

ORDINANCE NO. 2023-01

RELATING TO

RULES AND REGULATIONS OF THE
OCHOCO WEST WATER AND SANITARY AUTHORITY

WHEREAS, the Ochoco West Water and Sanitary Authority (“Authority”) is authorized by ORS 450.640 to exercise the duties, functions, and powers of both water and sanitary authorities under ORS 450.600 to 450.989; and

WHEREAS, the Authority is authorized by ORS 450.810 to establish rules and regulations relating to sanitary sewage disposal and drainage by adopting ordinances pursuant to ORS 198.510 to 198.600; and

WHEREAS, the Authority is authorized by ORS 450.685, ORS 450.085, and ORS 263.306 to adopt regulations for water supply and delivery by ordinance adopted in accordance with ORS 198.510 to 198.600;

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

Chapter 1

GENERAL

- 1.1 **Title.** This ordinance shall be known as “RULES AND REGULATIONS FOR THE OCHOCO WEST WATER AND SANITARY AUTHORITY” (hereinafter, “Ordinance”).
- 1.2 **Scope.** All customers receiving water or sanitary sewer services from the Authority are bound by this Ordinance.
- 1.3 **Definitions.**
 - 1.3.1 Applicant. The person or persons making application for water service.
 - 1.3.2 Authority. Ochoco West Water and Sanitary Authority, located in Prineville, Crook County, Oregon.
 - 1.3.3 Billing Agent. The individual appointed by the Board to keep the record of meter readings and prepare and mail the appropriate bill.
 - 1.3.4 Board of Directors, or Board. The governing body of the Authority.
 - 1.3.5 Customer or User. An applicant who has been accepted under the terms of these regulations or to receive services from the Authority.

property served. Such lien may be recorded in the Crook County property records and may be collected or foreclosed upon in any manner permitted by law.

- 1.11 Suspension of Rules.** No employee or agent of the Authority is authorized to suspend or alter any of the policies, rules and regulations cited herein without specific approval or direction of the Authority's Board of Directors, except in emergency situations with a substantial risk of personal injury or serious property damage.
- 1.12 Savings Clause.** If any part of this Ordinance is determined to be invalid by a court of competent jurisdiction, such determination shall not affect, impair or invalidate the remainder of this Ordinance but shall be limited to the portion directly affected thereby.

Chapter 2

WATER SUPPLY AND DELIVERY

- 2.1 Class of Service.** Water provided by the Authority shall be solely for domestic purposes.
- 2.2 Supply.** The Authority will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to customers at a reasonable pressure and to avoid so far as reasonably possible any shortage or interruption in delivery.
- 2.3 Quality.** The Authority will exercise reasonable diligence to supply safe and potable water at all times.
- 2.4 Shortages; Notice.** In case of shortage of supply, the Authority reserves the right to limit the use of water to inside use or to impose restrictions on outdoor use. The Authority will provide reasonable advance notice to all customers affected by limitations on water use.
- 2.5 Interruptions in Service.** If occasional temporary suspension of service by the Authority for improvements and repairs becomes necessary, whenever possible all customers affected will be notified in advance. The Authority shall not be liable for damage resulting from the interruption in service or from the lack of service.
- 2.6 Resale of Water.** Resale of water shall be permitted only by written agreement between the Authority and the customer.
- 2.7 Length of Service Line.** The meter will normally be placed nearest the main line and property to be served. If the connection requires an extension in excess of thirty (30) feet, the Applicant shall pay the actual cost of the connection to the Authority.
- 2.8 Service Extensions.** Extensions of service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted.
- 2.9 Plumbing.** Customer plumbing shall comply with the Plumbing Code of the State of Oregon and shall include anti-siphon devices and control valves. It shall be a violation of

12.11.4 Failure to Read Meters. If it is impossible or impractical to read a meter on the regular reading date, water consumption for the Customer shall be estimated by assuming thirty (30) days per month and prorating the total water consumption for that month for each customer. Subsequent bills will be adjusted to reflect the difference between estimated and actual metered use.

