approval by the city council for the installation of a new service line connection, payment for the service line shall be made, as provided for herein, before construction on the service line is started by the city or its agent. (Ord. 84, 8-8-2006)

**8-1-8: WATER FEES AND CHARGES:**

- A. **Customer Responsibility:** The customer shall be responsible for all charges, fees, costs and deposits stated herein related to the water system.
- B. **Fees And Charges Enumerated:**
  - 1. **Service Charges:** The city council may levy service charges upon all customers for use of the water system. Service charges shall include, but are not limited to, the cost of the operation and routine maintenance of the water system, repairs, system improvements charges to cover the costs associated with improvements to the water system and administration charges to cover the expenses of administering the water system customer accounts and collections on past due accounts.



2. **Water Meter Charges:** The city council may levy charges for purchasing, installing and removing a water meter. These charges shall be no greater than the amount necessary to reimburse the city for its costs associated with the purchase, installation or removal of a water meter.

3. **Connection Charges:**

a. The city council may levy connection charges.

b. The connection charges imposed by this section pertain to water service where no service previously existed, restoration of a discontinued or disconnected service, or if applying for a change in size or location, or applying for a separate water service connection. This charge shall be no greater than the amount necessary to reimburse the city for its costs in installing and inspecting the service from the water main line to the meter including the meter and meter housing, the restoring of service, or a change in the service.

c. A connection charge shall only be refundable if requested within thirty (30) days from filing of the application and prior the work commencing for the connection.

4. **Shutoff Or Turn On Charges:** The city council may levy charges for shutting off water or for turning on water.

5. **Fire Hydrant Use Charges:** The city council may levy charges for fire hydrant water use. The customer shall pay the full cost of the actual water used prior to receiving the water.

6. **Temporary Service And Connection Charges:** Service charges for water furnished through a temporary service connection shall be at the rate established by the city council.

a. **Installation And Removal Charges:** The city council may levy charges for installing and removing all water meters, equipment and installations necessary to furnish water through a temporary service connection. All charges levied by the council shall be paid prior to receiving a temporary water service connection.

b. **Deposit:** The city council may require a deposit from applicants requesting a temporary service connection in an amount equal to the value of any equipment loaned by the city to such applicant. If the loaned materials are returned in satisfactory condition and all bills and money owed to the city are paid in full, the

full amount of the meter, equipment and installation deposit will be returned to the temporary customer at the termination of the temporary service connection.

7. Service Line Fee: The city council may levy a charge for the actual costs associated with installing, changing or extending a service line, plus fifteen percent (15%) when subsections 8-1-11C2a or C2b of this chapter apply.

8. Fire Hydrant Movement Charge: The city council may levy a charge for movement of fire hydrant.

9. Delinquent Account Fees: The city council may levy a fee on delinquent accounts.

- C. Establishment Of Charges: All charges, deposits and fees allowed in this chapter and due dates may be fixed by the city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council.
- D. Responsibility For Payments: The real property owner of record as shown by the records of the Grant County assessor, as well as the renter or lessee of the same, shall be responsible for the payment of all water charges, costs and fees prescribed in this chapter.
- E. Billings And Notice: All water billings shall be mailed to the mailing address provided by the applicant where water service is furnished unless the real property owner, renter or lessee states otherwise. Notice shall be considered given when mailed by first class mail to customer's last known address on file with the city. (Ord. 84, 8-8-2006)

8-1-9: **BILLING, PAYMENT AND DELINQUENCY PROCEDURES:**

- A. Billing Period: Customers will be billed on a monthly basis for all charges allowed for herein. 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. Opening or closing bills, or bills that for any reason covering more than thirty (30) days or less than thirty (30) days shall be prorated. The billing period may be fixed by the city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council.

**B. Billing On Meter Reading:**

1. Meters will be read and customers billed based on the meter reading at a time and rate fixed by the city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council.

2. The city will keep an accurate account on its books of all readings of water meters.

3. All water meters should be read and bills rendered monthly except when it is impossible or impractical to read a water meter on the regular reading date or on a regular monthly basis. When a monthly meter reading is not done, water consumption shall be prorated on the basis of thirty (30) days per month and the total water consumption for billing purposes for those months shall be estimated as allow in subsections 8-1-11J and M of this chapter.

**C. Billing Of All Other Charges, Costs And Fees:** All other charges, costs and fees allowed for herein shall be billed in a manner fixed by the city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council.**D. Disputed Billing:** Any customer disputing the correctness of a bill shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such deposits shall warrant discontinuance of service as provided for herein.**E. Delinquent Accounts:**

1. An account is delinquent when any portion of the account is unpaid on the due date noted on the monthly billing. Accounts more than thirty (30) days delinquent shall be assessed a delinquent account fee in an amount and manner fixed by city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council.

2. A reminder of account delinquency may be sent to each delinquent account.

3. If the property is rented or leased, a copy of the delinquent account shall be sent to the real property owner as so listed in the records of the Grant County assessor.

F. Water Service Shutoff Notice:

1. On or about ten (10) days after an account becomes delinquent, a shutoff notice will be delivered to the delinquent residence giving notice that the water service will be disconnected for nonpayment on a given date unless the delinquent account is paid in full, or paid in accordance with any payment agreement approved by the city and signed by the customer.

2. Failure of a customer to meet the conditions of a payment agreement shall constitute grounds for immediate disconnection of services.

G. Water Service Turn Off: On the water service turn off date, the city shall deliver a written notice to the premises stating that the water service is being disconnected until all delinquent amounts have been paid. A delivery of the notice to the premises of the delinquent account shall be considered a delivery of the notice to the customer. The owner of the real property shall be notified also in writing at their last known address noted in the Grant County assessor records.

H. Collection Of Bills, Delinquent Accounts And Penalty Fees:

1. The city may collect all past due charges, fees, costs and amounts due as provided for herein once they become delinquent by any means that may be provided by the laws of the state of Oregon or in equity or permitted by city charter and ordinances.

2. All delinquent charges, costs and fees shall be a lien against the premises served from and after the date of delinquency and entry in the city lien docket. The lien docket shall be accessible for inspection by anyone interested in ascertaining the amount of charges, costs and fees against the real property.

3. When a bill for water service remains unpaid sixty (60) days after it is delinquent, the lien created thereby may be foreclosed in the manner provided for by Oregon Revised Statutes 223.610, or in any other manner provided by state law or city charter and ordinance.

I. Notices:

1. Notices From City: Notices from the city to customers will be given in writing and delivered to the customer at their last known address. Where conditions warrant and particularly in emergencies, the city may notify the customer either by telephone or by city employee. In the case of renters or lessees, notice will also be given to the property owner as indicated on the application for service.

2. Notices From Customer: Notices from customers shall be made in the manner required herein. When a notice is not required in writing herein, a customer may provide oral notice to the city manager at city hall. (Ord. 84, 8-8-2006)

8-1-10: **DISCONTINUANCE, REFUSAL AND RESTORATION OF SERVICE:**

- A. Service Turnoff: All turnoff of the city water service must be done by an authorized employee or agent of the city.
- B. Temporary Discontinuance Of Service: Any customer who wishes to discontinue the use of all water supplied to the premises must file a written request for shutoff of water with the city. The water shall then be turned off and a bill rendered for water consumed to the date of service discontinuance. A charge and time period for temporary discontinuance of water service and resumption of service may be fixed by the city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council.
- C. Notice When Vacating Premises: Any customer about to vacate any premises supplied with water service by the city, including renters and lessees, shall give the city written notice of their intentions at least five (5) days prior specifying the date service or occupancy of the premises is to be discontinued. If said notice is not given, said customer will be responsible for all water supplied to such premises until the city receives written notice of such vacancy. At the time specified by the customer that they expect to vacate the premises where water service is supplied or the customer desires to be discontinued, the water meter will be read and a bill rendered which is payable immediately. If the date the premises are vacated is less than a full monthly billing, then the final billing shall be prorated for the days of use of the city water services.

