

*copy made on 11/15/93*

ORDINANCE NO. 1692

(AN ORDINANCE AMENDING TITLE 12 OF THE HOOD RIVER MUNICIPAL CODE RELATING TO PUBLIC UTILITIES AND REPEALING SECTIONS 3.08.010, 3.08.020, 3.08.030 AND 3.08.040 RELATING TO WATER FUND PROVISIONS)

THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

TITLE 12 OF THE HOOD RIVER MUNICIPAL CODE IS AMENDED TO READ AS FOLLOWS:

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CHAPTER 12.01 GENERAL PROVISIONS

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12.01.010 General Applicability/Purpose. This title provides regulations for system development charges, water services, waste water services, cross connection control, storm water systems, underground utilities and related matters to preserve the public health, safety, convenience and general welfare of the present and future inhabitants of the city.

12.01.020 Definitions. The following definitions shall apply to Title 12.

Applicant. A person or entity which has applied for a permit.

Acid. Having a Ph lower than 7

Alkali. Having a Ph higher than 7

BOD (biochemical oxygen demand). The quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, expressed in milligrams per liter. The laboratory determinations shall be made in accordance with standard methods.

"CCC Inspector" (Cross Connection Control Inspector) The city representative appointed by the City Engineer after completion of the applicable state certification course(s).

Capital Improvements. Facilities or assets used for:

- (1) Water supply, treatment and distribution;
- (2) Sewage collection, transmission, treatment and disposal; and
- (3) Drainage, storm water systems and flood control.

City. The City of Hood River, Hood River County, Oregon.

City Engineer. Includes the city engineer or designee.

Council. Hood River City Council.

Cross connection Any actual or potential connection or piping arrangement between the public water supply and any other supply source or system through which it is possible to introduce any fluid, gas or other substance other than the potable water supply by the city.

Developer. A person who applies for a permit.

Development. Constructing a building or other structure, making a physical change in the use or appearance of a structure or land, or creating or terminating a right of access.

FOG. Fat, Oil and/or Grease

Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.

Improvement Fee. A fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to section 12.01.040(3) of this title.

Owner. The owner(s) of record title or the purchaser(s) under a recorded sales agreement, and other persons having an interest of record in the described real property.

Parcel of land. A lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and includes the yards and other open spaces required under the zoning, subdivision or other development ordinances.

Permit. Permit includes:

- (1) a building permit
- (2) a permit for development not requiring the issuance of a building permit, including a land use permit and conditional use permit;
- (3) a permit to connect to the water system;
- (4) a permit to connect to the wastewater system;
- (5) a permit to connect to the storm sewer system;
- (6) a permit to access the city street system.

Person. "Person" includes any individual, firm, corporation, entity or partnership.

Premises Any building or property served by or applying for service from the public water supply or wastewater system.

Private wastewater system. A system of wastewater piping and appurtenances fully under private ownership and/or the operation of such not accepted by a public authority.

Public wastewater system. A wastewater system which is controlled by public authority.

Public water supply. The piping system for conveying potable water from the source to individual water users beginning at the source and terminating at the water meter or city shut-off.

Qualified public improvement. A capital improvement that is required as a condition of development approval, identified in the plan adopted pursuant to section 12.01.040(8) of this title, and either:

- (a) Not located on or contiguous to property that is the subject of development approval; or
- (b) Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

Reimbursement fee. A fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to section 12.01.040(3) of this title.

Residential user. All single-family dwelling units or multiple-family dwelling units where water service is supplied to each unit through individual water meters.

SDC. (System Development Charges). A reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a permit, or at the time of connection to the capital improvement. "System development charge" includes that portion of a wastewater or water system connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections with water and wastewater facilities. "System development charge" does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.

Sewer. A pipe or conduit system for carrying wastewater with or without attendant valves, manholes, pumps, etc..

Slug. A discharge of water, sewage, or industrial waste that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

Standard methods. The examination and analytical procedures contained in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.

Storm drain or storm water system. A sewer that carries storm

and surface waters and drainage, and excludes sewage and industrial wastes.

Surcharge. The assessment, in addition to the service charge, that is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage or require special handling.

Suspended solids. Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and that are removable by laboratory filtering. Quantitative determination of suspended solids shall be made in accordance with standard methods.

Title. Title 12 of the Hood River Municipal Code.

Unpolluted water . Water containing none of the following: free or emulsified grease or oil; acids or alkalis; substances that may impart taste and odor or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorless or otherwise obnoxious gases. It shall contain not more than 1.0 milligrams per liter by weight of dissolved solids; not more than 2.0 milligrams per liter each of suspended solids or biochemical oxygen demand. Analytical determinations shall be made in accordance with standard methods.

Wastewater. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with any ground, surface, and storm waters that are present; sewage.

The Wastewater Collection Officer is a person appointed by the City Engineer and appropriately certified by the State of Oregon as a Wastewater Collection System Operator.

Wastewater treatment plant. An arrangement of devices and structures used for treating wastewater.

Wastewater System. All facilities for collecting, pumping, treating, and disposing of wastewater; sewage works.

Water Service Connection. The point where the city has installed or may install a shut-off or water meter on the water service line to a premises.

Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

Water Department. The City of Hood River Water Department or its designee.

Water Superintendent. City Engineer or his/her designee.

12.01.030 Rates and Charges Set by Council Resolution.

(A) Rates and charges for use of the water and wastewater systems, charges for initiation and termination of service, meter testing charges, water meter testing fees and related terms and conditions of water and wastewater system use not provided in this title shall be set by council resolution.

(B) The methodology used to establish water use charges shall consider the estimated cost of maintenance, repair, rehabilitation and replacement of the water system, including associated engineering, architectural and legal expenses, and the cost of operation and administration of the water system and charges shall be based upon water consumption.

(C) The methodology used to establish wastewater use charges shall consider the estimated cost of maintenance, repair, rehabilitation and replacement of the wastewater system, including associated engineering, architectural and legal expenses, and the

cost of operation and administration of the wastewater system and charges shall be based upon water consumption and the demand placed upon the wastewater system by each user or type of use.

12.01.040 System Development Charges.

12.01.040(1) Purpose. System development charges are intended to create a source of funds to pay for the installation, construction and extension of capital improvements pursuant to ORS 223.297 - 223.314 and shall be collected at the time development increases the use of capital improvements and generates a further need for those facilities.

12.01.040(2) Scope. System development charges may include an improvement fee, reimbursement fee, or both an improvement and reimbursement fee. The system development charges imposed by this title are separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development.

