

TITLE 4

PUBLIC WAYS AND PROPERTY

Subject	Chapter
Sidewalks.....	1
Street Trees.....	2
Waterworks Regulations.....	3
Sewer System Regulations.....	4
Municipal Golf Course.....	5
Public Right-of-Ways.....	6

CHAPTER 1

SIDEWALKS

SECTION:

- 4-1-1: Definitions
- 4-1-2: Responsibilities of Adjacent Land Owners
- 4-1-3: General Rules
- 4-1-4: Permit Application and Issuance
- 4-1-5: Supervision
- 4-1-6: Standards and Specifications
- 4-1-7: Submission of Plans
- 4-1-8: Repairs
- 4-1-9: Penalties

4-1-1: **DEFINITIONS:**

PERSON A natural person, firm, corporation, partnership, association, joint venture or other legal entity. Where appropriate singular usage includes the plural, and the masculine gender includes neuter and feminine.

CITY The City of Echo, Oregon.

OWNER Includes a mortgagee in possession and means one or more persons, jointly or severally, in whom is vested:

A. All or part of the legal title to property; or

B. All or part of the beneficial ownership and a right to present use and enjoyment of the premises.

SIDEWALK The part of the street right of way between the curb lines of the lateral lines of a roadway and the adjacent property lines that is intended for the use of pedestrians.

4-1-2: **RESPONSIBILITIES OF ADJACENT LAND OWNERS:**

A. **DUTIES TO MAINTAIN SIDEWALKS:** It is hereby made the duty of all owners of land adjoining any street in the City to reconstruct, repair and

4-1-2

4-1-3

A.

maintain in good condition the sidewalks and curbs in front of, along or abutting said lands.

B. **LIABILITY FOR SIDEWALK INJURIES**

1. The owner of land adjoining any street shall be liable for all damages arising from defects in or for want of repairs and maintenance to the sidewalks or curbs in front of, along or abutting upon the land of such owner or owners.

2. If the City is required to pay damages for an injury to persons or property caused by the failure of a person to perform the duty, which this section imposes, the person shall compensate the City for the amount of any damages thus paid. The City may maintain an action in a court of competent jurisdiction to enforce the provisions of this Section.

C. **PROHIBITED ACTIONS:** It shall be unlawful to use rock salt or any other substance on sidewalks located on the city right-of-way which shall be harmful either to the sidewalk surface or to anyone walking on the sidewalk. This code specifically prohibits the use of rock salt as a de-icer.

4-1-3: **GENERAL RULES:**

A. **Permit Required:** No person may construct, repair or alter a sidewalk or curb without first obtaining a permit from the City Recorder or City Administrator.

B. **Compliance With Standards:** Persons shall construct, repair or alter a sidewalk or curb to conform to the general standards and specifications provided in this Chapter and the standards and specifications adopted by the City Council and currently on file with the City Recorder, as provided by Section 4-1-6 of this Chapter.

C. **Parking Strips:**

1. **General:** If the curb and the outer edge of the sidewalk do not join, the property owner of the property abutting the sidewalk shall fill the intervening space to a level with the slope of the sidewalk.

2. Tree Planting in Parking Strip: Before planting or removing trees in the parking strip, the person wishing to plant or remove such trees shall meet provisions of City ordinances.

- D. Barricades and Lights: A person who excavates or alters the sidewalk or parking strip and thereby creates a condition which endangers pedestrian traffic shall maintain adequate barricades and/or lights in accordance with State standards around the construction site to protect the public.
- E. No person may install a gasoline, fuel oil or other dispensing device on the sidewalk, street right of way or other public property.
- F. PROHIBITED ACTIONS: It shall be unlawful to ride any bicycle upon city sidewalks so as to endanger pedestrians. Use of roller blades or skateboards on the sidewalks located along commercial streets listed below is prohibited:

Main Street.

Dupont Street. Between Sprague and Bridge St. (excluding the sidewalk along the west side of the George Park).

Bonanza Street. Between Sprague and Bridge St.

Anyone violating this section may be cited into municipal court under provisions of 4-1-9 or may have their bicycle, skateboard or roller blades impounded by city staff or police.

4-1-4: **PERMIT APPLICATION AND ISSUANCE:**

- A. Persons shall apply for a permit to construct, repair or alter a sidewalk or curb with the City Administrator or City Recorder and provide required plans.
- B. If the proposed improvement conforms to the applicable standards and specifications, the City Administrator or City Recorder shall issue a permit after confirming conformation with the City Maintenance Supervisor.
- C. When a sidewalk or curb is constructed, repaired or altered in connection with improvements or alterations such as a curb cut, driveway approach, sidewalk section or street excavation, the City Administrator or City Recorder shall issue one permit for the entire project.

4-1-5: **SUPERVISION:** The City Maintenance Supervisor may inspect any materials and construction details as in his judgment may be required to ensure compliance with the permit and with the applicable standards and specifications.

4-1-6: **STANDARDS AND SPECIFICATIONS:**

A. The City Council shall adopt standards and specifications for the construction, alteration and repair of sidewalks. Any changes to such specifications may be by resolution.

B. Unless otherwise authorized, a sidewalk or curb shall conform to the following general standards:

1. Materials: A sidewalk or curb shall be made of concrete, except that the City Council shall permit asphalt sidewalks across railroad tracks, in public parks and in such other places where they deem such sidewalks shall not be harmful to the public.

2. Slope: A sidewalk shall have a slope of one-quarter inch (1/4") per foot.

3. Width: A sidewalk shall have the following widths:

 a. Residential and industrial districts-four feet (4').

 b. Commercial districts- from curb line to property line.

4. Location: A sidewalk shall be located so that the outer edge of the sidewalk is on the curb line, except that in a block where some portion of a sidewalk has already been constructed, any newly constructed sidewalk shall be aligned with that portion of the sidewalk already located.

5. Grade: A sidewalk or curb shall be located on established grades. If no grade is established at the time that a permit is requested, a grade of four inches (4") shall be used.

6. Expansion Joints: Expansion joints shall be placed at twenty foot (20') minimum intervals and twenty five foot (25') maximum intervals.

C. A sidewalk may be extended in width to the curb line, but no sidewalk may extend further than the curb line.

D. At street intersections a sidewalk shall extend to the curb line of the intersecting street.

4-1-7: **SUBMISSION OF PLANS:** No person shall construct, alter or repair a sidewalk without submitting the plans and specifications for the proposed work to the City Maintenance Supervisor and obtaining his approval. After determining that the proposed work conforms to the applicable standards and specifications established under Section 4-1-6, the City Maintenance Supervisor shall notify the City Administrator or City Recorder or such approval so that a permit can be issued.

4-1-8: **REPAIRS:**

A. **Abutting Property to Bear the Cost of Repairs:** The expense of maintaining a sidewalk in good repair shall be borne by and apportioned among the lots and premises abutting on or along the sidewalk which needs repair.

B. **Notice to Repair:**

1. The City Maintenance Supervisor shall make an inspection of all sidewalks in the City at least once per year. He shall report his finding to the City Council. If the Council feels a sidewalk needs repair, it shall direct the City Administrator or City Recorder to issue a notice and prepare a certified copy of the notice.

2. The notice shall require the owner of the property abutting the defective sidewalk to obtain a permit and begin repairs within thirty (30) days after the date of service of the notice, and thereafter to diligently complete repairs. The notice shall also state that if the repair is not made by the owner, within thirty (30) days, the City may repair the sidewalk and the cost of the repair will be assessed against the property adjacent to the sidewalk.

3. The City Administrator or City Recorder shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk. If after diligent search the owner is not discovered, the City Administrator or City Recorder may cause a copy of the notice to be mailed to the owner at his last known address by certified mail, return receipt requested, and a copy of the notice to be posted in a conspicuous place on the property; the mailing and posting of the notice shall constitute prima facie evidence against an owner denying responsibility for the cost of repairs assessed against his land.

4. The person serving the notice shall file with the City Recorder or City Administrator a statement stating the time, place and manner of service of notice.

C. City May Make Repairs: If repair of the sidewalk is not started and diligently pursued within thirty (30) days after the service of notice to repair; the City Maintenance Supervisor shall repair or complete the repair of the sidewalk. Upon completion of the repair of the sidewalk, the City Maintenance Supervisor shall submit a report to the Council. The report shall contain an itemized statement of the cost of the repair and the proportionate share of the cost on each lot or parcel of land adjacent to the sidewalk upon which the repair has been made.

D. Assessment for Repairs by City:

1. Upon receipt of the report, the Council shall place a lien on the lot and premises of the owner. The City Administrator or City Recorder shall be directed to make written notice stating the time and manner of making the repair and the costs of the repair. The City Recorder or City Administrator shall attach the notice to the original notice to repair, both of which are part of the record of lien for the improvement. The City Recorder or City Administrator shall enter both records, together with the expenses, in the City lien docket.