2.12 Discontinuance of Service.

2.12.1 On Customer Request. When premises becomes vacant the property owner will remain responsible for water charges until the Authority is officially notified of the vacancy. If the Authority is notified of the vacancy in advance, the meter will be read and a final bill prepared accordingly.

2.12.2 At Authority's Direction. The Authority may, upon five (5) days' notice to the premises, disconnect service for non-payment or other noncompliance with this Ordinance, or to protect the Authority from fraud or abuse.

2.12.3 Improper Customer Facilities. The Authority may refuse to furnish water and may discontinue service to any premises without prior notice if plumbing facilities or equipment using water are determined to be dangerous, unsafe or not in conformity with the applicable codes. Any illegal or unauthorized connection will be shut off as soon as detected.

2.12.4 Water Waste. If water is wastefully or negligently used on a customer's premises to the degree that it could, or does, seriously affect supply or delivery of water generally, and such conditions are not corrected within twenty-four (24) hours of notice to the customer of such conditions, the Authority may terminate service to the premises.

2.12.5 Service Detrimental to Others. The Authority may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

2.12.6 Unauthorized Turn On. If water service that has been discontinued for any reason is turned on by the customer or other unauthorized person, the Authority may terminate service at the main and/or remove the meter. The actual cost for terminating service under this subsection will be charged to the the customer.

2.13 **Excessive Demands**. Customers who require an unusually large quantity of water for filling a swimming pool or other purpose shall notify the Authority in advance to ensure that the excessive demand will not impact service to other customers. The Authority may issue instructions or guidelines for the customer in order to minimize the impact to water service generally, or may delay or disallow the use if it is likely to negatively affect water supply or service to other customers.

2.14 Equipment.

- 3.1.6 Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- 3.1.7 Industrial wastes. The wastewater from industrial processes, trade, or businesses as distinct from domestic or sanitary wastes.
- 3.1.8 Interceptor tank. A septic tank-like structure which contains facilities for pumping effluent or a vault containing a grinder pump.
- 3.1.9 Natural outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- 3.1.10 May. "May" is permissive.
- 3.1.11 Owner. The person or persons holding title to real property. "Owner" also includes a purchaser under land sale contract.
- 3.1.12 Person. Any individual, firm, company, association, society, corporation, or group.
- 3.1.13 pH. The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example has a pH value of 7 and a hydrogen ion concentration of 10^{-6} .
- 3.1.14 Practical route. The route determined by the Board or designee to be economically feasible.
- 3.1.15 Properly shredded garbage. 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 the building drain with no particle greater than one-half inch (1.27 centimeters) in any dimension.
- 3.1.16 Public sewer. The sewerage system, also referred to as "system," including interceptor tanks, pumping facilities, service lines, system piping and control panels.
- 3.1.17 Sanitary sewer. A sewer that carries liquid carried and water-carried wastes from the residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, stormwater, and surface waters that are not admitted intentionally.
- 3.1.18 Service fees or Service charges. The fees, normally monthly, levied for operation and maintenance of the system.
- 3.1.19 Service lines. Piping installed on property to connect the interceptor tank serving the structures thereon to the system piping. Unlike a lateral of a main or a main, service lines are not designed or intended to receive effluent flow from structures other than

3.1.35 Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

3.2 Sewer Use Required.

3.2.1 Prohibited discharge. It is unlawful to discharge to any natural outlet any wastewater or other polluted waters, from any house, building or structure located within six hundred feet, as measured along the practical route, of any system piping except where suitable treatment has been provided in accordance with subsequent provisions of this Section.

3.2.2 Privies prohibited. Except as provided in this chapter, it is unlawful to construct or use any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

3.2.3 Sewer connection required. The owners of all property within the boundaries shown on the map attached to the ordinance codified in this Section, a copy of which is available for inspection in the office of the Crook County Clerk, are required, in accordance with the provisions of this Section and within sixty (60) days after date of official notice to do so, to connect the wastewater plumbing of any house, building or structure now existing or subsequently developed, to the system when any system piping, initially constructed or extensions thereafter, is located within six hundred feet along the practical route to such house, building or structure.

