

CHAPTER 4

UTILITIES

FOREST GROVE CODE
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CHAPTER 4

UTILITIES

WATER REGULATIONS

4.005

Restricting Sprinkling.

(1) The City Manager may, by giving written notice to the water consumer or by advertising for one issue in a newspaper published in the City, restrict the hours for sprinkling or discontinue sprinkling altogether for as long as the City Manager deems necessary, when there is a scarcity of water.

(2) No person shall use water contrary to the terms of notice issued in compliance with subsection (1).

4.010

Water System Control.

The Council shall have absolute control and supervision of the municipal water system and may, from time to time, promulgate rules and regulations and employ help as it deems necessary for the management and operation of the system.

4.015

Water Meters.

No person shall take water from the municipal water system other than for municipal purposes or to extinguish fires except through the water meters.

4.020

Meter Installation Record.

A record of all installations of water meters shall be maintained, including the name of the consumer, the location of the property, and the date of the installation. This record shall be filed with the recorder of the City.

4.025

Service Pipes; Meters.

(1) The City shall place service pipes from the most accessible main to the point most convenient for furnishing water to the consumer.

The City shall supply service pipes with meters and meter boxes, which shall be under the control, and remain the property, of the City.

(2) Installation of water meters shall be made by the City, and the size of the meter to be installed shall be determined by the City Engineer.

3) All water consumers shall at their own expense connect with the outlet provided with an approved service pipe, including stop and waste valve of approved quality. The connecting pipe for residences shall not be less than three-quarters of an inch in diameter. The service pipes shall be placed not less than 12 inches underground and shall be kept in good repair.

(4) No person shall be allowed to connect or attach or reconnect any pipe to the City mains or service pipes or make any alteration in any pipe or pipes so connected without authority from the Council or its authorized agent.

(5) Where water service is available from the City and one or more other agencies within the corporate limits of the City, applicants desiring water service shall connect to the City of Forest Grove water system unless waived by the City Manager.

4.035**Water Rates.**

(1) All consumers of water shall pay for the service and water at reasonable rates fixed by the Council by resolution.

(2) Rates in this Section are not covered by the annual fee adjustment.

4.040**Delinquent Accounts.**

(1) All charges for water furnished by the City shall be due and payable within 15 days after the date of the bill. If not so paid, they shall become delinquent and service may be disconnected. Any consumer whose service has been disconnected shall not be reinstated until the full amount of the delinquent water bill has been paid. In addition, the consumer shall pay a fee to be fixed by the Council by resolution for reinstatement and service connection.

(2) All unpaid water charges shall be a lien in favor of the City upon each lot or parcel of land or other property served and shall be collected as other liens of the City are enforced.

4.045**Abandonment of Service.**

If charges for water furnished by the City are delinquent for a period of 12 months or if water service has been discontinued for a period of 12 months without payment of the fee required for discontinuance of service, the service shall be deemed abandoned and the water meter removed by the City. Thereafter, reconnection of water service shall be at the then-prevailing rate for water service connection.

4.050

Inspection; Shutoff.

All buildings in which City water is used shall be subject to reasonable inspection. In case of accident, or for the purpose of making repairs or extensions to the water system, water may be cut off without notice to the consumer and the City shall not be liable for the damages on account of the water being cut off.

4.055

Water Main Installation and Connections.

(1) If the City Engineer determines, in order to serve additional areas beyond a given subdivision, that the size of the water main to be installed should be greater than is necessary to serve the subdivision or parcel of real property, the City shall be responsible for the additional cost. The cost shall be ascertained by computing the cost of installation of water mains required to serve the area and determining the cost of installation of the larger-size main required. The difference in cost shall be paid by the City.

(2) All water main installations shall be in accordance with prevailing City standards and specifications.

(3) Water services supplied by an agency other than the City of Forest Grove within the city limits of Forest Grove may be connected to the Forest Grove water system at no charge for service of equal size. If a larger service is requested or required, a credit shall be allowed in an amount equal to the fee for connection of the existing service.

(4) Applicants desiring water service for property that did not participate in the financing of the water main serving such property shall pay a water main construction fee in amount to be fixed by the Council by resolution. This fee shall be in addition to the water connection charge specified in Section 4.030. This fee is not covered by the annual fee adjustment.