12.01.040(3) System Development Charge Imposed; Method for Establishment Created.

(A) System development charges shall be established and may be revised by resolution of the council. The resolution shall set the amount of the charge, the type of permit to which the charge applies, the methodology used to set the amount of the charge and, if the charge applies to a geographic area smaller than the entire city, the geographic area subject to the charge.

(B) Water and wastewater system development charges shall be utilized for costs associated with development which increases the demand on the water and wastewater system.

(C) Water and wastewater system development charges shall be paid upon issuance of a permit or upon placement of any improvement, including mobile homes and trailers which results in an increase in water meter size, and/or BOD or other factors to the wastewater system.

12.01.040(4) Water and Wastewater System Development Charges Applicable Outside City Limits. Prior to any connection to the city water system or wastewater system outside city limits, system development charges shall be paid and consent to annexation forms and waiver of the one year period for consent to annexation shall be provided for all premises which may be served by the connection. Each proposed connection shall be reviewed for consistency with the City of Hood River Comprehensive Plan.

12.01.040(5) Methodology.

(A) The methodology used to establish the reimbursement fee shall consider the cost of the then-existing facilities, prior contributions by then-existing system users, the value of unused capacity, rate-making principles employed to finance publicly owned capital improvements, and/or other relevant factors identified by the council. The methodology shall promote the objective that future system users shall contribute no more than an equitable share of the cost of then-existing facilities.

(B) The methodology used to establish the improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the system to which the fee is related and other relevant factors identified by the council.

(C) The methodology used to establish the improvement fee or the reimbursement fee, or both, shall be adopted by resolution.

(D) The city shall maintain a list of persons who have made written requests for notification prior to adoption or amendment of the methodology for any system development charge. Written notice shall be mailed to persons on the list at least 45 days prior to the first hearing to adopt or amend the system development charge, and the methodology supporting the adoption or amendment shall be available at least 30 days prior to the first hearing to adopt or amend. The failure of a person on the list to receive a notice

that was mailed shall not invalidate the action of the city. The city may periodically delete names from the list, but at least 30 days prior to removing a name from the list, must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

12.01.040(6) Authorized Expenditures.

(A) Reimbursement fees shall be applied only to capital improvements associated with the system for which the fees are assessed, including expenditures relating to repayment of indebtedness.

(B) Improvement fees shall be spent only on capacity increasing capital improvements, including expenditures relating to repayment of debt for such improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the improvements funded by improvement fees must be related to demands created by current or projected development.

(C) A capital improvement being funded wholly or in part from revenue derived from the improvement fee shall be included in the System Development Charge Funds Project Plan adopted by the city pursuant to section 12.01.040(8) of this title.

(D) Notwithstanding subsections (A), (B) and (C) of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this title, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures.

12.01.040(7) Expenditure Restrictions.

(A) System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

(B) System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements.

12.01.040(8) Project Plan. The Council shall adopt by resolution the System Development Charge Funds Project Plan. This Plan:

(A) Lists the capital improvements that may be funded with improvement fee revenues; and

(B) Lists the estimated cost and time of construction of each improvement. In adopting this plan the council may incorporate by reference all or a portion of any public facilities plan, master plan, capital improvements plan or similar plan that contains the information required by this section. The City of Hood River Comprehensive Plan shall be reviewed for consistency with the System Development Funds Project Plan. The city may modify this project plan at any time through the adoption of an appropriate resolution.

12.01.040(9) Collection of Charge.

(A) The system development charge shall be due from the developer prior to the issuance of a permit.

(B) If development is commenced or connection is made to the water system, wastewater system or storm water system without an appropriate permit, the system development charge is immediately payable upon the earliest date that a permit was required.

12.01.040(10) Installment Payment.

(A) When a system development charge is due and payable, the developer may apply for payment in twenty (20) semi-annual installments, secured by a lien on the property upon which the development is to occur or to which the utility connection is to be made, to include interest on the unpaid balance pursuant to ORS

223.205 through ORS 223.295.

(B) If the developer chooses to utilize the installment payment method, the developer shall waive all rights to contest the validity of the lien, except for the correction of computational errors.

(C) A developer requesting installment payments shall have the burden of demonstrating the developer's authority to assent to the imposition of a lien on the property and that the interest of the developer is adequate to secure payment of the lien.

(D) The lien shall be recorded in the Hood River County Real Property Records, shall be enforceable pursuant to ORS Chapter 223, and shall be superior to other liens as provided in ORS 223.230(3).

12.01.040(11) Exemptions.

(A) Structures and uses established and existing on or before the effective date of the resolution which sets the amount of the system development charge are exempt from the system development charge to the extent of the structure or use existing on that date and to the extent of the parcel of land as it is constituted on that date.

(B) Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the building code adopted pursuant to the Hood River Municipal Code, are exempt from all portions of the system development charge.

(C) An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of a capital improvement are exempt from all portions of the system development charge.

12.01.040(12) Credits.

(A) When development occurs that is subject to a system development charge, the system development charge for the existing use, if applicable, shall be calculated and if it is less than the system development charge for the use that will result from the development, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge. If the change in the use results in the system development charge for the proposed use being less than the system development charge for the existing use, no system development charge shall be required, however, no refund or credit shall be given unless provided for by another subsection of this section.

(B) A credit shall be given to the developer for the cost of a qualified public improvement following acceptance by the City of the improvement. The credit for the cost of a qualified public improvement shall only be for the improvement fee charged for the type of improvement being constructed, and credit for qualified public improvements may be granted only for the cost of that portion of such improvement that exceeds the city's minimum standard facility size or capacity needed to serve the particular development project or property. When the construction of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project. The request for credit shall be filed in writing no later than 60 days after acceptance of the improvement by the City.

(C) When establishing a methodology for a system development charge, the City may provide for a credit against the improvement fee, the reimbursement fee, or both, for a capital improvement constructed as part of the development that reduces the development's demand upon existing capital improvements or the need for future capital improvements, or a credit based upon any other rationale the council finds reasonable.

(D) Except to the extent that a qualified public improvement for which a credit is given is part of the phasing of a larger project and that the credit received against the system development charge is greater than the charge for the phase during which the

qualified public improvement is constructed, credit shall not be transferable from one development to another.

(E) Credits shall not be transferable from one type of system development charge to another.

(F) Credits shall be used within two years from the date credit is given.

(G) Nothing in this title shall be construed to require the city to make a cash payment to a developer for any credit accrued.

