



AMENDED AGENDA

CANBY CITY COUNCIL MEETING

August 19, 2015

7:30 PM

Council Chambers

155 NW 2nd Avenue

Mayor Brian Hodson

Council President Tim Dale

Councilor Clint Coleman

Councilor Tracie Heidt

Councilor Traci Hensley

Councilor Greg Parker

Councilor Todd Rocha

CITY COUNCIL MEETING

1. CALL TO ORDER

- A. Invocation
- B. Pledge of Allegiance

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

(This section allows the City Council to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may be discussed if it is pulled from the consent agenda to New Business.)

- A. Approval of Minutes of the August 5, 2015 City Council Work Session & Regular Meeting

7. PUBLIC HEARING

- A. Amending the Master Fee Schedule Adopted on May 20, 2015 Regarding Fees for SDC Transportation and Planning Fees Pg. 1

8. RESOLUTIONS & ORDINANCES

- A. Res. 1223, Amending the Master Fee Schedule Adopted on May 20, 2015 Regarding Fees for SDC Transportation and Planning Fees Pg. 3
- B. Res. 1224, Codifying and Compiling Certain Existing General Ordinances for the City of Canby Pg. 28

- C. Res. 1225, Authorizing Transfer of Appropriations from Contingency to Capital Outlay in the Swim Center Levy Fund Pg. 83
- D. Ord. 1420, Authorizing Contract w/Curran-McLeod, Inc. Consulting Engineers for Engineering Services Regarding the 2015-16 Wastewater Treatment Plant Improvements (**2nd Reading**) Pg. 85
- E. Ord. 1421, Authorizing the Purchase of an AL120-EZ Airless Slide-In Striper from EZ-Liner; and Declaring an Emergency Pg. 97

9. NEW BUSINESS

- A. Cancellation of September 2, 2015 City Council Meeting

10. CITY ADMINISTRATOR'S BUSINESS & STAFF REPORTS

11. CITIZEN INPUT

12. ACTION REVIEW

13. EXECUTIVE SESSION: ORS 192.660(2)(h) Litigation

14. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.0733. A copy of this Agenda can be found on the City's web page at www.ci.canby.or.us. City Council and Planning Commission Meetings are broadcast live and can be viewed on CTV Channel 5. For a schedule of the playback times, please call 503.263.6287.

M E M O R A N D U M

TO: *Honorable Mayor Hodson and City Council*
FROM: *Bryan C. Brown, Planning Director*
DATE: *August 3, 2015 for August 19, 2015 Council Agenda*
THROUGH: *Rick Robinson, City Administrator*

Issue/Objective:

Correct an error and make two clarifications to the Transportation SDC and Planning section of the most recently adopted Master Fee Schedule.

Synopsis:

In the course of daily use of the planning and Transportation SDC portions of the Master Fee Schedule three items were identified as needing correction or clarification. They include 1) the Transportation SDC fee applicable to the gasoline/service station use category, 2) striking the misleading word “building” from the fee description for the private on-site engineering plan review fee, and 3) adding “residential” along with commercial for the fee charged for tenant improvements and remodels not involving additional square footage.

Recommendation: *Staff recommends Option #1, for Council to approve the fee schedule correction and clarifications proposed by approving Resolution No. 1223 adopting an updated Master Fee Schedule.*

Discussion:

A scrivener error occurred when transferring the specific amount indicated in the adopted 2013 Transportation SDC Methodology into the Master Fee Schedule for Gasoline/Service Stations more than a year ago. A digit to the fee was left off reducing the amount from “thousands” to “hundreds”. The proposed correction includes inflation adjustments that have occurred to the SDC fees since their 2013 adoption. The corrected fee amount is now \$10,146.36 per Vehicle Fueling Position(V.F.P.) from what was shown as \$992.39 per V.F.P. It became obvious a transfer error had been made when staff actually had to calculate SDC’s for a fueling facility use.

Staff proposes striking the word “building” from the fee descriptor associated with the “private on-site engineering plan review fee” which was never intended to include the cost of the building structure but rather all other on-site construction costs for determining the fee due. The City no longer reviews building plans, but we do review site plans and all the details associated with a site development other than the structure’s conformance to building codes. This clarification correction will eliminate misleading assumptions by applicants in how the fee is to be calculated.

A new lower nominal fee was established for planning review of tenant improvements and remodels not including additional square footage. The \$25 fee was meant to apply to both residential and commercial uses. This clarification adds residential to the fee descriptor as intended.

Master Fee Schedule Amendments:

The exact fee proposed changes are clearly indicated in the attached Planning & Building Department heading sections of the Master Fee Schedule

Options:

1. For Council to approve the fee schedule correction and clarifications proposed by approving Resolution No. 1223 adopting an updated Master Fee Schedule.
2. Choose some other correction wording or clarification's the Council believes is more suitable.

