Chapter 13.04 WATER AND WASTEWATER SYSTEMS

Article I. Common Provisions

13.04.010 Applicability of provisions.

Article II of this chapter relates to the city water system. Article III of this chapter relates to the city wastewater system. Article I applies to both systems.

(Ord. 2026 § 2, 1987)

13.04.020 Definitions.

1. "Account" means files or records kept by the city finance department representing one water and/or wastewater use billing.
2. "Applicant" means the person, corporation, association or agent applying for service.
3. "Average winter water consumption" means the average of water consumption during November, December, January, February and March. The average shall be calculated on the greater of actual use or one unit per month.
4. "Billing cycle" means one month of water and/or wastewater use established for accounting purposes as defined in Sections 13.04.380 through 13.04.430 and 13.04.500 through 13.04.560 of this chapter.
5. "City" means the city of Lebanon, a municipal corporation in the state of Oregon.
6. "City administrator" means the city of Lebanon city administrator or his designated agent.
7. "Cross-connection" means any connection or structured arrangement between a public or customer's potable meter system and any nonpotable source or system through which backflow may occur.
8. "Customer" means an applicant whose application for service is accepted and to whom service is provided.
9. "Delinquent account" means any bill for services that is not paid by the billing due date.
10. "Mains" mean water or wastewater distribution pipelines located in streets, highways, rights-of-way or easements which are used to serve the general public.
11. "Multifamily dwelling unit" means a building or portion thereof designed for occupancy for two or more families living independently of each other with the number of families in residence not exceeding the number of units provided.
12. "New user" means new location for which no prior record of water usage is available during November, December, January, February and March as defined in Sections 13.04.520 and 13.04.530.
13. "Normal working hours" mean the hours from eight a.m. to four p.m., Monday through Friday, excluding holidays.
14. "Premises" mean the integral property or area, including improvements thereon to which service is or will be provided.

15. "Property owner" means that person(s), corporation, company or organization which is defined on the property tax rolls as owning the property.

16. "Schools" mean institutions of learning into which ten pupils or more are enrolled, either public or private, accredited to teach grades one through twelve, or a college accredited to teach beyond the twelfth grade.

17. "Service connection" means the pipes, valves and other facilities by means of which the system conducts water from its distribution mains to and through the meter, but does not include the piping from the meter to the property served. Also, the pipes, cleanouts and other facilities by means of which the property owner collects wastewater from the premises to the main.

18. "Shared service connection" means two or more residential dwelling units, including accessory dwelling units, duplexes, or other multifamily residential developments served through a shared City water or wastewater service connection.

~~18~~19. "The system" means the combined water system and wastewater system.

~~19~~20. "User" means a person, corporation, firm, association or partnership which uses and receives the benefit of the city of Lebanon municipal wastewater system or water system.

~~20~~21. "User fees" mean fees charged to customers for water used and for wastewater deposits into wastewater system.

~~21~~22. "Wastewater system" means the Lebanon municipal wastewater system, including, pipes, manholes, cleanouts, treatment facilities and other facilities by means of which the city conducts wastewater from its customers and delivers it via the wastewater treatment plant to the South Santiam River.

~~22~~23. "Water system" means the Lebanon municipal water system, including, pipes, valves, treatment facilities, reservoirs and other facilities by means of which the city conducts water from the South Santiam River to its customers.

~~23~~24. "Wildcat sewer mains" mean wastewater collection mains which are maintained by the property owners whose service connections are attached to the main. For further description see Section 13.04.290.

(Ord. 2067 §§ 1, 2, 1990; Ord. 2068 § 3, 1990; Ord. 2026 § 3, 1987)

(Ord. No. 2848, 10-9-2013)

13.04.030 Service—Application—Form.

Each applicant for service shall be required to complete and sign a form provided by the finance department of the city.

(Ord. 2026 § 4 (part), 1987)

13.04.040 Service—Application—Accompaniment by fee/deposit and required supplemental information.

Applications shall be accompanied by any required fees, deposits and required supplemental information.

(Ord. 2026 § 4 (part), 1987)

(Ord. No. 2848, 10-9-2013)

13.04.050 Deposit—Waiver or refund.

Deposits will be available for refund, or may be waived altogether, based upon a showing of good credit. The determination of whether a customer or potential customer has established "good credit" shall be made at the sole discretion of the city administrator. The decision of the administrator shall be final and shall not be subject to appeal.

