

**Title 13
UTILITIES**

Chapters:

- 13.05 Sewers**
- 13.10 Sewer Rates**
- 13.15 Water**
- 13.20 Solid Waste Management**
- 13.25 Industrial Wastewater Discharge**
- 13.30 Cross Connections**

**Chapter 13.05
SEWERS**

Sections:

- 13.05.010 Definitions.**
- 13.05.020 Use of public sewers required.**
- 13.05.030 Private sewage disposal.**
- 13.05.040 Building sewers and connections.**
- 13.05.050 Use of the public sewers.**
- 13.05.060 Protection from damage.**
- 13.05.070 Powers and authority of inspectors.**
- 13.05.080 Penalties and costs.**

13.05.010 Definitions.

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

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

(2) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

(3) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.

(4) "City" means the city of Burns and its officers, agents and employees.

(5) "Combined sewer" means a sewer receiving both surface runoff and sewage.

(6) "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(7) "Industrial discharge" means the discharge or the introduction of domestic pollutants from any source. This includes partial domestic and partial nondomestic wastewater, regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), into the city's collection and treatment system (including holding tank waste discharged into the system).

(8) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

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

(10) "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(11) "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one and one-quarter inch in any dimension.

(12) "Public sewer" means a sewer, in which all owners of abutting properties have equal rights, and is owned and controlled by the city of Burns, understood to be the lines that carry combined flows of sewage, except those instances where private building sewers are joined, combined or manifolded together, whereby the costs of maintenance and repair are shared jointly by those services that share the line.

(13) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Burns Municipal Code

(14) "Sewage" means a combination of the water-carried wastes from residences, business buildings, and institutions together with such ground, surface and storm waters as may be present.

(15) "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

(16) "Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.

(17) "Sewer" means a pipe or conduit for carrying sewage.

(18) "Slug" means any discharge of any wastewater which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

(19) "Storm drain" or "storm sewer" means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) "Suspended solids" means a total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(21) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently. [Ord. 754 Art. I, 2002]

13.05.020 Use of public sewers required.

(1) No person shall place, deposit, or permit any human or animal excrement, garbage or other objectionable waste to be deposited in any unsanitary manner on public or private property within the city, or on any city property outside the city.

(2) No person shall discharge any sewage or other polluted waters into any natural outlet within the city, or in any area under the jurisdiction of the city, except where suitable treatment has been provided in accordance with this chapter.

(3) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(4) All property used for human occupancy or employment which is within 100 feet of a public sanitary sewer shall be hooked up to the sewer provided the property can be served by the sewer from a public street, alley or right-of-way or a sewer easement. All plumbing fixtures from which sewage is or may be discharged on the property shall be hooked up to the public sanitary sewer within 90 days after the date official notice is given to hook up (unless extended pursuant to city policy). The hookup shall be accomplished in compliance with all applicable federal, state and city laws, regulations and policies.

(5) City water service may be terminated to any property which has not hooked up to the sewer system in compliance with the provisions of this chapter or any other applicable law, rule or regulation. [Ord. 754 Art. II, 2002]

13.05.030 Private sewage disposal.

(1) Where a public sanitary sewer is not available under the provisions of BMC 13.05.020(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter and the regulations of ORS 468B.080.

(2) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the city of Burns, the Oregon Department of Environmental Quality or the Department's agent.

(3) A private sewage disposal system shall not be used until the installation is completed to the satisfaction of the State Department of Environmental Quality or the Department's agent.

(4) The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the Department of Environmental Quality of the State of Oregon. No septic tank or cesspool shall be permitted to discharge into any natural outlet.

(5) At such time as a public sewer becomes reasonably available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools or other private sewage disposal facilities shall be abandoned and filled with suitable material unless otherwise specifically permitted by the city.

Burns Municipal Code

(6) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times so as not to create a public health hazard or water pollution.

(7) Nothing in this section shall be construed to interfere with any additional requirements that may be imposed by the state of Oregon or county health officer. [Ord. 754 Art. III, 2002]

13.05.040 Building sewers and connections.

(1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

(2) The owner or his agent shall make application on a form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the city.

(3) All costs and expenses incident to the installation and connection and future repair of the building sewer shall be borne by the owner. The owner shall pay the cost of and indemnify the city from any cost, claim, loss or damage that may arise out of the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for each building.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and any required test by the city, to meet all requirements of this chapter.

(6) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall conform to the requirements of the State of Oregon Building and Plumbing Codes and applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the "Standard Specifications for Public Works Construction" 1990, Oregon Chapter American Public Works Association shall apply.

(7) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.

(8) The connection of the building sewer into the public sewer shall conform to the requirements of the State of Oregon Building and Plumbing Codes and applicable rules and regulations of the city. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and material must be approved by the city before installation.

(9) The applicant for the building sewer permit shall notify the city when the building sewer is ready for inspection and connection to a public sewer. The connection shall be made under the supervision of the city.

(10) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be permanently repaired and restored in accordance with construction standards used by or adopted by the city. [Ord. 754 Art. IV, 2002]

13.05.050 Use of the public sewers.

(1) No person shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, unreasonably large amounts of uncontaminated cooling water or unpolluted process waters into any sanitary sewer.

(2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the city. Industrial cooling water or unpolluted process waters may be discharged, on approval of the city and Oregon Department of Environmental Quality, to a storm sewer or natural outlet.

(3) No person shall discharge, or cause to be discharged, any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the

Burns Municipal Code

effluent disposal system of the sewage treatment plant, including but not limited to cyanides in excess of 0.5 mg/l as CN in the wastes as discharged to the public sewer.

(c) Any water or wastes having a pH lower than 5.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

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

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the city that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the effluent disposal system, or can otherwise endanger life, limb, public property or constitute a nuisance. In review of the acceptability of these wastes, the city will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 149 degrees Fahrenheit (65 degrees Celsius).

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-quarter inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding, or polishing wastes.

(c) Any waters or wastes containing iron, chromium, copper, zinc, lead and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the city for such materials.

(d) Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the city as necessary, after treatment of the composite sewage, to meet the requirements of the state or federal government.

(e) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the state or federal regulations.

(f) Any waters or wastes having a pH in excess of 11.0.

(g) Materials which exert or cause:

(i) Unusual concentrations or inert suspended solids, (including, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (including, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (including, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(h) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the state and federal agencies having jurisdiction over discharge to the receiving water.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (4) of this

section, and which, in the judgment of the city, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge into the public sewers;
- (c) Require control over the quantities and rates of discharge; or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable codes, ordinances and laws.

(6) Grease, oil and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located and the capacity sized to the approval of the city.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) All measurement, tests and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control 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. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. [Ord. 754 Art. V, 2002]

13.05.060 Protection from damage.

No unauthorized person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is a part of the sewage works. [Ord. 754 Art. VI, 2002]

13.05.070 Powers and authority of inspectors.

(1) The city shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

(2) While performing the necessary work on private properties referred to in subsection (1) of this section, the city shall observe all safety rules applicable to the premises established by the entity or person in charge of the property.

(3) The city shall be permitted to enter all private properties through which the city holds an existing easement for the purposes of, but not limited to, inspections, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in a manner that is not inconsistent with the terms of the existing easement pertaining to the private property involved, and shall cause minimal disturbance of property. [Ord. 754 Art. VII, 2002]

13.05.080 Penalties and costs.

(1) Penalties. Wilful or intentional violation of this chapter is a Class B misdemeanor. Negligent failure to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, is a violation punishable by a fine up to \$1,000 per day. Each day on which either category of a violation or offense shall occur or continue shall be deemed a separate and distinct offense.

(2) Costs. In addition to the penalties provided herein, the city may recover reasonable attorney fees, court costs, court reporters' fees and other costs and expenses of litigation by appropriate civil suit at law

Burns Municipal Code

against the person found to have violated this chapter or the orders, rules, and regulations, and permits issued hereunder and fees.

(3) Falsifying Information. Any person or entity that knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or industrial discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be deemed guilty of and punished for a Class B Misdemeanor. [Ord. 754 Art. VIII, 2002]

**Chapter 13.10
SEWER RATES**

Sections:

- 13.10.010 Authority – Rates established.**
- 13.10.020 Charge against property owner.**
- 13.10.030 Monthly service charge.**
- 13.10.040 No free use of sewer system – City use.**
- 13.10.050 Connection requirements.**
- 13.10.060 Unlawful use of sewer system.**
- 13.10.070 Charges payable when – Delinquency.**
- 13.10.080 Unpaid charges.**
- 13.10.090 Sewer late fee.**
- 13.10.100 Bookkeeping.**
- 13.10.110 Use of funds.**
- 13.10.120 Transfer of funds.**

13.10.010 Authority – Rates established.

Pursuant to the authority vested in Chapter 289, Oregon Laws 1933 (ORS 224.210 to 224.260), as amended by Section 99(c) of the Charter of the city of Burns, the common council of said city does hereby fix the charges and rates for the use of the services rendered by the sewage treatment and disposal plant and sewer system (hereinafter referred to as the “sewer system”) of said city to the users thereof. [Ord. 402 § 1, 1960]

13.10.020 Charge against property owner.

All rates to be paid for said sewer service shall be deemed a charge against and shall be paid by the owners of the respective parcels of real property served, notwithstanding the fact that such property may be occupied by a lessee or other occupant. [Ord. 402 § 2, 1960]

13.10.030 Monthly service charge.

Each user (person, firm or corporation) having a service connection to the sewer system to the city of Burns shall, from and after the passage of the ordinance codified in this section, pay the city of Burns a monthly service charge as set by resolution. A deposit of three times the base unit charge shall be required for all new accounts. [Ord. 652 § 1, 1987; addendum to Ord. 402, 1972; Ord. 402 § 3, 1960]

13.10.040 No free use of sewer system – City use.

None of the facilities afforded by the sewer system shall be furnished free; and in the event that the city or any department, agency or instrumentality thereof shall avail itself of the services afforded by the sewer system, the charge for such service shall be the same as the rates fixed in BMC 13.10.030. [Ord. 402 § 4, 1960]

13.10.050 Connection requirements.

It shall hereafter be unlawful for any person, firm or corporation to have, make or use any connection with the sewer system of the city of Burns, without having first obtained the written consent of the city water department; provided, however, that no written consent shall be required for service connections heretofore made. It shall be unlawful to connect any roof drain or surface water drain or storm drain with the sewer system of the city of Burns, and no permit shall at any time be issued for the connections of a roof drain, surface water drain or storm drain with such sewer system; provided, however, that such connections as were made prior to passage of the ordinance codified in this chapter are hereby approved. The city water department shall advise the clerk in writing of every new connection made and, at the request of the clerk, of any existing connections. [Ord. 402 § 5, 1960]

13.10.060 Unlawful use of sewer system.

Any person, firm or the managing officers of any corporation who shall wilfully make any connection with the sewer system of the city of Burns without having first obtained the written consent of the city water department shall be guilty of a crime against the city and shall, upon conviction thereof, be punished by a fine of not more than \$100.00, or by imprisonment in the city jail one day for each \$2.00 thereof unpaid, or by imprisonment in the city jail for a term not to exceed 50 days, or by both such fine and imprisonment, as the clerk shall decide. [Ord. 402 § 6, 1960]

13.10.070 Charges payable when – Delinquency.

The service charge herein fixed shall be due and payable monthly on or before the first day of each month hereafter, and all payments shall be made to the clerk. All of said monthly payments shall become delinquent 10 days subsequent to the due date thereof, and shall bear interest at the rate of eight percent per annum from the date of delinquency to the date when paid. The clerk shall not be required to notify any owner, lessee or other occupant of any parcel of real property served, now or hereafter subject to the payment of the service charge fixed herein, that a payment is due unless otherwise instructed from time to time by the common council. [Ord. 402 § 7, 1960]

13.10.080 Unpaid charges.

All unpaid sewer charges including late charges shall accrue interest at the legal rate and shall be collectible by the city of Burns by the use of any means allowable under Oregon law. [Ord. 681 § 2, 1991]

13.10.090 Sewer late fee.

Sewer bills sent 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 city manager or clerk, in writing, which specifies another due date. Bills not paid by the due date on which \$5.00 or more is owed shall be assessed a late charge or penalty of not less than \$2.50. [Ord. 683 § 2, 1992]

13.10.100 Bookkeeping.

All revenues resulting from the rates and charges fixed by this chapter, received by the clerk, shall be separately kept, designated and paid over by him to the city treasurer of the city of Burns at intervals of not greater than one week; and such funds shall be kept by the city treasurer separate and apart from all other funds; and such system of bookkeeping shall be adopted by him as shall show at all times all receipts in and disbursements from said fund, and the purpose to which disbursements have been applied. [Ord. 402 § 9, 1960]

13.10.110 Use of funds.

The common council shall cause to be filed with the clerk vouchers for necessary disbursements to be covered by warrants drawn by the clerk against said fund in the hands of the city treasurer out of the revenues received from said sewer system, as above provided, for the cost of maintenance and operation of said sewer system; and after such payment of all of the remaining or net revenues of said sewer system necessary for the payment of principal of and interest on the city of Burns Sewer and Water System Bonds, Series 1956, and any other sewer and water bonds of the city which have been duly authorized but not yet issued, shall be placed in a special fund which shall be designated sewer and water interest and sinking fund, which special fund shall be irrevocably pledged to and used solely for the payment of principal of and interest on said sewer and water bonds when due, so long as any of the said bonds or coupons thereto appertaining remain outstanding and unpaid, and the interest of which said special fund shall be credited thereto and become a part thereof; provided, however, that no further payments need be made into said special fund whenever a reserve has been accumulated therein equal to the principal and interest requirement of the bonds for the next ensuing two years, said reserve to be maintained at all times; and, provided further, that whenever the total amount contained in said special fund shall be equal

Burns Municipal Code

to the total amount of the principal and interest on all outstanding bonds to the last maturity thereof, then no further revenues need be deposited in said special fund. [Ord. 402 § 10, 1960]

13.10.120 Transfer of funds.

All funds collected pursuant to this chapter are hereby transferred to the special fund referred to in BMC 13.10.110. The treasurer of the city of Burns is hereby ordered and directed to make such transfer.
[Ord. 402 § 11, 1960]

**Chapter 13.15
WATER**

Sections:

- 13.15.010 Rules and regulations.**
- 13.15.020 Definitions of general terms.**
- 13.15.030 Service area.**
- 13.15.040 Description of service.**
- 13.15.050 Application for service.**
- 13.15.060 Main extension.**
- 13.15.070 Services.**
- 13.15.080 Meters.**
- 13.15.090 Water rates.**
- 13.15.100 Notices.**
- 13.15.110 Billing and payment.**
- 13.15.120 Meter error.**
- 13.15.130 Discontinuance of service.**
- 13.15.140 Restoration of service.**
- 13.15.150 Unusual demands.**
- 13.15.160 Access to property.**
- 13.15.170 Responsibility for equipment.**
- 13.15.180 Fire hydrants.**
- 13.15.190 Underground utilities.**
- 13.15.200 Tampering with water system.**
- 13.15.210 Penalties.**
- 13.15.220 Amendments.**
- 13.15.230 Prohibiting any free service.**

13.15.010 Rules and regulations.

(1) This chapter shall be known as “rules and regulations for the operation of the water department of the city of Burns.”