(5) No Connections Outside the City: Requests for water line connections outside the City limits are governed by special permit granted by the City Council. (Ord. 2010-07, 08/23/2010)

(6) Requirements for Extending Water Service Outside the City Limits:

All extensions of water service outside the City limits shall be recommended by the City Engineer and approved by the City Council on a case-by-case basis. Said extensions of service shall be granted only when in the best interest of the City. The extension of service is a privilege and not a right. In determining whether to allow an extension of water service, the following criteria shall be considered:

A. The extension of water service outside the City limits shall not be permitted except by approval by resolution by the City Council.

B. The City Council deems an imminent threat to public health and safety.

C. The extent to which the extension of water service would create an adverse impact upon existing facilities or create economic burdens for future operation and maintenance of the City water system.

D. Water main installation and connections shall be in accordance with the prevailing City standards and specifications.

E. The City shall charge a water main fee on the property that will be provided water service. The amount of the fee and the methods of derivation shall be in accordance with the rate schedule adopted by resolution of the City Council. (Ord. 2010-07, 08/23/2010)

WATER SUPPLY CROSS CONNECTION CONTROL POLICY**4.100** **Purpose and Scope.**

The purpose of Code Sections 4.100 to 4.135 is:

- (1) To protect the public potable water supply of Forest Grove from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the consumer's private water system(s) such contaminants or pollutants that could backflow into the public water systems;
- (2) To promote the elimination or control of existing cross connections, actual or potential, between the consumer's in-plant potable water system(s) and nonpotable water system(s), plumbing fixtures and industrial piping systems; and
- (3) To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

4.105 **Responsibility.**

The Director of Public Works shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the Public Works Director, an approved backflow prevention assembly is required at the customer's water service connection or within the customer's private water system for the safety of the water system, the Director or designee shall give written notice to the customer to install approved backflow prevention assembly(s) at specific location(s) on the customer's premises. The customer shall immediately install the approved assembly(s) at the customer's own expense. Failure, refusal, or inability on the part of the customer to install, have tested and maintain the assembly(s) shall be grounds for discontinuing water service to the premises until the requirements have been satisfactorily met.

4.110 **Definitions.**

As the purposes of Sections 4.100 to 4.135, the following words and terms mean as follows:

Approved. Accepted by the Director and/or Oregon State Health Division applicable specifications stated or cited in this ordinance, or as suitable for the proposed use.

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

Backflow. The reversal of the normal flow of water caused by either backpressure or backsiphonage.

Backflow preventer. An assembly or means designed to prevent backflow.

(1) Air-gap. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing, fixture, or other device and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel; and in no case less than one inch.

(2) Reduced pressure principle assembly. An assembly of two independently acting, approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve, located between the check valves and at the same time below the first check valve. The unit shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly. The entire assembly shall meet the design and performance specifications as determined by a laboratory and a field evaluation program resulting in an approval by a recognized and Oregon State Health Division-approved testing agency for backflow prevention assemblies. The assembly shall operate to maintain the pressure in the zone between the two check valves at an acceptable level less than the pressure between the pressure on the public water supply side of the assembly. At cessation of a normal flow, the pressure between the two check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the

atmosphere. To be approved, these assemblies must be readily accessible for in-line testing and maintenance and be installed in a location where no part of the assembly will be submerged.

(3) Double check valve assembly. An assembly of two independently operating, approved check valves with tightly closing shut-off valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet design and performance specifications as determined by a laboratory and a field evaluation program resulting in an approval by a recognized and State Health Division-approved testing agency for backflow prevention assemblies. To be approved, these assemblies must be readily accessible for in-line testing and maintenance.

Backpressure. The flow of water or other liquids, mixtures, or substances, under pressure, into the distribution pipes of a potable water supply system from any source other than the intended source.

Backsiphonage. The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source other than the intended source.

Contamination. An impairment of the quality of the potable water by sewage, industrial fluids, or waste fluids, compounds or other materials, to a degree which creates an actual or potential hazard to public health through poisoning or through the spread of disease.

Cross Connection. Any actual or potential physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other nonpotable water, or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable Sections, four-way plug valves, spools, dummy Sections of pipe, swivels or change-over devices or sliding multi-port tubes.