12.01.040(13) Method for Obtaining Exemption and Credits.

(A) A developer shall have the burden of proving, with verifiable data and documentation that an exemption or credit applies.

(B) Prior to qualifying for a credit, all systems development charges shall be paid in advance, prior to the issuance of a permit.

(C) The decision whether an exemption or credit applies shall be initially made by the city engineer. If a developer disagrees with the decision of the city engineer, the developer may file an appeal with the city manager.

(D) An appeal fee set by council resolution shall be paid at the time that the appeal to the city manager is filed.

(E) An appeal of the city manager's decision may be filed with the council, provided that it is filed within 30 days of the city manager's decision.

12.01.040(14) Challenge to Expenditure of System Development Charge Revenues.

(A) Any citizen or other interested party may challenge an expenditure of system development charge revenues by the city.

(B) Such a challenge must be filed within two years of the expenditure of the systems development charges revenues.

(C) The challenge shall be made in writing and shall include the basis and background information upon which the challenger relies.

(D) The city manager shall respond to the challenge in writing within sixty days of the date the challenge is filed. If the challenger is not satisfied with the response of the city manager, an appeal may be filed with the council, provided that the appeal of the city manager's decision is filed with the council within sixty days of the date of the city manager's decision. The decision of the council may be reviewed only as provided in ORS 34.010 to 34.100.

(E) If the council determines that there has been an improper expenditure of system development charge revenues, the council shall direct that a sum equal to the improper expenditure be deposited within one year of the date of that determination to the account from which it was spent.

12.01.040(15) Segregation and Use of Revenue.

(A) All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds by the City. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in this title.

(B) The City Manager shall provide an annual accounting, based on the City's fiscal year, of system development charges showing the total amount of system development charge revenues collected for each type of charge and the projects funded from each account.

12.01.040(16) Prohibited Connection. No person may connect to the water or wastewater systems of the city unless the appropriate system development charge has been paid.

12.01.050 Delinquent Charges and Fees. ~~A claim for delinquent charges or fees may be transferred from a tenant to an owner of real property provided water or wastewater services,~~



~~subject to ORS 91.255.~~ Any charge or fee due to the city according to the provisions of this title which is not paid promptly when due, may be recovered in an action at law by the city. The prevailing party in such action shall be awarded reasonable attorney's fees and costs by the trial court.

12.01.060 Right of Entry for Inspections or Repair. City employees shall at all reasonable times have access to any premises provided water or wastewater services by the city, for inspection, repair or replacement of the existing service or services or the enforcement of the provisions of this title.

12.01.070 Liability for Damages. A person who violates a provision of this title shall be strictly liable to the city for loss or damage to the city caused by the violation.

12.01.080 Violations/Penalties. Any person who violates or causes a violation of any provision of this title shall be punishable by a fine of up to \$1,000 per occurrence and termination of water service. Failure of any user of water service or wastewater services to pay a charge required by this title, shall subject such user to discontinuance of either or both such services.

12.01.090 Severability. The invalidity of a section or subsection of this title shall not affect the validity of the remaining sections or subsections.

#### CHAPTER 12.02 WATER SERVICE

##### Sections:

- 12.02.010 Permits required--Application requirements.
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12.02.010 Permits required--Application requirements. It is unlawful for any person to use water from the city water system unless permission has been first obtained in writing from the city water department. Applications for permits to connect to the city water system or requests to turn water on or off at any premises shall be made in writing, and signed by the owner or authorized agent of the real property to be served. The applicant, as a condition precedent to water service, agrees to conform to all city titles and regulations concerning the use of water.

12.02.020 Basic service terms and conditions.

(A) Charges for furnishing water shall be chargeable to the users of the water system. In the event of delinquency resulting in water shut-off, water shall not again be furnished to users until all outstanding obligations for water system services furnished to that user have been paid in full, together with any delinquent wastewater charges.

(B) No person supplied with water from the city water system shall be entitled to use same for any purposes other than those stated in his or her application and shall not supply, in any way, other persons or families, except as expressly permitted by the city.

(C) Should the applicant or occupant of premises desire additional service or fixtures or apply the water for a purpose not stated in the original application, a new application shall be made and a permit obtained from the office of the water department.

12.02.030 Installation of services from main to meter or shutoff.

(A) No service connection less than three-fourths inch pipe size shall be installed.

(B) The installation of all service connections from the main to the property or other location designated by the city, including the construction of a suitable chamber or box for housing a meter and/or shutoff assembly shall be made by the city water department. The charge for inspection and connection shall be set by council resolution.

12.02.040 Installation of separate service to each house or premises.

(A) Upon the advance payment of any applicable charges, the city shall install a separate service from the water main to the property or other location designated by the city.

(B) Where water is now supplied through one service to more than one residence, business or premises, the city water department may notify the owner of the necessity to provide separate installation of services from main to meter or shut off. If the property owner fails to pay the applicable charges within thirty days after notice, the city shall terminate water services to the property.

(C) The city engineer may determine that separate services are not required for integrated systems serving multiple businesses, planned unit developments, condominiums or shopping centers.

12.02.050 Installation of service pipes. Pipes of all sizes, for all purposes, laid from the meter or shut off to the stop and wastecock in the building must be of size and material approved by the most recent edition of the State of Oregon Plumbing Specialty Code. Service pipes shall be so connected and maintained as to provide the ability to locate from within the building to the main in accordance with the specifications of the State Plumbing

Official.

12.02.060 Water shutoff authorized when. The city reserves the right at any time, without notice, to shut off the water supply for repairs, extensions, nonpayment of charges or any other reason. The city shall not be responsible for any damage, such as bursting of boilers, damage to hot water heaters, the breakage of any pipes or fixtures, stoppage or interruption of water supply or any other damage resulting from the shutting off of the water.

12.02.070 Rate adjustments due to leaks. Where a leak exists on the owner's side of the meter and the same is repaired within ten days after the owner, agent or occupant of the premises has been notified by the water department, an adjustment in the user's bill may be made of up to one-half of the total estimated excess consumption over the last 30 (thirty) days.

12.02.080 Meters--Testing. When any water consumer makes a complaint that the bill for any particular period is excessive, the city water department will, upon request, have such meter reread and the service inspected for leaks. Should such consumer then desire that the meter be tested or changed, a deposit as set by council resolution to cover the cost of making such change or test shall be paid. The testing deposit will be refunded in the event that testing indicates a metering error exceeding three percent in favor of the city. Should the meter on test show a registration in excess of three percent in favor of the city or citizen, the excess registration of the last reading shall be credited or debited to the account. Except as otherwise provided in this section, all or a portion of the amount deposited may be retained by city to cover the expense of such change or test.