(Ord. 2026 § 5, 1987)

13.04.060 Service—Application—Denial—Circumstances.

The city administrator shall deny any application under the following circumstances:

A. The applicant has failed to satisfy any past due balance owed on a water or wastewater bill;

B. The system will be unable to supply the demand created by the proposed use without the acquisition of new sources of water or capital improvement to the existing system;

C. The applicant has been convicted on two or more occasions within the preceding forty-eight months for violation of this chapter, or water and or wastewater rules, or restrictions, or for trespass upon the system treatment plants or reservoir properties or for endangering the water supply of the Lebanon municipal water system;

D. The plumbing on the premises to be served does not meet the standards imposed by city, state or federal law.

(Ord. 2026 § 6 (part), 1987)

13.04.070 Service—Application—Denial—Notice.

Notice of denial shall be in writing and shall state the reasons for denial and the applicant's right of appeal as defined in Section 13.04.340. Notice shall be mailed to the applicant's address as shown on the application.

(Ord. 2026 § 6 (part), 1987)

13.04.080 Charges—Authority to set.

All rates, fees and charges applicable to this chapter shall be set by the city council by resolution.

(Ord. 2026 § 15 (part), 1987)

13.04.085 In-lieu-of franchise fee.

Effective July 1, 2024, as compensation for the use of city-owned rights-of-way, the water and wastewater funds shall each pay the general fund an in-lieu-of franchise fee in the amount of up to seven percent of city of Lebanon water and wastewater user receipts.

(Ord. 2320 § 1, 2002)

(Ord. No. 3023, § 1, 8-14-2024)

13.04.090 Charges—Payment due when.

All rates, fees and charges imposed, or damages incurred, pursuant to this chapter are due and payable upon the billing for service. Any unpaid rates, fees, charges or damages accrued will constitute a lien upon the real property for which the service was provided. Any lien under this chapter which remains unpaid for sixty days after it has been recorded in the city's lien docket may be foreclosed in any manner provided by ORS 223.505 to ORS 223.650 or as otherwise provided by law.

(Ord. 2026 § 15 (part), 1987)

(Ord. No. 2848, 10-9-2013)

13.04.091 Charge for returned checks or electronic payments.

At the discretion of the city administrator, a fee may be imposed when a check or electronic payment is returned by the bank for insufficient funds.

(Ord. 2108 § 1, 1992)

(Ord. No. 2848, 10-9-2013)

13.04.100 Payment of charges—Billing cycle.

The billing cycle for all user fees and service charges shall be on a monthly basis for all classes of users.

(Ord. 2026 § 22 (part), 1987)

13.04.110 Payment of charges—Proration.

The charges are to be prorated on a monthly basis with each fraction of a month to be considered as a whole.

(Ord. 2026 § 22 (part), 1987)

13.04.120 Payment of charges—New domestic user.

Any new domestic user shall be billed at the basic fee established for domestic users as outlined in Sections 13.04.380 through 13.04.430 and 13.04.500 through 13.04.560.

(Ord. 2026 § 22 (part), 1987)

13.04.130 Payment of charges—New commercial user.

Any new commercial user of the wastewater system shall be temporarily billed at the basic fee established for domestic users until the city administrator has established the user's consumption rate by observing the user's water meter for up to ninety days. The new fee shall be retroactive to the beginning of the account of the new user.

(Ord. 2026 § 22 (part), 1987)

13.04.140 Bills—Mailing—Responsibility for payment.

Bills for water and wastewater service shall be mailed to the customer's address unless the customer directs otherwise in writing. The property owner is ultimately responsible, however, for all bills, charges, fees, deposits or damage to the city property in connection with water or wastewater service furnished to the property.

(Ord. 2026 § 16, 1987)

13.04.141 Bills-Properties with shared service connections.

Consistent with sections 13.040.020 and 13.04.220, the property owner is responsible for all bills, charges, fees, deposits, or damage to City property in connection with water or wastewater service furnished to the property, regardless of occupancy, tenancy, or any private agreement between the property owner and tenants. Nothing in this section shall prohibit a property owner from allocating or recovering utility charges from tenants in accordance with applicable state law.

13.04.150 Adjustment of charges.

Adjustments (other than that covered by the appeal process, Section 13.04.340) may be made to the domestic and commercial users' charges at the request of a user for any of the following reasons:

A. For wastewater fees only, substantial permanent change in occupancy of dwelling unit for more than six months;

B. For wastewater fees only, change in use of a commercial establishment;

C. Excess use due to a leak, but only after the leak has been repaired and if the user has shown prompt action in correcting the problem.