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

Cross-Connection Control by Containment. The installation of an approved backflow prevention assembly at the water service connection to any customer's premises where it is not physically and economically feasible to find and permanently eliminate or control all

actual or potential cross connections within the customer's water system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of the customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection.

Director of Public Works or "Director". The Director is authorized and is responsible for implementation of an effective cross-connection control program and for the enforcement of the provisions of this Code.

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

(1) Hazard, health. Any condition, device, or practice in the water system and its operation which could, in the judgment of the Director, create a danger to the health and well-being of the water consumer.

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

(3) Hazard, polluttional. An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's water system that would constitute a nuisance, be aesthetically objectionable, or could cause damage to the system or its appurtenances, but would not be dangerous to health.

(4) Hazard, system. An actual or potential threat of severe physical damage to the public potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

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

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stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, irrigation canals, or systems, etc.; oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

Pollution. The presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

Water, nonpotable. Water that is not safe for human consumption or is of questionable potability.

Water, potable. Water that, according to recognized standards, is safe for human consumption.

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

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

4.115

Requirements.

(1) Water system:

(A) The water system shall be considered to be composed of two parts: the utility system and the customer system.

(B) The utility system shall consist of the source facilities and the distribution system and shall include all facilities of the water system that are under the complete control of the utility, up to the point where the customer's system begins.

(C) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.

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

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

(2) Policy:

(A) No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws and regulations and this ordinance. Service of water to any premises shall be discontinued by the Director/Water Surveyor if:

- (1) a backflow prevention assembly required by this ordinance is not installed, tested and maintained; or
- (2) it is found that a backflow prevention assembly has been removed or by-passed; or
- (3) an unprotected cross connection exists on the premises.

Service will not be restored until such conditions are corrected.

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

- (1) When premises have an auxiliary water supply that is not or may not be of safe bacteriological or chemical quality and is not acceptable as an additional source by the Director, the public water system shall be protected against backflow by installing an approved backflow prevention assembly in the service line(s) appropriate to the degree of hazard.
- (2) When industrial fluids or other objectionable substances are handled in a manner that creates an actual or potential hazard to the public water system, the public system shall be protected against backflow by installing an approved backflow prevention assembly in the service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the utility system that have been subject to deterioration in quality.
- (3) When premises have (a) internal cross connection(s) that cannot be permanently corrected or controlled; or (b) intricate plumbing and piping

arrangements; or (c) where entry to all parts of the premises is not readily accessible for inspection, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist, the public water system shall be protected against backflow by installing an approved backflow prevention assembly in the service line.

(C) The type of protective assembly required under subsection (2)(B) of this Section shall meet all Oregon State Health Division standards in addition to the requirements of this Code. The type of protective devices required will depend on the existing degree of hazard, as follows:

(1) On premises where there is an auxiliary water supply as stated in subsection (2)(B)(1) of this Section and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly.

(2) On premises where there is water or substance that would be objectionable, but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.

(3) On premises where there is any material dangerous to health that is handled in a manner that creates an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.

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

(5) On premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by

either an approved air-gap separation or an approved reduced pressure principle backflow prevention assembly on each service to the premises.

(D) Any backflow prevention assembly required by this Code shall be a model and size approved by the Director and the State Health Division. The term "Approved Backflow Prevention Assembly" shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association (A.W.W.A.) entitled:

AWWA C506-84 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices, or latest revision; and, have met completely the laboratory and field performance specifications of the Foundation of Cross-Connection and Hydraulic Research (F.C.C.C. & H.R.) of the University of Southern California established by specifications of backflow prevention assemblies - Section 10 of the most current issue of the "Manual of Cross-Connection Control."

The A.W.W.A. and F.C.C.C. & H.R. standards and specifications have been adopted by the State of Oregon Health Division and are hereby adopted by the City of Forest Grove.

(E) Customers or users at premises where back-flow prevention assemblies are installed shall have certified inspections and operational tests made at least once per year. The Director may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by the assembly manufacturer's representative, water department personnel, or by a certified tester approved by the State Health Division. The Director shall ensure that these tests are made in a timely manner. The customer or user shall notify the Director in advance when the tests are to be undertaken so that an official representative may witness the tests if so desired. These assemblies shall be repaired, overhauled or replaced at the expense of the customer or user whenever such assemblies are found to be defective. Records of tests, repairs, and overhauls shall be kept and copies given to the Director.