12.02.090 Temporary disconnection--Charges. Should it be desired by the property owner to discontinue the use of all water supplied to the premises, notice in writing must be filed with the city water department. The water shall then be turned off upon payment for water utilized to date of turn off. Where service to any premises has been temporarily discontinued at the request of the user and it is discovered that water use has been resumed without proper notice to the water department, the charge for such use shall be as determined by the water department but shall be not less than the minimum charge for one month nor more than the total charges had there been no discontinuance.

12.02.100 Outside connection requirements. No faucets shall be allowed on the outside of any building excepting hose connections, which must be controlled with a separate stop and wastecock. No hose connections for domestic use will be allowed. All water pipes must be extended into the building. Pipes laid for lawn sprinkling systems must be installed so that the system may be properly drained to prevent freezing. Connections for sprinkling systems or for other supply shall be made from the water service pipe on the owner's private property and beyond the building stop and wastecock and must include an approved State of Oregon backflow prevention device.

12.02.110 Fire protection pipes permitted--Conditions. Fire protection pipes to be used in case of fire will be allowed within and without buildings subject to this section. When the owner of a building desires, or when the building code calls for a certain size pipe to supply water to a wet or dry sprinkler system without hose connections, such pipe or pipes may be served by a U.L. Approved "Fire Meter" or a detector check or as approved by the City Engineer to include a Oregon State approved backflow device. The owner or owner's agent of such building shall make written application and agree in writing that water supplied through this service will not be used for any purpose except for extinguishing a fire. If at any time it is found that hose connections have been added to the system or that registration is recorded on the meter

or detector check, the immediate installation of a meter will be required by the city at the owner's expense.

12.02.120 System under exclusive control of City Engineer - Damage responsibility.

(A) All mains, laterals, service connections and other parts of the system are under the exclusive control of the City Engineer and no person other than the City Engineer or his designee will be permitted to install any service connection, or to remove, change or tamper with same, or to in any manner interfere with any main, service pipe, meter, or other part of the system, or to connect any private service to the meter, or to disconnect same, or to turn the water on or off at the meter shutoff or curb stop.

(B) The city water department will maintain all service connections in good order, and will make all necessary repairs and replacements of the city owned meters and other parts thereof, at the expense of the city. Each user is required to take all due precautions to protect the connection through which he/she is served from damage by freezing, hot water, traffic or tampering, and any damage arising through lack of such precaution shall be charged to the user.

(C) It shall be the responsibility of the user to provide pressure reducing valves, backflow devices and/or other protective devices as may be necessary or advisable to protect the water system.

(D) No pump or similar mechanical device shall be connected to the water system by consumers for the purpose of withdrawing water from or returning water to the system. This provision shall not apply to regularly constituted fire departments in fighting fires.

12.02.130 Connections between private and city water systems--Discontinuance of service.

Owners of buildings desiring to use both a city water supply and a supply of water other than that furnished by the city water system may obtain city water at applicable rates upon the following conditions and not otherwise. Under no circumstances shall a physical connection, direct or indirect, exist or be made in any manner, even temporarily, between the city water supply and that of a private water supply or between two services connected to the city water supply. Where such a connection is found to exist, or where provision is made to connect the two systems by means of a spacer or otherwise, the city water supply shall be shut off from the premises with or without notice. In case of such discontinuance, service shall not be reestablished until satisfactory proof is furnished that the cross connection has been completely and permanently severed.

12.02.140 Use of fire hydrants. It is unlawful for any person to operate, alter, change, remove, disconnect, connect with, or interfere in any manner with any fire hydrant owned or used by the city without first obtaining written permission from the City Engineer. The provisions of this section shall not apply to the fire department of the city.

12.02.150 Water used for building purposes on meter basis.

If the owner of any premises or owner's agent has applied for a permanent metered service and the standard has been installed, water shall be furnished for building purposes at standard rates, to be charged to the user on a monthly basis.

12.02.160 Meters--Ownership, damage and registration.

All meters of the city water system are the property of the city, and any regular maintenance to said meters shall be made by the city. If a meter is damaged by hot water or by the carelessness or negligence of the owner or occupant of the premises, the city water department will repair the meter, and the cost of such repairs shall be charged to the user. When a meter fails to register accurately, the charge for water used shall be either based on the average quantity of water used in a comparable period as shown by

the meter when in order, or if there is no such average consumption, then the minimum rate of the city shall apply. If conditions make reading of the meters impracticable, an estimated reading shall be made by the city during the time such conditions exist. Estimated readings under other conditions affecting reading of a meter shall be made only on approval of the public works superintendent.

12.02.170 Services outside of city.

(A) Excess water may be served to individual users, companies, or water districts outside the city boundaries pursuant to rates, charges, and rules as the council may prescribe, or as outlined under special contracts. Water served outside the city limits is intended mainly for household and sanitary use and is not intended for irrigation. The city reserves the right to limit or prohibit the use of water outside the city limits. All regulations now or hereafter in effect for users inside the city shall apply to users outside the city except as provided by the council. Service to users outside the city is declared to be subject to the prior and superior rights of the people of the city to such water at all times. The city shall have the right to refuse to sell water when it appears that the best interests of the citizens of the city are served by such refusal, or to refuse to sell water to consumers who do not comply with the requirements of this title.

(B) Sales of water outside the city limits shall be expressly conditioned on the city's right to require any consumer, group of consumers, district or districts to build and maintain, at their sole expense, storage facilities of sufficient capacity to hold a supply of water equal to the maximum demand of such consumer, group of consumers or district during any period of three days. The city shall give no less than six months' notice of its intention to demand storage facilities. On the date named in the notice, each consumer, group of consumers or district shall have storage facilities provided, and shall thereafter operate the same in the manner as the city prescribes. Order for construction of storage works shall be given when appropriate to safeguard the best interests of the citizens of the city.

(C) The city shall not be responsible to users of water outside the city limits for failure of the system to deliver water, either due to operational failure, accident or because of repairs and alterations.

(D) The city makes no guarantee or warranty, either express or implied, as the quantity or quality of water that may be delivered. The city is not responsible for accidental contamination or other reduction in quality.

(E) All main lines serving outside city users shall be metered and backflow prevented with an Oregon State approved device.