3.2.4 Private wastewater disposal--Compliance. Where a public sanitary sewer is not available under the provisions of Section 1.03.030, the building sewer shall be connected to a private wastewater disposal system complying with the subsurface sewage disposal provisions of the State of Oregon Department of Environmental Quality.

3.2.5 Private wastewater disposal--Connection with public system. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within sixty (60) days after official notice to do so in compliance with this Section, and any septic tanks, cesspools, and similar private wastewater disposal facilities not utilized in the connection to the public sewer shall be cleaned of sludge and filled with suitable material or removed or crushed at the owner's expense.

3.3 Sewer Connections.

3.3.1 Connection without permit unlawful. No unauthorized person(s) 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 Board or designee.

- B. Any waters containing toxic or poisonous solids, liquids, or gases in sufficient concentration, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater facilities.
- C. Any waters or wastes having a pH lower than 4.5 or greater than 9.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater facilities.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- E. Ceramic dusts or particles or other abrasive substances.
- F. Any water received through infiltration or inflow.

3.3.3 Discharge of certain substances limited. The following described substances, materials, waters, or waste shall be limited in discharges to the system to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Board or designee may set limitations lower than the limitations established in the regulations below if it is determined that more severe limitations are necessary to meet the above objectives. In making this determination, the Board or designee will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on material or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Board or designee are as follows:

- A. Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (sixty-five degrees Celsius).
- B. Wastewater containing more than twenty-five milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- C. Wastewater from industrial plants containing floatable oils, fat, or grease.

3. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
 - B. When considering the above alternatives, the Board or designee shall give consideration to the economic impact of each alternative on the discharger. If the Board or designee 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 Board or designee.
- 3.3.5 Grease, oil and sand interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the Board or designee, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in this Ordinance, 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 of a type and capacity approved by the Board or designee and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Board or designee. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.
- 3.3.6 Maintenance of pretreatment facilities. Any pretreatment or flow-equalizing facilities provided or required for any waters or wastes shall be maintained continuously in satisfactory and effective operation by the owner(s) at the owner's expense.
- 3.3.7 Observation, sampling and measurement. When required by the Board or designee, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Board or designee. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.
- 3.3.8 Information to be provided by holders of class (b) or (c) permits. The Board or designee may require an applicant or holder of a class (b) or (c) permit to provide information needed to determine compliance with this Section. These requirements may include:
- A. Wastewaters discharge average and peak rate and volume over a specified time period.

- 3.4.4 Elevation. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the interceptor tank, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- 3.4.5 Surface runoff connections. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Board or designee in writing for purposes of disposal of polluted surface drainage. Otherwise, no infiltration or inflow shall be permitted.
- 3.4.6 Connection to interceptor tank. The connection of the building sewer into the interceptor tank shall conform to the requirements of the applicable plumbing code. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Board or designee before installation.
- 3.4.7 Notification of inspection readiness. The applicant for the sewer permit shall notify the Board or designee when the building sewer is ready for inspection and connection to the interceptor tank. The connection and testing shall be made under the supervision of the Board or designee or his representative in cooperation with the Authority building official.
- 3.4.8 Protection from excavation hazards. All excavations for 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 restored in a manner satisfactory to the Authority.
- 3.4.9 Plumbing orientation in new construction. Plumbing within newly constructed houses, buildings, or structures shall be so oriented unless otherwise approved by the Board or designee as to allow the building sewer to stem from the side closest to the system piping.
- 3.4.10 Independent facilities for subdivided parcels. Upon sale of a subdivided or partitioned parcel with a house, building or structure utilizing an interceptor tank serving another house, building or structure which was not included in the sale or located on the parcel after division, another interceptor tank, control panel and proper piping shall be installed so that each parcel has independent sewerage facilities. The interceptor tank shall be located within the boundaries of the parcel it serves. In the alternative, the owner of the property served by a tank located on an adjacent property shall provide evidence satisfactory to the Authority of a recorded easement to allow access and use the tank so located.