2. The lien shall be for the full amount of the costs and expenses, plus interest at the legal rate per annum on the unpaid balance from the date of entry in the lien docket. No interest shall be computed if the lien is paid within thirty (30) days of entry. The City may proceed to foreclose the lien in the manner provided by law, sixty (60) days after the date of entry. (Ord. 251- 83, 2-16-83)

4-1-9: **PENALTIES:** Violation of this Chapter is punishable by a fine not more than two hundred fifty dollars (\$250.00). Each day's violation of a provision of this Chapter shall constitute a separate offense. (Ord. 251-83, 2-16-83; 1986 Code)

CHAPTER 2

TREES

SECTION:

- 4-2- 1: Title
- 4-2- 2: Purpose
- 4-2- 3: Tree Board/Manager
- 4-2- 4: Enforcement, Authority
- 4-2- 5: Definitions
- 4-2- 6: Licensing/Insurance
- 4-2- 7: Street Tree Plan
- 4-2- 8: Heritage Tree
- 4-2- 9: Prohibited Trees
- 4-2-10: Planting Trees & Maintenance
- 4-2-11: Removal of Trees, Nuisance Trees
- 4-2-12: Abuse, Topping, or Mutilation of Trees
- 4-2-13: Review by Council
- 4-2-14: Penalty

4-2-1: **TITLE:** This Chapter shall hereafter by referred to and cited as the Street Tree Chapter of the City of Echo, Oregon. (Ord. 200-74, 2-7-74)

4-2-2: **PURPOSE:** It is the purpose of this ordinance to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the City of Echo

A. The City of Echo recognizes and acknowledges that trees and urban forestry are a part of the history of Echo and that trees significantly enhance the livability and public image of our community; and

B. The City of Echo has been recognized by the National Arbor Day Foundation and Oregon Department of Forestry as a Tree City USA since 1989 and plans to continue to meet Tree City USA requirements; and

C. The City of Echo finds the Tree City USA standards are beneficial to the continued development of the City's urban forestry program and the city's image and livability.

4-2-3: **CITY TREE BOARD/MANAGER:** The Tree Board shall consist of the council members and members of the public appointed by the Mayor to serve as an advisory committee to the Echo City Council. The City Administrator and Public

Works Director will serve as non-voting advisory members of the board. The City Administrator shall serve as the city's Urban Forestry Program Manager.

A. Compensation: Members of the Board shall serve without compensation.

B. Duties and Responsibilities: It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and prepare a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. If changes to the plan are approved by the Board such changes shall be submitted to the City Council as a whole for review and, upon acceptance and approval, shall become effective. The Board, when requested by the Council, shall consider investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. In addition, the Board shall, after hearing, issue or deny such permits as may be called for in this Chapter.

4-2-4: **ENFORCEMENT, AUTHORITY:** The City Tree Board, City Council, Urban Forestry Manager and City Police Department shall be charged with the enforcement of this Chapter.

4-2-5: **DEFINITIONS:**

City-City of Echo, Oregon

Crown-The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.

Damage-Injury to a tree that compromises its health or longevity, or causes its death, including direct or indirect injury caused by insect, disease, human or animal.

Disease-Any tree disease or insect that compromises its health or longevity and is capable of being transmitted to other trees.

Hazardous Tree-A tree or tree part that has a high potential to fall and cause damage or injury to people or property.

Major Pruning-The selective removal of over 20% of a tree's crown.

2

Person-Any person, firm, partnership, association, corporation, company or organization of any kind.

Private Tree-Trees within the City that are not public trees.

Pruning-The selective removal of plant parts to meet specific goals and objectives.

Public Areas-Property owned by the City, all dedicated public rights-of-way, parks, the Oregon Trail Arboretum and any property under the control of the City.

Public Rights-of-Way(ROW)- Include, but are not limited to, streets, alleys, roads, highways, bridges, sidewalks, trails, paths, public easements and all other public ways, including the subsurface under and air space over these areas, but only to the extent of the city's right, title, interest or authority to grant a franchise to occupy and use such streets and easements for telecommunications facilities.

Public Tree-Trees located on public areas.

Street Tree-Trees located on land lying within the public ROW of any dedicated street.

Topping-An inappropriate technique to reduce tree size; cutting a stem more than 2 years old at an indiscriminate location or back to a lateral branch too small to keep the cut stem vital (typically less than 1/3 the diameter of the cut stem); A type of pruning cut that destroys the tree architecture and serves to initiate discoloration and perhaps decay in the cut stem.

Tree-A woody perennial, usually with one main trunk, attaining a height of at least six feet or a trunk diameter of at least 2 inches at 4.5 feet above natural grade.

Urban Forestry-The planting, management and maintenance of trees and related vegetation growing within the City's urban growth boundary for the present and potential positive benefits and contributions to the health and vitality of the City.

4-2-6: **LICENSING/INSURANCE:** It is the intent of the City Council to protect trees and citizens from irresponsible companies or individuals who pose as arborists. It shall be unlawful for any person to engage in the business of cutting, trimming, pruning or removing, trees or shrubs within the City without first producing evidence of certification/license and bonding before the City whether on private or public property. Licensing shall include a City Solicitors Permit and/or

3

Business License. Before any license shall be issued, each applicant shall first file evidence of possession of worker's compensation and liability insurance for bodily injury or death in the amount of \$300,000 minimum and property damage of \$100,000 minimum indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavor as herein described. The exception to this clause is utility franchisees or there contractors shall not be required to be licensed by the city of Echo, but are required to contact the city before beginning work in the city and provide contact information for both the utility and the contractor.

4-2-7 **STREET TREE PLAN:** All trees and shrubs hereafter planted in any public area in the City shall conform as to species and location to the street tree plan/planting guide which is hereby made a part of this Chapter upon its approval by the City Tree Board, unless written permission is granted by the Tree Board.

A. Landscaping and Tree planting requirements for new developments and Commercial Zones are included in the City Subdivision Code chapter 8 and Zoning Code Chapter 9.

4-2-8: **HERITAGE TREE PROGRAM:** The Heritage Tree Program adopted by Resolution 393-10 is hereby made a part of this Chapter.

4-2-9: **PROHIBITED TREES:** It shall be unlawful to plant the trees varieties listed below in the Public Right of Way (ROW) and any of the tree varieties listed below that naturalize or self-seed in the ROW shall be removed by the property owner abutting such ROW.

Ailanthus (Tree of Heaven/Paradise Tree)	Nut trees
Conifer	Poplar
Cottonwood	Willow
Fruit trees (excepting Ornamental non-fruiting cultivars)	

It shall be unlawful to plant willow, cottonwood or poplar trees **anywhere** in the City unless the Public Works Director approves the site as one where the tree roots will not interfere with a public sewer.

The City Tree Planting Guide shall serve as a resource for selection of appropriate trees for the City.

4

4-2-10: **TREE PLANTING AND MAINTENANCE:**

A. Tree Selection. The City of Echo develops and maintains a list of desirable trees for planting along street which provides information on mature height and spread of trees.

B. Overhead Utilities. No street trees other than those species with a mature height of 25 feet or less shall be planted under or within 10 lateral feet of any overhead utility wire.

C. Tree Classifications: Small-mature height of 30 feet; Medium-mature height of 40 feet; Large-Mature height 41 feet and taller;

D. Sidewalks and Curbs. The distance trees may be planted from curbs or sidewalks shall be in accordance with the following: Small trees no closer than 2 feet; Medium Trees no closer than 3 feet; Large trees no closer than 4 feet.

4-2-11: **REMOVAL OF TREES, NUISANCE TREES:**

A. Trimming or Removal: The City may cause to be trimmed, pruned or removed, any trees, shrubs, plants or vegetation in any Public Area or other public place, or may require any property owner to trim, prune or remove any trees, shrubs, plants or vegetation in a Public ROW abutting upon said owner's property, and failure to comply therewith, after thirty (30) days' notice by the Urban Forestry Manager, shall be deemed a violation of this Chapter. Removal of any trees, shrubs, plants or vegetation shall be deemed to include removal of the stump and major roots thereof. Any person seeking to remove a tree unless under direction of the City as described above shall first obtain a Permit from the Urban Forestry Manager. Such permit will require the replacement of removed trees by a new tree unless the Manager deems that the density of existing trees discourages planting new tree(s).

B. Dangerous Trees a Nuisance: Any tree or shrub growing in a public area, or on private property, which is endangering or which in any way may endanger the security or usefulness of any public street, sewer or sidewalk, is hereby declared to be a public nuisance. The City Tree Board/City may require the property owner to remove or trim such tree with thirty (30) days' notice. The Tree Board/City may also remove and tree deemed a nuisance. Failure to comply with the 30 day notice to remove or trim a Tree(s) shall be deemed a violation of this Chapter, and the City may then remove or trim said tree and assess the costs against the property or cite the property owner into municipal court.

4-2-12: **TOPPING, ABUSE OR MUTILATION OF TREES:** It shall be a violation of this Chapter to abuse, top, destroy or mutilate any tree, shrub or plant in a public area, or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing to or on any tree growing in a public area, or to cause or permit any wire charged with electricity

to come in contact with any such tree, or to allow any gaseous, liquid or solid substance which is harmful to such trees to come in contact with their roots or leaves. It shall be unlawful and a violation of this chapter to top any tree located in a public area, except for city electrical franchisee shall have the right to trim or top trees that are creating unsafe conditions or interfering with power lines however the city does encourage utilities to work with property owners to remove such trees and plant new trees that will not interfere with utility trees in place of such damaged or topped trees.

4-2-13: **REVIEW BY COUNCIL:** The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal any ruling or order of the City Tree Board to the City Council by filing a written notice with the City Administrator within ten (10) days after such order or decision of the Tree Board is made. The City Council will review such decision at the next regular meeting based on the evidence submitted at the hearing of the Tree Board. To overturn a decision of the Tree Board the motion must be approved by a quorum of the Council.