12.02.180 Water districts and other suppliers--Reports and other requirements. All water districts, water companies, agencies and other parties supplying water furnished by the city to customers outside the limits of the city shall furnish to the city, not later than June 30th of each year, a written description of the area supplied by that distributing agency, together with a report and maps showing all mains and services which then exist. Such description, report and maps shall be filed with the city. No increase in services or extensions of mains shall be made by any water district, company or other parties under agreement with the city, unless approval of the City Engineer is first obtained.

12.02.190 Billing, due dates, delinquencies and liens. Charge for water used shall be computed as frequently as deemed feasible. Bills shall become due and payable on the first day of the month following the reading of the meter for metered services. All billing shall become delinquent on the 10th of the month following the billing. After delinquency, a past due reminder shall be mailed to each account on the first day of the following month. If not paid by the tenth day following the past due

reminder, a final delinquent notice shall be sent and the user shall be advised that if payment is not received by the city within five days of the date of the mailing of the notice, then water service will be discontinued without further notice. A fee shall be charged and collected before the service shall be turned on again. If the water meter is removed because of nonpayment of bills, the actual cost of removing and replacing the meter plus ten percent shall be paid in addition to all other charges.

12.02.200 Unauthorized turning on or off--Penalty. Should the water be turned on or off by any user, without authority from the city, the water may then be shut off at the main or the meter removed, at the discretion of the water superintendent. The charge for shutting the water off at the main or removal of the meter shall be the actual cost of the work plus ten percent overhead. All such charges shall be chargeable to the user of the water supplied, and water shall not again be furnished to such user until all charges are paid.

12.02.210 Conservation requirements--Prohibited acts. It shall be the responsibility of the user to conserve water and prevent waste, to preserve an adequate supply for all users and to prevent soil erosion and damage to sidewalks, curbs and streets. Water used for irrigation shall be applied through approved sprinkling devices. The waste of water through open hose or open faucets, leaky faucets or flush valves, roof sprinkling, or allowing any water to discharge or flow onto or across any sidewalk, street or alley is unlawful.

12.02.220 Adjustments and refunds. The city water department is authorized to refund to water users, meter deposits, overpayments, deposits on construction in excess of final bill and amounts due on account of adjustments, upon certification by the water department of the amount due. Any refund due to a billing for water consumption shall be given as a credit on the following month's bill.

12.02.230 Use of water during emergency restricted. Whenever the mayor finds, on the basis of the water storage reserves, that the amount of water available and the probable use of water or the probable drawing thereon from the city mains makes it necessary to conserve water to protect the citizens and property in the city, the mayor is hereby authorized to declare a water emergency and thereafter prohibit any or all of the following uses:

(A) Watering Yards. The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, grounds, covers, plants, vines, gardens, vegetables, flowers or any other vegetation;

(B) Washing Mobile Equipment. The washing of automobiles, trucks, trailers, trailer houses, railroad cars or any other type of mobile equipment;

(C) Cleaning of Equipment, Machinery or Outdoor Surfaces. The washing and cleaning of any industrial equipment, machinery, sidewalks, driveways, filling stations, aprons, porches and other outdoor surfaces;

(D) Cleaning Buildings. The washing of the outside of buildings, and this shall include dwellings or accessory building about or upon any premises;

(E) Ornamental Fountains. The operation of any ornamental fountain or other structure making a similar use of water;

(F) Swimming Pools. The filling of any swimming or wading pool.

12.02.240 Declaration of water emergency.

(A) The mayor shall cause each declaration made pursuant to this chapter to be publicly announced by means of radio broadcast from any radio station with its normal operating range covering the city, and may cause such declaration to be further announced in a newspaper of general circulation within the city when feasible. Each announcement shall describe the action taken by the mayor,

including the time it became or will become effective, and shall specify the particular use for which the use of water will be prohibited.

(B) Whenever the mayor finds the conditions which gave rise to the water prohibition in effect pursuant to this chapter no longer exist, he/she may declare the prohibition terminated.

12.02.250 Cross connection and backflow control requirements.

Any person utilizing the public water supply shall install a backflow prevention device where:

(A) An auxiliary water supply which is or can be connected to any potable water piping is available; or

(B) There is piping for conveying liquids or gases other than potable water which is under pressure and is installed or operated in a manner which could cause a cross connection; or

(C) There is intricate plumbing which makes it impractical to determine if a cross connection exists; or a domestic service exists; or

(D) There is a fire service or irrigation service or a domestic service two inches or larger in size. Devices shall be required on all domestic services smaller than two inches if the building is more than two stories or higher than thirty-two feet above the water main.

(E) There are irrigation service bibs similar to those used for potable water.

12.02.260 Cross connection - Inspection. The CCC inspector shall be entitled to inspect premises or any water uses for cross connection upon reasonable notice during normal business hours.

12.02.270 Cross connection - Expenses. All expenses of installation, testing and maintaining the required devices shall be the sole responsibility of the water user.

12.02.280 Cross connection - Installation. Any device required under this chapter shall be installed and tested within thirty days of the date when the requirement became necessary or upon notification from the city. Failure to install and test any required device in a timely manner shall result in the termination of water service.

12.02.290 Cross connection - Standards. All backflow prevention devices shall meet the standards or OAR, Chapter 333, Rule 61-070, Section 8 as amended and shall be installed pursuant to city specifications.

12.02.300 Cross connection - Failure of Device. If after installation, any cross connection control device fails any test prescribed by the city, water service shall be discontinued until the device passes the required tests.

12.02.310 Cross connection - Testing.

(A) The owner of any backflow prevention device shall:

(a) Have the device tested within ten days of installation and annually thereafter;

(b) Forward a copy of the initial test results and all test results thereafter;

(c) Register all devices with the city. Registration shall consist of size, make, mode, serial number, location and date of installation of the device.

(B) If the city fails to receive the annual test report within thirty days of due date, the city shall proceed to test the device and charge the water user in the following bill.

(C) All testing shall be done by a state certified backflow prevention device tester.

(D) When a serious health hazard exists, the city may require more frequent testing.

12.02.320 Cross connection - New Buildings. The owner or builder of any new building, other than a single-family dwelling, or irrigation system shall submit a copy of the piping plans for review by the cross connection control inspector. If such plans are not so submitted, water service shall be denied until an on-site inspection can be made.

12.02.330 Cross connection - Pre 1988 Devices. Any backflow prevention device installed before October, 1988, which was approved at the time of installation, but is not on the current approved list maintained by the State Health Division may remain in service if:

- (A) The device is commensurate to the degree of hazard; and
- (B) The device is properly maintained; and
- (C) The device is tested at least annually and performs to satisfaction; and
- (D) The device requires only minimum maintenance.