3.5 Sewer Extensions.

If the amount of the bond or cash deposit is less than the cost and expense incurred, the applicant shall be liable to the Authority for the difference.

Chapter 4

FEES AND CHARGES

4.1 Definitions.

- 4.1.1 Connection Fee. Flat amount charged to the property owner upon application for connection to the System, to cover the cost of installation, connection, and inspection. The Connection Fee is separate from and in addition to any applicable tax, assessment, charge, fee in lieu of assessment, system development charge, or fee otherwise provided by law or imposed as a condition of development.
- 4.1.2 Change-of-Use Fee. An additional connection fee charged to the property owner upon a change of use resulting in an increased number of Units charged to the property.
- 4.1.3 Inspection Fee. Flat amount charged to the property owner upon application for connection to the sanitary system. Inspection charges are intended to cover the costs incurred by the Authority in providing sewer system construction inspection and testing for the type of service for which the application has been submitted and the permit to connect been granted.
- 4.1.4 Reconnection Fee. Flat amount charged upon reconnection the System.
- 4.1.5 Service Charge or Service Fee. Regular, ongoing fee charged to a property for the purpose of financing the construction, operation and maintenance of the water delivery system.
- 4.1.6 Unit. A Unit is equivalent to sewerage of a strength and volume normally associated with an average single-family dwelling or dwelling equivalent, by which all uses of the sanitary sewerage system may be measured.
- 4.2 **Service charge**. Service charges shall begin upon connection to the System and shall be due and payable to the Authority in an amount determined by the Board. Service Charges shall commence the month in which connection to the System receives final approval from the Authority or becomes usable for the intended purpose, whichever first occurs. Charges may be pro-rated based on the remaining days in the month when approval takes place.
- 4.3 **Connection fee**. A connection fee shall be charged for each new connection to the System at the time of application for service. Connection fees shall be established by the Board to cover the reasonable administrative costs to the Authority of establishing the new connection. The Authority reserves the right to modify the Connection Fee. or establish an

Fees charged under this Section shall be in addition to any system development charges or other costs related to system expansion which may be imposed by the Authority by agreement, or pursuant to separate ordinance or resolution.

4.8 Procedure for fee increase. Individual Connection Fees, Reconnection Fees, or Service Charges for sanitary sewer service may be increased by order of the Board after a public hearing when the Board or designee finds that the actual wastewater flow from the house, building or structure is substantially in excess of the flow specified in the permit required by this Ordinance or when the final assessments were made. Before raising an individual fee the Board or designee shall notify in writing the person responsible for the fee or assessment of the intended increase. The notice shall describe the reasons for and the amount of the increase and a time, date and place for the Board or designee to hear the matter. In lieu of raising the fee or assessment the Board or designee may allow the person responsible for such fee to reduce the flow to correspond with the flow indicated on the final assessment or permit within thirty (30) days of the Board's order. If flow is not reduced and kept reduced for a period of nine (9) months after the order, the fee or assessment may be raised without further hearing.

4.9 Procedure for fee reduction:

- A. Individual Connection Fees, Reconnection Fees, or Service Charges for sanitary sewer services may be reduced by order of the Board or designee when the Board or designee determines:
 - 1. That the actual wastewater from the house, building or structure is substantially below the flow specified on the permit required under this Ordinance; or
 - 2. That an owner or purchaser who requested service in writing and such service was approved, but who is unable to obtain a building permit because of restrictions imposed by statute, ordinance or other governmental regulation; or
 - 3. That the use for which the approval was given has changed and such use will utilize a substantially lesser sewage flow; or
 - 3. That the structure for which the approval was given has been destroyed or removed and will not be rebuilt or replaced.
- B. The owner or contract purchaser of the property affected shall submit a written request for such reduction and the reason(s) for the request. The Board or designee shall then either grant the request or hold a hearing on the request.
- C. If the charge or fee is reduced the Board or designee shall refund the difference in cash or cause the Board to enter an order to reduce the amount charged if such amount has not yet been paid. In no case may a fee or charge be reduced below the cost or flow of

added to the amount of any lien recorded in the County property records or certified to the County Assessor pursuant to ORS 453.224.