(2) The water department and all customers receiving service from the water department, whether inside or outside the city limits, are bound by these rules and regulations for the operation of the water department of the city. [Ord. 651 § 1, 1987]

13.15.020 Definitions of general terms.

As used in this chapter, the following mean:

(1) Applicant: The person or persons, firm or corporation making application for water service from the water department under the terms of these rules and regulations.

(2) City: The legally constituted municipal government of the city of Burns.

(3) Coliform: A bacteriological organism whose count is used to determine the presence of pollution in water.

(4) Council: The governing body of the city.

(5) Customer: An applicant who has been accepted under the terms of these rules and regulations and who receives water service from the water department.

(6) Customer service line: That part of the piping on the customer’s property that connects the service connection to the customer’s distribution system.

(7) Rules and regulations: The rules and regulations for the operation of the water department.

(8) Service connection: That part of the water distribution system that connects the meter to the main and normally consists of corporation stop, service pipe, curb stop and box, meter, meter yoke, and meter

Burns Municipal Code

box.

(9) Superintendent: The person appointed by the city manager to manage the affairs of the water department.

(10) Water: Potable drinking water.

(11) Water department: The water department of the city. [Ord. 651 § 2, 1987]

13.15.030 Service area.

The area served by the water department shall be that area included within the corporate limits of the city and such other contiguous or neighboring territory as the council shall, from time to time, determine to serve. [Ord. 651 § 3, 1987]

13.15.040 Description of service.

(1) Supply.

(a) The water department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a proper pressure and to avoid any shortage or interruption in delivery.

(b) Temporary suspension of service by the water department for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected shall be notified prior to shut-downs. The city shall not be liable for damage resulting from the interruption in service or from lack of service.

(2) Quality. The water department shall exercise reasonable diligence to supply safe and potable water at all times, shall submit samples for bacteriological testing as required by the Oregon State Health Division, and shall otherwise meet requirements of the Division.

(3) Ownership of System. All water mains, valves, fittings, hydrants, service connections, and other appurtenances, except customer service lines, are the property of the water department.

(4) Special Contracts. When the applicant's requirements for water are unusual or large, or necessitate considerable special or reserve equipment or capacity, the water department reserves the right to make special contracts, the provisions of which are different from and have exceptions to the regularly published water rates, and rules and regulations. These special contracts shall be in writing and signed by the applicant and the superintendent. The superintendent shall not sign a special contract until specific approval of the contract has been obtained from the council.

(5) Resale of Water. Resale of water shall only be permitted under special contract.

(6) 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 from the standpoint of public convenience or necessity. Water service to users outside the city limits shall, at all times, be subject to the prior and superior rights of the customers within the city. [Ord. 651 § 4, 1987]

13.15.050 Application for service.

(1) Application Form. Each applicant for water service shall sign an application form provided by the water department. There shall be only one applicant per meter connection. Each applicant shall give the date of application, location of premises, whether they have been served before, the date on which the applicant desires to have service begin, purpose for which service is to be used, the address for mailing or delivery of bills, the applicant's address, the class and size of service, and such other information as the water department may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations of the water department. The application is merely a written request for service and does not bind the water department to serve.

(2) Deposits.

(a) At the time application for service is made, the applicant shall pay a deposit equal to three times the base unit charge as specified in the resolution. At the time the deposit is given to the water department, the applicant shall be given a receipt for the deposit. The deposit is not to be considered as a payment on account. The deposit will be returned to the customer when service to the customer is discontinued; provided, that all outstanding bills have been paid. Interest shall not be paid on deposits.

Burns Municipal Code

(b) 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 shall not be restored to that customer at the same or different premises until all outstanding bills due the water department have been paid and the cash deposit replaced.

(3) Application of Amendments. Customers desiring a material change in the size, character, or extent of equipment or operation that would result in a material change in the amount of water used shall give the water department written notice of such change prior to the change, and the application for service shall be amended. Customers desiring a change in the size, location, or number of services shall fill out an amended application. [Ord. 651 § 5, 1987]

13.15.060 Main extension.

(1) Within the City Limits.

(a) Water main extension to areas within the city limits not presently served with water from adequately sized mains of six inches or larger shall be installed by the water department or by contractors approved by the water department. The cost of such extensions shall be borne by the adjacent properties along which the extensions are made on a front-foot basis, except that the adjacent properties shall not be assessed in excess of the cost of installing a six-inch main, including all fittings and valves.

(b) If a water main is laid to serve property that has paid for a water service connection from another street, the water department shall install a new service connection of like size to the property line or parking strip without charge to the owner; provided, that the property is assessed for the new water main.

(2) Outside the City Limits. Water mains outside the city limits shall be extended only at the expense of the customers served. The water department shall determine the size of the main extension. Extensions outside the city limits shall be installed by the water department or by contractors approved by the water department. The installation procedures and materials used shall be in accordance with the water department's standards. The main extensions shall become the property of the water department at the time water from the city water system is turned into the main extension. If necessary, prior approval of Harney County must be obtained by the petitioning party.

(3) Locations of Extensions. The water department will make water main extensions only on public rights-of-way, easements, or publicly owned property. The council has final authority on granting connections outside of the city limits. Easements or permits secured for main extensions shall either be obtained in the name of the city or transferred to the city, along with all rights and title to the main prior to the time service is provided to the customers paying for the extension. [Ord. 651 § 6, 1987]

13.15.070 Services.

(1) Water Connections.

(a) All applicants shall be responsible for furnishing all materials, labor, equipment and excavation, except as noted below.

(b) The city shall furnish all 5/8-inch meters, meter boxes, and cast iron meter lids. For meters larger than 5/8-inch, the applicant shall bear the cost of such meter, box and lid.

(c) All pavement replacements shall be the responsibility of the applicant.

(d) All workmanship and materials shall strictly conform to the city's standard specifications for such work.

(e) The city shall be responsible for tapping all water mains.

(f) The city public works director, or his representative, shall inspect and have final approval of said work.

(g) Water connection fees shall be as established by resolution of the common council.

(2) Sewer Connections.

(a) All applicants shall be responsible for furnishing all labor, materials, equipment and excavation necessary to make said sewer connection.

(b) All pavement replacements shall be the responsibility of the applicant.

Burns Municipal Code

(c) All workmanship and materials shall strictly conform to the city's standard specifications for such work.

(d) The city public works director, or his representative, shall inspect and have final approval of said work.

(e) Sewer connection fees shall be as established by resolution of the common council.

(3) Service Connection. A service connection charge shall be charged to any applicant who files for service where no service previously existed, or who files for a change in service size or location. The applicant shall submit with the application the minimum service connection charge. The 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. In addition to the cost of the installation, the service connection charge may include a system improvement fee. The amount of the service connection charge shall be set by council resolution.

(4) Size of Service. The water department shall furnish and install a service of a size and at a location that the applicant requests; provided, that the request is reasonable and that the size requested is one that is listed by the water department. The minimum size of service pipe shall be 5/8-inch. The water department may refuse to install a service line that is undersized or oversized, as determined by a study and report of the superintendent to the council.

(5) 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.

(6) Length of Service.

(a) Where the main is in a public right-of-way, the meter shall be placed at the right-of-way line nearest the property to be served for the standard connection fee; provided, that the length of service does not exceed the width of the right-of-way.

(b) Where the main is on an easement or publicly owned property other than designated public rights-of-way, the service shall be installed to the boundary of the easement of public property by the water department; provided, that the length of service does not exceed 30 feet.

(c) If, in either case cited above, the length of service line to the meter location exceeds the maximum distance 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 rental, plus 20 percent of the total.

(7) Joint Service Connections. The water department may, at its option, serve two or more premises with one service connection, but shall not allow more than one applicant for service to be connected to the same meter. The inside diameter of joint service lines shall be sufficient to provide a carrying capacity not less than the combined capacity of the individual service lines of the same size as the meters installed. Service extensions from an existing service to occupancies or ownerships other than those for which the existing service was intended shall not be permitted.

(8) Number of Service Connections on Premises. The owner of a single parcel of property may apply for and receive as many services as the owner and tenants require; provided, that the application or applications meet the requirements of the rules and regulations.

(9) Standby Fire Protection Service Connections.

(a) Purpose. Standby fire protection service connections of two-inch size and larger shall be installed only if adequate provisions are made to prevent the use of water from the services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered to have 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 city.

(b) Charges for Service. Charges for standby fire protection service shall be as established by council resolution. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system. The customer shall pay the full cost of the standby fire protection service connection, any required detector-check meters, and any required special water meter or other device installed solely for the service to the standby connection.

Burns Municipal Code

(c) Violation of Regulations. If water is used from a standby connection service in violation of these regulations, an estimate of the amount used shall 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.

(10) 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 an ordinary service and shall be metered. All water used through that service, regardless of its use, shall be charged at the regular rates.

(11) 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 owned and furnished by the water department. The applicant shall pay the water bill in advance, based on an estimate of the quantity to be used.

(a) Time Limit. Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the water department.

(b) Charge for Water Served. Charges for water furnished through a temporary service connection shall be at the established monthly rates for regular users set forth in the current water rate resolution.

(c) Installation Charge and Deposits. The applicant for temporary service shall:

(i) Pay the water department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service.

(ii) Deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used.

(iii) Deposit with the water department an amount equal to the value of any equipment loaned by the water department to the applicant for use on temporary service. This deposit is refundable under the terms of subsection (11)(d) of this section.

(d) Responsibility for Meters and Installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the water department. If the meter or other facilities are damaged, the cost of making repairs shall be 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 shall be returned to the temporary customer at the termination of service.

(12) Customers' Plumbing.

(a) Plumbing Code. The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures, and other appurtenances carrying or intended to carry potable water, sewage, or drainage, shall comply with the state plumbing code. No connection shall be made, nor shall water service be maintained to any property in which the plumbing does not comply with the provisions of the state plumbing code and applicable state and federal regulations.

(b) Control Valves. Customers shall install a suitable gate and check valve in the customer service line as close to the meter as possible, the operation of which shall control the entire water supply to the premises served and to prevent the backflow of water into the city mains. The customer shall install such additional pressure-reducing valves, pressure relief valves, check valves, pop-off valves, or other control valves, as the customer may desire or the water department may consider necessary to protect the customer's piping from abnormal high or low pressures or from interruptions of service. Repair and replacement of the control valves shall be the responsibility of the customer. A customer shall not operate or cause unauthorized operation of the meter stop or any other appurtenances on the service connection.

(c) Pumps. Where pumping is required to serve a customer at too high an elevation to be served by gravity, the water department may, at its option, require the customer to provide a suitable pump as a condition of service. The installation shall be subject to approval by the superintendent. [Ord. 651 § 7, 1987]

13.15.080 Meters.

(1) Ownership. The water department shall own and maintain all five-eighths-inch water meters. The

Burns Municipal Code

water department shall not pay rent or any other charge for a meter or other water facilities, including housing and connections, located on a customer's premises.

(2) 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.

(3) Size and Type of Meter. An applicant may request and receive a five-eighths-inch meter regularly stocked or furnished by the water department.

(4) Location of Meters. Meters shall normally be placed at the property lines closest to the water main; the meter may be installed wherever the applicant desires, within reason, but the location must be approved by the water department. A meter shall not be located in a driveway or other location where damage to the meter or its related parts may occur.

(5) Joint Use of Meters. The joining of several customers to take advantage of the single minimum charges or large quantity rates is prohibited, except under special contract. Where multiple users are receiving water from a single meter, the applicant for service shall be considered the customer and shall be responsible for all charges.