4-2-14: **PENALTY:** Any person violating any of the provisions of this Chapter or failing to comply with them shall, upon conviction thereof, be punished by a fine not to exceed two hundred fifty dollars (\$250.00) for each separate offense. Each day during which any violation of the provisions of this ordinance shall occur or continue shall be a separate offense. If as a result of the violation of any provision of this ordinance, the injury, mutilation or death of a tree or shrub located in or on a Public Area is caused, the cost of repair or replacement or appraised dollar value of such tree or shrub shall be borne by the party in violation. The value of trees and shrubs shall be determined in accordance with the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens published by the International Society of Arboriculture.

A. Assessment of Claim: In the event that a nuisance is not abated by the date specified in any notice served by the City, the City is authorized to cause the abatement of said nuisance. The City shall bill the violator for reasonable cost of such abatement and if such bill is not paid within 30 days, the abatement shall be filed as a lien against the property on which the nuisance was located or abutting property as stated in 4-2-11 or 4-2-12. **Amended April 2016**

CHAPTER 3

WATERWORKS REGULATIONS

SECTION:

- 4-3- 1: Title and Scope of Regulations
- 4-3- 2: Definitions
- 4-3- 3: Service Area
- 4-3- 4: Description of Service
- 4-3- 5: Application for Service
- 4-3- 6: Main Extensions
- 4-3- 7: Services
- 4-3- 8: Meters
- 4-3- 9: Water Rates
- 4-3-10: Notices
- 4-3-11: Billing and Payment
- 4-3-12: Meter Error
- 4-3-13: Discontinuance of Service
- 4-3-14: Restoration of Service
- 4-3-15: Unusual Demands
- 4-3-16: Access to Property
- 4-3-17: Responsibility for Equipment
- 4-3-18: Fire Hydrants
- 4-3-19: Penalties
- 4-3-20: Suspension of Rules
- 4-3-21: Easement
- 4-3-22: Amendment of Fees by Resolution
- 4-3-23: Sanitary Hazard Protection of Well #3

4-3-1: **TITLE AND SCOPE OF REGULATIONS:**

A. Short Title: This Chapter shall be known as "Rates, Rules and Regulations for the Operation of the Water Department of the City of Echo, Oregon, Umatilla County" and may also be cited and pleaded.

B. Scope: The Water Department and all customers receiving services from the Water Department, whether inside or outside the City limits, are bound by these rules and regulations of the Water Department.

4-3-2: **DEFINITIONS:**

APPLICANT	The person or persons, firm or corporation making application for water service from the Water Department under the terms of these regulations.
CITY	The legally constituted municipal government of the City of Echo, Umatilla County, Oregon.
CITY COUNCIL	The legally elected group of members composing the City Council, including the Mayor of the City of Echo, Oregon.
CUSTOMER OR USER	An applicant who has been accepted under the terms of these regulations. (Ord. 238-80, 2-6-80)
OWNER	Includes a mortgagee in possession and means one or more persons, jointly or severally in whom is vested: <ul style="list-style-type: none"> A. All or part of the legal title to the property; or B. All or part of the beneficial ownership and right to present use and enjoyment of the premises. (Ord. 270-88, 2-17-88)
SUPERINTENDENT	The person appointed by the City Council to superintend the affairs of the Water Department. (Ord. 238-80, 2-6-80)
TENANT	A person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others, including a dwelling unit owned, operated or controlled by a public housing authority. Also includes lessee. (Ord. 270-88, 2-17-88)
WATER DEPARTMENT	The Water Department of the City of Echo, Oregon.

4-3-3: **SERVICE AREA:** The area served by the Water Department shall be all that area included within the corporate limits of the City of Echo, Oregon and such other contiguous and neighboring territory as the City Council shall, from time to time, deem necessary to serve.

4-3-4: **DESCRIPTION OF SERVICE:**

A. Supply: The Water Department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid, so far as reasonably possible, any shortage or interruption in delivery.

The Water Department shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service from the Water Department for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.

B. Quality: The Water Department will exercise reasonable diligence to supply safe and potable water at all times.

C. Ownership of System: All water mains, valves, fittings, hydrants and other appurtenances, except "customer service lines" as defined in subsection 4-3-7A herein, shall be the property of the Water Department.

D. Classes of Service: The classes of service shall be residential, commercial, standby fire and contract as further qualified by the number after the class as follows:

- (1) Inside City limits.
- (2) Outside City limits.

1. Residential Service: Residential service shall consist of all services for domestic purposes, single family dwellings, homes and Municipal purposes.

2. Commercial Service: Commercial Services shall consist of those services where water is used for commercial services, such as businesses and multi-family dwellings.

3. Standby Fire: Standby fire service shall consist of those services where water is available or used for fire protection only.

4. Contract Service: Contract services shall consist of those services for industrial or independent water district purposes under contracts authorized by the City Council.

E. Special Contracts: When the applicant's requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment or capacity, the Water Department, by authorization

of the City Council, reserves the right to make special contract, the provisions of which are different from and have exceptions to the regularly published water rates, rules and regulations. This special contract shall be in writing, signed by the applicant and approved by the City Council and City Attorney and signed by the Mayor and City Recorder.

F. Resale of Water: Resale of water shall be permitted only under special contract, in writing, between the City Council and the persons, parties or corporation selling the water.

G. Service Preference: In case of shortage of supply, the Water Department reserves the right to give preference in the matter of furnishing service to customers and interests of the Water Department from the standing of public convenience or necessity. Water service to users outside of the City limits shall at all times be subject to the prior and superior rights of the customers within the City limits.

4-3-5: APPLICATION FOR SERVICE:

A. Application Form: Each applicant for water service shall sign an application form provided by the Water Department giving the date of application, location of premises to be served, the date applicant desires services to begin, purpose for which service is to be used, the address for mailing of the billings, the class and the size of the meter service and such other information as the Water Department may reasonably require.

B. Deposits and Establishment of Credit: At the time application for service is made, the applicant shall establish his credit with the Water Department. (Ord. 238-80, 2-6-80; 1986 Code, Ordinance #282-91)

1. Establishment of Credit: The credit of the applicant will be deemed established if the applicant makes a cash deposit with the Water Department to secure the payment of bills for service. The deposit shall be sixty dollars (\$60.00) for each residential unit or user. However if the applicant has received service from the City of Echo before and has a history of delinquent payments, the applicant shall be required to make a cash deposit of one hundred (\$100) dollars for each unit or user. The City Recorder may reduce the deposit to thirty dollars (\$30) for any applicant who is able to provide a letter of recommendation from another Water Department within the state no more than one year from the date of the Echo application for service. The letter of recommendation must state that the applicant was a customer in good standing at the time the applicant left that terminated service. The

deposit charge may be amended by resolution of the City council from time to time. (Ord. 238-80, 2-6-80; 1986 Code, amended Ord. #282.91)

2. Deposits: At the time the deposit is given to the Water Department, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded. The Water Department will not pay interest on any deposit.

3. Forfeiture of Deposit: If an account becomes delinquent and it is necessary to turn off the service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to that premises or that customer at different premises until all outstanding bills due the Water Department have been paid and the cash deposit replaced, together with a fifteen dollar (\$15.00) service charge as provided in subsection 4-3-11F herein. The fees may be amended by resolution of the City Council from time to time. (ord. 282-99)

C. Application Amendments: Customers desiring a material change in the size, character or extent of equipment or operation which would result in a material change in the amount of water used shall give the Water Department written notice of such change prior to the change and the application for service shall be amended.

Customers desiring a change in size, location or number of services shall fill out an amended application. (Ord. 238-80, 2-6-80; 1986 Code)

4-3-6: **MAIN EXTENSIONS:**

A. Within the City Limits: Water main extensions to areas within the City limits not presently serviced with water shall be installed under procedures to be established by the City Council. Subdividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council.

B. Outside the City Limits: Water mains outside the City limits shall be extended only at the expense of the customer served. The main extensions shall become the property of the Water Department at the time installed. The City Council shall determine the size of the main extensions and all extensions shall be of a suitable material approved by the City Council.

Extensions outside the City limits shall be installed by the Water Department or by contractors approved by Water Department. The installation procedures and materials used shall be in accordance with the City and the State of Oregon codes and standards.

- C. Locations of Extensions: The Water Department will make water main extensions only on rights of way, easements publicly owned property. Easements or permits secured for main extensions shall either be obtained in the name of the City along with the rights and title to the main at the time the service is provided to the customers paying for the extension.

4-3-7: SERVICES:

- A. Definition: The "service connection" shall be that part of the water distribution system which connects the meter to the main and shall normally consist of corporation stop, service pipe, curb stop and box, meter yoke and meter box. The "customer service line" shall be that part of the piping on the customer's property that connects the service to the customer's distribution system.
- B. Ownership, Installation and Maintenance: The Water Department shall own, install and maintain all services, and installation and maintenance shall only be performed by authorized employees of the Water Department. The customer shall own, install and maintain the customer service line.
- C. Service Connection Charge: At the time the applicant files for service where no service previously existed, or if he is filing for a change in service size or location, he shall submit with his application the service connection charge.

This charge is to cover the actual cost to the Water Department to install the service from the main to and including the meter and the meter housing. The service connection charge shall be as determined by the Water Department in the current published water rate schedule.