A request for any of the reasons set out above in subsections A through C shall be made in writing to the city administrator with a full explanation of the reasons for and circumstances surrounding the request for a change. If, in the opinion of the city administrator, a change is warranted, then the user may either agree to a new charge at the rate established by the city for users not served by the city water system as outlined in Sections 13.04.240 and 13.04.580, or he may request the city administrator to monitor his water consumption at an existing meter or at a meter installed by the user at the user's expense for a period not to exceed ninety days. The quantity reading subsequently obtained shall then be used in the standard formula for assessing user fees for that user as identified in Sections 13.04.380 through 13.04.430 and 13.04.500 through 13.04.560.

D. Physical disconnection of the wastewater service, the method of which has been inspected and approved by the city administrator, shall result in a discontinuation of user fees.

E. Changes to or discontinuation of user fees by this section will not take place until the next monthly billing after the request is made.

(Ord. 2068 § 1, 1990; Ord. 2026 § 11, 1987)

13.04.160 Special service fees—Required when.

A special service fee shall be deposited with the city when:

A. The city is requested to perform an accuracy check on a meter;

B. The city is requested to perform a system pressure check.

(Ord. 2026 § 9(A), 1987)

13.04.170 Special service fees—Retention or refunding determination.

A. When a meter is found to register more than two percent fast, the city shall refund the deposit and refund to the property owner the overcharge based on the corrected meter readings for a period not to exceed three months.

B. When a meter is found to be within two percent of being accurate, the city shall retain the deposit.

C. When a meter is found to register more than two percent slow, the city shall retain the deposit and render a bill for water consumed but not covered by bills previously rendered based on the corrected meter readings for a period not to exceed three months.

D. When the results of the pressure test show an abnormally large pressure drop and that pressure drop is occurring in the city's maintained system then the deposit will be refunded.

E. When the results of the pressure test show an abnormally large pressure drop and that pressure drop is occurring in the customer's maintained system or if the pressure drop is not abnormal then the deposit will be retained by the city.

(Ord. 2026 § 9(B), 1987)

13.04.180 Water service turn-on charge—Due when.

A. A service charge shall be paid to the city whenever water service is turned off after having been turned off due to nonpayment or by request of the customer. For purposes of this section, turn-off for nonpayment shall mean the processing of the work order which instructs system personnel to shut off service.

B. However, no turn-on charge shall be imposed during normal working hours if service is turned off at customer request, and if a customer shut-off valve is installed adjacent to the meter and at the expense of the customer. If water service is turned off for the convenience of the city, no turn-on charge will be assessed at any time. If water is turned off due to an emergency of the customer, such as a broken pipe, no turn-on charge will be imposed for water turn-on during normal working hours or at other times regularly scheduled for such purpose. However, the normal after-hours service charge shall be made for the turn-on of water service after hours, on weekends, or at such other times not regularly scheduled by the city.

(Ord. 2065 § 1, 1989: Ord. 2026 § 10, 1987)

(Ord. No. 2848, 10-9-2013)

13.04.200 System standards.

All parts of the system and all service pipes, appurtenances, fixtures and devices attached to the system by any means shall be of a size, quality and construction acceptable to the director of public works. Fixtures and devices shall conform to the Uniform Plumbing Code as adopted by the state and the city on the date of connection and such other standards as the director of public works may impose. When imposing standards the director of public works shall be guided by the operation restrictions imposed by the system design, good engineering practice, consideration of standardization, and industrial practice.

(Ord. 2026 § 17, 1987)

13.04.210 Service standards.

The system may furnish and install a service of such size and at such location as the application requests, provided such requests are reasonable. The city shall install and maintain at customer's expense water service from its water distribution main or to the curbline or property line of the premises which may abut on the street, on other thoroughfares, or on the system right-of-way or easement. Property owners shall install and maintain at property owners' expense, laterals for collection of wastewater from the premises to the mains. Service connections shall not be made to those properties which do not lie adjacent to mains or for mains which do not extend the full width of the property until such time as the water main is extended. The director of public works may waive this requirement in cases where the main extension would serve no useful purpose.