(6) Changes in Size or Location. If, for any reason, a change in size of a meter and service is required, the installation shall be accomplished on the basis of a new connection, and the customer's application shall be amended. Meters or services moved for the convenience of the customer shall be relocated only at the customer's expense. [Ord. 651 § 8, 1987]

13.15.090 Water rates.

The water rates to be charged, including base rate charges, charges for water used over the specified minimum, fire hydrant rates, and service connection charges, shall be published in a separate water rate schedule adopted by council resolution. All water used, with the exception of that used for fighting fires, shall be metered and a charge made according to the schedule of water rates. [Ord. 651 § 9, 1987]

13.15.100 Notices.

(1) Notices to Customers. Notices from the water department to the customer shall normally be given in writing and either mailed or delivered to the customer's last known address. Where conditions warrant, and in emergencies, the water department may notify by telephone or messenger.

(2) Notices from Customers. Notices from customers to the water department may be given by the customer or authorized representative orally or in writing at the office of the water department, or to an agent of the water department duly authorized to receive notices or complaints. [Ord. 651 § 10, 1987]

13.15.110 Billing and payment.

(1) Meter Readings. Meters shall be read and customers billed on the basis of the meter reading, according to the rate structure established by council resolution. The water department shall keep an accurate account on its books of all readings of meters, and the account so kept shall be offered at all times, places, and courts as prima facie evidence of the use of water service by the customer.

(2) Flat Rates. Where meters have not been installed, the customer shall be billed on the basis of the average monthly charge for the size and class of service supplied to the customer.

(3) Rendering of Bills.

(a) Billing Period. Meters shall be read and bills rendered bimonthly.

(b) Bills for Other Than Normal Billing Period. Opening or closing bills or bills that for any other reason cover a period containing 10 percent more days or 10 percent less days than in the normal billing period shall be prorated.

(c) Bills for More Than One Meter. All meters supplying a customer's premises shall be billed separately; except that where the water department has, for operating purposes, installed two or more meters in place of one, the readings may be combined for billing.

(4) Disputed Bills. A customer who disputes the correctness of a bill shall deposit the amount of the disputed bill at the time the complaint is lodged to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner.

Burns Municipal Code

Failure of the customer to make the deposit shall warrant discontinuance of service as provided under this section.

(5) Failure to Read Meters. In the event that it is impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of 30 days per month, and the total water consumption for billing purposes for the period shall be estimated.

(6) Payment of Bills.

(a) 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 city clerk, in writing, that specify another due date.

(b) Penalty Fees for Late Payments. Bills not paid on which \$5.00 or more is owed by the due date shall be assessed a penalty of not less than \$2.50.

(c) Billing and Late Charges. Customers may be billed on one statement containing both water and sewer service charges, with late charges on either or both. Late water and sewer charges may be lumped together and shown as a single item.

(7) Delinquent Accounts.

(a) If a bill is not paid by the due date designated on the bill, a delinquent notice shall be mailed to the customer. If the bill is not paid in full within 30 days of the mailing of a delinquent notice, water service may be discontinued.

(b) Customers shall be notified of and have the opportunity to be heard by a city official or employee empowered to resolve any valid objections to the billing prior to the disconnection.

(c) Service Turnoff. On the turnoff date, an agent of the water department shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts have been paid. The agent of the water department shall immediately thereafter turn off the service. A delivery to any person residing at the address served by the meter shall be considered a delivery to the customer. If there is no person present at the address served, then the notice may be left on the premises stating that water service will be discontinued on the following morning. The agent shall return to the premises the following morning, shut off the water service, and leave a notice that the water service has been turned off until all delinquent accounts have been paid.

(d) Installment Payments of Delinquent Accounts. In cases of extreme hardship, the city clerk shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount.

(e) Lien against Real Property. If any water bill or charge provided for by these rules and regulations is not paid within 30 days after the water bill or charge becomes due, the city clerk shall notify either the legal or equitable owner of the real property where the water was used or charge incurred, by certified or registered mail, the amount of the water bill or charge, the description of the real property involved, and a statement that if the water bill or charge is not paid within 15 days from the date the notice is mailed, the real property involved will be subject to a lien in the amount of the delinquent water bill or charge. If payment is not made within the 15-day period, the city clerk shall enter in the lien docket of the city a lien against the real property. The city may proceed to foreclose the lien in the manner provided by law for the collection of liens on real property.

(f) In the event of water service disconnection, or service turnoff as provided in subsection (7)(c) of this section, in addition to other fees and charges, all customers shall pay the sum of \$10.00 as a reconnect fee, which shall be paid prior to re-establishment of water service to the customer and property. [Ord. 685 § 1, 1992; Ord. 683 §§ 3, 4, 1992; Ord. 651 § 11, 1987]

13.15.120 Meter error.

(1) Meter Accuracy. All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service that is known to have an error in registration in excess of three percent under conditions of normal operation.

(2) Meter Test.

(a) Standard Test. Meter tests will be conducted in accordance with standards of practice

established by the American Water Works Association.

(b) On Customer Request. A customer may, giving not less than seven days' notice, request the water department to test the meter serving his premises. The water department will require the customer to deposit the testing fee as established by council resolution. The deposit will be returned to the customer if the test reveals the meter to over-register more than three percent under conditions of normal operation. If the meter is operating satisfactorily, or if the meter under-registers more than three percent under the standard test conditions, the deposit shall be forfeited to the water department. Customers may, at their option, witness any meter tests that they request.

(c) On Water Department Request. If, upon comparison with past water usage, it appears that a meter is not registering properly, the water department may, at 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.

(3) Adjustment of Bills for Meter Error.

(a) Fast Meters. When, upon test, a meter is found to be over-registering more than three percent under normal operating conditions, the water department will refund to the customer the full amount of the overcharge, based on corrected meter readings, not exceeding two regular billing periods that the meter was in use.

(b) Slow Meters. When, upon test, a meter is found to be under-registering more than three percent, the water department may bill the customer for the amount of the undercharge, based upon corrected meter readings, not exceeding two regular billing periods that the meter was in use.

(c) 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 on the customer's prior use during the same season of the previous year, or on 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, or both. [Ord. 651 § 12, 1987]

13.15.130 Discontinuance of service.

(1) On Customer Request. Each customer about to vacate any premises supplied with water service by the water department shall give the water department a request to discontinue service prior to the specific date service is to be discontinued. The customer is responsible for all water supplied to the premises until water service is actually discontinued by the city or two days after the city receives notice, whichever occurs first.

(2) 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 these rules and regulations.

(3) Improper Customer Facilities.

(a) 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 state plumbing code.

(4) 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 the conditions are not corrected after due notice by the water department.

(5) Service Detrimental to Others. The water department may refuse to furnish water and may discontinue service to any premises where excessive demand by one customer will result in inadequate service to others.

(6) Fraud or Abuse. The water department will refuse or discontinue service to any premises where it is considered necessary to protect the water department from fraud or abuse. Discontinuance of service for one or both of these causes will be made immediately upon receipt of knowledge by the water department that the condition or conditions exist.

(7) Unauthorized Turnon. Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be

computed at actual cost to the water department, plus 15 percent overhead, but not less than \$10.00. These charges shall be billed to the offending customer, and water shall not be furnished to the premises until the charges are paid and the water department has reasonable assurance that the violation will not recur.

(8) Noncompliance with Rules and Regulations. The water department may, upon five days' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of these rules and regulations. This subsection does not prevent immediate continuance when authorized by this chapter. [Ord. 713, 1996; Ord. 651 § 13, 1987]

13.15.140 Restoration of service.

(1) Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges, plus any restoration charge that may be provided by council resolution, and posting a deposit as provided by this chapter.

(2) Restoration of service after discontinuance of service for the customer's convenience, or for unsafe facilities, water waste, fraud, abuse, or for noncompliance with any of the rules and regulations, shall only be made after adjustments have been made to ensure that the irregularity will not recur. The restoration charge shall be as provided by council resolution, plus any other charges, due or past due, that the water department may have incurred to correct the irregularity. [Ord. 651 § 14, 1987]

13.15.150 Unusual demands.

(1) When an abnormally large quantity of water is desired for filling a swimming pool, log pond, or for other purposes, arrangements must be made with the water department prior to taking the water.

(2) Permission to take water in unusual quantities will be given only if the water department facilities and other consumers are not inconvenienced. [Ord. 651 § 15, 1987]

13.15.160 Access to property.

The duly appointed employees of the water department, under the direction of the superintendent, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purpose of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The water department does not, however, assume the duty of inspecting the customer's line, plumbing, and equipment, and shall not be responsible therefor. [Ord. 651 § 16, 1987]

13.15.170 Responsibility for equipment.

(1) Responsibility for Customer Equipment. The water department shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing, or equipment, nor shall the water department be liable for loss or damage due to interruption of service or temporary changes in pressure. The customer shall be responsible for values on the premises being turned off when the water service is turned on.

(2) Responsibility for Water Department Equipment. Water department equipment on the customer's premises remains the property of the water department and may be repaired, replaced, or removed by the water 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 the premises. The property owner and tenant shall exercise reasonable care to prevent damage to equipment and shall not interfere with its operation. The property owner and tenant must keep vicious dogs or other animals secure or confined to avoid interference with the utility operation and maintenance.

(3) The water department may, at its option, install pressure-reducing valves at the expense of the water department, and for the purpose of reducing pressures from the distribution mains only in order to protect the water department's meter. The installation of a pressure-reducing valve is not designed nor intended to protect any property beyond the meter to the customer's lines. If any property of the customer, after water passes through the meter, is subject to damage by reason of water pressure or changes therein, the loss or damage that may result to the customer's property will be at the sole and exclusive expense of

Burns Municipal Code

the customer and shall not be a responsibility of the water department. Failure of water department control valves or devices will not in any way indicate negligence by the water department or responsibility for damage caused thereby.

(4) **Damage to Water Department Equipment.** The customer shall be liable for any damage to equipment owned by the water department that is caused by an act of the customer, the customer's tenants, agents, employees, contractors, licensees or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks; tampering with meters; injury to meters, including but not limited to damage by hot water or steam; and damaged meter boxes, curb stops, meter stops, and other service appurtenances.

(5) **Damage to Mains, Valves, and Appurtenances by Others.** When underground mains, valves, and other city water department equipment is damaged by a contractor or private individual, the entire cost of repairs shall be borne by that contractor or individual.

(6) The water department shall be notified before excavation by others on city rights-of-way and easements, so location of water pipes and other buried utilities can be established by the city at no cost to the requesting party. Location of utilities will be made according to the best available maps and plans, but in no way relieve a contractor or individual from responsibility for damage. [Ord. 651 § 17, 1987]

13.15.180 Fire hydrants.

(1) **Operation.** No person or persons other than those designated and authorized by the water department shall open any fire hydrant or standpipe belonging to the water department, attempt to draw water from it, or in any manner damage or tamper with it. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and water is received through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.

(2) **Moving a Fire Hydrant.** When a fire hydrant has been installed in the location specified by the proper authority, the water department has fulfilled its obligation. A property owner or other party who desires to change the size, type, or location of the hydrant shall bear all costs of the changes. Any change in the location of the fire hydrant must be approved by the water department. [Ord. 651 § 18, 1987]

13.15.190 Underground utilities.

(1) **Location of Utilities.** Location of underground utilities installed by electric, telephone, television, and other companies on city streets, alleys, and public rights-of-way within the city shall be recorded on an approved plat plan, showing the location of the utilities from property lines. When additions or deletions of the utilities are made, it shall be the responsibility of the company to update the plat plan. One copy of the plan shall be furnished to the city public works department at no charge, and one copy retained by the company.

(2) **Materials.** All wires shall be enclosed in a watertight, nonmetallic conduit, buried to a depth of no less than 24 inches from the surface. The conduit shall lie on a six-inch sand base with a sand cover of approximately eight inches. Conduits allowed to be laid in the same trench as water or sewer pipes shall be laid on one extreme bank side, as approved by the city and in accordance with Oregon Health Division standards. [Ord. 651 § 19, 1987]

13.15.200 Tampering with water system.

No person or persons other than those designated and authorized by the water department shall operate, adjust, or in any manner tamper with any part of the water system of the city. [Ord. 651 § 20, 1987]

13.15.210 Penalties.

A violation of any provision of this chapter is punishable by a fine not to exceed \$500.00. [Ord. 651 § 21, 1987]

13.15.220 Amendments.

(1) **Common Council.** The common council shall have the power to establish water rates and charges

Burns Municipal Code

and amend these rules and regulations as may be necessary for the efficient operation of the water department.

(2) Suspension of Rules. No employee of the water department is authorized to suspend or alter any of the rules and regulations cited herein without specific approval or direction of the council, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy. [Ord. 651 § 22, 1987]

13.15.230 Prohibiting any free service.

Except for service to the city, the water department shall not furnish any water or perform any service to any individual, firm, corporation, association, or institution free of charge or at a reduced rate or for any other consideration than the regular established rate or charges levied through a contractual agreement approved by the council. [Ord. 651 § 23, 1987]

**Chapter 13.20
SOLID WASTE MANAGEMENT**

Sections:

Article I. General Provisions

- 13.20.010 Short title.**
- 13.20.020 Purposes, policy and scope.**
- 13.20.030 Definitions.**

Article II. Franchise and Exemptions

- 13.20.040 Persons and practices exempt from franchise.**
- 13.20.050 Practices prohibited without a franchise.**
- 13.20.060 Grant of exclusive franchise.**
- 13.20.070 Franchise term.**
- 13.20.080 Franchise fee.**
- 13.20.090 Franchisee responsibility.**
- 13.20.100 Supervision.**
- 13.20.110 Suspension, modification or revocation of franchise.**
- 13.20.120 Preventing interruption of service.**
- 13.20.130 Termination of service.**

Article III. Rate Regulation

- 13.20.140 Rate determination.**

Article IV. Public Responsibility

- 13.20.150 Public responsibility.**
- 13.20.160 Payment of service.**

Article V. Administration and Enforcement

- 13.20.170 Appeals.**
- 13.20.180 Construction.**
- 13.20.190 City enforcement.**
- 13.20.200 Penalties.**

Article I. General Provisions

- 13.20.010 Short title.**

This chapter shall be known as the "Solid Waste Management Ordinance" and may be so cited and pleaded and shall be cited herein as the chapter. [Ord. 606 § 1A, 1980]

- 13.20.020 Purposes, policy and scope.**

It is declared to be the public policy of the city of Burns to regulate solid waste management to:

- (1) Ensure safe, efficient, economical and comprehensive solid waste service.
- (2) Ensure fair and equitable consumer rates and to prohibit rate preferences or other practices that might be discriminatory.
- (3) Conserve energy and material resources, reduce solid wastes and promote material and energy recovery in all forms.
- (4) Provide for technologically and economically feasible resource recovery by and through the franchisee on a first option basis.
- (5) Protect public health and the environment.