Fiscal Impact:

The specific SDC scrivener error will result in collection of significant additional transportation revenue, the other changes have little revenue impact as staff has been implementing the clarifications as proposed through clearing up the language to better communicate how the fee is to be calculated and what it is for.

Attachments:

Exhibit A: Master Fee Schedule Highlighting Proposed Revisions

Exhibit B: Updated Master Fee Schedule to be adopted with Resolution No. 1223

RESOLUTION NO. 1223

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANBY, OREGON,
AMENDING THE MASTER FEE SCHEDULE ADOPTED ON MAY 20, 2015
REGARDING FEES FOR SDC TRANSPORTATION AND PLANNING FEES.**

WHEREAS, the City Council adopted Resolution 1216 on May 20, 2015 after a public hearing, which set fees for services becoming effective on July 1, 2015; and

WHEREAS, staff has found three changes that need to be made in the Master Fee Schedule regarding fees for SDC Transportation and Planning fees; and

WHEREAS, the Canby City Council determined that the proposed changes in certain fees to be charged are reasonable and based upon labor costs and industry standards;

NOW, THEREFORE, BE IT RESOLVED by the Canby City Council as follows:

Section 1: City of Canby fees and charges are revised as shown in Exhibit “A” and adopted as shown in Exhibit “B” (clean version).

Section 2: The fees imposed by this resolution are not taxes subject to the property limitation of Article XI. Section 11(b) of the Oregon Constitution.

Section 3: All other fees and charges not revised as shown in Exhibit “A” shall remain at their present amounts.

This resolution shall take effect on August 19, 2015.

ADOPTED this 19th day of August 2015 by the Canby City Council.

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

EXHIBIT "A"

Department	Fee Description	Current Amount	Authority	Effective Date	Last amount change	Proposed change
General						
	Photocopies or Printouts-Black and White, sizes to 8 1/2 x 14, single or double-sided	25¢ per sheet	Res 1216	7/1/2015	6/1/2010	no change
	Photocopies or Printouts-Color, sizes to 8 1/2 x 14, single or double-sided	75¢ per sheet	Res 1216	7/1/2015	6/1/2010	no change
	Photocopies or Printouts-Black and White, size 11x17, single sided only	\$1.00 per sheet	Res 1216	7/1/2015	6/1/2010	no change
	Photocopies or Printouts-Color, size 11x17, single sided only	\$1.25 per sheet	Res 1216	7/1/2015	6/1/2010	no change
	Plotter prints (8 1/2 x 11)	\$2	Res 1216	7/1/2015	6/1/2010	no change
	Plotter prints (11 x 17)	\$4	Res 1216	7/1/2015	6/1/2010	no change
	Plotter prints (17 x 22)	\$6	Res 1216	7/1/2015	6/1/2010	no change
	Plotter prints (24 x 36)	\$8	Res 1216	7/1/2015	6/1/2010	no change
	Plotter prints (36 x 48)	\$10	Res 1216	7/1/2015	6/1/2010	no change
	Audio Cassette copy	\$10	Res 1216	7/1/2015	6/1/2010	no change
	Records on CD/DVD	\$10 plus staff time costs	Res 1216	7/1/2015	6/1/2010	no change
	Public Records-Transcription	\$20/hr	Res 1216	7/1/2015	6/1/2010	no change
	Public Records-Clerical Research	\$20/hr	Res 1216	7/1/2015	6/1/2010	no change
	Public Records-Admin Research	\$35/hr	Res 1216	7/1/2015	6/1/2010	no change
	Public Records-Legal Research	\$80/hr	Res 1216	7/1/2015	6/1/2010	no change
	Public Records-Faxing	50¢ per page sent	Res 1216	7/1/2015	6/1/2010	no change
	Public Records-Mailing costs	Actual costs + \$1.00 handling fee	Res 1216	7/1/2015	6/1/2010	no change
	Returned check fee	\$25	Res 1216	7/1/2015	6/1/2010	no change
	Lien Search fee	\$25	Res 1216	7/1/2015	7/1/2011	no change
	License/Permit/Certificate replacement fee	\$10	Res 1216	7/1/2015	7/1/2012	no change
Administration						
	Business License Annual Renewal	\$50	Res 1216	7/1/2015	7/1/1994	no change
	Business License Past Due	\$10/mo up to \$50	Res 1216	7/1/2015	9/1/1991	no change
	Business License-Transfer or Assign	\$50	Res 1216	7/1/2015	6/1/2010	no change
	Operating a Business without a License Penalty	\$100	Res 1216	7/1/2015	7/1/2014	no change
	Liquor License Application New	\$100	Res 1216	7/1/2015	6/1/2010	no change
	Liquor License Change of Ownership, Location, or Privilege	\$75	Res 1216	7/1/2015	6/1/2010	no change
	Small Animal Permit	\$10	Res 1216	7/1/2015	6/1/2010	no change
	Impounded Animal Redemption Fee	\$50	Res 1216	7/1/2015	6/1/2010	no change
	Sidewalk Vending Permit	\$10	Res 1216	7/1/2015	6/1/2010	no change
	First Friday Marketing Program	\$25	Res 1216	7/1/2015	7/1/2013	no change
	Noise Variance fee	\$75	Res 1216	7/1/2015	7/1/2013	no change
	Human Resources Application Fee (Police)	\$20	Res 1216	7/1/2015	7/1/2013	no change
	Franchise Application and Review Fee-Telecommunications	Actual expenses (requires \$2000 deposit)	Res 1216	7/1/2015	7/1/2013	no change
	Registration Application Fee-Telecommunications Providers	\$100	Res 1216	7/1/2015	11/20/2013	no change
	Annual Registration Fee-Telecommunications Providers	4% of gross revenues	Res 1216	7/1/2015	11/20/2013	no change
	Right-of-Way Use Fee-Telecommunications Providers	\$2 per linear foot occupied (if no revenues earned in City)	Res 1216	7/1/2015	11/20/2013	no change
	Franchise Fees-Telecommunications	7% gross revenue	Res 1216	7/1/2015	6/7/2000	no change
	Franchise Fees-Cable	5% gross revenue	Res 1216	7/1/2015	2/2/2005	no change
	Franchise Fees-Natural Gas	5% gross revenue	Res 1216	7/1/2015	6/7/2006	no change
	Franchise Fees-Telephone	7% gross revenue	Res 1216	7/1/2015	6/7/2000	no change
	Franchise Fees-Solid Waste	5% gross revenue	Res 1216	7/1/2015	7/1/2011	no change
	In-lieu of Franchise Fees-Water/Electric	5% of commodity sales	Res 1216	7/1/2015	1973	no change
	In-lieu of Franchise Fees-Wastewater/Stormwater	7% of service charge collected	Res 1216	7/1/2015	7/1/2012	no change
Police						
	Special Event Security	\$60/hr	Res 1216	7/1/2015	6/1/2010	no change
	Alarm Permits	\$20 annual (waived over 65 & gov't)	Res 1216	7/1/2015	6/1/2010	no change
	Alarm Permit Delinquent Fee	\$25	Res 1216	7/1/2015	6/1/2010	no change
	False Alarm Response	Third alarm \$50; fourth alarm \$75, fifth alarm & up \$100 each	Res 1216	7/1/2015	6/1/2010	no change
	Vehicle Release	\$125	Res 1216	7/1/2015	6/1/2010	no change
	Police Reports	\$10 DMV accident Report \$15 Police Reports (plus 25¢ per pg. after 10 pages)	Res 1216	7/1/2015	7/1/2015	no change
	Fingerprinting	\$20 plus \$10 each add'l card	Res 1216	7/1/2015	6/16/2010	no change
	Name Check Letter/Printout	\$5	Res 1216	7/1/2015	7/1/2011	no change
	Citation - Photocopy	\$5	Res 1216	7/1/2015	7/1/2012	no change
	Officer's Notes - Photocopy	\$5 (per officer requested)	Res 1216	7/1/2015	7/1/2014	no change
	Photos on CD	\$15	Res 1216	7/1/2015	7/1/2012	no change