- D. Size of Service: The Water Department will furnish and install a service of such size and at such location as the applicant request, provided such requests are reasonable and that the size requested is one that is listed by the Water Department. The minimum size of service shall be three-fourths inch (3/4"). The Water Department may refuse to install a service line, which is under-sized or over-sized as determined by a study and report of the Superintendent to the City Council.

- E. Changes in Service Size: Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the Water Department for making the change.
- F: Length of Service: Where the main is in a public right of way, the meter will be placed at the right-of-way line nearest the property to be served for the standard connection fee, provided the length of service line does not exceed the width of the right of way.

Where the main is on an easement of publicly owned property other than designated rights of way, the services shall be installed to the boundary of the easement or public property by the Water Department, provided the length of service does not exceed thirty feet (30').

If, in either case cited above, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the Water Department for labor, materials, and equipment plus fifteen percent (15%).

- G. Joint Service Connections: The Water Department may, at its option, serve two (2) or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed.

Service extensions from an existing service to other occupancies or ownerships other than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special considerations approved by the City Council.

- H. Number of Service connections on Premises: The owner of a single parcel of property may apply for and receive as many services as he and his tenants may require, provided his application or applications meet the requirements of the policies, rules and regulations.

- I. Standby Fire Protection Service Connections:

1. Purpose: Standby fire protection service connections of two inch (2") size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms

shall be considered as having such provisions. The Water Department may require that a suitable detector check meter be installed in the standby fire protection service connections, to which hose lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the Plumbing Code of the State of Oregon.

2. **Charges for Service:** Charges for standby fire protection will be stated in the published water rate schedule. No charge will be made for water used in standby fire protection services to extinguish accidental fires or for routine testing of the fire protection service connection, any required detector check meters and any required special water meter installed for the service to the standby connection.

3. **Violations of Regulations:** If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the Water Department. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of the regular water rates.

J. **Fire Service Connections Other Than Standby:** A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the regular rates.

K. **Temporary Service Connections:** For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material furnished by the Water Department. The applicant shall also pay his water bill in advance and based on an estimate of the quantity to be used, or he shall otherwise establish satisfactory credit.

1. **Time Limit:** Temporary service connections shall be disconnected and terminated within six (6) months after installation unless an extension of time is granted in writing by the Water Department.

2. Charge for Water Served: Charges for water furnished through a temporary service connection shall be at the established rated set forth in the current water rate schedule.

3. Installation Charge and Deposits: The applicant for temporary service will be required:

a. To pay the Water Department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service.

b. To deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used, or to otherwise establish credit approved by the Water Department.

c. To deposit with the utility an amount equal to the value of any equipment loaned by the Water Department to such applicant under the terms of subsection K4 hereinafter.

4. Responsibility for Meters and Installation: The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the Water Department. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit refund. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.

L. Customer's Plumbing:

1. Plumbing Code: The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, sewer or drainage, shall comply with the Plumbing Code of the State of Oregon.

2. Control Valves: Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this Section.

It shall be a violation of these rules and regulations for the customer to operate, cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection.

4-3-8

4-3-9

4-3-8 **METERS:**

- A. Ownership: The Water Department will own and maintain all water meters. The Water Department will own and maintain all water meters. The Water Department will not pay rent or any other charge for a meter or other water facilities, including housing and connection's on a customer's premises.
- B. Installation: Installation of water meters shall be performed only by authorized employees of the Water Department. All meters shall be sealed by the Water Department at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.
- C. Size and Type of Meter: Applicants may request and receive any size meter regularly stocked or furnished by the Water Department, providing the request is reasonable and further provided that the meter is not greatly oversized or undersized, as determined by the Water Superintendent. The Water Department reserves the right to determine the type of meter to be installed.
- D. Location of Meters: Meters shall normally be placed at the curb or property lines; the meter will be installed wherever the applicant desires within reason, but the location must be approved by the Water Department. The meters will not be located in driveways or other locations where damage to the meter or its related parts may occur.
- E. Joint Use of Meters: The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, with the City Council.
- F. Changes in Size or Location: If for any reason a change in the size of a meter or service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be so amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

4-3-9 **WATER RATES:¹**

- A. Rates Established: The water rates to be charged for each class of service, including minimum charges, charges for water used over the minimum and

¹Ordinance 246-81, passed July 15, 1981 provides that changes in utility rates shall be made by resolution of the city council.

A.

service connection charges, shall be as follows:

1. RESIDENCE SERVICE:

Residential- 1 (inside City limits)	
Minimum monthly charge - 3,375 gals.	\$ 6.50
Next 7,500 gals.- rate per 1,000 gals.50
Next 7,500 gals.- rate per 1,000 gals.35
All over 18,375 gals.- rate per 1,000 gals.25
Residential-2 (outside City limits)	
Minimum monthly charge - 3,375 gals.	\$26.00
next 7,500 gals.-rate per 1,000 gals.	\$2.00
Next 7,500 gals.-rate per 1,000 gals.	\$1.40
all over 18,375 gals.-rate per 1,000 gals.	\$1.00

The boundaries of the above special areas and pressure zone shall be established by the water department and affixed to a map, the original of which map shall be available at the office of the city recorder at all times. said boundaries may be altered at any time without notice and at the discretion of the water Department.

2. COMMERCIAL SERVICE:

Commercial- 1 (inside City limits)	
Minimum monthly charge- 3,375 gals.	\$6.50
Commercial-2 (outside City limit)	
Minimum monthly charge -3,375 gals.	26.00
Additional rates as for Residential (outside city limits)	

3. School Rate:

For the first 50,000 gals.	\$200.00
For every 1,000 gals. form 50,000 to 150,000	2.00
After 150,000 gals.- for every 1,000 gals.	1.00

4. Contract Service: (industrial, independents water district and all other special contracts authorized by the city council.)

To the above minimum monthly charges for usage in excess of 3,375 gallons shall be added charges according to the following rates:

Next 7,500 gals.-rate per 1,000 gals.	2.00
--	------

4-3-9

4-3-11

A4)

Next 7,500 gals.- rate per 1,000 gals.	1.40
Over 18,375 gals.- rate per 1,000 gals.	1.00

5. SERVICE CONNECTION CHARGES: The charge for installing a new service which includes excavation and backfill, tapping the main, laying the pipe, installing the meter, yoke and meter box, ad replacement of surfacing materials shall be established by resolution of the City Council from time to time. (Ord. #282-91)

- B. Amendment of rates: These water rates may be amended by resolution of the city council from time to tie without invalidating the remainder of these rules ad regulations. (Ord. 238-80, 2-6-80; 1986 code)
- C. Effective Date: the rates herein provided to be paid and collected shall be effective for collection periods beginning on and after the date of this chapter.

4-3-10 **NOTICES**

- A. Notices to customers; Notices from the Water Department to the customer will normally be given in writing and either mailed to or delivered to his last known address. Where conditions warrant and in emergencies, the Water department may notify either by telephone or messenger.
- B. Notices From Customers: Notices from the customer to the Water Department may be given by the customer or his authorized representative orally or in writing at the office of the water department in th city hall or to a agent of the water Department duly authorized to receive notices or complaints.

4-3-11 **BILLING AND PAYMENT:**

- A. Meter readings: Meters will be red and customers bile on the basis of the meter reading to the nearest one hundred (100) gallons.

The Water Department will keep an accurate account on its book of all readings of meters and such account so kept shall be offered at all times, places ad courts as prima facie evidence of the use of water service by the customer.

- B. Rendering of bills:

4-3-11

4-3-11

1. Billing period: All meters shall be read and bill rendered therefore monthly.
 2. Bills for other than normal Billing period: Opening or closing bills, or bills that for any other reason cover containing ten percent (10%) more or ten percent (10%) less days than in the normal billing period shall be prorated.
 3. Bills for more than One Meter; all meters supplying a customer's premises shall be billed separately, except that where the water Department has for operating purposes installed two (2) or more meters in lace of one, the reading may be combined for billing.
- C. Disputed bills: When a customer disputes the correctness of a bill, he 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 or bills. subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service as provided under subsection F of this Section.
- D. Failure to read meters; In the event that is shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of thirty (30) days per month and the total water consumption for billing purposes for that period shall be estimated.
- E. Payment of Bills: Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by that date, the account shall be considered delinquent, unless other arrangements have been made with the Water Department in writing that specify another due date.
- F. Delinquent accounts:
1. Delinquent notice: A reminder of account delinquency be sent, at the discretion of the City recorder, to each delinquent account on or about ten (10) days after the account becomes delinquent.
 2. Turn-Off notice: On or about fifteen (15) days after an account becomes delinquent, a turn-off notice may be sent to the customer said notice shall state a date on which water will be turned off if delinquent account is not paid in full in prior thereto.
 3. Service turn-off: On the turn-off date, the meter reader or other agent of the City shall deliver a written notice to the customer stating that the

F5)

water service is being turned off until all delinquent amounts have been paid. the meter reader or other agent of the city shall immediately thereafter turn off the service. A delivery to the premise served by the meter shall be considered a delivery to the customer.

4. Service charge: In all instances where water has been turned of because of delinquent accounts, a fifteen dollar (\$15.00) service charge shall be made for the restoration of services and replacement of cash deposit as stated in subsection 4-3-5B herein, will be required. Fees may be amended by resolution of the City Council from time to time. (Ord. 238-80, 2-6-80, Ord. 282-91)

5. Delinquency Charge: Any delinquent account not paid in full by the 25th day of the month shall be assessed a late payment charge of one dollar and fifty cents (\$1.50) per month. Such delinquent charge shall be assessed each month the bill is not paid in full while water service is provided. (Ord. #275-89, 282-91)[note \$1.50 for water delinquency and \$1.50 for sewer for a total of \$3.00 per month 4-4-6C]

G. Installment payments of delinquent Accounts: In cases of extreme hardship, the City Recorder shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount, installment period not to exceed the period of time the account was delinquent.