(Ord. 2026 § 18 (part), 1987)

13.04.220 Service connections.

A separate service connection will be required for each dwelling, place of business, and institution served which lies on separate parcels of land. Separate dwellings, places of business or institutions on the same parcel and under single control or management may be served, at the option of the property owner, through separate service connections to each unit or through a single service connection.

When a property has a shared service connection, the associated utility account shall be established and maintained in the name of the property owner. Residential dwelling units served by separate, independently metered water connections and separate wastewater service connections may maintain individual utility accounts in the name of the tenant or occupant, subject to other applicable provisions of this code.

(Ord. 2026 § 18 (part), 1987)

13.04.230 Furnishing of water to others by system users—Restriction.

No system user shall furnish water to any family, business or institution other than those occupied and operated by himself.

(Ord. 2026 § 18 (part), 1987)

13.04.240 Service outside city limits.

A. Under no circumstances shall service be extended to persons or properties located outside of the city limits of the city without the expressed permission of the city council by resolution. The council may grant service outside the city only under the following circumstances:

   1. As a temporary measure to alleviate a health hazard;

   2. Under emergency circumstances to alleviate human suffering, but only for the duration of the emergency;

   3. In return for right-of-way, service is to grantor only;

   4. To an industrial or commercial customer when the grant of service can be shown to be of significant benefit to the economy of the city and the grantee consents to annexation of the property upon request of the city.

B. This provision shall not be deemed to affect existing services to property located outside the city limits as of November 15, 1985, except that extensions or enlargements of their services shall not be allowed unless

either the circumstances set out in subsections A1, A2, A3 or A4 of this section exist. The city council shall be the final judge of the applicability or existence of the circumstances set out in subsections A1, A2, A3 or A4 of this section.

(Ord. 2026 § 21, 1987)

13.04.250 Changes in service.

Meters or services moved for the convenience of the customer will be relocated only at the customer's expense. Change in the size of service shall be accomplished on the basis of a new connection. Where the service connection to any premises has been abandoned or not used for a period of one year or longer, the system may remove such service connection. New service shall be placed only upon owner's making an application and paying for a new connection in the regular manner.

(Ord. 2026 § 19, 1987)

13.04.260 Termination of service—City's rights.

The city shall have the right to discontinue, remove or close wastewater or water connections and enter upon the property for accomplishing such purpose.

(Ord. 2026 § 7 (part), 1987)

13.04.270 Termination of service—Reasons.

Service to any customer may be terminated upon any of the following events:

A. System capacity is no longer sufficient to provide adequate service;

B. The purity of water in the system cannot be guaranteed;

C. In case of emergency or damage by casualty to the system;

D. The customer has been convicted on two or more occasions within the preceding forty-eight months for violation of this chapter or rules, or for violation of water or wastewater restrictions, or for trespass upon the treatment plant or reservoir properties or for endangering the water system water supply, or for tampering with a service cock or meter;

E. The customer has a current or prior account for service that has become fifteen days or more delinquent;

F. Customer has failed or refused to allow system personnel to inspect plumbing, water lines, wastewater lines and appurtenances located on this premises;

G. Customer has served water to a dwelling, business or institution which lies upon separate property;

H. Customer has not removed an existing cross-connection;

I. The customer has requested termination of service;

J. Failure to have the flow or sampling devices in proper operating condition for more than one week;

K. Failure to comply with the provisions of this chapter.

(Ord. 2026 § 7 (part), 1987)

(Ord. No. 2848, 10-9-2013)

13.04.280 Ownership.

All pumps, mains, laterals, valves and other devices and appurtenances of the water system up to and including the meter shall be considered city property. In the event that a meter is not installed, as in the case of private fire services, then a valve at or near the property line shall constitute the end of the city's property. All pumps, mains, laterals, and other devices and appurtenances of the wastewater system up to and including the main shall be considered city property.

(Ord. 2026 § 20 (part), 1987)

13.04.290 Maintenance and repair.

A. The city shall be responsible for maintenance and repair of all city property. The customer will be responsible for maintenance and repair of all water system property beyond the city's responsibility. The property owner shall be responsible for all repairs and maintenance of the property owner's wastewater system property, beyond the city's responsibility, including service connections to the wastewater mains.

B. 1. The city shall be responsible for the maintenance of all wastewater mains if they meet the following criteria:

a. The main has previously been approved and accepted for maintenance by the city;

b. The main is six inches or larger in diameter;

c. The main is connected to a city-maintained manhole at its downstream end;

d. The main lies completely within city right-of-way or easement.