12.02.340 Cross connection - Authority for interpretation of devices, rules and specifications. The City Engineer shall provide the binding interpretation as to the adequacy of each device, rule or specification.

#### CHAPTER 12.03 WASTEWATER SERVICES

Sections:

- 12.03.010 Permits required--Application requirements.
- 12.03.020 Installation of separate service to each house or premises.
- 12.03.030 Installation of service pipes.
- 12.03.040 Water shutoff authorized when.
- 12.03.050 Temporary disconnection--Charges.
- 12.03.060 System under exclusive control of City Engineer--Damage responsibility.
- 12.03.070 Access to premises for inspection.
- 12.03.080 Services outside of city.
- 12.03.090 Billing, due dates, delinquencies and liens.
- 12.03.100 Adjustments and refunds.
- 12.03.110 Wastewater Service Charges.
- 12.03.120 Lateral service and trunk line costs.
- 12.03.130 Industrial waste and pretreatment charges.
- 12.03.140 Unlawful discharge.
- 12.03.150 On-Site Disposal.
- 12.03.160 Installation Required.
- 12.03.170 Use of Existing Building Wastewater Services.
- 12.03.180 Discharge of Stormwater.
- 12.03.190 Prohibited Discharge.
- 12.03.200 City's Authority.
- 12.03.210 Interceptors.
- 12.03.220 Special Agreements.
- 12.03.230 Plan Approval.
- 12.03.240 Flow Measurement and Sampling Facilities.
- 12.03.250 Waste Charges.
- 12.03.260 Inspection.
- 12.03.270 BOD Computation.
- 12.03.280 Measurement and Sampling Devices.
- 12.03.290 Connection of Private Systems.
- 12.03.300 Dumping into wastewater system--Supervision required--Regulations generally.
- 12.03.310 Permission required for dumping.
- 12.03.320 Dumping charges.

12.03.010 Permits required--Application requirements. It is unlawful for any person to utilize the city waste water system without a permit. Applications for permits to connect to the city waste water system shall be made in writing, and signed by the owner or authorized agent of the real property to be served. The



applicant, as a condition precedent to waste water service, shall agree to conform to all city ordinances and regulations concerning the use the system.

12.03.020 Installation of separate service to each house or premises.

(A) Each property owner shall install a separate service from the wastewater main to the property or other location designated by the city.

(B) Where wastewater is now serviced through one service to more than one residence, business or premises, the city water department shall notify the owner of the necessity to separate the service at the owner's expense. Failure to comply with this section shall result in turn off of water service.

(C) The city engineer may determine that separate services are not required for integrated systems serving multiple businesses, planned unit developments, condominiums or shopping centers.

12.03.030 Installation of service pipes. Pipes of all sizes, for all purposes, laid from the main to the building must be of size and material approved by the most recent edition of the State of Oregon Plumbing Specialty Code. Service pipes shall be so connected and maintained as to provide the ability to locate from within the building to the main in accordance with the specifications of the Plumbing Official.

12.03.040 Water shutoff authorized when. The city reserves the right at any time, without notice, to shut off the wastewater system for repairs, extensions, nonpayment of charges or any other reason. The city shall not be responsible for any damage from the shutting off of the wastewater system.

12.03.050 Temporary disconnection--Charges. Should it be desired by the property owner to discontinue the use of all wastewater service supplied to the premises, notice in writing must be filed with the city water department.

12.03.060 System under exclusive control of City Engineer - Damage responsibility.

(A) All mains, laterals, service connections and other parts of the system are under the exclusive control of the City Engineer and no person other than the City Engineer or his designee will be permitted to install any service connection, or to remove, change or tamper with same, or to in any manner interfere with any main, service pipe, meter, or other part of the system, or to connect any private service, or to disconnect same.

(B) The owner will maintain all service connections in good order, and will make all necessary repairs and replacements of the service lateral and other parts thereof. Each user is required to take all due precautions to protect the connection through which he/she is served from damage by freezing, hot water, traffic or tampering, and any damage arising through lack of such precaution shall be charged to the user.

12.03.070 Access to premises for inspection. Employees of the city shall have free access, at reasonable times, to all parts of buildings and premises for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the wastewater is being delivered.

12.03.080 Services outside of city. Wastewater may be serviced for individual users, companies, or wastewater districts outside the city boundaries pursuant to rates, charges, and rules as the council may prescribe, or as outlined under special contracts. The city reserves the right to limit or prohibit the use of the wastewater system outside the city limits and shall review all proposed connections for consistency with the City of Hood River Comprehensive Plan. All regulations now or hereafter in

effect for users inside the city shall apply to users outside the city except as provided by the council. Service to users outside the city is declared to be subject to the prior and superior rights of the people of the city to such wastewater system at all times. The city shall have the right to refuse to accept wastewater when it appears that the best interests of the citizens of the city are served by such refusal, or to refuse to accept wastewater to consumers who do not comply with the requirements of this title.

12.03.090 Billing, due dates, delinquencies and liens. Charge for wastewater service shall be computed as frequently as deemed feasible. Bills shall become due and payable on the first day of the month following the reading of the water meter for metered services. All billing shall become delinquent on the 10th of the month following the billing. After delinquency, a past due reminder shall be mailed to each account on the first day of the following month. If not paid by the tenth day following the past due reminder, a final delinquent notice shall be sent; if no payment is made within five days of the date of mailing the final delinquent notice, service may be discontinued without further notice. A fee shall be charged and collected before the service shall be turned on again. Any unpaid charges for wastewater service or fees may be assessed as a lien against real property served by the wastewater system as provided in ORS.

12.03.100 Adjustments and refunds. The city water department is authorized to refund to wastewater system users, deposits, overpayments, deposits on construction in excess of final bill and amounts due on account of adjustments, upon certification by the water department of the amount due. Any refund due to a billing for wastewater system use shall be given as a credit on the following month's bill.

12.03.110 Wastewater Service Charges. All users of the city wastewater system and of the city water system, both within the city and outside of the city (excluding Ice Fountain Water District and the water transmission line), shall pay equitable charges for wastewater services including operation, maintenance, rehabilitation, repair and replacement of wastewater facilities. All wastewater service charges shall be added to the water bills of all accounts billed directly by city to water users. City water may be turned off for failure to pay wastewater service charges. In the event of water turn-off for failure to pay water or wastewater charges, the water shall not again be furnished to that person or entity to whom water or wastewater service had been previously provided and for which any water or wastewater service charges remain outstanding, until all charges and a turn on fee as set by council resolution has been paid in full or satisfactory arrangements have been made to pay in full. All users of the city wastewater system shall pay wastewater service charges.