4-3-12: **METER ERROR:**

A. Meter Accuracy: All meter will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of two percent (2 %) under conditions of normal operation.

B. Meter Test:

1. Standard Test: Meter tests will be conducted in accordance standards of practice established by the American Water Works Association.

2. On Customer Request: A customer may, giving not less than seven (7) days' notice, request the Water Department to test the meter servicing his premises. The Water Department will require the customer to deposit the testing fee. This fee shall be thirty five dollars (\$35.00) for meters three-fourths inch (3/4") and smaller, and for meters larger than three fourths inch

4-3-12

4-3-13

B2)

(3/4"), the fee shall be an estimate of the cost of testing the meter as determined by the Water Superintendent.¹ The deposit will be returned to the customer if the test reveals the meter to over-register more than two percent (2 %) under the standard test conditions. The deposit shall be retained if the test reveals the meter accurate within the limits. Customers may, at their option, witness any meter tests which they request.

3. On Water Department Request: if, upon comparison of past water usage, it appears that a meter is not registering properly, the Water Department may, as its option, test the meter and adjust the charges accordingly if the meter either over registers or under registers. No charge for meter testing will be made to the customer for the meter test under these conditions.

4. Adjustment of Bills for Meter Error:

a. No credits or debits will be borne by the City or the customer should the test meter show variance high or low from the accuracy defined in subsection A of this Section.

b. Nonregistering Meters: The Water Department will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions.

4-3-13: **DISCONTINUANCE OF SERVICE:**

A. On Customer Request: Each customer about to vacate any premises supplied with water service by the Water Department shall give the Water Department written notice of his intentions at least two (2) days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all water supplied to such premises until the Water Department shall receive notice of such removal.

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

4-3-13

4-3-13

- B. Nonpayment of Bills: A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in subsection 4-3-11F of these rules and regulations. (Ord. 238-80,2-6-80)

- C. Nonpayment of Sewer Service Charges: If said sewer charges are not paid when due by any such person, firm or corporation whose premises are served or who are subject to the charges herein provided, water service provided to that customer by the City Water Department may be discontinued because of the default in the payment of the sewer service charges. The interest on unpaid bills shall run from the due date thereof at the statutory rate of interest per annum. Such unpaid charges may also be recovered in an action at law in the name of the City, with interest and/or delinquency charges as aforesaid. (Ord. 238-80,2-6-80;1986 Code, Ordinance 282-91)

- D. Improper Customer Facilities:
 - 1. Unsafe Facilities: The Water Department may refuse to furnish water and may discontinue service to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with the plumbing Code of the State of Oregon.

 - 2. Cross Connections: A cross connection is defined as any physical connection between the Water Department's system and another source. The Oregon State Board of Health and the U.S. Public Health Service prohibit cross connections.

The Water Department will not permit any cross connection and will discontinue service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated.

The City Cross Connection and Backflow Program is provided in 4-3-24.

- E. Water Waste: Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the Water Department may discontinue service if such conditions are not corrected after due notice by the Water Department.

- F. Service Detrimental to Others: The Water Department may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

4-3-13

4-3-15

access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The Water Department does not, however, assume the duty of inspecting the customer's line, plumbing and equipment, and shall not be responsible therefore.

4-3-17: RESPONSIBILITY FOR EQUIPMENT:

- A. Responsibility for Customer Equipment: The Water Department shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing or equipment, nor shall the Water Department be liable for loss or damage due to interruption of service or temporary changes in pressure.
- B. Responsibility for Water Department Equipment: Water Department equipment on the customer's premises remains the property of the Department and may be repaired, replaced or removed by the Department employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or remove Water Department equipment on his premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with utility operation and maintenance.
- C. Damage to Water Department Equipment: The customer shall be liable for any damage to equipment owned by the Water Department which is caused by an act of the customer, his agents, employees, contractors, licensees or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks, tampering with meters, injury to meters, including, but not limited to, damages by hot water or steam, and damaged meter boxes, curb stops, meter stops, and other appurtenances. It shall also include damage caused due to freezing.

4-3-18: FIRE HYDRANTS:

- A Operation: No person or persons other than those designated and authorized by the Water Department shall open any fire hydrant belonging to the Water Department, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to the law. No tool other than special hydrant wrenches shall be used to

- A) operate a hydrant valve. In cases where a temporary service has been granted and received water through a fire hydrant, and auxiliary external will be provided to control the flow of water.
- B. Moving a Fire Hydrant: When a fire hydrant has been installed in the locations specified by the proper authority, the Water Department has fulfilled its obligation. If a property owner or other party desires to change the size, type or location of the hydrant, he shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the Water Department and the Fire Department. (Ord. 238-80, 2-6-80)

4-3-19: **PENALTIES:** Any person violating any of the provisions of these rules and regulations shall, upon conviction, be punished by a fine not exceeding two hundred fifty dollars (\$250.00). (1986 Code)

4-3-20: **SUSPENSION OF RULES:** No employee of the Water Department is authorized to suspend or alter any of the policies, rules and regulations cited herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy.

4-3-21: **EASEMENT:** Each applicant and user gives and grants to the City an easement and right of way on and across his property for the installment of water mains and the necessary valves and equipment in connection therewith. (Ord. 238-80, 2-6-80)

4-3-22: **AMENDMENT OF FEES BY RESOLUTION:** The fees set out in subsection 4-3-5B1 and B3, 4-3-11F4, 4-3-12B2 and Section 4-3-14 of this Chapter may be amended by resolution of the City Council from time to time. (1986 Code)

4-3-23: **SANITARY HAZARD PROTECTION OF WELL #3:**

- A. It is unlawful for any person, including a person in possession or control of any land to:
 1. Discard any dead animals, carcasses or parts thereof within one hundred feet (100') of City Well #3;
 3. Deposit any excrement, putrid, nauseous, decaying, deleterious or offensive substance or allow such to remain within one hundred feet (100') of City Well #3.

4-3-23

4-3-23

A)

4. Deposit any rubbish, trash, garbage, debris or other refuse within one hundred feet(100') of City Well #3;

5. Drain, cause or permit to be drained, sewage or the drainage from a cesspool, septic tank, sewer system, recreational or camping vehicle waste holding tank or other contaminated source within one hundred feet (100') of City Well #3;

5. In any manner defoul, pollute, or impair the sanitary condition of the land within one hundred feet (100') of City Well #3.

B. It is unlawful for any person to place or cause to be placed any polluting substance listed in this section into the land within one hundred feet (100') of City Well #3, or for an owner of land within one hundred feet (100') of City Well #3 to knowingly permit any polluting substances listed in this Section to remain within one hundred feet (100') of City Well #3.

C It is unlawful for any person, including a person in the possession or control of land within one hundred feet (100') of City Well #3, to construct, maintain, possess or use any subsurface waste disposal system within one hundred feet (100') of City Well #3, except for the existing City sewer lines and for gravity sewer lines within fifty feet (50') of City Well #3.

D. It is unlawful for any person, including a person in possession or control of any land within one hundred feet (100') of City Well #3, to permit or allow birds, cattle, horses, mules, sheep, goats, hogs or any other animal within one hundred feet (100') of City Well #3. (Ord. 240-80, 5-21-80)

E. A violation of this Section shall be considered a separate offense for each day that violation continues. The City may institute an injunction, abatement, or other appropriate proceedings to prevent, abate or remove any violation of this Section.

F. In addition to any other penalties provided by law, any person who violates this Section shall be fined a maximum of two hundred fifty dollars (\$250.00) for each day of violation. (Ord. 240-80. 5-21-80; 1986 Code)

G. City Well #3 is that certain water well located on the following described property:

4-3-23

4-3-24

G)

Beginning at a point on the northerly boundary line of Bridge Street 12 feet Easterly from Southwest corner on lot 4, Block 6, Koontz Second Addition to the City of Echo; thence Northwesterly 100 feet to a point 12 feet Easterly from Northeast corner of Lot 3, Block 8, in said Addition; thence at right angles Easterly to a point on Westerly boundary line of the right of way of Government or Henrietta Mill Ditch; thence 100 feet, more or less, Southeasterly along said Westerly boundary line of said Government or Henrietta Mill Ditch to a point at the intersection of said right of way boundary line with Northerly boundary line of Bridge Street; thence Southwesterly 75 feet, more or less, along Northerly boundary line of Bridge Street to the point of beginning;

All being east of the Willamette Meridian, Umatilla County, Oregon. (Ord. 240-80, 5-21-80)

4-3-24 CROSS CONNECTION & BACKFLOW CONTROL PROGRAM

A. CROSS-CONNECTION CONTROL -- GENERAL POLICY

1 Purpose: To protect the public potable water supply of the City of Echo from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants that could backflow into the public water system; and,

To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-plant potable water system(s) and nonpotable water systems, plumbing fixtures, and industrial piping systems; and,

To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

2. Responsibility: The Public Works Director shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of said Public Works Director an approved backflow-prevention assembly is required at the customer's water service connection; or, within the customer's private water system for the safety of the water system, the Public Works Director or his/her designated agent shall give notice in writing to said customer to

4-3-24

4-3-24

install such an approved backflow-prevention assembly(s) at specific location(s) on his/her premises.