2. All wastewater mains which do not meet this criteria shall be considered wildcat sewer mains.

(Ord. 2026 § 20 (part), 1987)

13.04.300 Liability for damage to city equipment or property.

The customer shall be liable for any damage to a meter or other equipment or property owned by the city which is caused by an act of the customer, his tenants or agents. The system shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

(Ord. 2026 § 8 (part), 1987)

13.04.310 Liability for damage resulting from service interruption or shortage or insufficient supply of pressure.

The city shall not be liable for damage resulting from interruption of service, shortage or insufficient supply or pressure, or for any loss or damage occasioned thereby, if caused by accident, act of God, fire, strikes, riots, war or any cause not within its control.

(Ord. 2026 § 8 (part), 1987)

13.04.315 Utility rate review committee.

The Lebanon City Council shall review utility rates and provide a public forum for such review. The city council shall meet annually to review the financial and physical condition of the water and wastewater systems and, if necessary, update rates accordingly.

(Ord. 2108 § 2, 1992)

(Ord. No. 3023, § 2, 8-14-2024)

13.04.320 Tampering with city property prohibited.

A. No person shall trespass upon, mark, destroy or tamper with any property or equipment of the system unless authorized by an employee of the city.

B. No person except an authorized employee of the administration, community and economic development, department of public works, a member of the police department or county sheriff acting in the line of duty, a member of the fire department acting in the line of duty, a contractor employed by the city to work in the system, or a licensed plumber with permission of the city, shall open or close a service cock, fire hydrant, or other system valve, or operate, remove or open a meter anywhere within the system, or remove a wastewater system manhole or cleanout cover.

(Ord. 2026 § 13, 1987)

13.04.330 Right-of-entry.

All personnel listed in Section 13.04.320 and persons assigned to read meters shall be authorized to enter upon customer premises without prior notice for the purpose of reading meters, inspecting customer equipment or investigating possible violations of this chapter. Employees and meter readers shall attempt to locate the person in charge of premises before entering any building or enclosure. Presence of unrestrained domestic animals, dogs or vicious animals upon the part of the premises to be inspected shall be deemed refusal of entry and may result in termination of service under Sections 13.04.260 and 13.04.270.

(Ord. 2026 § 14, 1987)

13.04.340 Appeals.

Any person who is aggrieved by denial of an application for service, by termination of water service, or who disputes the amount of billing may appeal as follows:

A. Informal Appeal — Step 1. Within ten calendar days of receipt of a disputed billing or ten days of notice of an adverse action on an application or ten days of termination or notice of impending termination of service, a person aggrieved thereby may appeal informally by presenting himself to the city finance director at city hall and presenting such matters as the customer or applicant believes entitle him to relief, and the relief requested.

B. Formal Appeal — Step 2. Within five calendar days of completion of step 1, an aggrieved person not satisfied with the decision of the finance director may appeal to the city administrator in writing. The city administrator shall consider the matters presented and shall issue a decision in writing.

C. Formal Appeal — Step 3. Within five calendar days of the completion of step 2 an aggrieved person not satisfied with the decision of the administrator may appeal to the city council by requesting in writing

to the city administrator that the matter be placed on the next available city council agenda. The decision of city council will be final.

(Ord. 2026 § 12, 1987)

13.04.350 Severability.

Each sentence, paragraph and section of this chapter shall be deemed severable. A declaration by a competent court that any provision of this chapter is invalid shall have no effect upon the portions remaining.

(Ord. 2026 § 25, 1987)

13.04.360 Administration.

Administration of the water and wastewater systems shall be under the direction of the city administrator or his designated agent unless otherwise specified within this code.

(Ord. 2026 § 1, 1987)

13.04.370 Violation—Penalty.

No person shall violate any of the provisions of this chapter. Any person who violates this chapter shall be fined a sum not to exceed amount set by the fee schedule the first violation within a twenty-four-month period, set by the fee schedule upon the second violation, and set by the fee schedule upon the third violation and each violation subsequent to the third. If the violation is of a continuing nature, each day upon which the violation continues shall be deemed a separate offense. In addition to the above fine, any person violating any provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

Each violation by an owner or tenant will be cumulative by the property owner independent of the number of properties served.

(Ord. 2026 § 24, 1987)

(Ord. No. 2848, 10-9-2013)

Article II. Water System

13.04.380 User fee—Generally.

A user fee shall be levied against each meter or unmetered account on a monthly basis. User fees shall be charged according to account classes as defined in Sections 13.04.390 through 13.04.430.