- D. **Delinquent Account, Noncompliance Policies:** A customer's water service may be discontinued if the water bills are not paid in full as provided for herein to prevent any further delinquent accounts. A customer's service may be discontinued for noncompliance with any of the policies, rules and regulations relating to the water system and to prevent harm to the city water system.
- E. **Discontinuance Or Refusal Of Service Without Notice:** The city may discontinue water service or refused to furnish water under any of the following circumstances to any premises without notice when:
1. Plumbing facilities, appliances or equipment using water are dangerous, unsafe or are not in conformity with the plumbing code of the state of Oregon.
  2. One or more cross connections exist<sup>1</sup>. The city shall not permit any cross connections, 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. A "cross connection" is defined as any physical or potential connection between the city water system and another source.
  3. Water is wastefully or negligently used on a customer's premises. The city may discontinue service if such conditions are not corrected after having given notice to the premises by the city.
  4. Excessive demands by a customer may result in inadequate service to others.
  5. It is deemed necessary to protect the city from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon knowledge by the city that fraud or abuse exists.
  6. 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 water meter removed. The charges for shutting off the water at the main or removing the water meter shall be computed at actual cost to the city, plus fifteen percent (15%) overhead, but not less than fifty dollars (\$50.00). These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such

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1. See also chapter 2 of this title.

charges are paid and the city has reasonable assurance that the violation will not reoccur.

7. There is noncompliance with regulations or a delinquent account. The city may, upon twenty four (24) hours' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of this chapter. The city may disconnect a premises immediately when an imminent health condition is believed to exist. Service may be refused to any person until all outstanding bills and payments due to the city are paid in full, restitution has been made for damage or any loss of revenue to the city resulting from tampering with, damaging or destroying city property, the noncompliance or irregularity has been corrected and the customer assures the city that the irregularity will not reoccur. The city may refuse water service to any property upon which a lien has been attached until the amount owing on the lien has been paid to the city along with the service charges, fees, costs and deposits for restoration of services.

- F. Notice Of Noncompliance; Time Limit For Corrective Action: Before service is discontinued, except as provided for herein, the customer shall be given notice at their last known address with the city of the city's intent to discontinue service if the noncompliance or irregularity is not corrected within thirty (30) days from the date of the notice, except as stated differently herein. If the customer fails to fully correct the noncompliance or irregularity, the city may disconnect the customer's water service. Any reconnection may require the payment of a fee as fixed by city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council.
- G. Restoration Of Water Service:
1. Service Turn On: All turn on of the city water service must be done by an authorized employee or agent of the city.
  2. Request Of Property Owner: Any real property owner who wishes to restore the premises connection with the water system must file a written request for the turn on of water service with the city, provided payment in full of all water bills has been made. A charge and time period for restoration of water service may be fixed by the city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council.

3. After Discontinuance For Nonpayment: Restoration of service after discontinuance for nonpayment of bills shall only be made after payment of current and past due charges. A service restoration fee and deposit may be fixed by the city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council.

4. After Discontinuance For Noncompliance: Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse or for noncompliance with any of the provisions of this chapter, or any other related policies of the city, will only be made after the irregularity has been corrected and the city has been assured that the irregularity will not reoccur. A service restoration fee and deposit may be fixed by the city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council. (Ord. 84, 8-8-2006)

**8-1-11: WATER METERS AND SERVICE LINES:**

**A. Size Of Service Line:**

1. The size of the service line shall generally be at the option of the user. The city shall ensure that the size and location of the connection requested is reasonable for the use intended and is within the capabilities of the water distribution system without diminishing the quality of service to other users in the vicinity.

2. Minimum size of connection shall be three-fourths inch ( $\frac{3}{4}$ " ) inside diameter or five-eighths inch ( $\frac{5}{8}$ " ) inside diameter.

3. The city may refuse to install a service line which is undersized or oversized as determined by the city council.

4. If an engineer's study and report is necessary to make such determination, the cost of such service, study and report shall be paid by the applicant prior to receiving a connection with the water system.

**B. Installation Of Water Meters:**

1. Installation of water meters shall be performed only by authorized city employees or representatives or agents of the city.



2. All meters shall be sealed by the city at the time of installation, and no seal shall be altered or broken except by one of the city authorized employees or representatives.

C. Meter Location And Length Of Service Line:

1. Water meters shall normally be placed at the curb, right of way or property lines. The water meter location must be approved by the city. The water meters will not be located in driveways or other locations where damage to the water meter or its related parts, including the housing, may occur or is likely to occur, as determined by the city.

2. In addition to the fees noted herein, the customer shall pay the actual cost for labor, materials and equipment, plus fifteen percent (15%) associated with the new service line or change of service line size or extension of service line when:

a. The service line exceeds twenty five feet (25'); or

b. Pavement cutting or replacement or underground boring is involved.

D. Customer Plumbing And Control Valves:

1. The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures and other appurtenance carrying or intended to carry water from the meter to the dwelling or other structure, shall comply with the plumbing code of the state.

2. Customers shall install a suitable control valve in the customers 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 that a customer's service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this subsection.

E. Users Individually Metered: Except as authorized by the city, each premises served shall be individually metered. Service to more than one user, or multiple meters for the same user, shall not be combined for the purpose of obtaining a more favorable water rate.

**F. Master Metering:**

1. The city may permit the master metering of more than one water service. Multiple housing complexes, condominiums, mobile home parks, and similar users may be served through master meters if under common ownership or homeowners' association.
2. The owner shall designate the person who will be responsible for the payment of all water related notices. If any payment is not made in full when due, the city may terminate service even if partial payment is tendered either by a common owner or other occupants.

**G. Size And Type Of Meter, Service Line:**

1. Request By Applicant: An applicant may request and receive any size meter regularly stocked or furnished by the city, provided that the request is reasonable and further provided that the size of the meter shall not exceed the size of the service line. The city reserves the right to determine the type of water meter that is to be installed.
2. Change In Meter Size: Size of the meter serving a premises may be changed at the request of the user upon payment of the estimated cost of making the change. An increase in the meter size will require an increase in the size of the service line in most cases.
3. Change In Service Size: Permanent changes in the size of the service line from the main to a point at the curb line requested by the customer shall be paid by the customer on the basis of the actual cost to the city for making the change, plus fifteen percent (15%) when subsection C1a or C1b of this section circumstances apply. Such changes may be made by the city or a person authorized by the city.

**H. Meter Ownership And Maintenance By City:**

1. The city owns all water meters. All water meters shall be maintained by the city. The city will not pay rent or any other charge, fee or cost for a meter or other water facilities, including meter housing and connections on a customer's premises.
2. The customer is responsible for maintaining access to the meter free and clear of all shrubs, landscaping and other materials. Any obstructions may be trimmed or removed by the city and the associated cost billed to the customer of the premises served.