Burns Municipal Code

- (6) Provide public service standards.
- (7) Protect against improper and dangerous handling of hazardous wastes.
- (8) Provide a basis and incentive for investment in solid waste equipment, facilities, sites and technology. [Ord. 606 § 1B, 1980]

13.20.030 Definitions.

- (1) "City" means the city of Burns.
- (2) "Council" means the common council of the city of Burns.
- (3) "Franchisee" means the person or persons granted by BMC 13.20.060 or a subsequent ordinance or a subcontractor to such person or persons.
- (4) "Hazardous waste" means any waste:
 - (a) Defined as hazardous waste by or pursuant to Chapter 459 ORS; or
 - (b) Defined as hazardous waste by another governmental unit having jurisdiction; or
 - (c) Found to be hazardous to service workers, to service equipment, or to the public by the franchisee.
- (5) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or other private legal entity or any public agency.
- (6) "Resource recovery" means the process of obtaining useful material or energy resources from solid waste, including reuse, recycling, and other materials recovery or energy recovery of or from solid waste.
- (7) "Service" means the collection, transportation or disposal of or resource recovery from solid waste.
- (8) "Solid waste" means all solid waste or semi-solid waste including, without limitation: garbage, rubbish, refuse, trash, ashes or swill, newsprint or waste paper, corrugated or cardboard, grass clippings, compost, residential, commercial, industrial, governmental or institutional wastes, discarded home or industrial appliances, equipment or furniture, vehicle parts or tires, vegetable or animal wastes, and other wastes.
- (9) "Solid waste management" means the prevention of or reduction of solid waste; management of service; and, facilities and equipment necessary or convenient to such activities.
- (10) "Waste" means material that is no longer directly useable by the source, generator or producer of the materials, which material is to be disposed of or to be resource recovered by another person.
 - (a) The fact that all or any part of the material may have value and thus be recovered does not remove them from this definition.
 - (b) The fact that the source, generator or producer of materials has separated or segregated such material from other waste does not remove the materials from this definition. [Ord. 606 § 1C, 1980]

Article II. Franchise and Exemptions

13.20.040 Persons and practices exempt from franchise.

Nothing in this chapter requires a franchise from the following persons for the following business or practices:

- (1) The collection, transportation and reuse of repairable or cleanable discards by a private charitable organization including, without limitation, Harney 4-C and other similar organizations.
- (2) The collection, transportation and reuse or recycling of totally source separated materials or operation of a collection center for totally source separated materials by a religious, charitable, benevolent or fraternal organization which organization was not organized for any solid waste management purpose and which organization is using the activity for fund raising; including, without limitation, scouts and churches.
- (3) The collection, transportation or redemption of returnable beverage containers under Chapter 459 ORS and that portion thereof commonly known as the "Bottle Bill."
- (4) The generator or producer who transports and disposes of waste created as an incidental part of regularly carrying on the business or service of auto wrecking, to the extent licensed by the state of

Oregon; demolition, land clearing or construction; janitorial service; gardening, park maintenance or landscaping service; street sweeping; auto body recovery; or septic tank pumping or sludge collection. "Janitorial service" does not include cleanup of accumulated or stored wastes.

(5) The transportation by a person of solid waste generated or produced by such person to a disposal site, resource recovery site or market.

(6) The purchase of totally source separated solid waste for fair market value.

(7) The providing of service to a state or federal agency under written contract with such agency; provided, however, that the provider shall apply for a franchise for that service only, shall pay the franchise fee on such service, shall comply with all requirements imposed on the franchisee by this chapter and shall, unless the written contract with such agency provides otherwise, charge the rates and adhere to the terms of service imposed on the franchisee by this chapter and attached schedules.

(8) The providing of service for hazardous wastes.

(9) Any other practice, business or activity which is withdrawn by the council after public hearing thereon and upon a resolution and order finding that withdrawal has no substantial impact on service, consumer rates or the purposes stated in BMC 13.20.020. A copy of such order shall be attached hereto, and, marked appropriately, shall thereafter be incorporated in this chapter. [Ord. 606 § 2A, 1980]

13.20.050 Practices prohibited without a franchise.

Unless exempted by BMC 13.20.040 or franchised pursuant to BMC 13.20.060, no person shall:

- (1) Solicit customers for solid waste service; or
- (2) Advertise the providing of such service; or
- (3) Provide such service in the city. [Ord. 606 § 2B, 1980]

13.20.060 Grant of exclusive franchise.

There is hereby granted to Robert and Carolyn Christensen, doing business as C & B Sanitary service, a partnership, the exclusive right, privilege and franchise to provide service within the city limits as of the effective date of the ordinance codified in this chapter and any area that may hereafter by annexed to the city and, for that purpose, to utilize the streets and public facilities of the city. [Ord. 606 § 2C, 1980]

13.20.070 Franchise term.

The rights, privileges and franchise herein granted shall begin on January 1, 1981, and shall be considered as a continuing 10-year franchise that renews each year unless franchisee is notified of nonrenewal. That is, beginning on January 1st of each year, the franchise will be considered renewed for an additional one-year term unless on or before November 1st of any year the council shall notify the franchisee in writing of intent to terminate the franchise. Upon the giving of such notice of termination, the franchisee shall have a franchise which will terminate four years from the date of the notice of termination. The council may later extend the term or reinstate continuing renewal upon mutual agreement with the franchisee. Nothing in this section restricts the council from suspending, modifying or revoking the franchise for cause pursuant to BMC 13.20.110. [Ord. 753 § 1, 2001; Ord. 606 § 2D, 1980]

13.20.080 Franchise fee.

In consideration of the franchise granted by this chapter, the franchisee shall annually pay the city a fee of three percent of the "gross revenues" of the franchisee from its sanitary service within the corporate limits of the city of Burns, less net collectibles. Payment shall be made on or before April 1st of each year to the city clerk. City may demand and receive a verified income statement from franchisee each year. [Ord. 606 § 2E, 1980]

13.20.090 Franchisee responsibility.

(1) The franchisee shall:

(a) Dispose of solid waste at the site approved by the local government unit having jurisdiction of resource recovered wastes, both in compliance with Chapter 459 ORS, and with this chapter, and shall comply with all other federal, state and local laws, ordinances and regulations.

Burns Municipal Code

(b) Provide and keep in force public liability insurance in the amount of not less than \$500,000 for injury to a single person, \$500,000 to a group of persons and \$100,000 property damage, all relating to a single occurrence, which shall be evidenced by a certificate of insurance filed with the city clerk.

(c) Within 30 days after the effective date of the ordinance codified in this chapter, file with the city clerk a written acceptance of this franchise by endorsing acceptance on a copy of this chapter.

(d) Provide sufficient collection vehicles, containers, facilities, personnel and finances to provide all types of the necessary service or subcontract with others to provide such service.

(e) Respond to any complaint on service within 15 days of the receipt of same.

(f) Provide a performance bond in the amount of \$5,000 with a surety licensed to do business in the state of Oregon conditioned upon the full and faithful performance of this agreement and franchise ordinance. In the event that the common council finds that the franchisee has adequate experience and otherwise meets the requirements to guarantee service, it may waive, by resolution, all or part of the bond requirements and may attach any necessary condition to the waiver.

(2) Where a new resource recovery service or a substantial expansion of an existing service is proposed by the city or another person other than the franchisee:

(a) Prior written notice of the proposed service shall be given to franchisee by the city clerk at least 30 days prior to action by the common council.

(b) The council may on its own motion, and shall upon request of the franchisee, hold a public hearing on the proposed service, costs and justification.

(c) In determining whether service is needed, the council shall give due consideration to the purposes of this chapter, the public need for the service, the technological and economic feasibility, the effect on consumer rates, the effect on other service by franchises, applicable laws, ordinances or regulations and any applicable solid waste management plan.

(d) If the council determines that such service is needed, it shall give the franchisee a reasonable opportunity to provide it within a reasonable time or reject it only in the case of a resource recovery service. The council shall determine necessary rates.

(e) If the franchisee rejects a resource recovery service, the council may issue a franchise to another person for such service, place it under limited permit or withdraw it under BMC 13.20.040(9). The council may determine necessary rates and conditions for the service.

(3) The franchisee is not required to store, collect, transport, transfer, dispose of or resource recover any hazardous waste; provided, however, that the franchisee may provide such service outside this chapter in compliance with all applicable laws, ordinances and regulations.

(4) The franchisee may subcontract with others, including but not limited to the city of Burns to bill for services or provide a portion of the service where the franchisee does not have the necessary equipment or service. Such a subcontract shall not relieve the franchisee of total responsibility for providing and maintaining service and from compliance with this chapter.

(5) The franchisee shall not:

(a) Give any rate preference to any person, locality or type of solid waste stored, collected, transported, disposed of or resource recovery. This subsection shall not prohibit uniform classes of rates based upon length of haul, type or quality of solid waste handled and location of customers so long as such rates are reasonably based upon cost of the particular service and are approved by the council, nor shall it prevent any person from volunteering service at reduced cost for a charitable, community, civic or benevolent purpose.

(b) Transfer this franchise or any portion thereof to other persons without prior written approval of the council, which consent shall not be unreasonably withheld. The council shall approve the transfer if the transferee meets all applicable requirements met by the franchisee. A pledge of this franchise as financial security shall be considered as a transfer for purposes of this subsection. The council may attach whatever conditions it deems necessary to guarantee maintenance of service and compliance with this chapter. [Ord. 753 § 2, 2001; Ord. 606 § 2F, 1980]

13.20.100 Supervision.

Service provided under the franchise and other requirements of this chapter shall be under the supervision of the mayor and the council of the city of Burns. Franchisee shall, at reasonable times, permit inspection of his facilities, equipment, and personnel providing service. [Ord. 606 § 2G, 1980]

13.20.110 Suspension, modification or revocation of franchise.

(1) Failure to provide necessary service or otherwise comply with the provisions of this chapter after written notice and a reasonable opportunity to comply shall be grounds for modification, suspension or revocation of the franchise.

(2) After written notice from the mayor and the council that such grounds exist, the franchisee shall have at least 20 days from such date of mailing of the notice in which to comply or request a public hearing before the council.

(3) At a public hearing, the franchisee and other interested persons shall have an opportunity to present oral, written or documentary evidence to the council.

(4) If the franchisee fails to comply within the time specified or, if a council hearing is held, with the order of the council entered upon the basis of findings at the public hearing, the council may suspend, modify or revoke the franchise or make such action contingent upon continued noncompliance.

(5) In the event the council finds an immediate and serious danger to the public through creation of a health hazard, it may take action within a time specified in the notice to the franchisee and without a public hearing prior to taking such action. [Ord. 606 § 2H, 1980]

13.20.120 Preventing interruption of service.

The franchisee agrees as a condition to his franchise that whenever the council determines that a failure of service or threatened failure of service would result in creation of an immediate and serious health hazard or serious public nuisance, the council may, after a minimum of 24 hours' actual notice to franchisee and a public hearing thereon if requested by franchisee, authorize another person to temporarily provide service and use the equipment of the franchisee for the use of which the city of Burns shall provide the franchisee reasonable compensation. The council shall return any seized property and business upon abatement of the actual or threatened interruption of service. [Ord. 606 § 2I, 1980]

13.20.130 Termination of service.

The franchisee shall not terminate or fail to provide service to all or any portion of his customers unless:

(1) The street or road access is blocked and there is no alternate route and provided that the city shall not be liable for such blocking of access; or

(2) Inclement weather conditions render providing service unduly hazardous to persons providing service or the public or such termination is caused by accidents or casualties caused by an act of God, public enemy or vandalism; or

(3) A customer has not complied with BMC 13.20.150 or has not paid for service provided after being sent regular billing and after 15-day written notice to pay; or

(4) Ninety days' written notice of intent to terminate is given to the council and written approval is obtained from the council; or

(5) Ordered by a legislative, administrative or judicial body having jurisdiction. [Ord. 606 § 2J, 1980]

Article III. Rate Regulation

13.20.140 Rate determination.

(1) Rates for service shall be those contained in the document marked Exhibit A, attached to the ordinance codified in this chapter and by this reference hereby incorporated.

(2) Changes in rates shall be made by resolution and order of the council amending Exhibit A, and shall be appended thereto. In determining rates, the council shall give due consideration to current and projected revenue and expenses; actual and overhead expense; the cost of acquiring and replacement of equipment; the services of owner, family and management; the cost of providing for future, added or

different service; a reasonable return to franchisee for doing business; research and development; and such other factors as the council deems relevant. The council may consider rates charged by other persons performing the same or similar service in the same or similar areas.

