**TITLE V: PUBLIC WORKS**

Chapter

**50. GENERAL PROVISIONS**

**51. WATER**

**52. SEWERS**

**CHAPTER 50: GENERAL PROVISIONS**

Section

50.01 Public utility and sanitation rates

**50.01 PUBLIC UTILITY AND SANITATION RATES**

(A) There are hereby imposed and levied upon all places of business, residences and other tracts of land in the city, irrespective of whether or not the places of business, residences or other tracts of land are connected with the sewer system of the city, just and equitable rates for hook‑up, service, maintenance, operation and extension of the sewer system of the city.

(B) The just and equitable rates are established and determined by the City Council.

(Prior Code, 5-500, 5-501)

**CHAPTER 51: WATER**

Section

**Billing**

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**BILLING**

**51.01 BILLING POLICY**

(A) All water bills are due and payable ten days after the date of billing.

(B) A late fee designated by the city fee schedule will be added to delinquent accounts made after the 20th of the current month and each month that account is delinquent.

(C) Account holders delinquent more than 45 days will be handed a shut-off notice, or if no one is at the account address, the notice will be attached to the residence door. If the account remains delinquent for three more days, water service will be shut off.

**51.02 LIENS**

(A) The city hereby ordains that upon any charges delinquent for 75 days, a lien shall be applied against the property.

(B) Liens will be applied when amounts are 75 days delinquent, after first serving notice to the owners/occupants by registered mail. When persons other than the owners occupy the property a duplicate copy of the amount owed will be sent to the registered owner by the same means. The 75‑day time is to commence on the postmarked date of the bill and become delinquent on the 75th day thereafter.

(C) This section shall be deemed enforceable, consistent with the laws of the state.

**CROSS CONNECTION CONTROL**

**51.20 DEFINITIONS**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***APPROVED BACKFLOW PREVENTION ASSEMBLY:***  A device to counteract back pressures or prevent back siphonage. This device must appear on the list of approved devices issued by the State Health Division.

***AUXILIARY SUPPLY:***  Any water source or system other than the public water system that may be available in the building or on the premises.

***BACKFLOW:***   The flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases or substances into the water system of the city's water.

***CITY*** or ***THE CITY:***    The City of Weston.

***CONTAMINATION:***   The entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

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

***DEGREE OF HAZARD:***   Derived from the evaluation of health, system, plumbing or pollution hazard.

***HEALTH HAZARD:*** An actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

***PLUMBER HAZARD:***   An internal or plumbing‑type cross‑connection in a consumer's potable water system that may be either a pollution or a contamination‑type hazard. This includes, but is not limited to, cross‑connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems. Plumbing‑type cross connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

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

***POTABLE WATER SUPPLY:***  Any system of water supply intended or used for human consumption or other domestic use.

***PREMISES:*** Any piece of land to which water is provided including all improvements, mobile homes and structures located on it.

***REDUCED PRESSURE PRINCIPLE ASSEMBLY (RPPA):***   An assembly containing two independently acting approved check valves together with a hydraulically‑operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly shall include property located test cocks and tightly closing resilient wedge shut‑off valves or fully ported ball valves at the end of the assembly. A check valve is approved if it appears on the list of approved devices issued by the State Health Division.

***SYSTEM HAZARD:***   An actual or potential threat of danger to the physical properties of the public or consumer's potable water system or of a pollution or contamination which would have a detrimental effect on the quality of the potable water in the system.

***THERMAL EXPANSION (CLAUSE):*** A potentially dangerous condition if a backflow assembly in installed in a water system and the premises is still utilizing a hot water heater that does not have a pressure relief valve installed or a malfunctioning valve.

(Ord. 502 Section 2, passed 6-11-2003)

**51.21   PURPOSE**

The purpose of this subchapter is to protect the water supply of the city from contamination or pollution due to any existing or potential cross connections.

(Ord. 502 Section 2, passed 6-11-2003)

**51.22   CROSS CONNECTIONS REGULATED**

No cross connections shall be created, installed, used or maintained within the territory served by the city, except in accordance with this subchapter.

(Ord. 502 Section 2, passed 6-11-2003)  Penalty, see 10.99

**51.23   BACKFLOW PREVENTION ASSEMBLY REQUIREMENTS**

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

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

(B) Premises having any one or more cross connections as that term is defined in 51.20 are identified or are present;

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

(D) There is a repeated history of cross connections being established or reestablished;

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

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

(G) Any mobile apparatus (i.e., tank, truck) which uses the city's water or water from any premises facility within the city's system;

(H) Installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the judgement of a certified cross connection specialist contracted by or employed by the city;

(I) An appropriate cross connection report form has not been filed with the city; and

(J) A fire sprinkler system is connected to the city's water system.