- I. **Meter Repair:** Any repairs to meters shall be made by the city. If a meter is damaged by hot water return through the meter or by the carelessness or negligence of the customer, occupant or owner of the premises, the customer shall pay the city for the meter repair prior to the city repairing the meter.
- J. **Meter Accuracy:** All meters used to measure quantities of water for determining charges shall be maintained in such condition as to register within an accuracy of plus or minus two percent ( $\pm 2\%$ ) the amount of water passing through the meter. If a meter is found upon test to register water used with an error greater than two percent (2%), billing shall be adjusted to correct the error for a period not exceeding three (3) months.
- K. **Meter Reading:** If freezing or other inclement weather makes reading of the meter impracticable, the minimum charge shall be made for those months during which the conditions exist. Estimated readings for other such conditions shall be made only on approval of the city.
- L. **Meter Testing:**
1. **Customer's Request:** A customer may, upon giving ten (10) days' notice, request the city to test the meter servicing the customer's premises. A customer may at their option, witness any meter test which they request during normal working hours.
  2. **City's Request:** If, upon comparison of past water usage, it appears that a meter is not registering properly, the city may at its option, test a meter and adjust the charges as provided for in subsections J and M of this section.
  3. **Fee For Testing:** If a customer requests the city to have a meter tested by an independent testing facility, the customer shall pay for the testing of the water meter prior to the city obtaining said test. If a customer requests the city test a meter and the meter meets the accuracy standard of subsection J of this section, the customer shall pay for the testing of the meter.
- M. **Adjustment Of Bills For Meter Error:** Should a meter be found to be out of the allowable tolerance for error, or found not to register, 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 a reasonable comparison with the use of other customer's receiving the same class of service during the same season and under similar circumstances and conditions. Comparison factors that

may be taken into account include, but are not limited to, the number of plumbing facilities, number of household water using appliances, number of household members, and potential nonhousehold uses such as lawn area and garden. Billing adjustments shall not exceed the adjustment period as provided in subsection J of this section.

- N. **Abandoned Service Lines:** The city may cause the removal or abandonment of any unused service lines when its further need is not apparent and when in the city's judgment removal is appropriate to reduce leakage or future maintenance responsibility. Subsequent service to the property shall be treated as a new service as provided for herein. (Ord. 84, 8-8-2006)

8-1-12: **CUSTOMER DUTIES AND RESPONSIBILITIES:** Customers, which include the users of water and owner's of real property, have the following duties:

- A. **Backflow Prevention Device Installation<sup>1</sup>:** When instructed to do so by the city, the owner of property to which city water is furnished shall install an appropriate backflow prevention device on the premises.
- B. **Unauthorized Operation:** It shall be a violation of these rules and regulations for a customer to handle, operate, cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection.
- C. **Customer Responsibilities:** The customer shall own, install, maintain, repair and improve the customer service lines and customer's plumbing. The customer shall be responsible for all the costs, expenses, and charges incurred in carrying out this duty. Each customer is required to take all precautions to protect the water connection through which customer's premises is served from damage by freezing, hot water, traffic or malicious tampering. Damage resulting through lack of such precautions shall be charged to the customer.
- D. **Payment Of Charges And Fees:** The owner of the real property shall be responsible for the payment of all charges, costs and fees prescribed in this chapter. If the real property is rented and the renter fails to pay the charges, the city shall submit the bill to the

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1. See also chapter 2 of this title.

real property owner. All charges, costs and expenses incurred herein shall be borne by the owner of the real property.

- E. **Lien Assessed For Failure To Pay For City Repairs:** If the city at its discretion incurs any costs, expenses or charges in the repair of water equipment for which the real property owner involved is responsible but fails to repair, the city shall accrue interest at a rate set by the council by resolution beginning thirty (30) days after the notice of the costs, expenses or charges is given at the real property location and said charges shall become a lien on the real property that received the repair work from the city at the time the repair work is performed until paid in full. The real property owner and all users of the city's services at the real property shall indemnify and hold the city harmless from all work performed by the city at the real property under this section for any loss or damage that may directly or indirectly be occasioned by the repair stated herein.
- F. **Damage To Water Lines Or System:**
1. If a water main line requires repair because of the roots of trees, shrubs or other plants that are growing into or near the water main lines or due to the act or inaction of a person, the person and owner of the real property on which the trees, shrubs or other plants are located or the acts or inactions were taken shall be liable for the costs, expenses and charges incurred by the city in the repair of the water main lines.
  2. The property owner and customer shall take all reasonable steps to ensure that the city water system is not damaged. The property owner and customer are liable for all damages they cause to the city water system.
- G. **Control Of Vicious Dogs Or Animals:** The property owner and customer must keep vicious dogs or other animals secured or confined on its real property to avoid interference with city operations and maintenance on or off the premises. (Ord. 84, 8-8-2006)

**8-1-13: WATER MAIN LINE EXTENSIONS:**

- A. **Easement Or Permit Requirements:** The city will make or shall only permit water main line extensions on public rights of way, public easements or publicly owned properties. Easements or permits secured for water main line extensions shall be obtained in the name

of the city of Seneca with city approval along with all rights and title to the water system.

**B. Within City Limits:**

1. Water main extensions to areas within the city limits not presently served with water shall be installed under procedures that may be fixed by the city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council.

2. Subdividers for newly partitioned properties and developers of newly developing properties shall complete an application as required herein, and assume all costs of water main line extensions, including engineering costs, with the approval of the city council that may be fixed by the city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council.

**C. Outside City Limits:**

1. Water main lines outside the city limits shall only be extended after approval of the city council and at the expense of the customers to be served which shall include all engineering costs associated therewith.

2. The main extensions shall become the property of the city at the time installed; however, the maintenance responsibilities and costs thereof shall be borne by the customers until such time as the properties being served are annexed to the city.

3. The city council shall determine the size of the water main line extensions, and all extensions shall be of a suitable material approved by the city council. Extensions outside the city limits shall be installed by a contractor approved by the city council. The installation procedures and materials shall be in accordance with local and state of Oregon standards, rules, regulations and laws and approved thereof. Said extension, expenses and material selection may be fixed by the city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council. (Ord. 84, 8-8-2006)

8-1-14: **SERVICE INTERRUPTIONS:** Temporary suspension of water service by the city for improvements, repairs and unforeseen circumstances may be necessary. The city shall not be liable for damages resulting from the interruption in service for any reason or any length of time or from the lack of service due primarily to conditions not within the control of the city which shall include, but is not limited to, damages that may occur to hot water heaters from such interruptions or lack of service. (Ord. 84, 8-8-2006)

8-1-15: **SERVICE DURING WATER SHORTAGE:** The following water service regulations apply when a water shortage exists or is declared as provided for herein:

- A. **Service Preference Or Prohibition Of Nonessential Uses Of Water:** In the case of shortages of the city water supply, the city council by motion or resolution may declare an emergency regarding a water shortage, the city council reserves the right to give preference in the matter of furnishing water service to customers or users and interests of the water users from the standing of public convenience or necessity, or to prohibit or regulate nonessential uses of water as set forth hereinafter. Water service to users outside the city limits shall at all times be subject to the prior and superior rights of the customers within the city limits.
- B. **Sprinkling And Watering:** No person or customer or user shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation, except as follows or as otherwise set forth in the council resolution declaring an emergency regarding a water shortage:
1. Irrigation, sprinkling, and watering may be permitted by identified residences or locations on even or odd numbered days of the calendar or on specified days of the week; or
  2. Irrigation, sprinkling and watering may be totally prohibited during certain specified times or totally prohibited at all times.
- C. **Nonessential Water Use:** No person shall waste water. The following water uses are hereby determined to be nonessential and are prohibited during periods of water shortage emergency declarations:
1. The use of city water to wash any type of motor vehicle including motorcycles, boats, trailers, airplane, or other vehicles, except at a commercial fixed washing facility.