(Ord. 2026 § 27 (part), 1987)

13.04.390 User fee—Domestic user.

A. "Domestic user" means all single-family and individual apartments or flats where service is furnished through a separate meter for each individual apartment.

B. Fees for this class will consist of a basic charge for each size of meter installed and assessed independently of water use, and a commodity charge.

C. An additional rate step may be established for water use at the discretion of the city council.

(Ord. 2183 § 1, 1996: Ord. 2068 § 2, 1990; Ord. 2026 § 27(A), 1987)

13.04.400 User fee—Commercial and industrial user.

A. "Commercial and industrial user" means all industries, stores, offices, hospitals, schools, churches, mercantile establishments and apartments except those in which service to each apartment is metered separately.

B. Fees for this class will consist of a different minimum charge for each size of meter installed and a commodity charge. For the purposes of computing the commodity rate, all three-fourths inch and smaller size meters will be considered to be three-fourths meters.

(Ord. 2183 § 2, 1996: Ord. 2093 § 1, 1991: Ord. 2068 § 4, 1990: Ord. 2026 § 27(B), 1987)

13.04.410 User fee—Standby water use.

A. "Standby water use" means all residential, commercial or industrial users with a service which is used only as an emergency backup source of water in the event that their normal water source is incapacitated due to power outage, undesirable water quality, or inadequate volume from their normal water source.

B. Fees for this class will consist of a monthly rate for each size of meter installed for any meter read period that the water use does not exceed one unit. In the event that the water use exceeds one unit, the user fee shall revert to the standard residential, commercial or industrial rate as appropriate for that billing period only.

(Ord. 2026 § 27(C), 1987)

13.04.420 User fee—Private fire protection service.

A. A user fee shall be levied against each private fire protection service account on a monthly basis. The charge for this service will be based upon the size of service connection and the rates shall distinguish between privately owned and maintained hydrants and the city owned and maintained hydrants installed on private property at the request of the property owner.

B. For the purpose of this chapter, private fire protection service will not only include fire hydrants as stated, but also standpipes and connections for automatic sprinkler systems.

C. Private fire protection services are to be used only to extinguish fires and for flushing necessary to maintain fire protection equipment. When used in this manner a commodity charge will not be applied to water used. In case of surreptitious or improper use of water, the consumption may be estimated or meter installed and the water used shall be billed at commercial and industrial users' rates.

(Ord. 2026 § 27(D), 1987)

13.04.430 User fee—Lebanon fire department.

A user fee shall be levied against the Lebanon fire district. This charge shall be based upon the Intergovernmental Agreement for Annexation and Consolidation Of Fire Protection And Life Services, dated May 26, 1986.

(Ord. 2026 § 27(E), 1987)

13.04.440 Service charge and user fee disposition and use.

Water service charges and user fees and receipts therefrom, as and when collected, shall be paid over to the city treasurer for deposit into a department within the enterprise fund known as the "water department." The moneys in said department shall be used for the establishment, operation, maintenance, improvements, repair and extension of the city water treatment plant or plants and distribution system; and for all equipment, appurtenances, and other items or expenses relevant and necessary for the useful and convenient construction, operation and maintenance of said plants and water system. The administrative costs for collecting the charges and administering this chapter shall be payable from said special department.

(Ord. 2026 § 31, 1987)

13.04.450 Service connection—Fee.

A. New service connections to existing water mains shall be installed by the system in accordance with the fee adopted by resolution of the city council for those services from ¾-inch to two-inch size. Services longer than two-inch shall be installed at actual cost plus fifteen percent overhead.

B. An advance payment of the estimated cost of the work shall be made before installation of a service connection. When the estimated cost is not sufficient to cover the total charge, the deficit shall be charged to the applicant. Any excess payment shall be refunded to the applicant.

(Ord. 2026 § 28, 1987)

13.04.460 Water utility extension.

A. Water mains may be extended either by the efforts of a private individual or corporation through the local improvement district process, or by the direction of the city council. All system extensions shall be designed and the designs stamped by an engineer registered as a civil engineer in the state. The designs shall be approved by the director of public works. All system extensions shall be located and sized as directed by the director of public works and designed and constructed according to the standards set forth by the director of public works.

B. An application for construction of system improvements shall be filled out and the application fees paid when that extension is made through the efforts of a private individual or corporation.