(Ord. 502 Section 2, passed 6-11-2003)

**51.24   INSTALLATION REQUIREMENTS**

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

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

(B) The assembly must be installed at the point of delivery of the water supply, before any branch in the line, on private property located just inside of the property line. Alternate locations must be approve in writing by the city prior to installations.

(C) The assembly must be protected from freezing and other severe weather conditions.

(D) All backflow assemblies shall be of a type and model approved by the State Health Division and the city.

(E) Only assemblies specifically approved by the State Health Division for vertical installation may be installed vertically.

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

(G) The property owner assumes all responsibility for all maintenance and testing of the assembly, as determined and required by the city.

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

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

(J) RP assemblies may be installed in a vault only if relief valve discharge can be drained to daylight through a boresight type drain. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends. An approval air gap shall be located at the relief valve office. This air gap shall be at least twice the inside diameter of the incoming supply line as measured vertically above the top rim of the drain and in no case less than one inch.

(K) Upon completion of installation, the city shall be notified and all assembly devices must be inspected and tested. The testing and repairs of all assemblies are the financial responsibility of the water user.

(L) All backflow assemblies must be registered with the city. Registration shall consist of date of installation, make, model, serial number of the backflow assembly and initial test report.

(M) Any water pressure drop caused by the installation of a backflow assembly is not the responsibility of the city.

(Ord. 502 Section 2, passed 6-11-2003)  Penalty, see 10.99

**51.25  ACCESS TO PREMISES**

Authorized employees of the city, or their designated representatives with proper identification, shall have access during reasonable hours to all parts of a premise and within the building to which water is supplied. However, if any water user refuses access to a premise or to the interior of a structure at reasonable times and on reasonable notice for inspection by a cross connection specialist appointed by the city, a reduced pressure principle assembly will be required to be installed at the service connection to that premise. If the water user refuses to install the reduced pressure principle device, then the city may apply to any court of competent jurisdiction for a warrant authorizing entry onto the premises for purposes of inspection of the water supply system.

(Ord. 502 Section 2, passed 6-11-2003)

**51.26  ANNUAL TESTING AND REPAIRS**

All backflow assemblies installed within the territory served by the city shall be tested immediately upon installation and at least annually thereafter by a state certified tester. All such assemblies found not functioning properly shall be promptly repaired or replaced by the water user. If any assembly is not promptly repaired or replaced, the city may deny or discontinue water service to the premise. All testing and repairs are the financial responsibility of the water user.

(Ord. 502 Section 2, passed 6-11-2003)  Penalty, see 10.99

**51.27   COST OF COMPLIANCE**

All costs associated with purchase, installation, inspections, testing, replacement, maintenance, parts and repairs of the backflow assembly are the financial responsibility of the property owner.

(Ord. 502 Section 2, passed 6-11-2003)

**51.28   TERMINATION OF SERVICE**

Failure on the part of any customer to either protect with approved assembly or to discontinue the use of all cross connections and to physically separate cross connections is sufficient cause for the immediate discontinuance of public water service to the premises.

(Ord. 502 Section 2, passed 6-11-2003)

**51.29   FACILITIES AND PROTECTION LEVELS**

Example of facilities requiring backflow protection:

| Facilities | Protection Level |
| --- | --- |
| 1. Fire sprinkler protection | 3 |
| 2. Food processing plants | 3 |
| 3. Inspection restricted | 2 |
| 4. Sewage treatment plant | 2 |
| 5. Unapproved auxiliary supply | 2 |
| 6. Commercial laundries | 2 |
| 7. Portable tanks trucks | 2 |
| 8. Film processing facilities | 2 |
| 9. Underground sprinklers | 3 |
| 10. Swimming pools | 2 |
| 11. Commercial car wash | 2 |
| 12. Mortuaries | 2 |
| 13. Decorative ponds | 1/2 |
| 14. Beverage dispensers using CO2 | 2 |
| 15. Buildings with domestic water over 30 feet high | 3 |

(Ord. 502 Section 2, passed 6-11-2003)

**51.30 ASSEMBLY NAMES**

|  |  |  |
| --- | --- | --- |
| Potential Level | Name | Abbreviation |
| 1 | Air Gap | AG |
| 2 | Reduced Pressure Back Flow Assembly | RPBA |
| 2 | Reduced Pressure Detector Assembly | RPDA |
| 3 | Double Check Valve Assembly | DCVA |
| 3 | Double Check Detector Assembly | DCDA |
| 4 | Pressure Vacuum Breaker | PVBA |
| 5 | Atmospheric Vacuum Breaker | AVB |

(Ord. 502 Section 2, passed 6-11-2003)

**51.31 EMERGENCY CLAUSE AND DECLARATION OF EFFECTIVE DATE**

It is hereby determined and found that in the best interests and welfare of the citizens of the city new regulations regarding the control of cross connections to the municipal water supply system be adopted. By reason of the foregoing, an emergency is hereby declared to exist, and this subchapter shall be in full force and effect on July 11, 2003.