(3) The franchisee shall provide 60 days' written notice of rate change with accompanying justification of proposed rate changes. Unless a governmental unit has raised the cost of providing service or there has been a substantial increase in cost not covered in the preceding adjustment, rate adjustments shall be made annually on the following schedule:

(a) Application shall be filed by franchisee prior to December 1st.

(b) Unless there is good cause shown and recorded in the minutes of the council, the council shall act upon any rate adjustment by January 20th, and the adjustment shall take effect on February 1st.

(c) An emergency or interim rate for a new or altered service may be adopted by written order of the council valid for a stated period not to exceed six months on the emergency or interim basis.

(4) Rates charged shall be those set as provided herein. Nonscheduled services may be provided at the reasonable cost of providing the service giving consideration to the standards in subsection (2) of this section.

(5) Franchisee may require payment for residential service and multifamily residential service up to three months in advance. Franchisee may bill up to three months in advance, arrears or any combination. Where billed in advance, franchisee will refund a pro rata portion of the payment for any complete month in which service is not to be provided. Franchisee may charge at the time service is provided to drop box or roll off box service customer where the customer has not previously established credit with the franchisee.

(6) If approved in the rate schedule, franchisee may charge a starting charge for a new service and a restart charge to any customer who has been previously terminated for failure to pay for service.

(7) Rates shall be uniform within zones or classes of service. [Ord. 606 § 3A, 1980]

Article IV. Public Responsibility

13.20.150 Public responsibility.

In addition to and not in lieu of compliance with Chapter 459 ORS, and other applicable laws and regulations:

(1) No person shall place hazardous waste for collection or disposal by franchisee without notice to the city clerk and office of franchisee. This shall not apply to minor quantities of wastes generated at or by a single family residential unit which does not pose a threat to the public health.

(2) No unauthorized person shall place material in or remove material from a solid waste collection container without permission of the owner of the container. For the purpose of this section, the franchisee is the "owner" of containers supplied by franchisee.

(3) No unauthorized person shall remove solid waste placed out for collection and resource recovery by the franchisee or a person exempted by BMC 13.20.040 and operating within the exemption.

(4) Unless permitted by the franchisee, no person shall install or use any container of one cubic yard or greater in capacity for pickup by franchisee other than those supplied by franchisee. The purpose of this subsection is to ensure safe equipment, sizes and weights and facilitate franchisee utilizing the most efficient collection equipment and methods. Rates for use of franchisee's containers and drop boxes shall be included in the adopted rate schedule.

(5) No person shall install an underground solid waste container for storage and collection after the effective date of the ordinance codified in this chapter. The franchisee is not required to service an underground container unless the person responsible for it places the can above ground prior to time of collection.

(6) No can for residential service shall be located behind any locked or latched door, gate or inside of any building or structure, during time for service by franchisee.

(7) Each customer shall provide safe access to the solid waste container or wastes without risk or hazard to franchisee's employees, the public or franchisee.

Burns Municipal Code

(8) No container designed for mechanical pickup shall exceed safe loading weights or volumes as established by the franchisee to protect service workers, the customer, the public and the collection equipment.

(9) No container designed for manual pickup shall exceed 32 gallons in size or 60 pounds in loaded weight. Such containers shall be made of metal or be rigid, fireproof, rodent proof and not subject to cracking or splitting, round, tapered at the bottom and have proper handholds and bales.

(10) Unless special service or service equipment is provided by the collector for handling unconfined waste, materials such as rubbish and refuse, brush, leaves, tree cuttings and other debris for manual pickup and collection shall be in securely tied bundles or in any box, sack or other receptacles and solid waste so bundled, tied or contained shall not exceed 60 pounds in weight.

(11) Where a customer requires an unusual volume of service or a special type of service requiring substantial investment in equipment, the franchisee may require a contract with the customer as necessary to finance and assure amortization of such equipment. The purpose of this provision is to assure that such equipment not become a charge against other rate payers who are not benefited.

(12) Stationary compacting devices for solid wastes shall comply with federal and state safety standards and provide adequate protection to user.

(13) Any vehicle used by a person to transport solid waste shall be so loaded and operated as to prevent the wastes from dropping, sifting, leaking, blowing or otherwise escaping from the vehicle onto the public rights-of-way or adjacent lands.

(14) No person shall block access to any container or drop box or roll off box supplied by franchisee. Franchisee may charge extra for return service to such blocked container or drop box or roll off box.

(15) Every person who generates or produces wastes shall remove or have removed all putrescible wastes at least every seven days. More frequent removal shall be required where waste accumulated reasonably threatens the public health. All wastes shall be removed at sufficient frequency as to prevent health hazards, nuisances or pollution.

(16) All garbage and putrescible materials shall be stored in cans supplied by the generator or producer or in containers supplied by the franchisee. When cans are used, they shall be covered except during loading and emptying. The owner of containers shall be responsible for supplying lids or covers; the person in possession or control of property where containers are located shall be responsible to keep said containers covered.

(17) The producer or generator of waste shall clean both cans and containers and shall keep the area around such cans or containers free of accumulated wastes. The franchisee shall provide periodic maintenance to containers supplied by franchisee sufficient to keep said container reasonably clean at all times.

(18) Approved disposal methods shall be as follows:

(a) No person shall dump, collect, remove or dispose of solid waste upon any street, alley, public place or private property within the city except as provided in this and other ordinances of the city.

(b) Wastepaper, boxes, brush, rubbish, debris, leaves, grass, wood and cuttings from trees, lawns, shrubs and gardens (but excepting paper, cardboard, or wood containers in commercial quantities), understood to be any paper, cardboard or wood containers generated by person or business establishments engaged in retail or wholesale business for financial gain, may be burned on private property outside fireplaces, private incinerators or open fires, as provided by this and other ordinances, upon a permit secured from the fire chief.

(c) No person shall burn garbage or other putrescible materials; for the purpose of this chapter, any burning that produces or results in the emission of a dense smoke or a noxious odor shall be deemed to be the burning of prohibited material.

(19) The city reserves the right to require the separation of component parts of materials in or from solid wastes and require the deposit thereof in separate cans, containers, receptacles or places and prescribe the method of disposal or resource recovery thereof. [Ord. 640, 1988; Ord. 606 § 4A, 1980]

13.20.160 Payment of service.

Any person who received service from the franchisee shall be responsible for payment of service. The owner of any multiple-unit rental or lease facility having two or more dwelling units shall be primarily responsible for services unless franchisee contracts with other persons to provide service. [Ord. 606 § 4B, 1980]

Article V. Administration and Enforcement

13.20.170 Appeals.

(1) Any action or determination by franchisee under or pursuant to this chapter may be appealed to the city clerk.

(2) Any action or determination of the city clerk under this chapter may be appealed to the common council. [Ord. 606 § 5A, 1980]

13.20.180 Construction.

Any finding by any court of competent jurisdiction that any portion of this chapter is unconstitutional or invalid shall not invalidate any other provision of this chapter. [Ord. 606 § 5B, 1980]

13.20.190 City enforcement.

The city shall enforce the provisions of this chapter by administrative, civil or criminal action or any combination as necessary to obtain compliance with this chapter. The council shall take such legislative action as is necessary to support this chapter and the franchise granted. The franchisee may enforce payment or protect its rights by appropriate civil action. [Ord. 606 § 5C, 1980]

13.20.200 Penalties.

Violation by any person of the provisions of BMC 13.02.050 or BMC 13.20.150(1), (2), (3), (12), (13), (15), (16), (17), or (18) shall be deemed an offense and, upon conviction, shall be punishable by a fine of not more than \$500.00. [Ord. 606 § 5D, 1980]

**Chapter 13.25
INDUSTRIAL WASTEWATER DISCHARGE**

Sections:

Article I. General Provisions

- 13.25.010 Purpose and policy.**
- 13.25.020 Objectives.**
- 13.25.030 Overview of chapter provisions.**
- 13.25.040 Application.**
- 13.25.050 Definitions.**
- 13.25.060 Abbreviations.**

Article II. Regulations

- 13.25.070 General discharge prohibitions.**
- 13.25.080 Federal categorical pretreatment standards.**
- 13.25.090 Modification of federal categorical pretreatment standards.**
- 13.25.100 Specific pollutant limitations.**
- 13.25.110 State of Oregon requirements.**
- 13.25.120 City's right of revision.**
- 13.25.130 Excessive discharge.**
- 13.25.140 Accidental discharges.**

Article III. Fees

- 13.25.150 Fees.**
- 13.25.160 Amount of fees.**

Article IV. Administration

- 13.25.170 Wastewater discharges.**
- 13.25.180 Wastewater contribution permits.**
- 13.25.190 Reporting requirements for permittee.**
- 13.25.200 Monitoring facilities.**
- 13.25.210 Inspection and sampling.**
- 13.25.220 Pretreatment.**
- 13.25.230 Confidential information.**

Article V. Enforcement

- 13.25.240 Harmful contributions.**
- 13.25.250 Revocation of permit.**
- 13.25.260 Notification of violation.**
- 13.25.270 Show cause hearing.**
- 13.25.280 Legal action.**

Article VI. Fines and Costs

- 13.25.290 Penalties.**
- 13.25.300 Fees and costs.**
- 13.25.310 Falsifying information.**
- 13.25.320 Toxic pollutants list.**

Article I. General Provisions

13.25.010 Purpose and policy.

This chapter sets forth requirements for the discharge of industrial wastewater into the wastewater collection and treatment system of the city of Burns and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR, Part 403). [Ord. 753A (Art. I § 1), 2002]

13.25.020 Objectives.

The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the city wastewater system which will interfere with the operation of the system or contaminate the resulting sludge and effluent waters.

(2) To prevent the introduction of pollutants into the city wastewater system which will pass through the system, inadequately treated, into ground waters or the atmosphere or otherwise be incompatible with the city effluent disposal system.

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(4) To provide for equitable distribution of the cost of the city wastewater system. [Ord. 753A (Art. I § 2), 2002]

13.25.030 Overview of chapter provisions.

This chapter provides for the regulation of discharge to the municipal wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, and requires user reporting. [Ord. 753A (Art. I § 3), 2002]

13.25.040 Application.

This chapter shall apply to the city of Burns and to persons outside the city of Burns who are, by agreement, users of the city wastewater collection and treatment system. Except as otherwise provided herein, the city shall administer, implement, and enforce the provisions of this chapter. [Ord. 753A (Art. I § 4), 2002]

13.25.050 Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the following meanings:

(1) "Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq.

(2) "Approval authority" means the Director of the Department of Environmental Quality for Oregon.

(3) "Authorized representative of industrial user" may be:

(a) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

(b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

(c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the industrial discharge originates.

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

(5) "Building sewer" means a sewer conveying wastewater from the premises of a user to the city system,

(6) "Categorical standards" means National Categorical Pretreatment Standards or Pretreatment Standard as established by the Environmental Protection Agency.

(7) "City" means the city of Burns or the common council of Burns.

(8) "City's collection and treatment system" means the collection and treatment system which is owned by the city of Burns. This definition includes any sewers that convey wastewater to the city

Burns Municipal Code

treatment plants, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this chapter, the city collection and treatment systems shall also include any sewers that convey wastewaters to the treatment plant from persons outside the city of Burns who are, by agreement with the city of Burns, served by the city's wastewater system.

(9) "City's treatment plants" means that portion of the city's system designed to provide treatment to wastewater.

(10) "Compatible pollutant" means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the city's water pollution control facilities permit, where the treatment plant treats such pollutants to the degree required by the city's permit.

(11) "Control authority" shall refer to the "approval authority," defined under subsection (2) of this section or the city if the city has an approved pretreatment program under the provisions of 40 CFR 403.11.

(12) "Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(13) "Director of public works" means the person designated by the city to supervise the operation of the city's owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

(14) "Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

(15) "Grab sample" means a sample which is taken from a waste stream on a onetime basis with no regard to the flow in the waste stream and without consideration of time.

(16) "Holding tank waste" means any waste from holding tanks such as chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks,

(17) "Incompatible pollutant" means all pollutants other than compatible pollutants as defined in subsection (10) of this section.

(18) "Industrial discharge" means the discharge or the introduction of nondomestic pollutants from any source, this includes partial domestic and partial nondomestic wastewater, regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the city's collection and treatment systems (including holding tank waste discharged into the system).

(19) "Industrial user" means a source of discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the city's collection and treatment systems (including holding tank waste discharged into the system).

(20) "Interference" means the inhibition or disruption of the city's treatment processes or operations which contributes to a violation of any requirement of the city's D.E.Q. permit. The term includes prevention of sewage sludge use or disposal by the city in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title V of SWDA) applicable to the method of disposal or use employed by the city.

(21) "National categorical pretreatment standard" or "pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

(22) "National prohibitive discharge standard" or "prohibitive discharge standard" means any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.

(23) "New source" means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

Burns Municipal Code

(24) “National pollution discharge elimination system permit” or “NPDES permit” means a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(25) “Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

(26) “pH” means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(27) “Pollution” means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(28) “Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(29) “Pretreatment” or “treatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the city’s sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

(30) “Pretreatment requirements” means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

(31) “Shall” is mandatory; “may” is permissive.

(32) “Significant industrial user” means any industrial user of the city’s wastewater disposal system who (a) has a discharge flow of 50,000 gallons or more per average work day, or (b) has a flow greater than five percent of the flow in the city’s wastewater treatment systems, or (c) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act, or (d) is found by the city, D.E.Q. or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system’s effluent quality, or air emissions generated by the system.

(33) “State” means the state of Oregon.

(34) “Standard Industrial Classification (SIC)” means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

(35) “Storm water” means any flow occurring during or following any form of natural precipitation and resulting therefrom.

(36) “Suspended solids” means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(37) “Toxic pollutant” means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(38) “User” means any person who contributes, causes or permits the discharge of wastewater into the city’s collection and treatment facilities.