(F) All presently installed backflow prevention assemblies that do not meet the requirements of this Section but were approved at the time of installation and have been properly maintained, shall, except for the inspection and maintenance requirements under subsection (2)(E) of this Section, be excluded from the requirements of these rules so long as the Director is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than minimum maintenance, or when the Director finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this Section.

(G) The Director may specify the location and methods of installation of all backflow prevention devices.

(H) Any installation, corrective measure, disconnection, or other change to a backflow prevention device shall be at the sole expense of the owner or water customer. The cost of any change required in the City's system outside the property (i.e., between the meter and the supply line) and any charges for cut-off or disconnection shall be added to the charges against the premises that necessitated the expenditures.

(I) Any person operating any mobile apparatus that uses the City water system or water from any premises within the City must provide for backflow prevention. These provisions are stated in subsections (2)(C), (2)(D), (2)(E), and (2)(G) of this Code.

4.120**Cross-Connection Inspections.**

(A) No water shall be delivered to any structure hereafter built within the City or within areas served by City water until the structure has been inspected by the City for possible cross connections and has been approved as being free of cross connections.

(B) The customer's system shall be open for inspection at all reasonable times to authorized representatives of the City to determine whether cross connections or other structural or sanitary hazards, including violations of these regulations, exist. When such conditions become known, the Director shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition in conformance with State and City laws relating to plumbing and water supplies. All inspections as stipulated in this Section shall be made by and at the expense of the City.

(C) In accordance with Section 4.050 of the code, authorized employees of the City shall have free access at proper hours of the day, to all parts of buildings or premises for the purpose of inspecting the condition of the pipes, fixtures, and other appurtenances, and the manner in which the water is being used.

(D) If access to the premises is refused, the City shall discontinue water service to the premises.

4.125

Backflow Preventer Testing Program.

(A) Any backflow prevention device that may be required by the City or the state to be installed on property for the protection of the water supply shall be tested at the time of installation and, anytime the device is moved or relocated, immediately after relocation or moving. The property owner must forward the results of such testing to the City Department of Community Development within ten days of the date of installation or relocation.

(B) The property owner must order and cause to be performed, a test of each backflow prevention device annually, or within 30 days after the anniversary date of the initial testing. The City may require more frequent testing in order to assure that the device is properly functioning in those installations which present a serious health hazard as determined by the City.

(C) If the Department of Community Development has not received the results of the test within 30 days of the anniversary date for annual testing or within 10 days of the date of the device, or the date of City's discovery that the device was installed without testing as applicable, the City may order the test and add the cost of the test onto the property owner's water bill.

(D) If the results of the test ordered by the City or the property owner indicate that repairs are necessary, the repairs must be made and a new test made and results of the test forwarded the City Department of Community Development within ten days of the date of the first test.

If the Office of Community Development has not received evidence of the repairs and the results of the second test within ten days of the first test, the City may have the repairs made and second test made and add the cost to the property owner's water bill.

This Section applies to all tests and repairs until the tests show the backflow preventer device is functioning properly.

(E) The City, in accordance with Sections 4.105 and 4.115(2)(A), may discontinue the water service of any person who refused or fails to pay for testing or repair, and have the charges added to the customer's water bill.

(F) All tests required to be performed under this Section must be performed by a tester certified by the state.

4.130**Liability.**

Sections 4.100 to 4.135 of this Code shall not be construed to hold the City responsible for any damage to persons or property by reason of inspection or testing, or the failure to inspect or test.

4.135**Penalties.**

(A) A person who fails to install or provide for the testing of a backflow prevention device or who violates any provision of Sections 4.100 to 4.135 of this Code, or who fails to comply with an order thereunder, shall severally for each violation and noncompliance be guilty of a code violation. The imposition of one penalty for a violation shall not excuse the violation or permit it to continue. In addition, each day the violation continues constitutes a separate violation.