(Ord. 502 Section 2, passed 6-11-2003)

**CHAPTER 52: SEWERS**

Section

52.01 Definitions

52.02 Use of public sewers required

52.03 Connection charges

52.04 Private sewage disposal

52.05 Building sewer and connections

52.06 Use of public sewers

52.07 Recovery of damages

52.08 Monthly sewer service charges

**52.01   DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND)*** : The quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in five days at 20C expressed in parts per million by weight.

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

***BUILDING SEWER:***   The extension from the building drain to the property line or right‑of‑way line and connection with the public sewer service connection.

***CITY:*** City of Weston, Oregon.

***ENGINEER:***   The City Engineer or his or her authorized deputy, agent or representative.

***INDUSTRIAL WASTES:***   The liquid wastes from industrial processes as distinct from sanitary sewage.

***NATURAL OUTLET***:  Any outlet into a watercourse, pond, ditch, lake or other body or surface or ground water.

***PERSON:***   Any individual, firm, company, association, society, corporation or group.

***pH:***   The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

***PUBLIC SEWER:***  A sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

***SANITARY SEWER:***   A sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.

***SERVICE CONNECTION:*** A public sewer which has been constructed to the property line or right‑of‑way line from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.

***SEWAGE:***   A combination of the water earned wastes, from residences, business buildings, institutions and industrial establishments, together with ground, surface and store waters as may be present.

***SEWAGE TREATMENT PLAN:*** Any arrangement of devices and structures used for treating sewage.

***SEWAGE WORKS***: All city‑owned facilities for collecting, pumping, treating and disposing of sewage.

***SEWER:***  A pipe or conduit for carrying sewage.

***STORM SEWER*** or ***STORM DRAIN:***   A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

***SUSPENDED SOLIDS:***   Solids that either float on the surface, or are in suspension in water, sewage or other liquids; and which are removable by the laboratory filtering.

***WATERCOURSE:***   A channel in which a flow of water occurs, either continuously or intermittently.

(Ord. 5-502 B, passed 9-13-2006)

**52.02  USE OF PUBLIC SEWERS REQUIRED**

(A) It shall be unlawful for any person to place or permit to be deposited in any unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city any human excrement, garbage or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any unsanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the corporate limits of the city or in any area under the jurisdiction of the city.

(D) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right‑of‑way in which there is now located or may in the future be located a public sanitary sewer of the city is hereby required at his or her expense to connect the facilities directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with the provisions of this chapter, provided that the public sewer is available to or on the property and/or at a property line of the property and the structures or buildings are within 200 feet of the public sewer.

(Ord. 5-502 B, passed 9-13-2006)  Penalty, see 10.99

**52.03  CONNECTION CHARGES**

(A) All houses, buildings or properties used for human occupancy, employment, recreation or other purposes which are required to connect to the public sewer under the provisions of this chapter shall pay a connection charge for each separate service connection provided to the property.

(B) The connection charge for all new services shall be the sum as set in the city fee schedule, plus parts and labor.

(C)(1) The City Council within its judgment may provide that area or areas within the city not served by the sewage system but desiring to be served by the sewer system may allow the owners of the area or areas to construct the sewer facilities on the properties all in accordance with plans and specifications as approved by the Engineer of the city, and in accordance with plans and specifications approved by the State Department of Environmental Quality and installed in a manner satisfactory to and approved by a person authorized to inspect the sewer installations by the city.

(2) In all those areas where expansion is done by private persons under supervision of the city as hereinabove provided for in this section, the city and the persons doing the work shall agree as to the time within which the sewer extension work shall be done and upon completion of the work and acceptance thereof by the city, the sewer mains, laterals and connections shall be turned over to the city free and clear of any and all expenses for the construction and installation thereof. The person, persons or company doing the work before turning over the sewers, mains and laterals to the city shall prepare a map or plat showing all of the property served by the facilities and the lots, parts of lots or parcels of ground actually connected to the sewers. Each of the owners of the lots, parts of lots or parcels of land shall, when connecting to the sewer, pay to the city a connection charge.