(39) “Wastewater” means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions whether treated or untreated, which is contributed into or permitted to enter the city’s collection and treatment systems.

(40) “Waters of the state” means all streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. [Ord. 753A (Art. I § 5), 2002]

13.25.060 Abbreviations.

The following abbreviations shall have the designated meanings:

Burns Municipal Code

BOD – Biochemical oxygen demand.
CFR – Code of Federal Regulations.
COD – Chemical oxygen demand.
EPA – Environmental Protection Agency.
l – Liter.
mg – Milligrams.
mg/l – Milligrams per liter.
NPDES – National Pollutant Discharge Elimination System.
O&M – Operation and maintenance.
SIC – Standard Industrial Classification.
SWDA – Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TSS – Total suspended solids. [Ord. 753A (Art. I § 6), 2002]

Article II. Regulations

13.25.070 General discharge prohibitions.

No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will or is likely to interfere with the operation or performance of the city's wastewater collection and treatment systems. These general prohibitions apply to all persons whether or not subject to national categorical pretreatment standards or any other national, state of Oregon, or local pretreatment standards or requirements. A person shall not discharge the following substances into the city's sewer systems in such amounts that interfere with the operation of the sewer systems:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the sewer system or to the operation of the pump stations and treatment plant. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent nor any single reading over 10 percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substances which the city, the state of Oregon or EPA has notified the users is a fire hazard or a hazard to the systems.

(2) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spend lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spend grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding, or polishing wastes.

(3) Any wastewater having a pH less than 5.0, or higher than 11.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the collection system, pump stations or treatment plant.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with maintenance of the wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving water of the plant or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

(5) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(6) Any substance which may cause the treatment plant's effluent or any other product of the plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the

reclamation process where the plant is pursuing a reuse and reclamation program. In no case shall a substance discharged into the system cause the treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state of Oregon criteria applicable to the sludge management method being used.

(7) Any substance which will cause the treatment plant to violate its state disposal system permit.

(8) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to dye wastes and vegetable tanning solutions.

(9) Any wastewater having a temperature which will inhibit biological activity in the treatment plant, but in no case wastewater with a temperature at the introduction into the system which exceeds 65 degrees Celsius (149 degrees Fahrenheit) for users with a daily wastewater flow of 25,000 gallons or more.

(10) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference to the treatment plant. In no case shall a slug load have a flow rate, or contain concentrations or quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities, or flow during normal operation.

(11) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the state of Oregon or federal regulations.

(12) Any nondomestic wastewater which causes a hazard to human life or creates a public nuisance. [Ord. 753A (Art. II § 1), 2002]

13.25.080 Federal categorical pretreatment standards.

Upon the promulgation of the federal categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this code section. The city shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. [Ord. 753A (Art. II § 2), 2002]

13.25.090 Modification of federal categorical pretreatment standards.

Where the city's wastewater treatment system achieves consistent removal of pollutants limited by federal pretreatment standards, the city may apply to the approval authority for modification of specific limits in the federal pretreatment standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403, "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The city may modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the approval authority is obtained. [Ord. 753A (Art. II § 3), 2002]

13.25.100 Specific pollutant limitations.

No person shall discharge wastewater containing in excess of:

0.5 mg/l arsenic

0.05 mg/l mercury

0.5 mg/l cadmium

1.5 mg/l nickel

1.5 mg/l copper

0.5 mg/l silver

0.5 mg/l cyanide

0.5 mg/l total chromium

Burns Municipal Code

1.5 mg/l lead

1.5 mg/l zinc

[Ord. 753A (Art. II § 4), 2002]

13.25.110 State of Oregon requirements.

State of Oregon requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this chapter. [Ord. 753A (Art. II § 5), 2002]

13.25.120 City's right of revision.

The city reserves the right to establish by code section more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of this code section. [Ord. 753A (Art. II § 6), 2002]

13.25.130 Excessive discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation developed by the city or state. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in this chapter, BMC 13.25.070, e.g., the pH prohibition.) [Ord. 753A (Art. II § 7), 2002]

13.25.140 Accidental discharges.

(1) User Responsibilities. Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this code section. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility. All existing users shall complete such a plan by January 1, 2005. No user who commences contribution to the city's sewer systems after the effective date of the ordinance codified in this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the city of the incident. The notification shall include location of discharge, type waste, concentration and volume, and corrective actions.

(2) Written Notice. Within five days following an accidental discharge; the user shall submit to the city a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the city's facilities, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(3) Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees to call the city in the event of any excessive or abnormal discharge. Employers shall ensure that all employees who may suffer or cause any excessive or abnormal discharge to occur are advised of the emergency notification procedure. [Ord. 753A (Art. II § 8), 2002]

Article III. Fees

13.25.150 Fees.

It is the purpose of this chapter to provide for the recovery of costs from users of the city's wastewater disposal system for the implementation of the program established herein. The applicable

extra strength charge will be set forth in the city's schedule of charges and fees. [Ord. 753A (Art. III § 1), 2002]

13.25.160 Amount of fees.

(1) The permit fees for sewer service for industrial wastes that require a pretreatment permit shall be as follows:

(a) Base fee for all industrial pretreatment permits: \$50.00.

(b) Plan review for pretreatment and accidental discharge facilities: \$50.00 minimum plus any additional actual cost.

(c) Minimum annual fee for monitoring inspections and surveillance: \$75.00.

(d) Other fees the city determines are necessary to pay for carrying out the requirements of this code section.

(2) The above fees relate solely to industrial pretreatment and are separate from all other fees charged by the city, such as connection charges. [Ord. 753A (Art. III § 2), 2002]

Article IV. Administration

13.25.170 Wastewater discharges.

It shall be unlawful to discharge any industrial wastewater to the city's sewer systems without first obtaining a permit from the city of Burns. [Ord. 753A (Art. IV § 1), 2002]

13.25.180 Wastewater contribution permits.

(1) General Permits. All significant industrial users proposing to connect to or to contribute added flow to the city's sewer systems shall obtain an industrial wastewater discharge permit before connecting to or contributing to the system. All existing significant users connected to or contributing to the system shall obtain an industrial wastewater discharge permit within 180 days after being notified by the city.

(2) Permit Application. Users required to obtain an industrial wastewater discharge permit shall complete and file with the city an application in the form prescribed by the city and accompanied by the appropriate fee set pursuant to Article III, Fees. Existing users shall apply for a wastewater discharge permit within 180 days after notification. In support of the application, the user, along with a professional engineer, shall submit, in units and terms appropriate for evaluation, the following information:

(a) Name, address, and location (if different from the address);

(b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(c) Wastewater constituents and characteristics, including, but not limited to, those mentioned in Article II of this chapter as determined by an EPA-approved analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

(d) Time and duration of contribution;

(e) Average daily and three minutes peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

(i) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

Burns Municipal Code

The following conditions shall apply to this schedule:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.);

(ii) No increment referred to in subsection (2)(i)(i) of this section shall exceed nine months;

(iii) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the city, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the city.

(j) Each product produced by type, amount, process or processes and rate of production;

(k) Type and amount of raw materials processed (average and maximum per day);

(l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(m) Any other information as may be deemed by the cities to be necessary to evaluate the permit application.

(3) Staff Review. The cities staff will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the city may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

(4) Appeals. Any applicant for an industrial use permit who wishes to appeal the administration of this code section may submit a written appeal to the Burns common council for review by the council.

(5) Permit Modifications. Within nine months of the promulgation of a national categorical pretreatment standard, the industrial wastewater discharge permit or users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for an industrial wastewater discharge permit as required by subsection (1) of this section, the user shall apply for an industrial wastewater discharge permit within 180 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing industrial wastewater discharge permit shall submit to the city within 180 days after the promulgation of an applicable federal categorical pretreatment standard the information required by subsections (2)(h) and (i) of this section.

(6) Permit Conditions. Industrial wastewater discharge permits shall be expressly subject to all provisions of this code section and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:

(a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(b) Limits on the average and maximum wastewater constituents and characteristics;

(c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(d) Requirements for installation and maintenance of inspection and sampling facilities;

(e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(f) Compliance schedules;

(g) Requirements for submission of technical reports or discharge reports;

(h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(i) Requirements for notification of the city or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the

wastewater treatment system;

(j) Requirements for notification of slug discharges;

(k) Other conditions as deemed appropriate by the cities to ensure compliance with this code section.

(7) Permits Duration. The permits will not specify a specific time period. The permits will remain in force until there is any change in the wastewater discharge; changes in the terms of the permit or modifications in the requirements of this chapter; or if other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(8) Permit Transfer. Industrial wastewater discharge permits are issued to a specific user for a specific operation. An industrial wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. [Ord. 753A (Art. IV § 2), 2002]

13.25.190 Reporting requirements for permittee.

(1) Compliance Date Report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the city's sewer system, any user subject to pretreatment standards and requirements shall submit to the city a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, and prepared by a qualified professional engineer.

(2) Periodic Compliance Reports.

(a) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the city's sewer systems, shall submit to the city during the months of June and December, unless required more frequently in the pretreatment standard or by the city, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in BMC 13.25.180(2)(e). At the discretion of the city and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the city may agree to alter the months during which the above reports are to be submitted.

(b) The city may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (2)(a) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the city, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Environmental Protection Agency pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Environmental Protection Agency. Sampling shall be performed in accordance with the techniques approved by the Environmental Protection Agency. (Comment: Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of

Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Environmental Protection Agency.) [Ord. 753A (Art. IV § 3), 2002]

13.25.200 Monitoring facilities.

(1) The city shall require monitoring facilities to be provided and operated at the user's own expense to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(2) There shall be ample room to allow accurate sampling and preparation of samples for analysis in or near such sampling manhole or facility. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(3) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Necessary construction shall be completed within 90 days following written notification by the city. [Ord. 753A (Art. IV § 3), 2002]

13.25.210 Inspection and sampling.

The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, state, D.E.Q., and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. [Ord. 753A (Art. IV § 4), 2002]

13.25.220 Pretreatment.

(1) Users shall provide necessary wastewater treatment as required to comply with this code section and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this code section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(2) All records relating to compliance with pretreatment standards shall be made available to officials of the city, EPA or state of Oregon D.E.Q. upon request. [Ord. 753A (Art. IV § 5), 2002]

13.25.230 Confidential information.

(1) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

(2) When requested by the person furnishing a report, the portions of a report which would disclose trade secrets or secret processes shall not be made available for inspection by the public, and may be redacted by the reporting person except as or when disclosure is required by the Oregon Public Records Law (ORS 192.410 to 192.505).

(3) Wastewater constituents and characteristics will not be recognized as confidential information. [Ord. 753A (Art. IV § 6), 2002]

Article V. Enforcement

13.25.240 Harmful contributions.

(1) The city may suspend the wastewater treatment service and/or an industrial wastewater discharge permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare, of persons, to the environment, causes interference to the treatment plant or causes the city to violate any condition of its operating permit.

(2) Any person notified of a suspension of the wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the city sewer systems or endangerment to any individuals. All reconnection expenses shall be the responsibility of the user. In the event severance is necessary, the city shall use reasonable means to give notice immediately before severing the connection. The city shall reinstate the industrial wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 days of the date of occurrence. [Ord. 753A (Art. V § 1), 2002]

13.25.250 Revocation of permit.

Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this article:

(1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

(2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

(4) Violation of conditions of the permit. [Ord. 753A (Art. V § 2), 2002]

13.25.260 Notification of violation.

Whenever the city finds that any user has violated or is violating this chapter, or the industrial wastewater discharge permit, or any prohibition, or limitation of the requirements contained within this chapter, the city may serve upon such person a written notice stating the nature of the violation. Said notice may include a wastewater discharge limit as set by the city. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user. [Ord. 753A (Art. V § 3), 2002]

13.25.270 Show cause hearing.

(1) The city may order any user who causes or allows an unauthorized discharge to show cause before the common council or its designee why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the city regarding the violation, the reason why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the city why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10

Burns Municipal Code

days before the hearing. Service may be made on any agent or officer of any entity permittee.

(2) The common council may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or municipal judge to:

(a) Issue in the name of the city notices of hearings requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(b) Take the evidence;

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the common council for action thereon.

(3) After the common council or its designee has reviewed the evidence, it may issue an order to the public works department and the user or person responsible for the discharge that the sewer service be discontinued after a specified time period. Service may be discontinued as ordered unless adequate treatment facilities, devices or other related appurtenances are properly operated; or devices or other related appurtenances are installed on existing treatment facilities. Further orders and directives as are necessary and appropriate may be issued. [Ord. 753A (Art. V § 4), 2002]

13.25.280 Legal action.

In addition to the foregoing, if any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements or any order of the city, the city attorney may commence an action for appropriate legal and/or equitable relief in the courts of Harney County or the city of Burns. [Ord. 753A (Art. V § 5), 2002]

Article VI. Fines and Costs

13.25.290 Penalties.

Violation of or failure to comply with an order of the city or its designee as to any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, is punishable by a fine of \$1,000. Each day on which a violation shall occur or continue shall be deemed a separate and distinct violation. [Ord. 753A (Art. VI § 1), 2002]

13.25.300 Fees and costs.

In addition to the penalties provided herein, the city may recover reasonable attorney fees, filing fees, court costs, court reporter fees and other expenses of litigation by appropriate civil suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder. [Ord. 753A (Art. VI § 2), 2002]

13.25.310 Falsifying information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or industrial discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, upon conviction, be punished as a Class B misdemeanor. [Ord. 753A (Art. VI § 3), 2002]

13.25.320 Toxic pollutants list.

Toxic pollutants listed in Section 307(a) of the Federal Clean Water Act of 1977.