2. The use of city water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard surfaced areas, or buildings or structures.

3. The use of city water to fill, refill, or add to any indoor or outdoor swimming pools, jacuzzi or hot tubs except for fire control where the pools have recycling water systems and evaporative covers, or where the use of the pool is required by a medical doctor's prescription.

4. The use of city water to fill, refill or add to any fountain, pond or lake.

5. The use of city water to fill, refill or add to any tank or storage facility, permanent or vehicular mounted, for any purpose other than fire control within the city or for any fire control district serving the immediate area.

6. The use of city water to serve a customer in a restaurant unless requested by the customer.

7. The use of city water from hydrants for construction purposes, fire drills, or any purpose other than fire fighting in the city or immediate area by a public fire control agency.

8. The use of city water for dust control.

- D. **Nonessential Commercial, Industrial Or Special Contract Use:** The following commercial, industrial or special contract water uses are hereby determined to be nonessential and are prohibited during periods of water shortage emergency declarations:

The use of city water for those uses set forth in subsections B and C of this section as the same may be applicable to a commercial, industrial or special contract use.

- E. **Applications For New Water Service Connections:** During periods of a declared water shortage emergency, no applications for new, additional, further expansion, or increase in size of water service connections, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved, or installed.
- F. **Temporary Variances:** The city council may, in writing, grant temporary variances from restrictions in this section, after



determining that due to unusual circumstances to fail to grant such variance would cause an emergency condition affecting health, sanitation, or fire protection of the applicant or the public. (Ord. 84, 8-8-2006)

**8-1-16: TEMPORARY SERVICE CONNECTIONS:**

- A. **Advance Payment Of Costs:** For water service of a temporary nature, applicants shall be required to pay in advance the estimated costs of installation and removal of service lines, metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material used by the city.
- B. **Time Limit:** Temporary service connections shall be disconnected and terminated within six (6) months after installation, unless an extension of time is approved by the city.
- C. **Charges:** Temporary service connections shall be charged as provided for herein.
- D. **Responsibility For Installations And Water Meters:** The customer shall use all possible care to prevent damage to the water meter or to any equipment and installations loaned by the city. If the meter or other equipment or installations are damaged, the cost of making repairs or replacements shall be the responsibility of the customer. If the loaned materials are returned in satisfactory condition and all bills and money owed to the city are paid in full, the full amount of the equipment deposit will be returned to the temporary customer at the termination of the temporary service connection. (Ord. 84, 8-8-2006)

**8-1-17: FIRE HYDRANTS:**

- A. **Operation Of Fire Hydrant:**
  - 1. No person other than those designated and authorized by the city or the fire department shall open any fire hydrant belonging to the city, attempt to draw water from the fire hydrant or in any manner damage or tamper with the fire hydrant. Any violation of this provision will be subject to penalty as provided for herein.
  - 2. All water used from a fire hydrant shall be approved by the city and paid for in advance at a rate that may be fixed by the city

council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council.

- B. **Moving Fire Hydrant:** When a fire hydrant has been installed in the locations specified by the city, the city and fire department have fulfilled their obligation. If a real property owner or other party desires to change the size or location of the fire hydrant, they must make a written request to the city for a change, receive approval from the city council and fire department for the requested change and bear all costs of such change prior to any change. (Ord. 84, 8-8-2006)

8-1-18:       **LARGE WATER DEMANDS FOR SWIMMING POOL OR PONDS:** When an abnormally large quantity of water is desired for filling a swimming pool, a pond, or for other purposes, a written application for such water use must be made with the city and approved by the city council prior to the customer taking the large quantity of water. Permission for such use of water in large quantities will only be granted if the city council approves the request. The city council may consider such factors as it deems appropriate which could include whether or not other consumers would be inconvenienced and if adequate water supplies are available to the city. (Ord. 84, 8-8-2006)

8-1-19:       **EQUIPMENT RESPONSIBILITY:**

- A. **City Equipment:** City equipment on the customer's premises remains the property of the city and may be repaired, replaced or removed by the city employees or agents at any time without the consent of the owner. No payment will be made to the property owner for the right to install, maintain, replace or remove city equipment from property owner's premises.
- B. **Damage To City Equipment:** The property owner and customer shall be liable for any damage to equipment owned by the city which is caused by an act of the customer, his or her tenants, agents, employees, contractors, licensees or permittees. Damage to equipment shall include, but is not be limited to, breaking of seals and locks and tampering with water meters, injury to meters, including, but not limited to, damage by hot water or steam, and damage to meter boxes, curb stops, meter stops and other appurtenances.

- C. **Customer's Equipment:** The city shall not be held liable for any loss or damage of any nature whatsoever caused by any defect in the customer's service line, plumbing or equipment. Nor shall the city be held liable for loss or damage due to interruption of water service or temporary changes in pressure. The customer shall be solely responsible for valves on customer's premises being turned off when the water service is turned on. (Ord. 84, 8-8-2006)

**8-1-20: PROHIBITED CONDUCT: It shall be unlawful:**

- A. For any person to attach or detach from any water main or connection through which water is supplied by the city from the water system, or to interfere in any manner or tamper with such pipes or connections without having first obtained the written consent of the city.
- B. For any person other than an authorized person with or for the city in the normal performance of their regular duties, to operate valves and appurtenances connected with the water system.
- C. For any person to in any way contaminate or pollute the water supply of the city or any of its inhabitants.
- D. To allow waste of city water by knowingly or negligently causing, authorizing or permitting such water to escape from its intended beneficial use. For the purpose of this section: 1) "waste" means the use of water in excess of the reasonable volume necessary to meet the beneficial use; and 2) "beneficial use" means the reasonable efficient use of water.
- E. To cross connect the city water supply and any other source of water, unless such connection and source is approved by the city<sup>1</sup>. (Ord. 84, 8-8-2006)

**8-1-21: VIOLATION, PENALTY AND LIABILITY:**

- A. **Penalty Charge:** Any person, firm or corporation violating any provision of this chapter shall be punished by a fine not to exceed five hundred dollars (\$500.00). Each day that a violation continues is a separate violation.

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1. See also chapter 2 of this title.