(D) In the event a further expansion of the city sewer system be made by the city itself, the connection charge shall be as set forth in the city fee schedule.

(Ord. 5-502 B, passed 9-13-2006)

**52.04  PRIVATE SEWAGE DISPOSAL**

(A)  Where a public sanitary sewer is not available under the provisions of 52.02(D), the building sewer shall be connected to a private sewage disposal system complying with the requirements of the State Department of Environmental Quality, the State Board of Health and the State Plumbing Specialty Code.

(B) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 52.02(D), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material, except as provided below, or the City Council shall otherwise permit. Where existing buildings are too low to be served by gravity by an available sewer, the existing septic tank facilities shall be maintained in use and, when so ordered by the city, under  52.02(D), approved pumping facilities shall be installed to pump the septic tank effluent into the available sanitary sewer system.

(C) The provisions of this chapter shall be in addition to and not in derogation of the requirements of general law.

(Ord. 5-502 B, passed 9-13-2006)

**52.05  BUILDING SEWER AND CONNECTIONS**

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereto and no person, firm or corporation shall make any connection to any part of the sewer system without first making an application and securing a permit therefor. The homeowner will continue to be charged basic sewer rate from the City Fee Schedule. If sewer is capped by Public Works, there will be a reconnection fee based on the City Fee Schedule.

(B) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation.

(C) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and back‑filling the trench, shall all conform to the requirements of the State Plumbing Specialty Code or other applicable rules and regulations of the city.

(D) The size and slope of the building sewer shall be subject to the approval of the city, but in no event shall the diameter be less than four inches. The slope of the four‑inch (4”) pipe shall not be less than one‑eighth inch (1/8”) per foot.

(E) Building sewers serving buildings with basements shall, whenever possible, be brought to the building at an elevation below the basement floor.

(F) All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Engineer. No backfilling of the trench shall be done until receipt of written approval from the city.

(G) No plumbing contractors shall be allowed to make connections of private sewers to the sewage works of the city on behalf of any owners of property therein without first posting with the city a bond in the sum as set in the city fee schedule, indemnifying the city and the inhabitants thereof against any loss or damage which the city or the inhabitants thereof might suffer by reason of the action of the contractors in making the connections.

(Ord. 5-502 B, passed 9-13-2006)

**52.06  USE OF PUBLIC SEWERS**

(A) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process to any sanitary sewer.

(B) Storm water and all other unpolluted drainage shall be discharged to sewers as are specifically designated as storm sewers or to a natural outlet.

(C) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

(1) Any liquid or vapor having a temperature higher than 150°C;

(2) Any gasoline, grease, oils, paint, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(3) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewer works;

(4) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

(5) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(6) Any waters or wastes containing suspended solids of a character and quantity that unusual attention or expense is required to handle the material at the sewage treatment plant; and

(7) Any noxious or malodorous gas or substance capable of creating a public nuisance, including the contents of septic tanks and cesspools, without written consent of the City Engineer.

(D) Grease, oil and sand interceptors shall be provided when in the opinion of the City Engineer they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand and other harmful ingredients, except that the interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the City Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection, and shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times.

(E) (1) The admission into the public sewers of any waters or wastes having:

(a) A five‑day biochemical oxygen demand greater than 300 parts per million by weight; or

(b) Containing any quantity of substances having the characteristics described in division above of this section; or

(c) Containing more than 350 parts per million by weight of suspended solids; or

(d) Having an average daily flow greater than 2% of the average daily sewage flow of the city shall be subject to the review and approval of the City Engineer, the owner shall provide, at his or her expense, preliminary treatment as may be necessary.

(2) Plans, specifications and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for the approval of the City Engineer and of the Department of Environmental Quality, and no construction of the facilities shall be commenced until the approvals are obtained in writing.

(Ord. 5-502 B, passed 9-13-2006)

**52.07  RECOVERY OF DAMAGES**

Any person or persons who, as the result of violating any of the provisions of this chapter, cause any expense, loss or damage to the city, shall immediately become liable to the city for the full sum of the expense, loss or damage. The Council may, at its discretion, instruct the City Attorney to proceed against any person or persons, in any court of competent jurisdiction, in a civil action to be brought in the name of the city, for the recovery of the full sum of any expense, loss or damage sustained by the city.

(Ord. 5-502 B, passed 9-13-2006)

**52.08   MONTHLY SEWER SERVICE CHARGES**

There hereby is levied on all owners of properties whose premises have connection with the sewerage system, or are served thereby, charges and rates for the use of the system, as are determined by  52.03(C) and set forth in the city’s fee schedule.

(Ord. 5-502 B, passed 9-13-2006)