Acenaphthene	Endrin and metabolites
Acrolein	Ethylbenzene
Acrylonitrile	Fluoranthene
Aldrin/Dieldrin	Haloethers
Antimony and compounds	Halomethanes
Arsenic and compounds	Heptachlor and metabolites
Asbestos	Hexachlorobutadiene
Benzene	Hexachlorocyclopentadiene
Benzidine	Hexachlorocyclohexane

Burns Municipal Code

Beryllium and compounds	Isophorone
Cadmium and compounds	Lead and compounds
Carbon tetrachloride	Mercury and compounds
Chlordane	Naphthalene
Chlorinated benzenes	Nickel and compounds
Chlorinated ethanes	Nitrobenzene
Chlorinalkyl ethers	Nitrophenols
Chlorinated naphthalene	Nitrosamines
Chlorinated phenols	Pentachlorophenol
Chloroform	Phenol
2-chlorophenol chromium and compounds	Phthalate esters
Copper and compounds	Polychlorinated byphenyls (PCB)
Cyanides	Polynuclear aromatic hydrocarbons
DDT and metabolites	Selenium and compounds
Dichlorobenzenes	Silver and compounds
Dichlorobenzidine	2,3,7,8,-Tetrachlorodibenzo-p-dioxin (TCDD)
Dichloroethylenes	2,4-dichlorophenol
	Tetrachloroethylene
Dichloropropane	Thallium and compounds
Dichloropropene	Toluene
2,4-dimethylphenol	Toxaphene
Dinitrotoluene	Trichloroethylene
Diphenylhydrazine	Vinyl chloride
Endosulfan and metabolites	Zinc and compounds

[Ord. 753A (Art. VI § 4), 2002]

**Chapter 13.30
CROSS CONNECTIONS**

Sections:

- 13.30.005 Purpose of provisions.**
- 13.30.010 Definitions.**
- 13.30.020 Purpose.**
- 13.30.030 Cross connections regulated.**
- 13.30.040 Backflow prevention device requirement.**
- 13.30.050 Installation requirements.**
- 13.30.060 Access to premises.**
- 13.30.070 Annual testing and repairs.**
- 13.30.080 Variances.**
- 13.30.090 Costs of compliance.**
- 13.30.100 Termination of service.**

13.30.005 Purpose of provisions.

Pursuant to Chapter 333, Division 61 of the Oregon Administrative Rules, it is the responsibility of the Burns water department to protect its drinking water by instituting and enforcing a cross connection program. Therefore, the following regulations are hereby adopted. [Ord. 710, 1996]

13.30.010 Definitions.

(1) "Approved backflow prevention device" means a device to counteract back pressures or prevent back siphonage. This device must appear on the list of approved devices issued by the Oregon State Health Division.

(2) "Auxiliary supply" means any water source or system other than the public water system, that may be available in the building or on the premises.

(3) "Backflow" means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the district's water.

(4) "Contamination" means the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

(5) "Cross connection" means any physical arrangement where a public water system is connected, directly or indirectly, with any other nondrinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers, or any other device which contains, or may contain, contaminated water, sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change over devices, or other temporary or permanent devices through which, or because of which, backflow may occur are considered to be cross connections.

(6) "Degree of hazard" shall be derived from the evaluation of a health, system, plumbing or pollutional hazard.

(7) "Director" means the director of public works of the Burns water department or authorized agent.

(8) "Department" or "the department" means the Burns water department.

(9) "Health hazard" means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

(10) "Plumbing hazard" means an internal or plumbing-type cross connection in a consumer's potable water system that may be either a pollutional or a contamination-type hazard. This includes, but is not limited to, cross connections to toilets, sinks, lavatories, washtrays, domestic washing machines and lawn sprinkling systems. Plumbing-type cross connections can be located in many types of structures including

homes, apartment houses, hotels and commercial or industrial establishments.

(11) "Pollutional hazard" means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard, as defined. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

(12) "System hazard" means an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system or of a pollution or contamination which would have a detrimental effect on the quality of the potable water in the system.

(13) "Potable water supply" means any system of water supply intended or used for human consumption or other domestic use.

(14) "Premises" means any piece of land to which water is provided including all improvements, mobile home(s) and structures located on it.

(15) "Reduced pressure principle device" shall mean an assembly containing two independently acting approved check valves together with a hydraulically operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The device shall include properly located test cocks and tightly closing shut off valves at the end of the assembly. A check valve is approved if it appears on the list of approved devices issued by the Oregon State Health Division. [Ord. 710 § 1:01, 1996]

13.30.020 Purpose.

The purpose of these regulations is to protect the water supply of the Burns water department from contamination or pollution due to any existing or potential cross connections. [Ord. 710 § 1:02, 1996]

13.30.030 Cross connections regulated.

No cross connections shall be created, installed, used or maintained within the territory served by the Burns water department, except in accordance with these regulations. [Ord. 710 § 1:03, 1996]

13.30.040 Backflow prevention device requirement.

Approved backflow prevention devices shall be installed at the expense of the user, either at the service connection or within the premises, as determined by a certified cross connection inspector employed by the Burns water department, whenever:

(1) The nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premises, could contaminate or pollute the drinking water supply.

(2) Premises having any one or more cross connections as that term is defined in BMC 13.30.010(5) are identified or are present.

(3) Internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist are present.

(4) There is a repeated history of cross connections being established or re-established.

(5) There is unduly restricted entry so that inspections for cross connections cannot be made with sufficient frequency or with sufficient notice to assure that cross connections do not exist.

(6) Materials of a toxic or hazardous nature are being used such that, if backflow should occur, a health hazard could result.

(7) Any mobile apparatus which uses department water or water from any premises within the Burns water department system.

(8) Installation of an approved backflow prevention device is deemed to be necessary to accomplish the purpose of these regulations in the judgement of a certified cross connection specialist employed by the Burns water department.

(9) An appropriate cross connection report form has not been filed with the department.

(10) A fire sprinkler system using nonpotable piping material is connected to the department's water system.

(11) All residential properties occupied by persons other than the property owner shall install an approved backflow prevention device, or the property owner shall assume all responsibility for any backflow that should occur. [Ord. 710 § 1:04, 1996]

13.30.050 Installation requirements.

To ensure proper operation and accessibility of all backflow prevention devices, the following requirements shall apply to the installation of these devices.

(1) No part of the backflow prevention device shall be submerged in water or installed in a location subject to flooding. If installed in a vault or basement, adequate drainage shall be provided.

(2) Devices must be installed at the point of delivery of the water supply, before any branch in the line, on private property located just inside of the property line. Alternate locations must be approved in writing by the department prior to installations.

(3) The device must be protected from freezing and other severe weather conditions.

(4) All backflow device prevention assemblies shall be of a type and model approved by the State of Oregon Health Division and the department.

(5) Only devices specifically approved by the Oregon Health Division for vertical installation may be installed vertically.

(6) The device shall be readily accessible with adequate room for maintenance and testing. Devices two inches and smaller shall have at least six inches clearance on all sides of the device. All devices larger than two inches shall have a minimum clearance of 12 inches on the back side, 24 inches on the test cock side, 12 inches below the device and 36 inches above the device. "Y" pattern double check valve assemblies shall be installed so that the checks are horizontal and the test cocks face upward (see).

(7) The property owner assumes all responsibility for all maintenance and testing of the device, as determined and required by the department.

(8) If written permission is granted to install the backflow device inside of the building, the device shall be readily accessible during regular working hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

(9) If a device, with written permission, is installed inside of the premises and is four inches or larger and is installed four feet above the floor, it must be equipped with a rigidly and permanently installed scaffolding acceptable to the department. This installation must also meet the requirements set out by the U.S. Occupational Safety and Health Administration and the State of Oregon Occupational Safety and Health Codes.

(10) RP devices may be installed in a vault only if relief valve discharge can be drained to daylight through a "boresight" type drain. The drain shall be of adequate capacity to carry the full rated flow of the device and shall be screened on both ends.

(11) An approved air gap shall be located at the relief valve orifice. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than one inch.

(12) Upon completion of installation, the department shall be notified and all devices must be inspected and tested. All backflow devices must be registered with the department. Registration shall consist of date of installation, make, model, serial number of the backflow device, and initial test report.

(13) Any water pressure drop caused by the installation of a backflow device is not the responsibility of the department.

(14) All new construction shall install an approved backflow device at the service connection. [Ord. 710 § 1:05, 1996]

13.30.060 Access to premises.

Authorized employees of the department, with proper identification, shall have access during reasonable hours to all parts of a premises and within the building to which water is supplied. However, if any water uses refuses access to a premises or to the interior of a structure at reasonable times and on reasonable notice for inspection by a cross connection specialist appointed by the department, a reduced

pressure principle device will be required to be installed at the service connection to that premises. [Ord. 710 § 1:06, 1996]

13.30.070 Annual testing and repairs.

All backflow devices installed within the territory served by the department shall be tested immediately upon installation and at least annually thereafter by a state certified tester. All such devices found not functioning properly shall be promptly repaired or replaced by the water user. If any such device is not promptly repaired or replaced, the department may deny or discontinue water to the premises. All testing and repairs are the financial responsibility of the water user. [Ord. 710 § 1:07, 1996]

13.30.080 Variances.

Any variances from these requirements shall be requested in writing by the owner and approved by the department prior to device installation. [Ord. 710 § 1:08, 1996]

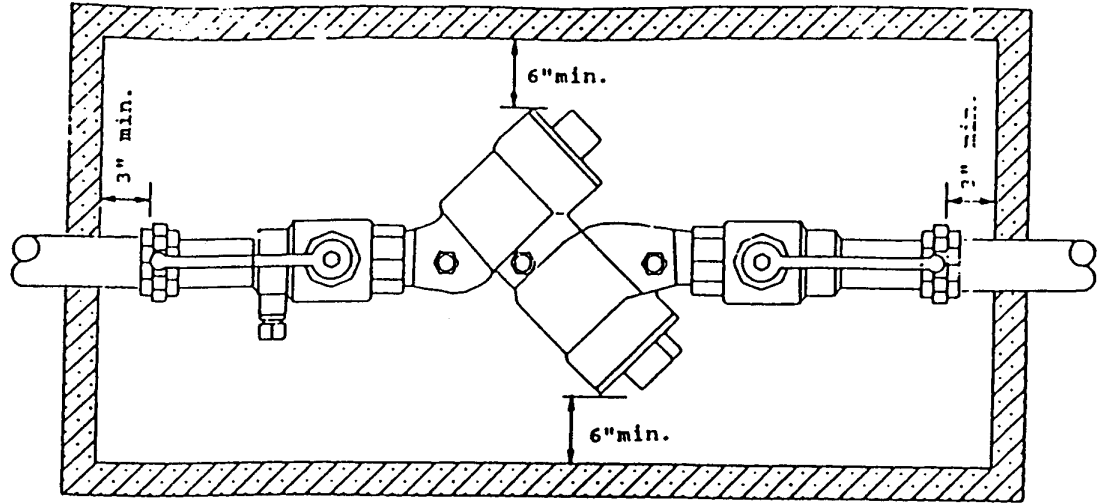
13.30.090 Costs of compliance.

All costs associated with purchase, installation, inspections, testing, replacement, maintenance, parts, and repairs of the backflow device are the financial responsibility of the property owner. [Ord. 710 § 1:09, 1996]

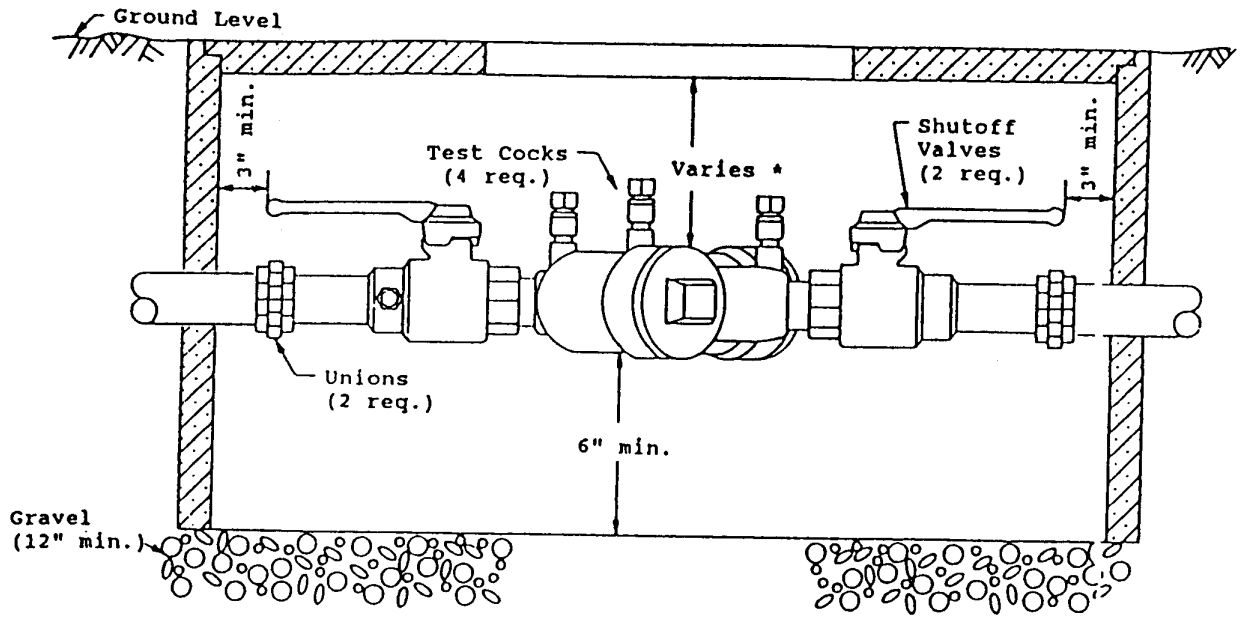
13.30.100 Termination of service.