(B) Any person who is in violation of Sections 4.100 to 4.135 of this Code shall be required to correct or remedy such violation or defect. The application of the above penalty shall not prevent the enforced removal of prohibited conditions; and, in addition to other remedies, the City may file an action to enforce this ordinance. (Ord. 1986-07, 06/23/87)

ELECTRIC UTILITY OPERATION**4.200 Electric Energy System Control.**

The Council shall establish policy, adopt rules and regulations and set rates as it deems necessary for the management and operation of the electrical utility. (Ord. 1996-11, 10/14/96)

4.205 Electric Utility Rules and Regulations.

(1) Electric Meters. The City shall own and maintain all electric meters. The City shall not pay rent or any other charge for a meter or other electric facilities located on the customer's premises. All meters, wires and other appliances furnished by the City shall remain property of the City.

(2) Meter installation. All meters installed shall not be more than seven feet above the floor or ground and at a place accessible and convenient to authorized agents of the City. Meters will be sealed by the City, and no one except an authorized agent of the City may break or injure such seals. No person other than an authorized agent of the City may change the location of, alter or interfere in any way with any meter. The expense of installing and maintaining meters will be borne by the City; provided, however, that where replacements, repairs or adjustment of a meter are made necessary by the act, negligence or carelessness of the owner or occupant of the premises, the expense to the City shall be recouped by a fee to be set by Council resolution. The owner or occupant shall be responsible for any unmetered energy used as a result of any act, negligence or carelessness requiring replacement, repair or adjustment of a meter.

(3) System Tampering. No person or persons other than authorized agents of the City shall tap into, change, obstruct, or interfere with the City's electrical energy system. Any person, firm, corporation or industry that obtains electrical services or damages the system by tampering with, tapping into, obstructing or interfering with the City's electric energy system without City approval or notification shall be assessed the cost for damages to the electrical distribution system, and/or estimated cost of electricity. Any violation hereof may be punishable in accordance with the General Penalty (Sec. 1.095) provisions of this Code.

(4) Wire installation. All wires upon the premises of the consumer to which the City service shall be connected shall be so installed by the consumer that the City may have convenient access to them. The wires shall be kept in proper condition by the consumer. Authorized agents of the City may, at all reasonable hours, enter the consumer's premises on business connected with the consumer's installation or services.

(5) Installation inspection. The wiring of a building and the installation of lamps or electric machinery shall be subject to examination by a duly authorized agent of the City at all reasonable times. No person shall connect, disconnect or reconnect any wire with the City's electric system unless specially authorized to do so by the City Manager or Manager's designee.

(6) Line Extension Policy. The City shall have a Line Extension Policy where line extension fees are fixed by the Council by resolution.

(7) Street and Area Lighting Design Guidelines and Construction Standards. The City Manager or designee shall establish street and area lighting design guidelines and construction standards which shall be kept on file in the office of the Forest Grove Light and Power Department.

(8) Refusal of Service or Disconnection. The City Manager or designee may refuse to furnish electric energy to any applicant or may require discontinuance of service to any consumer where hazardous conditions exist at the applicant's or consumer's premises, where the electrical facilities including, but not limited to, electric meters, power and supply lines, electrical enclosures, such as padmount transformer enclosures, junction cabinets and service pedestals are not accessible with proper clearance to utility personnel at all times without prior notification, or where the applicant or consumer is in violation of the National Electrical Code and/or the Electrical Code of the State of Oregon. (Ord. 1996-11, 10/14/96; Ord. 2006-14, 08/14/2006; Ord. 2009-11, 09/14/2009)

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Electrical Rates and Regulations.

(1) Rates. The rates charged for electric energy shall be fixed by the Council by resolution. The Council will hold at least one public hearing before adopting a resolution changing rates for electrical energy. All the conditions, terms, rates and charges fixed by Sections 4.205 to 4.210 shall constitute the rules, terms, rates and charges for the use of electrical energy in the City. Rates and fees in Sections 4.205 and 4.210 are not covered by the annual fee adjustment.

(2) Determination of Consumption. To determine the consumption, a meter shall be installed by the City upon the consumer's premises at a point convenient for the City's service. The City will keep an accurate account on its books of the electric energy consumption. The account shall be accepted as prima facie evidence of the consumption of the consumer. Should the meter fail to register, the consumption will be estimated from the amount used in a corresponding month; should there be no corresponding month, then the consumption will be

estimated upon the average of all previous months. Where it is not practical to meter service, consumption will be based on standard usage for device(s) using electrical energy.