(Ord. 2026 § 29 (part), 1987)

13.04.470 Temporary service.

A. Temporary water service as herein considered refers to water for fairs, circuses, bazaars, temporary restaurants and other establishments not of a permanent nature and water for construction purposes. Temporary water service also refers to any water service connection which is likely to be removed or

relocated in the future. This rule shall apply to temporary and permanent installations alike if the water use is temporary.

B. Where it is practical to furnish water through an existing service, the charge will be standard service charge established by the city fee schedule, plus a payment for water used at the same fee schedule charged to commercial and industrial accounts.

C. Where a new service or substantial revision of an existing service is needed to provide the temporary service, the charge shall be that adopted for a new service, plus a standard user fee, and payment for water used at the same fee schedule charged to commercial and industrial accounts.

D. Where it is impractical to furnish water through a service connection, water may be withdrawn from a fire hydrant through a fire hydrant meter which is furnished by the city upon payment of a deposit and a standard turn-on fee, as defined in Section 13.04.180. Installation and removal of the fire hydrant meter shall be made by city personnel only. If the city is requested to move the fire hydrant meter then a standard turn-on fee shall be charged for each move.

E. Return of the deposit is subject to the payment for water used at the same fee schedule charged to commercial and industrial accounts, and return of the meter in satisfactory condition. A deduction from the deposit shall be made to cover the cost of necessary repairs or replacements to the meter.

(Ord. 2026 § 30, 1987)

(Ord. No. 2848, 10-9-2013)

13.04.480 Water emergency.

A. The city administrator of the city shall, upon receiving reliable information that the system function, capacity or water purity is about to be impaired or has been impaired, declare an emergency. Upon declaration of such an emergency, the city administrator shall impose such restriction upon the use of water as he deems necessary to protect the health, safety and welfare of the citizens of the affected area. The city administrator shall use reasonable means to notify the public of the restrictions imposed. The city council may, at any meeting subsequent to the emergency, by resolution, confirm, alter, amend or terminate the restriction imposed by the city administrator.

B. No person shall violate the terms of any restriction or condition placed upon the use of a meter by the city administrator or the city council pursuant to the provision. It shall be no defense to a charge of violation that the person cited had no knowledge of the terms of the restriction.

(Ord. 2026 § 26, 1987)

Article III. Wastewater System

13.04.490 Method of charging for service imposed.

The following just and equitable method of charging for wastewater service and subsequent wastewater service is imposed on all premises and users served by the city of Lebanon municipal wastewater system.

(Ord. 2026 § 32, 1987)

13.04.500 Method of assessing wastewater use charges established.

The following just and equitable method of assessing wastewater use charges is established, determined and declared to be as set forth in Sections 13.04.510 through 13.04.560.

(Ord. 2026 § 33 (part), 1987)

13.04.510 User classes—Established.

In establishing a just and equitable method of wastewater use it is necessary to establish user classes into which users of similar wastewater loadings are grouped. User classes are established as follows:

A. Domestic Users. All single-family and multiple family dwellings;

B. Commercial Users. All general or retail businesses not deemed an industrial user;

C. Schools. Both public and private schools;

D. Industrial Users. Any business, occupation, or enterprise having wastewater discharge which by reason of the manufacture or industrial process involved or through services rendered is or could be of a kind or type dissimilar to that of a single-family residence because of the discharge of chemicals or putrescent material as the by-product of such process. The city shall determine when a user is an industrial user;

E. Lebanon Fire District. All facilities owned and/or operated by the Lebanon fire district.

(Ord. 2026 § 33(A), 1987)

13.04.520 User fee—Domestic user.

The method of assessing wastewater user fees for domestic users shall be based on average winter water consumption. For each domestic user the monthly wastewater charge shall be computed as follows:

A base fee plus a volumetric charge based on average winter water consumption up to a maximum of fifteen units. Domestic consumption in excess of fifteen units shall be charged the same as fifteen units.

(Ord. 2182 § 1, 1996: Ord. 2067 § 3, 1990: Ord. 2026 § 33(B), 1987)

13.04.530 User fee—Commercial user.

The method of assessing wastewater user fees for commercial users shall be based on average winter water consumption. For each commercial user the monthly wastewater charge shall be computed as follows:

A base fee plus a volumetric charge based on average winter water consumption.