Failure on the part of any customer to discontinue the use of all cross connections and to physically separate cross connections is sufficient cause for the immediate discontinuance of public water service to the premises (OAR Chapter 333-061-070, Section 1). [Ord. 710 § 1:10, 1996]

Appendix A

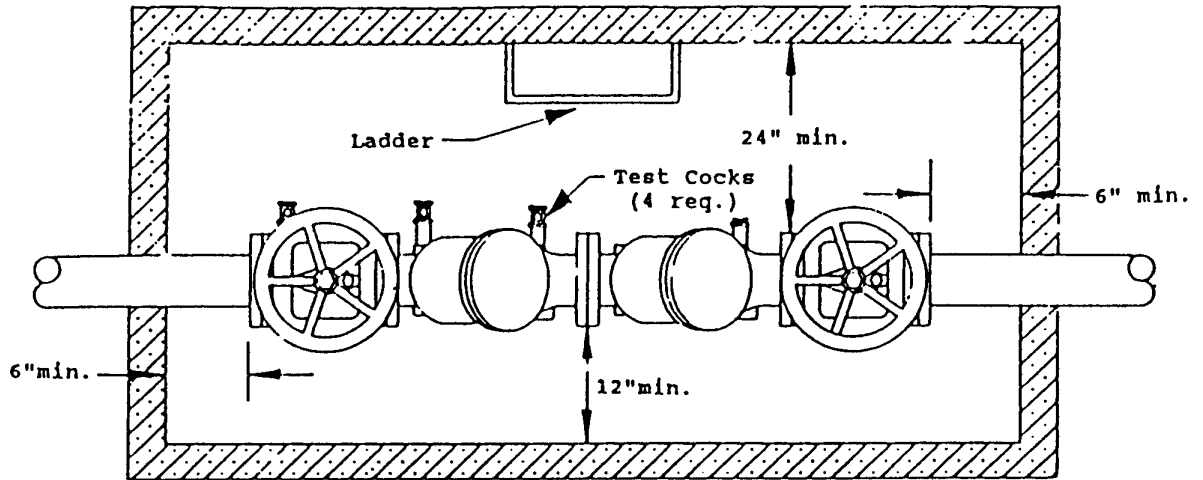


TOP VIEW

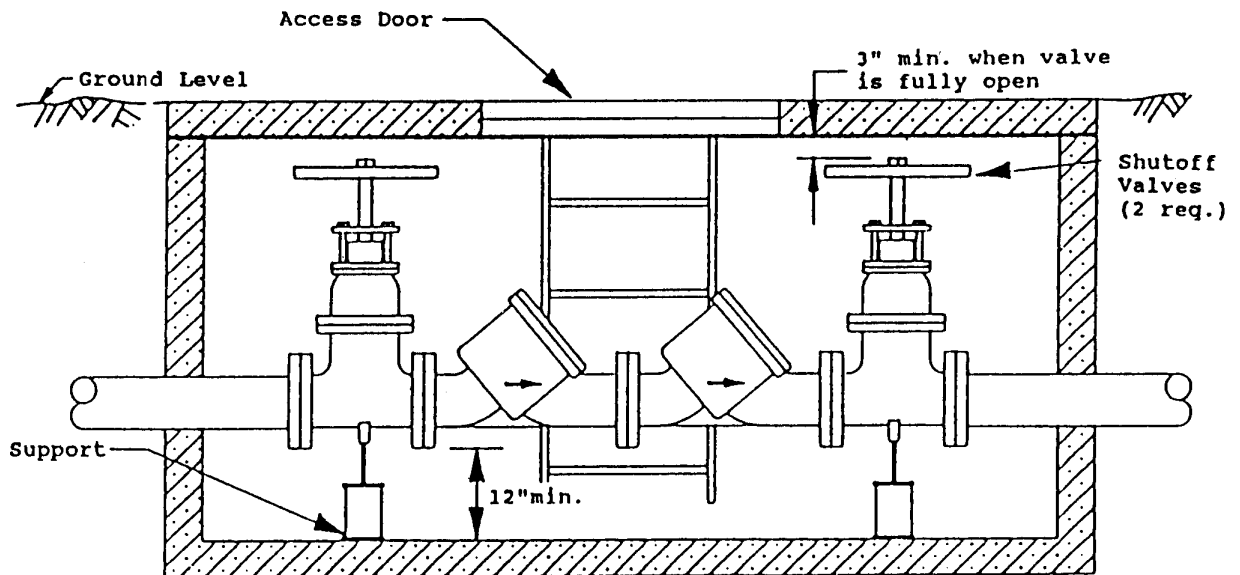


SIDE VIEW

* This distance may vary in different jurisdictions
Minimum Clearances for Small Size DCVA in Below-Ground Box

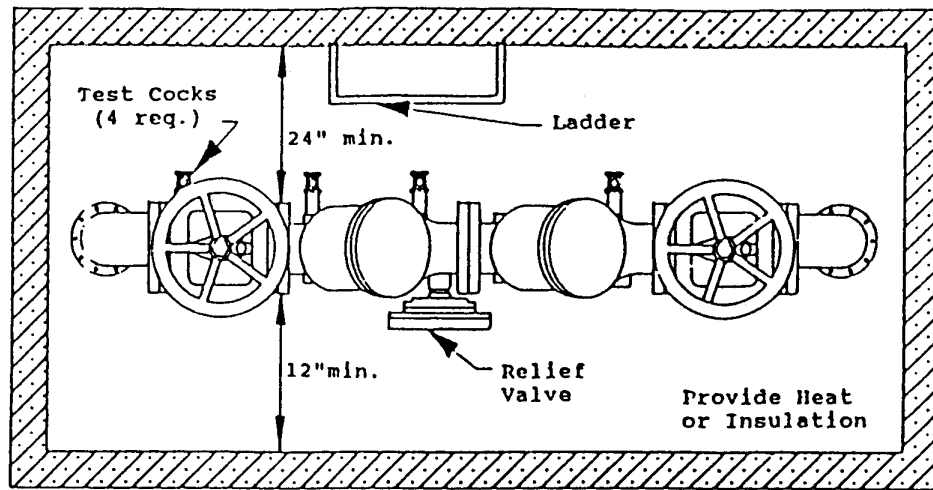


TOP VIEW

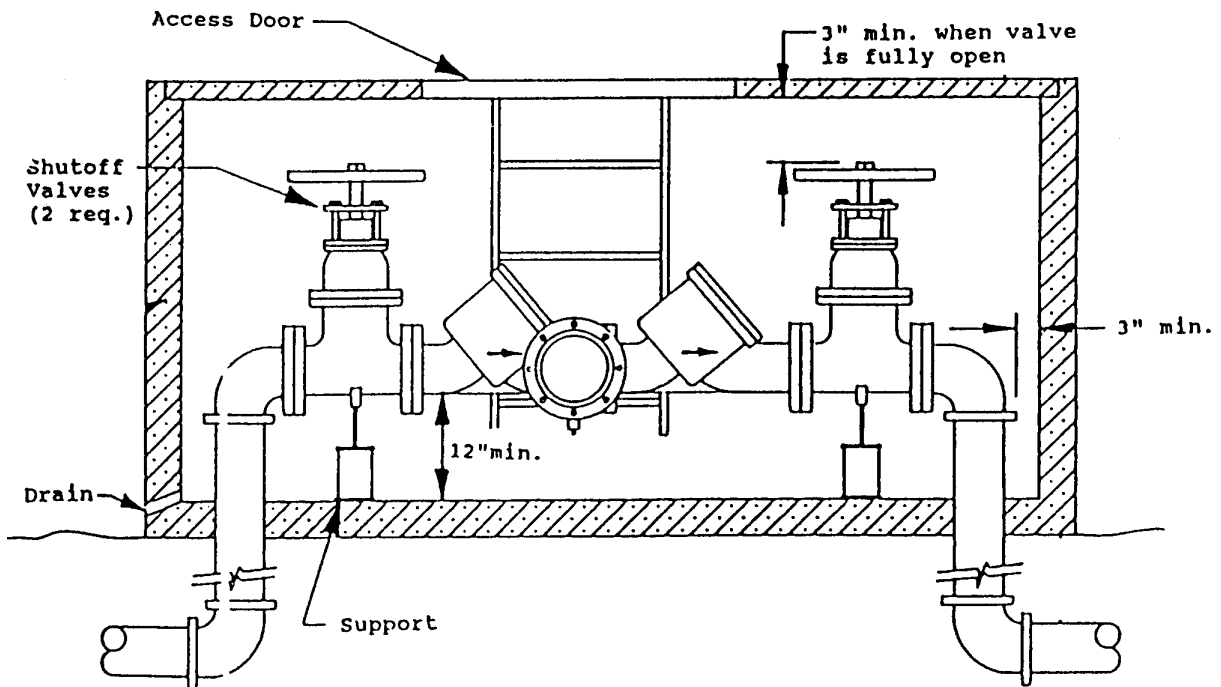


SIDE VIEW

Minimum Clearances for Large Size DCVA in Vault



TOP VIEW



SIDE VIEW

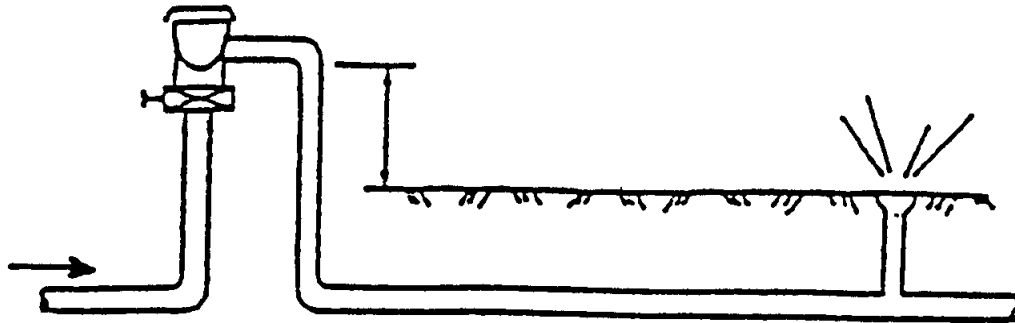
Minimum Clearances for RPBA Installation

OREGON ADMINISTRATIVE RULES
CROSS CONNECTION CONTROL

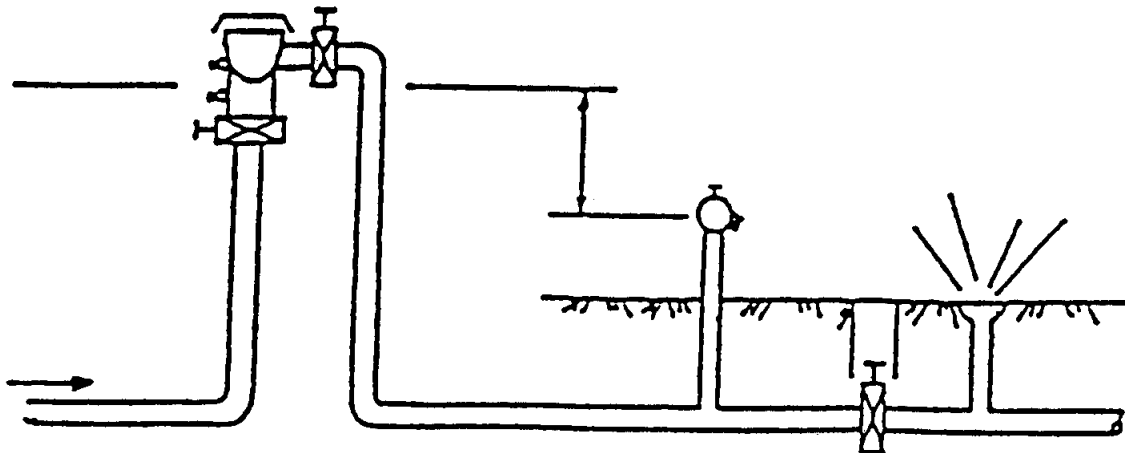
January 5, 1996

333-061-0071 BACKFLOW ASSEMBLY INSTALLATION STANDARDS

(1) TYPICAL INSTALLATION OF AN AVB



- (a) Absolutely no means of shutoff on the downstream or discharge side of the atmospheric vacuum breaker.
 - (b) For intermittent use only. Must not be pressurized for more than 12 hours in any 24-hour period.
 - (c) Shall not be subject to any backpressure.
 - (d) Shall not be installed in dusty or corrosive atmospheres.
 - (e) Shall not be installed where subject to flooding.
 - (f) Shall be installed a minimum of six inches above the highest downstream piping and/or outlets.
- (2) TYPICAL INSTALLATION OF A PVBA or SVBA



- (a) Downstream side of pressure vacuum breaker may be maintained under pressure by a valve. But, there may be absolutely no means of imposing backpressure by pump or other means.
- (b) PVBAs and SVBAs are designed to protect against back siphonage only, not backpressure.
- (c) It shall be installed where occasional water discharge from the assembly caused by pressure fluctuations will not be objectionable.
- (d) Adequate spacing shall be available for maintenance and testing.
- (e) Shall not be subject to flooding.
- (f) Shall be installed a minimum of 12 inches above the highest downstream piping and/or outlets.