- 5.3 Right of entry.** The Board or designee of the Authority bearing proper credentials and identification shall be permitted to enter all private properties through which the Authority holds a duly negotiated easement for the purposes of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the System lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- 5.4 Damage to equipment prohibited.** No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the System.
- 5.5 Excavation without permit prohibited.** No person shall excavate within any area subject to a recorded easement granting the Authority access and installation rights for water or wastewater facilities without first obtaining a permit to do so from the Board or designee.
- 5.6 Stop work order.** If any person constructs a public sewer, private sewer or building sewer or other structure or device in violation of this Ordinance, the Board or designee may issue an order to such person to stop work or to correct work which has been performed. The person so ordered shall promptly take action as necessary to comply with the order and shall be solely responsible for the cost of such compliance.
- 5.7 Correction of prohibited discharge.**
- A. The Board or designee may order the owner of any property from which discharges prohibited by this Ordinance are entering any sewer to correct such condition. The Board or designee shall first give written notice to the owner of the prohibited discharge. If the owner fails to correct the condition within thirty (30) days after receipt of such notice, the Board or designee may enter upon the property and remove or close sewer connections as provided in this Ordinance.
 - B. Any person discharging any material deemed to be dangerous, injurious to treatment process, hazardous to any person, structure or treatment unit may be subject to immediate discontinuance of sewer service without prior notice at the discretion of the Board or designee. The Board or designee shall have the right to enter upon the person's property to remove or close sewer connections as provided in this Ordinance.
- 5.8 Right to terminate service and to remove or close connections.**
- A. If an action prohibited under this Ordinance does not cease promptly after issuance of a written order from the Authority, the Board or designee shall have the right to terminate service and to remove or close sewer connections, and enter upon the property for accomplishing such purposes.

APPEALS

- 6.1 **Written Appeal.** Except as otherwise provided in this Ordinance, any person aggrieved by a ruling under or interpretation of the provisions of this Ordinance may submit a written appeal to the Board. The appeal shall set forth the events and circumstances leading to the appeal, the nature of the ruling or interpretation from which relief is sought, the nature of the impact of the ruling on appellant's property or business together with any other reasons for the appeal.
- 6.2 **Investigation.** The Board shall study the matter, hear testimony if deemed necessary, and prepare a written decision summarizing its findings, which shall be sent to the appellant within thirty (30) days of the date of appeal. The Board's written decision shall be final for purposes of judicial review.
- 6.3 **Judicial review.** Decisions of the Board shall be reviewable in the Circuit Court for Crook County Oregon, solely and exclusively under the provisions of ORS 33.010 to 33.100.
- 6.4 **Applicability of appeal provisions.** Conformance with the requirements of this Ordinance shall in no way be a substitute for, or eliminate the necessity of conforming with, any and all federal, state, or local laws, ordinances and rules and regulations which are now or may in the future be in effect relating to the public health.

This Ordinance shall replace and supersede all prior rules and regulations of the Authority. It shall be effective 30 days from its adoption.


FIRST READING: 6/13, 2023.

SECOND READING: 6/29, 2023.

APPROVED AND ADOPTED on 6/29, 2023.

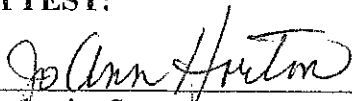
AYE VOTES: 5

NAY VOTES: 0



Board Chair

ATTEST:



Authority Secretary