The Customer shall immediately install such approved assembly(s) at his/her own expense; and, failure, refusal, or inability on the part of the customer to install, have tested, and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

B. DEFINITIONS

1. Public Works Director: The official in charge of the water department of the City of Echo. The Public Works Director is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.

2. Approved: Accepted by the authority responsible as meeting an applicable specification stated or cited in this ordinance or as suitable for the proposed use.

3. Auxiliary Water Supply: Any water supply on or available to the premises other than the purveyor's approved public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s), such as a well, spring, river, stream, harbor, and so forth; used waters; or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

4. Backflow: The undesirable reversal of flow in a potable water distribution system as a result of a cross connection.

5. Backpressure: A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, or any other means that may cause backflow.

6. Backsiphonage: Backflow caused by negative or reduced pressure in the supply piping.

7. Backflow Preventer

An assembly or means designed to prevent backflow.

a. Air gap. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, never less than 1 in. (25 mm).

b. Reduced-pressure backflow-prevention assembly. The approved reduced-pressure principle backflow-prevention assembly consists of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks.

c. Double check valve assembly. The approved double check valve assembly consists of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated test cocks. This assembly shall only be used to protect against a non-health hazard (that is, a pollutant).

8. Contamination: An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.

9. Cross Connection: A connection or potential connection between any part of a potable water system and any other environment containing other substances in a manner that, under any circumstances would allow such substances to enter the potable water system. Other substances may be gases, liquids, or solids, such as chemicals, waste products, steam, water from other sources (potable or nonpotable), or any matter that may change the color or add odor to the water.

10. Cross Connections—Controlled: A connection between a potable water system and a nonpotable water system with an approved backflow-prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

11. Cross-Connection Control by Containment: The installation of an approved backflow-prevention assembly at the water service connection to

4-3-24

4-3-24

any customer's premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water system; or it shall mean the installation of an approved backflow-prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections that cannot be effectively eliminated or controlled at the point of the cross connection.

12. Hazard, Degree of: The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

a. Hazard—health. A cross connection or potential cross connection involving any substance that could, if introduced in the potable water supply, cause death, illness, spread disease, or have a high probability of causing such effects.

b. Hazard—plumbing. A plumbing-type cross connection in a consumer's potable water system that has not been properly protected by an approved air gap or an approved backflow-prevention assembly.

c. Hazard—non-health. A cross connection or potential cross connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable, if introduced into the potable water supply.

d. Hazard system. An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination that would have a protracted effect on the quality of the potable water in the system.

13. Industrial Fluids System: Any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution, or plumbing hazard, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulating cooling waters connected to an open cooling tower; and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters,

such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, and so forth; oils, gases, glycerine, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes for fire-fighting purposes.

14. Pollution: The presence of any foreign substance in water that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.

15. Water—Potable: Water that is safe for human consumption as described by the public health authority having jurisdiction.

16. Water—Nonpotable: Water that is not safe for human consumption or that is of questionable quality.

17. Service Connection: The terminal end of a service connection from the public potable water system, that is, where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow-prevention assembly located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.

18. Water—Used: Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the water purveyor.

C. REQUIREMENTS

1 Water System: The water system shall be considered as made up of two parts: the utility system and the customer system.

a. Utility system shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins. The source shall include all component of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

b. The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system that are utilized in conveying utility-delivered domestic water to points of use.

2 Policy: No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state and city laws and regulations and this Cross Connection Control System. Service of water to any premises shall be discontinued by the water purveyor if a backflow prevention assembly required by the City of Echo is not installed, tested, and maintained, or if it is found that a backflow-prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

a. The customer's system should be open for inspection at all reasonable times to authorized representatives of the City of Echo to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Public Works Director shall deny or immediately discontinue 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 and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

b. An approved backflow-prevention assembly shall be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:

i. In the case of premises having an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and that is not acceptable as an additional source by the Public Works Director, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard.

ii. In the case of premises on which any industrial fluids or any other objectionable substances are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line, appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality.

iii. In the case of premises having (1) internal cross connections that cannot be permanently corrected and controlled, or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow-prevention assembly in the service line.

f. The type of protective assembly required under subsections i.ii, & iii shall depend upon the degree of hazard that exists as follows:

i. In the case of any premises where there is an auxiliary water supply as stated in subsection d)i of this section and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly.

ii. In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

g. In the case of any premises where there is any material dangerous to health that is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations,

chemical manufacturing plants, hospitals, mortuaries, and plating plants.

h. In the case of any premises where there are "uncontrolled" cross connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced-pressure principle backflow prevention assembly at the service connection.

i. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air-gap separation or an approved reduced-pressure principle backflow-prevention assembly on each service to the premises.

j. In the case of any premises where, in the opinion of the Public Works Director an undue health threat is posed because of the presence of extremely toxic substances, the Public Works Director may require an air gap at the service connection to protect the public water system. This requirement will be at the discretion of the Public Works Director and is dependent on the degree of hazard.

k. Any backflow-prevention assembly required herein shall be a model and size approved by the Public Works Director. The term approved backflow-prevention assembly shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association titled:

AWWA C510-89—Standard for Double Check Valve Backflow-Prevention Assembly, and AWWA C511-89—Standard for Reduced-Pressure Principle Backflow-Prevention Assembly, and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California established by "Specification of Backflow-Prevention Assemblies"—Sec. 10 of the most current issue of the Manual of Cross-Connection Control. Final approval shall be evidenced by a "Certificate of Approval" issued by an approved testing laboratory certifying full compliance with said AWWA standards and FCCHR specifications.

The following testing laboratory has been qualified to test and certify backflow preventers:

Foundation for Cross-Connection Control and Hydraulic Research
University of Southern California
University Park
Los Angeles, CA 90089

Testing laboratories, other than the laboratory listed above, will be added to an approved list as they are qualified by the Public Works Director.

Backflow preventers that may be subjected to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said qualified laboratory and are listed on the laboratory's current list of approved backflow-prevention assemblies may be used without further testing or qualification.

l. It shall be the duty 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 Public Works Director deems the hazard to be great enough, certified inspections may be required at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative, or by a certified tester approved by the Public Works Director. It shall be the duty of the Public Works Director to see that these tests are made in a timely manner. These assemblies shall be repaired, overhauled, or replaced at the expense of the customer-user whenever said assemblies are found to be defective. Records of such tests, repairs, and overhaul shall be kept and a copy provided to the City of Echo each year.

m. All presently installed backflow-prevention assemblies that do not meet the requirements of this section but were approved assemblies for the purpose described herein at the time of installation and that have been properly maintained, shall, except from the inspection and maintenance requirements under subsection 3.2.6, be excluded from the requirements of these rules so long as the Public Works Director is assured that they will satisfactorily protect the utility system. Whenever the existing assembly is moved from the present location, requires more than minimum maintenance, or when the Public Works Director finds that the maintenance constitutes a hazard to health, the unit shall

be replaced by an approved backflow-prevention assembly meeting the requirements of this section.

CHAPTER 4

SEWER SYSTEM REGULATIONS

SECTION:

- 4--4--1: Definition
- 4--4--2: Sewer Construction Account
- 4--4--3: Operation and Maintenance Account
- 4--4--4: Payments Required
- 4--4--5: Collection of Payments
- 4--4--6: Sewer Service Charges
- 4--4--7: Connection Fees
- 4--4--8: Connection Required
- 4--4--9: Connection Permits
- 4--4--10: Connection Inspections
- 4--4--11: Prohibited Drainage to Sewer
- 4--4--12: Prohibited Substance in Sewer
- 4--4--13: Tampering or Interfering, Penalty

4--4--1: **DEFINITION:**

APPLICANT The person or person, firm or corporation making application for sewer service from the Sewer Department under the terms of these regulations. (ord. #282.91)

B.O.D.(Biochemical Oxygen Demand)

B.O.D. shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) DAYS AT 20 Degrees C, expressed in parts per million by weight.

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

4-4-1

4-4-1

BUILDING SEWER shall mean the extension from the building drain to the public Sewer or other place of disposal.

BUILDING SEWER

LINE The extension from the building to the public sewer main line, including the tap. (ord. #282.91)

CUSTOMER OR

USER An applicant who has been accepted under the terms of these regulations. (ord. #282.91)

GARBAGE

shall mean all putrescible waste, except sewage and body wastes, including waste accumulated of animal, food, or vegetable matter, and including waste that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables; and shall include all of such wastes or accumulations of vegetable matter of residences, restaurants, hotels and places where food is prepared for human consumption. The term “garbage” shall not include recognized industrial by-products, nor shall it include cans, boxes, cartons, papers or other objects which have food or other organic materials of any nature in or adhering thereto.

**INDUSTRIAL
WASTES**

shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

MANAGER

shall mean the City Manager of the City of Echo, or his/her authorized deputy, agent or representative.