- B. **Liability:** A person violating any provision of this chapter shall become liable to the city for any expense, loss or damage suffered by the city as a result of such violation which shall include, but not limited to, attorney fees and the costs to the city.
- C. **Suspension Of Rules:** No employee or agent of the city is authorized to suspend or alter any of the provisions of this chapter as 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 city water system operation in jeopardy.
- D. **Right Of Entry:** Employees of the city and all agents, or contractors of the city, under the direction of the city, shall have free access at all reasonable hours of the day to any and all parts of buildings, structures, premises and areas in which water is or may be delivered for the purposes of inspecting the condition of the pipes, conduits, fixtures and other appurtenances, and the manner and extent in which water is being used, and in emergency situations. With this access, the city does not assume the duty of inspecting the customer's line, plumbing and equipment and shall not be responsible for the customer's line, plumbing and equipment. If access is refused the city may, at its discretion, shut off water service to the premises. If it becomes necessary for the city to have to use other means to obtain access, the real property owner and customer of the water services shall be liable for all the costs and expenses including, but not limited to, attorney fees incurred by the city in obtaining access assistance. (Ord. 84, 8-8-2006)

## CHAPTER 2

**CROSS CONNECTION CONTROL**

## SECTION:

- 8-2-1: Purpose
- 8-2-2: Definitions
- 8-2-3: Maintenance Of Water System
- 8-2-4: Water Supply Protection; Inspections
- 8-2-5: Backflow Prevention Assemblies
- 8-2-6: Installation Requirements
- 8-2-7: Testing

8-2-1: **PURPOSE:** It is the purpose of this chapter that no cross connections will exist except in accordance with this document. (Ord. 70, 3-12-1996)

8-2-2: **DEFINITIONS:** Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

**AWWA:** American Water Works Association.

**AIR GAP:** The physical vertical separation between the free flowing discharge end of a potable water supply pipeline, faucet or fixture and the overflow rim of an open or nonpressure receiving vessel (tank). Physical separations must be at least twice the diameter of the inlet pipe, but never less than one inch (1"). An approved air gap, if properly maintained, may be installed where the substance which could backflow is hazardous to health.

<b>APPROVED:</b>	Accepted by the Oregon state health division and the city as meeting an applicable specification stated or cited in this chapter.
<b>BACK PRESSURE:</b>	The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source other than the intended source. Booster pumps, elevated tanks, boilers or other means may result in a pressure greater than the supply pressure.
<b>BACK SIPHONAGE:</b>	The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than the intended source caused by the reduction of pressure in the public water supply system. Breaks in water mains, low water main pressure due to high demand, and firefighting are causes of back siphonage.
<b>BACKFLOW:</b>	The reversal of the normal direction of flow of water caused by either back pressure or back siphonage.
<b>BACKFLOW PREVENTER:</b>	An assembly device or means designed to prevent backflow of water, liquid, mixtures or substances. The term "approved backflow prevention assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the AWWA and approved for use in Oregon by the state health division.
<b>CITY:</b>	The city of Seneca, Oregon.
<b>CITY WATER SYSTEM:</b>	All or any part of the facilities for transporting, storing, pumping, treating, distributing or providing water to water service connections and servicing fire hydrants.
<b>CONTAMINATION:</b>	An impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a

degree which creates an actual or potential hazard to the public health through exposure to disease organisms or substances which may cause harmful physiological effects.

**CROSS  
CONNECTIONS:**

Any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems one of which contains potable water and the other nonpotable water or industrial fluids through which or because of which backflow may occur into the potable water system, whether such can be separated by a valve(s) or not. Bypass connections, jumper connections or any other plumbing arrangements in which it is possible to introduce into any part of the potable water system any polluted or contaminated water, fluid or substance are considered cross connections.

**CUSTOMER:**

Any person, firm or corporation granted water service by the city.

**CUSTOMER LINE:**

The extension of pipe, valves and fittings leading from the water shut off into the customer line premises served.

**CUSTOMER SYSTEM:**

All or any part of the network of pipes, fixtures and plumbing for distributing water on the premises being served past the utility systems shut off.

**DOUBLE CHECK  
VALVE ASSEMBLY:**

An assembly of two (2) independently acting check valves with shutoff valves on each side of the check valves and test cocks for testing the water tightness of each check valve. This assembly is designed for low hazard applications.

**HAZARD:**

The term is derived from the evaluation of the potential risk to public health and the adverse effect of the hazard upon the public water system. The degree of hazard is referred to as low hazard, moderate hazard and high hazard.

POLLUTION:	The presence of any foreign substance (organic, inorganic, radiological, physical or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which adversely and unreasonably affects such waters for domestic use.
PREMISES:	Any building, structure, improvement or parcel of land which now or at some future time receives water service from the city.
REDUCED PRESSURE ZONE BACKFLOW:	An assembly for preventing backflow which has two (2) independent check valves, a differential relief valve located between the two (2) check valves, two (2) shutoff valves, one on the upstream side and one on the downstream side of the check valves, and four (4) test cocks for testing the watertightness of the check valves and the operation of the relief valve. This assembly is designed for high hazard applications.
VACUUM BREAKERS:	Two (2) types of vacuum breakers are the atmospheric type (AVB) and the pressure type (PVB). The difference between the two (2) devices is that the pressure vacuum breaker is spring loaded to assist the device in opening. Both devices open the pipeline to atmosphere in the event of back siphonage conditions only. Neither device is approved vacuum for back pressure conditions. Their primary breakers purpose is to protect the water system from cross connections due to submerged inlets, such as irrigation systems and tank applications. Shutoff valves cannot be installed downstream of atmospheric devices but can be on pressure devices. The devices must be installed above the highest downstream piping.
WATER, NONPOTABLE:	Water which is not safe for human consumption or which is of questionable potability.



- WATER, POTABLE:** Any water which according to state health and federal standards is safe for human consumption.
- WATER PURVEYOR:** The owner or operator of the public potable water system supplying water for public use.
- WATER SERVICE CONNECTION:** The terminal end of the city water system to which the shutoff is attached (i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system). There shall be no unprotected take offs from the service line ahead of any city water shutoff. Service connections shall also include all other temporary or emergency water service connections from the city water system.
- WATER USER:** Any person using any part of the city water system. (Ord. 70, 3-12-1996)

**8-2-3: MAINTENANCE OF WATER SYSTEM:**

- A. **Composition Of Water System:** The water system shall be considered made up of two (2) parts: the utility system and the customer system.
- B. **City Maintenance Of Utility System:** The city shall maintain the utility system facilities which include sources, storage, transmission and distribution mains and service lines and supply potable water to the service connection (point of delivery) of quality meeting the requirements of the Oregon state health division and the national safe drinking water act, PL 93-523 or its successor.
- C. **Water User Maintenance Of Customer System:** The customer system, including the plumbing system(s) within their premises beginning at the utility or system connection, shall be maintained by the water user, and not give cause for any contaminants or pollutants to be introduced that could backflow or back siphon into the public potable water system.
- D. **Backflow Prevention Device:** If, in the judgment of the city designated representative, an approved backflow prevention

assembly is required at the customer's water service connection or within the customer's private water system for the protection of the public potable water system due to the backflow/back siphonage potential of contaminants or pollutants, the city designated representative shall give notice in writing to said customer to install such approved assembly(s) at the customer'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 for discontinuing water service to the premises until such requirements have been satisfactorily met. (Ord. 70, 3-12-1996)

**8-2-4: WATER SUPPLY PROTECTION; INSPECTIONS:**

- A. **Discontinuance Of Service:** No water service connection to any premises shall be installed or maintained by the city unless the public water supply is protected as required by state laws and regulations and the provisions of 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 or bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.
- B. **Inspections:** 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 structural or sanitary hazards exist. When such a condition becomes known, the city shall deny or immediately discontinue water service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state statutes and city provisions relating to plumbing and water supplies and the regulations adopted pursuant thereto.
- C. **Installation Of Approved Backflow Prevention Assembly:** An approved backflow prevention assembly(s) for protecting the public water system shall be installed at or near the service connection or immediately inside the building being served, or at the appropriate location upon the approval of the city designated representative, to premises wherever the following conditions exists:
1. There is piping for conveying liquids other than potable water, and where that piping is under pressure and is installed and operated in a manner which could cause a cross connection.