(3) Interruption of Service. In case the supply of energy is interrupted by reason of accident or otherwise, the City shall not be liable for damages by reason of such failure. It shall in no case be a condition precedent to the City's right to recover hereunder, to allege or to prove that no interruption in the supply of energy has occurred.

(4) Delinquent Accounts. All charges for electric energy shall be due and payable 15 days after the date of the bill. If not so paid, they shall become delinquent and service may be disconnected. If a consumer violates City rules and regulations or fails or neglects to pay the amount due each month, within 10 days after the delinquent date, service may be discontinued. Prior to shutting off service, the City shall notify the consumer in person or by mail of the intended shut-off. If the amount due is not paid before the scheduled shut-off date, the City shall not be obligated to give or provide any further notice prior to discontinuing the service and shall not be liable to the consumer upon the discontinuance for non-payment as set out in this Code. Any consumer whose service has been disconnected shall not have their service reinstated until the full amount of the delinquent utilities have been paid or payment contract executed. In addition, the consumer shall pay a service fee to be fixed by Council resolution for failure to pay, reinstatement and/or service connection. The City Manager or designee may refuse service until all unpaid charges for electric service have been paid.

(5) Meter Tampering. Where no meter has been installed or electric service has been discontinued by the City for any reason, no person or persons except authorized agents of the City may reinstate said service. Costs incurred to remedy meter tampering shall be set by Council resolution as stated in Section 4.205 (2).

(6) Liens. All unpaid charges shall be a lien in favor of the City upon each lot or parcel of land or other property served and shall be collected as other liens of the City are enforced.

(7) Advance Payment. Before electric service is furnished to any residence, store, warehouse or commercial or industrial enterprise, the City Manager or designee may require an advance payment as follows:

- (a) Residence: In a sum sufficient to compensate the City in the estimated amount of the first two months' charges or single largest month whichever is less for electric services.
- (b) Store, warehouse or commercial or industrial enterprise: In a sum sufficient to compensate the City in the estimated amount of the first month's charges for electric services.

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FOREST GROVE CODE

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(c) The advance payment will be held for one year; if there are no delinquencies on the account the advance payment will be refunded. If there are credit problems with the account after one year, the advance payment will be held until the customer has twelve (12) consecutive months without a delinquency. In the event full payment is not received and service is disconnected, the advance payment will be applied to the final charge. (Ord. 1996-11, 10/14/1996)

STREETLIGHT FEE

(Ord. 2013-08, 08/13/13)

4.300 Streetlight Fee Established.

A Streetlight Fee (SLF) is hereby created and imposed on consumers of the City of Forest Grove's electric utility, the amount of which is to be set by Council resolution. The revenue from the SLF shall be used to pay direct and indirect costs associated with the operation, maintenance, installation and replacement of street lighting owned operated or controlled by the City. The SLF is premised on both the direct and indirect use of or benefit from provision and use of the City's street lighting and is neither a property tax nor subject to the limitations of Article XI, Section 11 of the Oregon Constitution.

4.310 Dedicated Account.

All revenues generated by the SLF shall be placed in a dedicated account within the City's Street Fund and used only to pay the direct and indirect costs associated with the operation, maintenance, installation and replacement of street lighting owned, operated or controlled by the City.

4.320 Billing.

The SLF shall be billed to and collected from the person identified for each metered site in the City's electric utility records as responsible for payment of electric energy charges. SLF billings will be a separately identified on any utility billing statement and will be due and payable on the same schedule as that set for the electric utility. Payments on the utility billing statement shall be applied in a priority consistent with that set up in Code Section 2.615. Failure to pay the SLF when due subjects the metered site to discontinuance of electric utility service consistent with the terms of Code Sections 4.210(4) and 2.615.

SEWER REGULATIONS**4.400 Sewer Fund.**

(1) All funds and moneys received for the sewer system of the City from every source, whether from taxes levied for sewer bond requirements or sewer service charges, shall be placed in a separate fund to be known as the "sewer fund."

(2) All sewer receipts and revenues, taxes, service charges or otherwise shall be deposited in the sewer fund. Payment of operating expense and bond interest and bond retirements shall be made from the sewer fund.