12.03.120 Lateral service and trunk line costs. In addition to paying the system development charge established by resolution of the council, the user shall pay the full cost and perform all work to extend the lateral service from the wastewater main to the right-of-way including the inspection thereof by the City Engineer.

12.03.130 Industrial waste and pretreatment charges. Notwithstanding the provisions of this title, if wastewater is composed of industrial chemicals or other substances requiring special or extraordinary treatment in the opinion of the City Engineer, the City Engineer is authorized to require pretreatment and require additional wastewater charges.

12.03.140 Unlawful Discharge. No person shall discharge to a natural outlet within the city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this title.

12.03.150 On-Site Disposal. Except as permitted by this title, no person shall construct or maintain a privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

12.03.160 Installation Required. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public wastewater system, is required at owner's expense to install suitable facilities, and to connect such facilities directly with the proper public wastewater system in accordance with the provisions of this title, within 90 days after date of notice to do so, provided that the public wastewater system is within 300 feet of the property line or when a health hazard has been declared by the City Engineer. Pumping of such wastewater is not a valid reason for not making a connection.

12.03.170 Use of Existing Building Wastewater Services. Old building wastewater services no longer in use may be used in connection with new buildings only if they are found to meet all requirements of this title. The final authority to make this determination shall rest with the City Engineer.

12.03.180 Discharge of Stormwater. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to the city wastewater system unless directed to do so by the City Engineer.

12.03.190 Prohibited Discharge. No person shall discharge or cause to be discharged any of the following described waters or wastes to the wastewater system or storm drainage system:

(A) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solids, or gas.

(B) Waters or wastes which contain toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged to the wastewater system.

(C) Waters or wastes which have a pH lower than 5.5 or any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater system.

(D) Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in wastewater systems or other interference with the proper operation of the wastewater system, such as, but not limited to, grease, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(E) Any discharge prohibited by State or Federal law.

12.03.200 City's Authority

(A) If waters or wastes that contain the substances or possess the characteristics enumerated in Section 12.03.280 are discharged or are proposed to be discharged into the city wastewater system or storm drain, and, in the judgement of the City Engineer or Wastewater Collection Officer, the waters or wastes may have a deleterious effect upon the wastewater system, processes, equipment, or receiving waters, or create a hazard to life or constitute a public nuisance, the Wastewater Collection Officer or City Engineer may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge into the wastewater system;

(c) Require control over the quantities and rates of discharge; and

(d) Require payment to cover the added cost of handling and treating the wastes and pretreatment as per Section 12.03.170.

(B) If the pretreatment or equalization of waste flows is permitted, the design and installation of the plants and equipment shall be subject to the review and approval of the City Engineer and subject to the requirements of all applicable codes, ordinances, and laws.

(C) If preliminary treatment or flow-equalizing facilities are provided for waters or wastes, they shall be maintained continuously in satisfactory and effective operation at owner's expense.

#### 12.03.210 Interceptors.

(A) Grease, oil, and sand interceptors shall be provided when required by State or Federal law, or, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful substances.

(B) All interceptors shall be of a type and capacity as customarily necessary for such collections and approved by the City Engineer and shall be easily accessible for cleaning, inspection and sampling.

12.03.220 Special Agreements. The city may, when recommended by the City Engineer and approved by the City Manager, enter into an equitable agreement with an industrial or commercial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment for the service.

12.03.230 Plan Approval. Plans, specifications, and other pertinent information relating to proposed pretreatment or processing facilities shall be submitted for approval to the City Engineer prior to the start of construction if the effluent from the facilities is to be discharged into the city wastewater system or if the industry is located within the city service area.

12.03.240 Flow Measurement and Sampling Facilities. A person discharging wastes into the city wastewater system with a daily total in excess of 750 pounds or more of either BOD or suspended solids shall, at the option of the City Engineer, be required within six months after notification, to construct and maintain approved automatic flow measurements, sampling, and sample storage facilities for all waste entering the wastewater system. These facilities shall, when required by the City Engineer, be used to obtain flow, BOD, FOG and suspended solids data for use as a basis for industrial wastewater service charges.

12.03.250 Waste Charges. The volume of flow used for computing wastewater charges shall be based upon the metered water consumption as shown in the records of meter readings maintained by the city. If the person discharging wastes into the wastewater system procures any part, or all, of his/her water from sources other than the city water department, all or a part of which is discharged into the city wastewater system, the person shall install and maintain at his/her expense water meters of a type approved by the City Engineer for the purpose of determining the volume of water obtained from the other sources. Residential irrigation use shall be taken into account in the development of wastewater charges.

#### 12.03.260 Inspection.

(A) Discharges into the city system shall be subject to

periodic inspection sampling and an analysis of character and concentration of discharge. The inspection sampling and analysis shall be made as often as deemed necessary by the City Engineer.

(B) When automatic flow measurement and sampling facilities are not required under this title, the samples shall be representative of the composition of the discharge. The sampling may be accomplished either manually or by the use of mechanical equipment, provided that the process and equipment used is acceptable to the City Engineer.

(C) Proper sampling locations shall be provided by the owner and access to the sampling locations shall be granted to the City Engineer at any reasonable time, upon request.

12.03.270 BOD Computation. BOD and suspended solids in pounds per day loading shall be computed by multiplying the metered water flow or measured waste discharge in million gallons per day by the constant 8.345 and multiplying this product by the average daily concentration of BOD and suspended solids in milligrams per liter.

12.03.280 Measurement and Sampling Devices.

(A) All automatic flow measurement and sampling devices, access facilities, and related equipment shall be installed by the person discharging the waste, at his/her expense, and shall be maintained in safe operating condition at all times, and readily accessible to the City Engineer at any reasonable time.

(B) The flow measurement device can be any type of device providing accurate and continuous flow indication and approved by the City Engineer. Pump timers or other indirect measurement devices will not be acceptable.

(C) The flow measurement device shall be suitable for indicating and totaling the flow through the device provided above with an error not exceeding plus or minus five percent. The instrument may be equipped with a set of electrical contacts arranged to momentarily close a circuit to energize a process timer and sampling device for every fixed quantity of flow. Other control variations will be acceptable if it can be demonstrated that the sampling procedure will result in a waste sample which is proportional to and representative of the waste flow. The length of operation of the sampling device shall be dependent on the type of sampling arrangement used, but in no case shall the daily collected sample be less than two quarts in volume.