2. There is intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible to ascertain whether or not dangerous cross connections exist.

3. There are fire protection systems connected to the public water system that are interconnected with an unapproved water supply, pipe material not approved for potable water use, where chemical additives and antifreeze compounds that may be toxic are used, or where stagnant waters that have deteriorated could backflow into the public water system.

4. There are underground sprinkler/irrigation systems that could let water contaminated by weed killers and fertilizers be back siphoned (backflow) into the public water system.

5. There are sprinkler/irrigations systems that provide for chemical injection.

6. There is back siphonage potential.

7. Cross connections or potential cross connections exist. (Ord. 70, 3-12-1996)

**8-2-5: BACKFLOW PREVENTION ASSEMBLIES:**

A. **Approved Type Of Assembly:** All backflow prevention assemblies required by the Oregon state health division and this chapter shall be of a type and model approved by the health division and are commensurate with the degree of hazard which exists.

B. **Existing Installations:** All presently installed assemblies which do not meet the requirements of this section, but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection 8-2-7A of this chapter, be excluded from the requirements of these rules so long as they satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance or constitutes a hazard to public health, the unit shall be replaced by a backflow prevention assembly meeting the requirements of this section. (Ord. 70, 3-12-1996)

**8-2-6: INSTALLATION REQUIREMENTS:**

- A. **Submerging Prohibited:** No part of the backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. If installed in a vault or basement, adequate drainage shall be provided.
- B. **Protection From Freezing:** The assembly must be protected from freezing and other severe weather conditions.
- C. **Manufacturer's Installation Instructions:** All assemblies shall be installed according to the manufacturer's installation instructions and the "Accepted Procedure And Practice In Cross Connection Control Manual" published by the cross connection control committee, Pacific Northwest section, AWWA. Only assemblies specifically approved by the city designated representative for vertical installation may be installed vertically.
- D. **Minimum Clearance Specifications:** All assemblies shall be readily accessible with adequate room for maintenance and testing. The minimum clearance specified by the manufacturer's installation instructions shall be closely followed.
- E. **Installation Records Kept On File:** Upon completion of installation, the city shall be notified and all backflow protection assemblies inspected by the city designated representative. Each record of backflow prevention assembly shall be kept on file with the city. The file shall consist of date of installation, location, make, model, size and serial number of the assembly and initial test report.
- F. **Pipe Joints:** All pipe joints shall be restrained.
- G. **Assembly Tested:** The assembly shall be tested upon installation by a state certified tester and at least annually thereafter. (Ord. 70, 3-12-1996)

**8-2-7: TESTING:**

- A. **Inspection Required At User's Expense:** It shall be the responsibility of the customer user at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year. In those instances where the city designated representative deems the hazard to be great enough, he may require certified inspections at more frequent intervals. These

inspections and tests shall be at the sole expense of the water customer user. The customer user shall notify the city in advance when tests are to be undertaken so that an official representative of the city may witness the tests if so desired. The repair, overhaul or replacement of any assemblies found defective shall be at the sole expense of the customer user. The results of such testing shall be forwarded to the Oregon state health division and the city within ten (10) days of the date of installation and within thirty (30) days of the anniversary date for the annual testing.

- B. **Failure To Test Assemblies:** If a water customer user fails to have such tests performed as required by subsection A of this section, the city may, upon written notification within ten (10) days, order such required tests be performed by a certified tester and all costs added to the customer user's water bill. (Ord. 70, 3-12-1996)

CHAPTER 3  
SEWER SYSTEM

## SECTION:

- 8-3- 1: Title
- 8-3- 2: Purpose
- 8-3- 3: Definitions And Word Usage
- 8-3- 4: Sewer Connection Required; Application
- 8-3- 5: Connection Guidelines
- 8-3- 6: Prohibited Discharges
- 8-3- 7: Duties And Responsibilities Of Owners
- 8-3- 8: Right To Refuse Connection Or Discontinue Service
- 8-3- 9: Service And Connection Charges
- 8-3-10: Billing, Payment And Delinquency Procedures
- 8-3-11: Private Sewage Disposal System
- 8-3-12: Violation, Penalty And Liability

8-3-1: **TITLE:** The provisions of this chapter shall be known as the *SEWAGE REGULATION ORDINANCE*. (Ord. 77, 12-19-2005)

8-3-2: **PURPOSE:** The city declares its intention pursuant to the statutes of the state and the powers granted by the city charter to continue to acquire, own, construct, equip, operate, maintain, repair, reconstruct, extend and expand the city sewer system and all facilities and equipment related thereto which include, but are not limited to, sewage pump stations and sewage treatment plants. The purpose of the sewer regulation ordinance is to provide for collection, pumping, treating and disposing of sewage within the city to protect the public health, safety and welfare of the citizens of the city. (Ord. 77, 12-19-2005)

8-3-3: **DEFINITIONS AND WORD USAGE:** The following word usages apply herein:

- A. Certain terms, phrases, words and their derivatives shall be construed as specified in this chapter.

- B. Words in the singular include the plural and the plural the singular.
- C. Words in the masculine gender include the feminine and the feminine the masculine. The word "and" indicates that all connected items or provisions apply.
- D. The word "or" indicates that the connected items or provisions may apply singly or in combination.
- E. The word "shall" is mandatory. The word "may" is permissive.

As used herein, the following definitions and word usage apply:

CITY:	The legally constituted municipal government of the city of Seneca in Grant County, Oregon.
CITY COUNCIL AND COUNCIL:	The elected council by charter of the city of Seneca.
CONNECTION TO THE SEWER SYSTEM:	A connection by owners of abutting real property to the stub out of the sewer system; except, when the abutting real property is a vacant lot possessing none of the requirements set out in subsection 8-3-4A of this chapter, then a "connection to the sewer system" shall mean when a stub out is present, the abutting real property is considered connected to the public sewage system, as more fully explained in subsection 8-3-5D of this chapter.
CUSTOMER:	The person who is a sewer system user or has a connection to the sewer system whether or not the connection is used for carrying sewage. The customer, if not the owner, is deemed to be the agent of the owner in receiving service from the system, and does so with the knowledge and under the direction of the owner.
PERSON:	All individuals as well as public or private corporations, including domestic and foreign corporations, firms, companies, partnerships of every kind, associations, organizations, syndicates, joint ventures, societies, any other group acting as a unit, and individuals

transacting and carrying on any business within the city of Seneca.

**PUBLIC SEWER SYSTEM:**

A sewer located in a city right of way or dedicated easement in which all owners of abutting or other real properties have equal rights and benefits, and is controlled and owned by the city of Seneca.

**SEWER:**

A pipe or conduit for carrying sewage.

**SEWER SYSTEM:**

The public sewer system which shall include, but is not limited to, all city owned facilities, pipes, conduit, equipment and any arrangement of devices and structures used for collecting, pumping, treating and disposing of sewage which shall include, but is not limited to, sewage pump stations, sewage treatment plants, and pipes or conduits for carrying sewage.

**SEWERAGE:**

A combination of the water carried wastes from residences which include, but are not limited to, trailer and manufactured homes, business buildings, institutions, schools, hospitals and industrial establishments. (Ord. 77, 12-19-2005)

**8-3-4: SEWER CONNECTION REQUIRED; APPLICATION:**

**A. Connection Required; Exception:**

1. Every residence including a mobile home and trailer, building, place or location where human beings reside, occupy, or is used for employment, shall have a connection to the sewer system where such connection is available. In areas where the public sewer system is not available for connection, every residence, including a mobile home and trailer, building, place or location where human beings reside, occupy, or is used for employment shall be required to have a sanitary method for disposal of sewage that is in compliance with all federal, state and local laws and regulations and section 8-3-11 of this chapter.