(Ord. 2182 § 2, 1996: Ord. 2067 § 4, 1990: Ord. 2026 § 33(C), 1987)

13.04.540 User fee—Schools.

The method of assessing wastewater user fees for both public and private schools shall be based upon the number of students enrolled in that school on the first day of October. For each school, the monthly wastewater rate shall be computed as follows:

$A = FG$

where: A = Monthly wastewater user fee for each school.

F = Total student enrollment as counted on October 1st.

G = Established wastewater charge per student per month.

The monthly wastewater user fee shall be equal at each school for all months of the twelve-month period, July 1st through June 30th.

(Ord. 2026 § 33(D), 1987)

13.04.550 User fee—Industrial user.

A. The method of assessing wastewater user fees for each industrial user shall be based upon a monthly demand charge related to the fixed costs of the city of providing the capacity to treat the wastes, a monthly billing charge, and a variable charge based on the characteristics of the wastes being discharged. The standard characteristics upon which the industrial rates shall be based are:

1. Either the quantity of discharge per month (in hundreds of cubic feet) or the average winter water consumption, at the discretion of the city administrator;

2. Pounds of BOD per day (where BOD denotes the biochemical oxygen demand) and means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in either five days or twenty-eight days at twenty degrees Celsius, expressed in milligrams per liter (at the discretion of the city administrator);

3. Pounds of total suspended solids (TSS) per day where TSS means solids that either float on the surface of, or are in suspension in wastewater and which are removable by laboratory filtering;

4. Where concentrations of BOD or TSS are less than or equal to normal concentrations found within domestic wastes then TSS and BOD shall be considered to be zero.

B. For each industrial customer the monthly bill shall be computed as follows:

I = (TSS)J + (BOD)KL + (Q)M

where: I = Monthly for service fee

TSS = Total monthly suspended solids (in pounds) as measured by monitoring equipment

J = Use charge per pound of suspended solids

BOD = Total monthly BOD (in pounds) (5 day or 28 day as appropriate) as measured by monitoring equipment

K = Use charge per pound of BOD

L = Demand charge based on water meter size

Q = Monthly flow of discharge

M = Use charge for hundreds of cubic feet of flow

C. If it is deemed necessary, the city administrator may establish additional characteristics for individual industries where he feels that the three basic characteristics abovementioned do not sufficiently describe the costs of treating that industry's wastes.

(Ord. 2182 § 3, 1996; Ord. 2067 § 5, 1990; Ord. 2026 § 33(E) (part), 1987)

13.04.560 Use fee—Lebanon fire district.

The method of assessing wastewater user fees for the Lebanon fire district shall be based on the Intergovernmental Agreement for Annexation And Consolidation Of Fire Protection And Life Services.

(Ord. 2026 § 33(E) (part), 1987)

13.04.570 Users not serviced by city water system.

A. For domestic users not currently served by the city water system, the average winter water consumption, as defined in Section 13.04.520, shall be determined either by the city's reading of a water meter for the five month period, as defined in Section 13.04.020, which has been installed on the user's water service intake line. Such an installation shall be approved by the city administrator and the costs of the meter and its installation shall be borne entirely by the user. Or, the user may pay a basic fee per account established by the city.

B. Those commercial users not currently served by the city water system shall install a water meter at the user's expense and make the meter available to the city to determine average winter water consumption. The meter and its installation shall be approved by the city administrator.

(Ord. 2067 § 6, 1990: Ord. 2026 § 34, 1987)

13.04.580 Rates—Adoption, review and updating—Applicability.

Rates to be applied to each charge before mentioned shall be adopted by resolution of the city council and shall be reviewed and updated no less than once every two years to reflect the actual costs of operation, maintenance, replacement and financing of the wastewater treatment works. Rates established by resolution of the city council shall apply to users within the boundaries of the city limits.

(Ord. 2186 § 1, 1996: Ord. 2086 § 1, 1990: Ord. 2026 § 35, 1987)

13.04.590 Service charge and user fee disposition and use.

Wastewater service charges and user fees and receipts therefrom, as and when collected, shall be paid over to the city treasurer for deposit into a department within the enterprise fund known as the "wastewater department." The moneys in said department shall be used for the establishment, operation, maintenance, improvements, repair and extension of the city wastewater disposal plant or plants and for all equipment, appurtenances, and other items or expenses relevant and necessary for the useful and convenient construction, operation and maintenance of said plants and wastewater system. The administrative costs for collecting the charges and administering this chapter shall be payable from said special department.

(Ord. 2026 § 36, 1987)