4.405 Connection Required.

(1) Every residence, building or place where human beings reside, assemble or are employed within the City shall be required to connect to the City sanitary sewer system where the following conditions exist:

1. Washington County or Oregon Department of Environmental Quality, has determined that the existing onsite sewage disposal system has failed or is in need of repair, and;
2. Connection to City sewage line is physically available as described in OAR340-071-0160.

(2) No connection to City sanitary sewer lines shall be allowed outside the corporate limits of the City. (Ord. 2006-15, 08/14/2006)

(3) In areas where City sanitary sewers are not available for connection, every residence, building or place where human beings reside, assemble or are employed within the City shall be required to have a sanitary method for disposal of sewage.

(4) If any person continues to construct, maintain or use an outside toilet, cesspool or septic tank for a period of 30 days after service of written notice to connect with the public sewer, the City Manager shall discontinue water service to the location until connection is made with the sewer system. Notice shall be given by certified mail. This remedy may be used in addition to any other penalty which may be imposed.

(5) It is the duty of the owner of any premises having a sewer lateral connected with the public sewer to maintain this lateral sewer the entire distance from the house to the place of connection with the public sewer.

4.410 Independent Connection.

Every building shall be connected independently with the sewer unless it is deemed advisable by the Council that two or more buildings or a line of tenements may be connected by the same lateral to the sewer.

4.415 Construction Fee for Property not Previously Assessed.

When a property owner applies to connect to a City sanitary sewer, and when benefiting property has not been specifically assessed or otherwise paid for the sewer to which connection will be made, then a construction fee, in addition to the general connection charge, shall be paid for the special benefit the property receives. The amount shall be set by resolution by the Council. Fees in this Section shall be exempt from the annual fee adjustment. (Ord. 1989-04, 02/13/1989)

4.420 Application for Sewer Permit.

- (1) A licensed sewer contractor employed to do the work shall file an application. The application shall include:
- (a) The name of the owner or occupant of the premises to be connected;
 - (b) The number of buildings and the purposes for which they are or are to be occupied;
 - (c) The plans and specifications showing the whole course of the drain from the connection with the public sewer to its terminus within the building or premises; and
 - (d) All branches, traps, and fixtures to be connected to the building or premises.
- (2) The plans and specifications shall be made in duplicate and presented to the City Engineer. The City Engineer shall examine the plans and specifications and may change or modify them, may designate the manner in which the connecting sewer shall be connected with the building or the place where connection with the public sewer shall be made, and may specify the material and size of the connecting sewer. The City Engineer shall approve the plans and specifications as originally prepared or as modified and changed, and shall issue the permit. A copy of the approved plans and specifications shall be attached to the permit. No person shall extend any private sewer or drain beyond the limits of the building or property for which the permit is given.

(3) Upon issuance of a sewer connection permit, provided there is an existing main or lateral available, it shall be the responsibility of the City to connect the necessary sewer services to existing mains and laterals to the property line or to sewer easement line of the property to be served. The sewer contractor shall connect and continue the sewer from this point to the structure to be served. The fee charged by the City to connect the sewer shall be fixed by Council by resolution. Fees in this Section are not subject to the annual fee adjustment. (Ord. 1989-04, 02/13/1989)

4.425**Sewer Contractor's Bond.**

A sewer contractor shall file with the City Recorder a bond in the sum of \$1,000.00 to be given by an approved surety company and to be approved as other bonds of the City are approved. The bond shall state that the applicant will indemnify and save harmless the City from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person by reason of any opening in any street, alley, avenue or other public place made by the contractor or in making any connection with any public or private sewer or for any other purpose or object whatever. The bond shall also state that the contractor will replace and restore the street, alley, avenue or other public place to as good a state and condition as at the time of the commencement of the work; and that the contractor shall maintain the same in good order to the satisfaction of the City Manager; and that he or she will comply with Sections 4.405 to 4.485 of this Code.