2. The owner of a residence including a mobile home and trailer, building, place or location where humans reside, occupy, or is used



for employment, as stated in subsection A1 of this section, within the city limits, shall install suitable toilet facilities therein and connect the facilities to the sewer system stub out according to the provisions of this chapter within sixty (60) days after being given notice by the city to do so. The owner shall be responsible for the cost of the connection to the sewer system stub out, including, but not limited to, the installation and maintenance of any necessary pumps, pipelines, or equipment.

- B. **Application For Connection:** Applicants for sewer connection permission must conform with provisions of any ordinances and other applicable laws regulating excavation in or under streets or alleys. (Ord. 77, 12-19-2005)

**8-3-5: CONNECTION GUIDELINES:** The following guidelines apply to connection to the sewer system:

- A. **City Approval; Number Of Connections:**

1. No connection shall be made to the sewer system without the customer first completing and signing the sewerage connection application, obtaining approval from the city and paying the sewer connection fee, as well as paying all outstanding charges and fees owed to the city by the applicant at any structure, location or premises.

2. Every connection to the sewer system shall be limited to one connection, unless multiple connections are authorized by the city.

- B. **Notify City For Inspection:** The city shall be given reasonable notice to allow inspection of a connection to the sewer system before completion, and while the connections are still uncovered. All work is to be done in accordance with the specifications contained in the permit, which specifications shall require the use of sewer pipe that is approved by applicable state and federal standards. The manner of the connection to the sewer system shall be subject to the approval of the city official designated to inspect the work.

- C. **Outside City Limits:** Connections to the sewer system for buildings located outside the corporate limits of the city shall be made by the owners of such buildings.

- D. **Vacant Lots:** Connections to the sewer system may be made to vacant lots within the city and outside the corporate limits of the city

when, in the judgment of the city council, the vacant lot may reasonably be served by such system. A vacant lot possessing none of the provisions set out in subsection 8-3-4A of this chapter has a connection to the sewer system when there is in existence a stub out on the sewer system for the owner of abutting real property, whether or not the owner of the abutting real property actually made a connection to the stub out. When a stub out is present, the abutting real property is considered connected to the sewage system. When any provisions of subsection 8-3-4A of this chapter exist on a vacant lot, connection requirements of said subsection 8-3-4A of this chapter shall apply.

- E. **Property Of City:** The sewer system and stub outs whether located on public or private property, are the property of the city and the city reserves the right to repair, maintain and replace it. (Ord. 77, 12-19-2005)

**8-3-6: PROHIBITED DISCHARGES:**

- A. **Excavation And Storm Drainage:** Neither temporary nor permanent drainage of excavation into the sewer system shall be permitted. Drainage from roofs, storm sewers or storm drains shall not be permitted into the sewer system and no such connection shall be permitted.
- B. **Harmful Materials:** No person shall cause or permit any of the following materials to flow into, or be disposed in, the sewer system:
1. Temporary or permanent drainage of excavations.
  2. Greases, oils, or sludge from automobile service stations, garages, repair shops, machine shops, cleaning establishments, or other industries or establishments.
  3. Explosives, volatile or flammable liquids, and gases.
  4. Acids, alkalis, or other corrosive liquids or substances of sufficient strength to damage sewers, manholes, pumping stations, or sewage treatment plant equipment.
  5. Paints or waste products from paint manufacturers.
  6. Cannery or industrial waste water and wastes, unless approved by written agreement authorized by the council.

7. Any substance that will form deposits or obstructions in the sewer system, to include, but not be limited to, disposable diapers and any other nonbiodegradable products, or that, when combined with sewage, will precipitate materials causing deposits in sewer lines.

8. Ashes, cinders, sand, earth, coal, rubbish, or metals of any kind.

9. Live steam, exhaust steam, or water having a temperature above one hundred forty degrees Fahrenheit (140°F).

10. Cull fruits or vegetables or pits or seeds from peaches, apricots, cherries, prunes, pumpkins, squash, or nuts of any kind, unless first properly processed through a properly constructed and installed garbage disposal unit.

11. Stable or barn manure.

12. Effluent from septic tanks or dry wells.

13. Offal from slaughterhouses.

14. Dead animals, fowl, or fish.

15. Sulphate or sulphite liquor.

16. Any substance prohibited by the department of environmental quality of the state. (Ord. 77, 12-19-2005)

8-3-7: **DUTIES AND RESPONSIBILITIES OF OWNERS:** The owners of real property have the following duties:

- A. **Payment Of Fees And Charges:** The owner of the real property shall be responsible for the payment of all sewer charges and fees prescribed in this chapter. If the real property is rented and the renter fails to pay the charges, the city shall submit the bill to the real property owner. All costs and expenses incident to the installation and connection of the owner to sewer system shall be borne by the owner of the real property. It shall be the duty of the owner of the real property upon which facilities for which sewage disposal are required herein to provide, maintain and repair such facilities. The real property owner shall be responsible for all the costs, expenses, and charges incurred in carrying out this duty.

- B. **Lien Assessed For Failure To Pay For City Repairs:** If the city at its discretion incurs any costs, expenses or charges in the repair of sewer equipment for which the real property owner involved is responsible, the city shall accrue interest at a rate set by the council by resolution beginning thirty (30) days after the notice of the costs, expenses or charges is given at the real property location, and said charges shall become a lien on the real property that received the repair work from the city at the time the repair work is performed until paid in full. The real property owner and all users of the city services at the real property shall indemnify and hold the city harmless from all work performed by the city at the real property for any loss or damage that may directly or indirectly be occasioned by the repair stated herein.
- C. **Damage To Sewer Main Or System:** If a sewer main requires repair because of the roots of trees, shrubs or other plants that are growing into or near the sewer main, the owner of the real property on which the trees, shrubs or other plants are located shall be liable for the costs, expenses and charges incurred by the city in the repair of the sewer main. (Ord. 77, 12-19-2005)

**8-3-8: RIGHT TO REFUSE CONNECTION OR DISCONTINUE SERVICE:**

- A. **Prevent Harmful Discharges:** The city may refuse connection or discontinue service when such action is deemed necessary in order: 1) to prevent discharges into the sewer system which would be harmful to the system; 2) to prevent the continuance of a delinquent account, for noncompliance with any of the policies, rules and regulations relating to the sewer system; or 3) in order to protect the city against fraud or abuse.
- B. **Demand Payment For Outstanding Charges:** Service may be denied to any person until: 1) all outstanding bills and payments due to the city are paid in full; 2) restitution has been made for damage or any loss of revenue to the city resulting from tampering with, damaging or destroying city property; 3) the noncompliance or irregularity has been corrected; and 4) the customer assures the city that the irregularity will not reoccur.
- C. **Notice Of Discontinuance Of Service:** Before service is discontinued, the customer shall be given notice at their last known address with the city on the city's intent to discontinue service if the noncompliance or irregularity is not corrected within thirty (30) days

from the date of the notice. If the customer fails to fully correct the noncompliance or irregularity, the city may disconnect the customer's sewer service. Any reconnection would require the payment of a connection charge as provided herein. (Ord. 77, 12-19-2005)

**8-3-9: SERVICE AND CONNECTION CHARGES:**

A. **Customer Responsible:** The customer shall be responsible for all charges stated herein related to the sewer system.