(D) The method of sampling used can be by any means approved by the City Engineer. All samples must be continuously refrigerated at a temperature of 30 degrees F, plus or minus five degrees.

(E) The flow measurement and sampling station shall be located and constructed in a manner acceptable to the City Engineer. Complete plans on all phases of the proposed installation, including all equipment proposed for use, shall be submitted to the City Engineer for approval prior to construction.

(F) Any person discharging waste shall keep flow records as required by the City Engineer and shall provide qualified personnel to properly maintain and operate the facilities.

(G) The waste samples will be collected and tests performed by the City Engineer.

12.03.290 Connection of Private Systems. A. City may allow connection of private wastewater systems and pumping stations to the city system providing that the system meets all requirements of the city engineer.

12.03.300 Dumping into wastewater system--Supervision required--Regulations generally. The dumping of any septic tank waste into the city wastewater system may only be done under the control and supervision of the City of Hood River at a point designated by the superintendent, subject to the provisions of this title.

12.03.310 Permission required for dumping. Permission shall be obtained from the City Engineer prior to any dumping or discharge of any kind into the wastewater system. Compliance with the provisions of 12.03.280 shall be required when dumping.

12.03.320 Dumping charges. Dumping charges and method of payment shall be set by council resolution.

#### CHAPTER 12.04 STORM WATER

##### Sections:

- 12.04.010 Storm Water Connection Required.
- 12.04.020 Permit Required.
- 12.04.030 Property Owner Responsibility.
- 12.04.040 Storm Water Detention.
- 12.04.050 Discharge of Stormwater
- 12.04.060 Prohibited Discharge.

12.04.010 Storm Water Connection Required All owners of property adjacent to a storm water system shall cause unpolluted water to be discharged into the storm water system not later than 90 days after receipt of a written notice from the City Engineer that a connection to the storm water system is required.

##### 12.04.020 Permit Required

(A) Before making a connection to a storm water system, a property owner shall obtain a permit from the city.

(B) The applicant shall pay to the city the estimated cost of the inspection and System Development Charges, as applicable, before connection is made. Connection to be made by applicant.

(C) Connection may be defined by a physical attachment to a storm drainage pipe or by a discharge to a gutter, open drainage way or other access to the system.

##### 12.04.030 Property Owner Responsibility

(A) A property owner shall be responsible for the installation and maintenance of piping, plumbing, and equipment on the owner's premises connected to the storm water system. The city shall not be liable for loss or damage of any nature, caused by any defect in the property owner's piping, plumbing, or equipment.

(B) The city shall not be liable or responsible to the property owner or any person or persons claiming by or through the owner for loss or damage related to or arising from an interruption in the service provided by the storm water system or for loss or damage due to accident, breakdown, washout, or other causes.

12.04.040 Storm Water Detention Development in the city limits or within the Urban Growth Boundary may require detention systems. Such systems shall be designed by a professional, registered engineer and comply with all requirements of the city engineer.

##### 12.04.050 Discharge of Stormwater.

(A) Storm water and all other unpolluted drainage may be discharged into the city storm water system or to a natural outlet approved by the City Engineer.

(B) Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Engineer, to a storm water system or natural outlet.

12.04.060 Prohibited Discharge. No person shall discharge or cause to be discharged any garbage, industrial waste or sewage into the storm water system.

## CHAPTER 12.05 UNDERGROUND UTILITIES

### Sections:

- 12.05.010 Expense of conversion to underground utilities.
- 12.05.020 Construction standards.
- 12.05.030 Permit--Required plans.
- 12.05.040 Requirement for service entrance.

12.05.010 Expense of conversion to underground utilities. All water, gas, wastewater pipes and electrical lines or wires, including communications and cable television, shall be placed underground at the owner's expense:

- (A) In any new residential construction as feasible;
- (B) In any new construction containing four or more living units in any one structure or group housing development;
- (C) Any remodeling of an existing structure which shall have as a result thereof four or more living units in any one structure;
- (D) Any remodeling of a now existing structure containing four or more living units, when the cost of remodeling is more than fifty percent of the assessed true cash value of the structure prior to the remodeling.
- (E) Any new commercial or industrial development or existing commercial or industrial development undergoing remodeling when the cost of such is more than 50% of the assessed true value of the structure prior to remodeling.

12.05.020 Construction standards. All underground facilities shall be constructed in compliance with the standards of the applicable utility, the rules and regulations of the City Engineer, the rules and regulations of the Public Utility Commissioner of Oregon, and the laws of the state relating to the installation and safety of underground lines, plant systems, equipment and apparatus.

12.05.030 Permit--Required plans. No building permit shall be issued except for single-family residence in residential zones R-1, R-2 and R-3, for the construction of any new building or structure or for the remodeling of any existing building or structure the estimated cost of which remodeling exceeds one-half of its assessed value for tax purposes unless the application contains plans for and the applicant agrees to construct equipment and related facilities to accept and receive all lines which will serve the building or structure, including those required for all electric, power, communication and cable television services from underground type of service. In determining the costs of remodeling all costs incurred for improvement of the property in the preceding two years shall be included.

12.05.040 Requirement for service entrance. It is unlawful for any person to install or make any major alteration in the existing communication, cable television, electric service and/or power service entrance to any structure affected by this chapter without provision for the receiving of the service to the service entrance from an underground facility to be maintained in a street area by the affected utility. The affected utility may elect, if approved by the City Engineer, to connect underground service to feed from an existing overhead pole line until such time as the street block or part thereof is converted to underground service.

## CHAPTER 12.06 REPEAL OF INCONSISTENT PROVISIONS

### Section:

- 12.06.010 Repeal of inconsistent provisions.

12.06.010 Repeal of inconsistent provisions. Sections 3.08.010 through 3.08.040 of the Hood River Municipal Code are

hereby repealed.

Read the first time on 10/12/93.

Read the second time on 10/25/93.

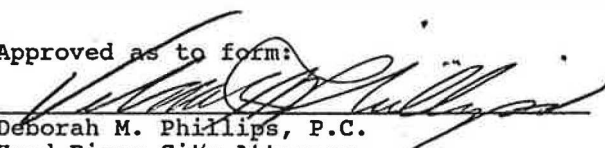
Approved by the Hood River City Council on the 25<sup>th</sup> day of October, 1993.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Jay Reynolds, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Deborah M. Phillips, P.C.  
Hood River City Attorney