4.430**Sewer Pipes.**

Sewer pipes in yards shall be of the best quality vitrified pipes or concrete sewer pipes with cemented joints composed of one part of Portland cement and two parts of clean sharp sand, well worked into the bells and smoothed with a bevel away from the joints. The inside of the pipe shall be carefully swabbed to prevent projection into the pipe of loose materials or of mortar; provided that where in the judgment of the inspector gaskets are necessary to make a first class job, the gaskets shall be inserted. Sewer pipes shall not be laid nearer to any exterior wall of a building than two feet, shall be at least one foot below the surface of the ground at the exterior of the building, and shall be laid with as little change in direction as possible. If a change in direction is necessary, the change shall be made with suitable fittings or by deflections in the pipe not exceeding two inches per two-foot lengths of pipe. Pipe sewers shall have a fall of not less than one-quarter inch per foot, except when local conditions prevent

compliance, or when a lesser fall may be approved by the City Engineer. No vitrified pipes shall be laid in bad or made ground. Instead, in such cases, sewers beneath the ground shall be of cast iron pipes.

4.435**Cleanouts and Manholes.**

Cleanouts shall be placed at the foot of each vertical line of soil pipe, where practical, and in all changes of directions of waste pipes leading to the same. Manholes must be constructed to give access to cleanouts, where practical.

4.440**Inspection and Forfeiture of License.**

All work done in pursuance of any sewer permit granted shall be done under the inspection and subject to the approval of the City Engineer. The grade, materials, and manner of construction of any sewer or drain shall be subject to approval by the City Engineer. Any licensed sewer contractor who refuses to modify, remove, replace, or complete any portion of the work when so instructed by the City Engineer shall by such refusal forfeit his or her license.

4.445**Excavations to be Guarded.**

All excavations made by any licensed sewer contractor within the limits of any street, alley, avenue, or other public place shall be protected and guarded, both night and day, by the display of proper signals and lights. The contractor shall be liable upon the contractor's bond for all accidents caused by negligence in this respect.

4.450**Delayed Work.**

If, in the judgment of the City Engineer, any excavation is left open an unreasonable time, the Engineer may cause the excavation to be refilled and the street restored. Costs incurred in such work shall be charged to the sewer contractor in charge of the project and must be paid before the contractor may receive any future permit from the City Engineer.

4.455**Improper Work.**

If any work is not constructed and completed in accordance with the plans and specifications as approved by the City Engineer and to the acceptance of the City Manager, or if the contractor refuses to properly construct and complete the work, notice thereof shall be given to the owner of the property for whom the work is being done,

and the City Manager shall cause such work to be completed and the sewer connected in the proper manner. The full cost of work and materials necessary for the reconstruction shall be charged to and become a lien against the property. The assessment shall be entered in the docket of City liens and collected in the manner provided by the City Charter or State law for the collection of liens for state improvements.

4.460**Inspection Before Trenches are Filled.**

No trench shall be refilled, or any connecting sewer constructed under Sections 4.405 to 4.485 until they have been inspected and approved by the City Engineer, or until they have been made to conform to Sections 4.405 to 4.485.

4.465**Injury to Public Sewers.**

No person shall injure, break, or remove any portion of any manhole, lamphole, flush tank, or any part of the public sewers of the City.

4.470**Depositing Rubbish in Public Sewers.**

No person shall deposit any garbage, rubbish, dead animals, or any substance having a tendency to obstruct the flow of any sewer in any manhole, lamphole, flush tank, or sewer opening within the City.

4.475**Drain From Certain Pipes.**

No steam exhaust blow-off or drip pipe or drain in which gasoline, oil, or any like substance is permitted to drain shall connect with the sewer, house drain, soil, waste, or bent pipes, or with any rain-water conductor. Steam shall be discharged into a blow-off or condensing tank, the waste of which shall be connected with the house sewer outside of the cellar walls.

4.480**Revocation of License.**

(1) If any licensed sewer contractor violates the provisions of Sections 4.405 to 4.485 the Council may, in addition to any other penalty, revoke any license granted under Sections 4.405 to 4.485. Before revocation, the Council shall notify the licensed sewer contractor that the Council is considering the revocation of the license, giving the license number, and that the holder of the license may be heard in opposition to the revocation before the license is declared revoked.

4.485

Waste.

The sanitary sewer is for the conveyance of sewage only. No waste water from manufacturing plants, refrigerator plants or wash racks for automobiles will be allowed to be discharged into it. Plants having oily, greasy, or acid wastes will not be allowed to be discharged into it.

Restaurants may be required to install special catch basins for the retention of grease. Storm drains, basement drains and downspouts shall not be connected with the sanitary sewer.