B. **Fees And Charges Enumerated:**

1. **Service Charges:** The city council may levy service charges upon all customers for use of the sewer system. Service charges shall include, but are not limited to, the cost of the operation and routine maintenance of the sewer system, system improvements charges to cover the costs associated with improvements to the sewer system and administration charges to cover the expenses of administering the sewer system customer accounts and collections on past due accounts.

2. **Connection Charges:** The city council may also establish connection charges. The connection charges imposed by this section pertain to sewer system service to existing and future buildings and vacant lots within and outside the city limits. Any connection charge shall be no greater than the amount necessary to reimburse the city for its cost in inspecting and installing connections. There hereby is levied the following connection charges:

a. The connection charge for connections to the sewer system by vacant lots within the city shall be the same rate as for a residential connection.

b. The connection charge for connections to the sewer system by vacant lots outside the corporate limits shall be twice the rate for residential connections within the city.

c. The connection charge for connections to the sewer system by a residence and buildings located outside the corporate limits of the city shall be twice the rate that applies to buildings within the city limits at the time of connection.

C. **Establishment Of Charges:** All service and connection charges and due dates may be fixed by the city council by resolution and may, in

like manner, be amended or altered from time to time, at the discretion of the city council.

- D. Sewer Revenue Account: All payments and collections of sewer charges under this chapter shall be deposited in the sewer revenue account established by ordinance 20 of the city or any amendments or subsequent ordinances thereof, and shall be distributed as provided for herein. (Ord. 77, 12-19-2005)

8-3-10: **BILLING, PAYMENT AND DELINQUENCY PROCEDURES:**

A. Billing:

1. The monthly rates for the user of the sewer system shall be added to the water bill of each person on the date fixed by the council by resolution which may, in a like manner, be amended or altered from time to time, at the discretion of the city council.

2. Customers who have a connection to the sewer system who are not users of water from the city water system shall be billed separately for the connection to the sewer system. All customers must give their current mailing address to the city and any changes thereof until all of their debt with the city is paid in full.

- B. Payment: 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 approved by the city, in writing, and specify a new due date.

- C. Enforcement; Lien: If the charges imposed herein are not paid by the due date, the city at its option, and after due notice to the user, may discontinue water services to the premises served. All past due balances herein shall be assessed and be a lien on the real property.

1. The city may enforce the collection of rates and charges for the use of the sewer system by any means that may be provided by equity and the laws of the state or permitted by local regulations including the charter or ordinances of the city.

2. All sewer service and connection charges shall be a lien against the premises served from and after the date of delinquency. When a bill for sewer service remains unpaid sixty (60) days after it is delinquent, the lien created thereby may be foreclosed in the manner

provided by Oregon statutes, or in any other manner provided by state law or city ordinance.

D. Service Turn Off:

1. Any delinquency in payment may result in water service turn off.
2. For a customer that has multiple connections to one water line, a delinquency in a charge herein may result in water service turn off of all the connections due to the way the water system is designed with no individual water shutoff valves.
3. If a water shutoff valve is turned off at a location for a delinquent account balance and the turn off of service does not result in payment of the delinquent account within seven (7) days, the city may at its discretion turn off all other services provided to the customer with the outstanding charges or fees until all outstanding charges and fees are paid in full, as long as notice of the city's intent to turn off all services was provided in the original notice to the effected parties, otherwise, after due notice to the effected parties. (Ord. 77, 12-19-2005)

8-3-11: **PRIVATE SEWAGE DISPOSAL SYSTEM:**

- A. Connection To City System Not Feasible: No private sewage disposal system shall be allowed within the city unless connection to the city system is not feasible.
- B. Compliance With All Laws, Rules And Regulations: All private sewage disposal systems shall comply with all local, state and federal laws, rules and regulations.
- C. Application Required: No connection shall be made to a private sewage disposal system without the real property owner first completing and signing the private sewage disposal application, obtaining approval from the city and paying the application fee. All application fees and due dates may be fixed by the city council by resolution and may, in like manner, be amended or altered from time to time, at the discretion of the city council.
- D. Violation A Nuisance: A violation of this section shall be deemed a public nuisance and may be abated by the city in accordance with local regulations permitted by charter and ordinances of the city or

equity or the laws of the state or the federal government. (Ord. 77, 12-19-2005)

**8-3-12: VIOLATION, PENALTY AND LIABILITY:**

- A. **Penalty Charge:** Any person, firm or corporation violating any provision of this chapter shall be punished by a fine not to exceed five hundred dollars (\$500.00). Each day that a violation continues is a separate violation.
- B. **Liability:** A person violating any provision of this chapter shall become liable to the city for any expense, loss or damage suffered by the city as a result of such violation, which shall include, but not limited to, attorney fees and the costs to the city.
- C. **Right Of Entry:** Authorized employees or agents of the city, council members or planning commissioners shall have access at reasonable times to all parts of buildings, premises and areas to which sewerage is located for the purpose of inspection, observation, measurement, sampling and testing. If access is refused the city may, at its discretion, shut off water service to the premises. If it becomes necessary for the city to have to use other means to obtain access, the real property owner and user of the sewer services shall be liable for all the costs and expenses including, but not limited to, attorney fees incurred by the city in obtaining access assistance. (Ord. 77, 12-19-2005)



CHAPTER 4  
**INDUSTRIAL WASTES**

SECTION:

- 8-4-1: Industrial Wastes Defined  
8-4-2: Industrial Cost Recovery

**8-4-1: INDUSTRIAL WASTES DEFINED:**

A. "Industrial wastes" shall mean the liquid wastes from any nongovernmental user of publicly owned treatment works identified by the "Standard Industrial Classification Manual 1972", office of management and budget, as amended and supplemented under the following divisions:

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

B. A user in the divisions listed in subsection A of this section may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences. (Ord. 27, 5-4-1976)

**8-4-2: INDUSTRIAL COST RECOVERY:**

A. Payment Required: All industrial users shall be required to pay that portion of the federal assistance grant under PL 92-500 allocable to the treatment of waste from such users.

- B. **Requirements:** The system for industrial cost recovery shall be implemented and maintained according to the following requirements:
1. Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay its share of the total federal grant amount divided by the recovery period.
  2. The industrial cost recovery period shall be equal to thirty (30) years or the useful life of the treatment works, whichever is less.
  3. Payments shall be made by industrial users no less often than annually. The first payment by an industrial user shall be made not later than one year after such user begins use of the treatment works.
  4. An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works, such as strength, volume, and flow rate characteristics. As a minimum, an industry's share shall be based on its flow versus treatment works capacity, except in unusual cases.
  5. An industrial user's share shall be adjusted when there is a substantial change in the strength, volume, or flow rate characteristics of the user's wastes, or if there is an expansion or upgrading of the treatment works.
  6. An industrial user's share shall not include any portion of the federal grant amount allocable to unused or unreserved capacity.
  7. An industrial user's share shall include any firm commitment to the city of increased use by such user.
  8. An industrial user's share shall not include an interest component.
- C. **Applicable Features:** This requirement applies only to those features of wastewater treatment and transportation facilities which have been constructed with federal assistance administered by the U.S. environmental protection agency under PL 92-500. (Ord. 27, 5-4-1976)