OCCUPANT

The owner, tenant or legal agent residing on or having right to use and enjoy the premises. (ord. #282.91)

OWNER

Includes a mortgagee in possession and means one or more persons, jointly or severally in whom is vested:

A. All or part of the legal title to the property; or

B. All or part of the beneficial ownership and a right to present use and enjoyment of the premises.

(Ord. 270-88, 2-17-88)

PH shall mean the acidity or alkalinity of the sanitary or industrial waste. This is equal to the hydrogen ion concentration as measured by the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PRIVATE SEWER shall mean a sewer privately constructed and owned which extends beyond the property line, and through dedicated streets or between or through private lots, past other properties before tying into the public sewer.

PUBLIC SEWER shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority. (Ordinance 322-99)

SEWERAGE SYSTEM The system of sanitary sewers of the City. (Ord. 184, 9-6-72)

TENANT A person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others, including a dwelling unit owned, operated or controlled by a public housing authority. Also includes lessee. (Ord. 270-88, 2-17-88)

4--4--2: **SEWER CONSTRUCTION ACCOUNT:** The proceeds of sewerage system bonds of the City sold pursuant to Oregon Revised Statutes, the Charter, and Ordinance No. 184 of the City, except one hundred forty seven thousand dollars (\$147,000.00) and grants received by such City from the Federal and State governments for sewerage system construction shall be credited to a fund entitled "Sewer Construction Account". Federal and State grants shall be expended only for such sewage treatment facilities or purposes as are authorized by Federal and State law or regulation. Other monies in the Sewer construction Account may be expended for any other costs of construction of the sewerage system of the City. Payments from such account may be made only on checks signed by the Mayor, or, in his absence or inability to act, by the President or chairman of the Council, and by the Recorder. (Ord. 184, 9-6-72; 1986 Code).

4--4--3: **OPERATION AND MAINTENANCE ACCOUNT:** All Payments and collections of sewer service charges under this Chapter shall be deposited in the Operation and Maintenance Account of the Sewer Revenue Account established by this Chapter and shall be used exclusively for the operation,

maintenance and repair of the sewerage system and lagoon or stabilization pond of the City. Such account also may be used to pay reasonable administration costs and expenses of collection of the charges and connection fees imposed by this chapter.

4--4--4: **APPLICATION FOR SERVICE:** Each applicant for sewer service shall sign an application form provided by the City giving the date of application, location of premises to be served, the date the applicant desires services to begin, the address for mailing the billings. Such application may be a joint application for water and sewer service. An applicant must establish credit and pay a deposit as provided in section 4-3-5B. (Ord. 184, 9-6-72, ord. #282-91)

4--4--5: **COLLECTION OF PAYMENTS:** If sewer charges are not paid when due by any customer whose premises are served or who are subject to the charges herein provided, water service provided to that customer by the City Water Department may be discontinued. The interest on unpaid bill shall run from the due date thereof at the statutory rate of interest per annum. Such unpaid charges may also be recovered in an action at law in the name of the City, along with interest or delinquency charges described in subsection 4-4-6 C whichever is greater. (Ord. 184, 9-6-72; 1986 Code, Ord. 282-91)

4--4--6: **SEWER SERVICE CHARGES:**

A. Charges for Service: All customers whose premises have connection with the sewerage system of the City or served thereby shall be charged for using the system. Such charges and rates will be set by resolution of the City Council from time to time. There is levied on all owners of property, whose premises have connection with the sewage system of such city, or served thereby, charges and rates for use of such system. Such charges and rates will be set by resolution of the City Council from time to time.

New users of the sewerage system shall pay for the first month of service proportionately to the time served during the month.

The charges for sewer service provided users outside the corporate City limits of the City of Echo shall be one and one half (1.5) times thos charged like sewer users within the City limits. (Ord. 270-88, 2-17-88 Ord. 282-91).

B: Billing for Charges: The monthly rates for sewage system use shall be added to the water bill of each user of water from the City water system. The council by motion or resolution shall fix the date, after completion of the sewerage system, when such rates first become payable. (Ord. 184, 9-6-72)

4-4-6

4-4-7

C: Delinquent Charges: Sewer system charges shall become due and payable on the 25th day of the month. If such charges are not paid when due, the city may discontinue service following procedures listed in subsection 4-3-11F of these rules and regulations. Any delinquent account not paid in full by the 25th day of the month shall also be assessed a late payment charge of one dollar and fifty cents (\$1.50) per month. Such delinquent charge shall be assessed each month while sewer service is provided and the bill is delinquent. Any delinquent charges owed by a customer at one address served by the sewerage system must be paid before connection to water and sewer service at a new address. (Ord. 270-88, 2-17-88, Ord. 282-91.) [Note: see 4-3-11F5, \$1.50 is assessed each on delinquent sewer and water charges for a total of \$3 per month)

4-4-7: CONNECTION FEES:

A. Fees for Connections: The connection fees imposed by this Section pertain to sewerage system service to existing buildings and to vacant lots that, in the judgment of the Council of the City, may reasonably be served by such system. The fee for connection to such system shall be set by resolution of the City Council from time to time. (Ord. 210-74, 10-9-74; 1986 Code)

B. Payment of Fees: Fees for connections of existing buildings to the system shall be due within thirty (30) days of the date fixed by the Council by motion or resolution as the date of starting of construction of the system. Connection fees for vacant lots, buildings outside the City limits, and future buildings within the City limits shall be payable in advance. Applicants for connections to be made after completion of construction of the system shall pay all cost of making the connection.

C. Special Connections, Fees:

1. Connections for buildings located outside the corporate limits of the City shall be made by the owners of such buildings. The fee for such connection shall be twice the rate that applies to buildings within the City as set forth above. (Ord. 184, 9-6-72).

2. Connections may be made to vacant lots within the City at the same rates as for residential construction therein. Connections may be made to vacant lots outside the corporate limits of the City at twice the rate for residential connections within the City. If a building to be served by the sewerage system of the City is constructed upon a lot within three (3) years

from the time that a connection is made and paid in full, no additional connection fees shall be made. If the time of completion of construction of a building upon a lot exceeds three (3) years from the date that the connection is made, an additional connection charge to be set by resolution of the City Council from time to time will be made for each year from the time of completion of construction and the time that water service is provided for the building.

4--4--8: **LATERAL CONNECTION, MAINTENANCE AND ABANDONMENT:**

A. The owner of all houses, buildings or other properties used for human occupancy, employment, recreation or other purposes, having a building sewer situated within 200 feet of a public sewer is required at the owner's expense to connect said facilities directly to the public sewer in accordance with the provisions of this ordinance. If the City learns of any property within the City that fails to comply with the provisions of this section, the City shall promptly send the owner written notice of noncompliance and stating that within ninety (90) days after receipt of the notice, provided that said sewer is not more than 100 feet from the owner's nearest property line and connection is available through a public or private right-of-way, the owner, at the owner's expense, shall connect the premises to the public sewer. For purposes of this section notice shall be deemed to have been received upon the mailing of said notice by certified or registered mail directed to the owner at the owner's last known address.

Upon the failure of the owner to connect said premises to the public sewer system as required by the notice, the Manager, after giving the owner an opportunity to be heard before the City Council, may proceed to connect the premises to the public sewer system and the cost collected and enforced as provided in ORS 223.505 et seq as those statutes currently exist or are amended. The lien shall bear interest at the rate of 9% per annum from the date of entry on the City lien docket. The lien shall be superior to all other lien to the extent allowed under Oregon law. In addition, for failure to connect the sewer as required by the notice described above, the City may turn off water to the property provided the notices required by Code Section 4-3-11 F are sent to the owner.

B. When a service lateral is unused for any period of time resulting in any portion of the service being unsatisfactory, then the City shall charge the cost of making any necessary repairs or replacements, prior to providing sewer service to the customer.

C. The City shall not be liable for any cleaning, maintenance, upkeep, or repair to any sewer connection between the main and the premises served, whether in the public right-of-way or not, unless the necessity thereof is clearly attributable to an action of the City.

D. Property now legally connected to a public sewer, by means of a private sewer, may remain so connected as long as such private sewer does not constitute a health or sanitary hazard. If such private sewer does become a health or sanitary hazard, the City may require it to be disconnected from the public sewer system, and be replaced an extension of the public sewer system as is herein provided.

4--4--9: **CONNECTION PERMITS:**

A. Permits Required: No person shall make any sewer connection to the sanitary sewer system or to a storm drain of the City without making application and securing a permit therefore.

B. Permit Applications:

1. Application for sewer connection shall be made in writing in the form prescribed by officials of said City.

2. Application for sewer connection permits must conform with provisions of any ordinances and other applicable laws regulating excavation in or under streets or alleys.

C. Permit Issuance: If the application is approved and the fees paid as provided, the City shall issue a sewer connection permit specifying the location where said connection shall be made.

4--4--10: **CONNECTION INSPECTIONS:** The City shall be given reasonable notice to allow inspection of a sewer connection 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 the type of sewer pipe that is used in the laterals. The manner of the connection shall be subject to the approval of the City official designated to inspect the work.

4--4--11: **PROHIBITED DRAINAGE TO SEWER:** No person shall discharge or cause to be discharged any storm water, surface water, ground water,

roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet in accordance with Federal and State laws and regulations relating to storm water discharge and as approved by the Manager. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Manager, to a storm sewer or natural outlet.

4-4-12 **PROHIBITED SUBSTANCE IN SEWER:** Except as provided in Code 4-4-18 or otherwise in the City Code, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any liquid or vapor having a temperature higher than 150 degrees F
- B. Any water or waste which may contain more than 100 parts per million, weight, of fat, oil or grease.
- C. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- D. Any garbage that has not been properly shredded.
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage works.
- F. Any waters or wastes having a pH lower than 3.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process. Constitute a hazard to humans or animals or create any hazard in receiving waters of the sewage treatment plant.
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

I. Any noxious or malodorous gas or substance capable of creating a public nuisance. (Ord. #322-99

4--4--13: **INTERCEPTORS:**

A. Grease, oil and sand interceptors shall be provided by hotels, restaurants, filling and service stations, laundries, meat packing plants, woolen mills, milk processing plants, metal fabrication plants, government or residential facilities with central kitchens. The Manager may require interceptors on other building sewers when required to comply with the provisions of Section 4-4-12 including, but not limited to, proper handling of liquid wastes containing grease in excess amounts, or any flammable wastes, sand, and other harmful ingredients, except that interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be properly designed and of the type and capacity required to remove and/or reduce the level of undesirable substances as provided for in Section 4-4-12 and shall be located so as to be readily and easily accessible for cleaning and inspection.

B. Grease and oil interceptors shall comply with the Uniform Plumbing Code, be sized and designed to reduce the levels of grease and oil without pass through, and be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted into place shall be water tight.

C. Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense, in continuously efficient operation at all times.

4-4-14: PROHIBITED FLOWS AND WASTES: The admission into the public sewers of any waters and wastes having (a) a five-day biochemical oxygen demand grater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight suspended solids, or (c) containing any quantity of substances having the same characteristics described in Code 4-4-12, or (d) having an average daily flow greater than two (2%)per cent of the average daily sewage flow of the City, shall be subject to the review and approval of the Manager. Where necessary, the Owner shall provide at his expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or (b)

4-4-14

4-4-16

reduce objectionable characteristics or constituents to within the maximum limits provided for in Code Section 4-4-12, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Manager and of the Department of Environmental Quality and no construction of such facilities shall be commenced until said approvals are obtained in writing, and submitted to the Manager. Reduction of BOD and TSS levels shall be accomplished by mechanical or biological means. Dilution of waste water stream shall not be allowed as a means to reduce BOD or TSS levels.

4-4-15: PRELIMINARY TREATMENT FACILITIES:

A. If any water or wastes, industrial or otherwise, are discharged to a sanitary sewer, and such water and wastes exceed limits and standards set in this ordinance, and which in the judgment of the Manager, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or create malodors, the Manager may (1) reject the water or wastes or (2) require the preliminary treatment to an acceptable condition before discharge to the public sanitary or combined sewer system.

B. If preliminary treatment is required plans, specifications and other information shall be submitted to the Manager and of the Department of Environmental Quality as required by the laws of the State of Oregon. No construction, installation or modification or preliminary treatment facilities shall begin until written approval of plans and specifications by the City and Department of Environmental Quality are obtained. No person by virtue of such approval shall be relieved of compliance with other laws of the City and the state relating to construction and permits. Every facility for the preliminary treatment or handling of water and wastes shall be installed and maintained at the expense of occupant of property discharging the water and waste.

C. If the Manager finds that the occupant of property who controls Preliminary treatment facility fails to maintain such facility in effective operation, the Manager may have the City shut off water service to the premises and/or summarily terminate sewer service to the premises until the facility is put back into effective operation.

4-4-16: PRIVATE MANHOLE INSTALLATION: The owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly

and safely located and shall be constructed in accordance with plans approved by the Manager. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

4-4-17: TEST STANDARDS AND POINTS OF MEASUREMENT:

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in Code 4-4-12 and 4-4-14 shall be determined in accordance with standard methods for the examination of the sewage and shall be determined at the control manhole provided for in Code 4-4-16 or upon suitable samples taken at said manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

4-4-18: ARRANGEMENTS FOR PROHIBITED WASTE: No statement contained in the Ordinance shall be construed as preventing any arrangement between the City and any business whereby waste of unusual strength or character may be accepted by the City for treatment, subject to payment of additional treatment cost therefore by the business as provided for in ordinances of the City.

4-4-19: DAMAGING OR TAMPERING: No person shall injure or in any manner interfere with or remove any pipes, pumps, samplers, appurtenances, facilities or other property belonging to the City or used in connection with the City sewer system. No person without authorization from the City may open any manhole or sewerage lift station or enter into or tamper with any sewer manhole, sewerage lift station or City property at the sewerage lagoon or stabilization pond. Any person violating provisions of this section shall be charged for all standard costs associated with repairing the results of such injury or interference, plus whatever penalties may be adjudged under the provisions of Section 4-4-21. Any person who inadvertently damages property belonging to the City or used in connection with the City sewer system shall be charged for all standard costs associated with repairing such damage including, but no limited to, labor, materials and overhead.

4-4-20: INSPECTION: The manager or other duly authorized employees of the City bearing proper credentials and identification shall have the authority to inspect, or cause to be inspected, all buildings and premises, except the interiors of dwellings as often as may be necessary, for the purposes of inspection, observation, measurement, sampling, testing and enforcement, in accordance with the provisions of this Chapter.

4-4-21

4-4-21

4-4-21: VIOLATION AND PENALTIES:

- A. A violation of a provision of this Chapter shall be punishable by a fine not to exceed Two Hundred Fifty and No/100 (\$250.00) Dollars.
- B. Every full business day during which an activity continues to be conducted in violation of this chapter shall be considered a separate offense.
- C. Offenses under this Chapter shall be tried in Municipal Court as a violation and not as a crime. As a violation there is no right to jury trial or court appointed counsel. (ord. #322-99)

CHAPTER 5

MUNICIPAL GOLF COURSE

SECTION:

- 4--5--1: Fees Established
- 4--5--2: Common Council to Determine Fees
- 4--5--3: Golf Course Reserve Fund

4--5--1: **FEES ESTABLISHED:** There shall be charged and collected by the Common Council of the City or its agents, for the Municipal Golf Course of the City, the following fees:

Membership Fees: Membership fees shall consist of an initial membership fee, which shall be paid, by each family and each single person over the age of eighteen (18) years. In addition to such initial membership fee, each family shall pay such monthly fees as said Common Council shall determine by resolution.

Green's Fees: There shall be charged and collected by said Common Council or its agents daily green's fees based on the number of holes played as well as the days which the golf course is used.

4--5--2: **COMMON COUNCIL TO DETERMINE FEES:** Said Common Council be, and it is are hereby empowered and authorized to fix by resolution the amount to be charged for the fees set out above. Said Common Council is further empowered from time to time by resolution to modify and amend said fees. (Ord. 168, 7-7-71)

4--5--3: **GOLF COURSE RESERVE FUND:**

A. The City does hereby establish a Reserve Fund for the purpose of improving, upgrading and adding to the Echo Hills Golf Course Irrigation System as allowed under ORS 280.100.

4-5-3

4-5-3

- B. Contributions may be made to this Fund annually during the regular budget process as funds are available, in the discretion of the City Council. The Fund shall start on July 1, 1986.
- C. As provided in State statutes, the annual increments to the Reserve Fund shall not exceed ten (10) years; this Reserve Fund shall expire in July 1996. Should unexpended balances remain after disbursement of the Reserve Fund in 1996, these balances may be transferred to the General Fund upon approval of the City Council and duly spread upon the minutes.
- D. Expenditures from the Reserve Fund shall be made by proper budgetary appropriation or supplemental budget directly from the Reserve Fund.
- E. Reserve Funds shall be accounted for separately from all other funds.
- F. If at any time conditions arise which dispense with the necessity of further accumulation or expenditure from the Reserve Fund, the City Council, by vote of two-thirds (2/3) of the members, may so declare by an appropriate resolution adopted and spread upon the minutes, after which the balances in the Reserve Fund and interest thereon, if any, which otherwise would have been credited to the Reserve Fund, shall be transferred to the General Fund.
(Ord. 262-86, 6-18-86).

Chapter 4

PUBLIC RIGHTS-OF-WAY

4-6-1: Definitions. For the purposes of this ordinance, the following mean:

City. The City of Echo.

Person. Individual, corporation, association, firm, partnership, joint stock company, and similar entities.

Public Rights-of-way. Include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, public easements and all other public ways or areas, including subsurface and air space over these areas.

Within the City. Territory over which the city now has or acquires jurisdiction for the exercise of its powers.

4-6-2: Jurisdiction. The City of Echo has jurisdiction and exercises regulatory Control over each public rights-of-way within the city under the authority of the city charter and state law.

4-6-3: Scope of Regulatory Control. The city has jurisdiction and exercises regulatory control over each public right-of-way whether the city has a fee, easement or other legal interest in the right-of-way. The city has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

4-6-4: City Permission Requirement. No person may occupy or encroach on a public right-of way without permission of the city. The city grants permission to use rights-of-way by franchise, license and permits.

4-6-5: Obligations of the City. The exercise of jurisdiction and regulatory control over a public right-of-way by the city is not official acceptance of the right-of-way and does not obligate the city to maintain or repair any part of the right-of-way. (ord. 317-98)

4-6-6: Recreational Dedication of Street Right-of-ways. It shall be the policy of the City of Echo as adopted in the city’s **Comprehensive Plan:** To consider the potential for recreation use prior to the vacation of any public easement or right-of-way. As such the following street right-of-ways have been closed to through traffic and are now dedicated for recreational use in perpetuity.

Street Name	Park/facility
Water—all	
Front—from Main to Bridge	Fort Henrietta Park

Garfield from Perry to Jane

City/School Tennis Courts