EXHIBIT "A"

Department	Fee Description	Current Amount		Authority	Effective Date	Last amount change	Proposed change
	Radar Certification - Photocopy	\$5		Res 1216	7/1/2015	7/1/2012	no change
	Temporary/Special Event Liquor License	\$35		Res 1216	7/1/2015	7/1/2013	no change
	Secondhand Dealer Application Fee	\$50		Res 1216	7/1/2015	11/6/2013	no change
	Secondhand Dealer Annual Permit	\$100		Res 1216	7/1/2015	11/6/2013	no change
Court							
	Payment Plan Fee	\$25, new or refinanced plan \$35 certified letter/\$10 regular letter		Res 1216	7/1/2015	7/1/2014	no change
	Show Cause Fee	\$50		Res 1216	7/1/2015	7/1/2014	no change
	Warrant Costs	\$50		Res 1216	7/1/2015	7/1/2015	no change
	Late Fee	\$15 if more than 10 days late		Res 1216	7/1/2015	10/30/2003	no change
	Appeal Transcript Fee	\$35		Res 1216	7/1/2015	10/30/2003	no change
	City Cost Assessment	\$7 per offense		Res 1216	7/1/2015	2/1/2003	no change
	Public Records	\$5 1st page, 25¢ ea. addtl page)		Res 1216	7/1/2015	7/1/2014	no change
	Returned Check Fee	\$38 (includes demand letter certified)		Res 1216	7/1/2015	3/29/2012	no change
	Fix It Dismissal Fee	\$25		Res 1216	7/1/2015	3/29/2012	no change
	Guilty by Default Fee	\$25		Res 1216	7/1/2015	3/29/2012	no change
	Collections Fee	25% of outstanding balance (by statute), not to exceed \$250		Res 1216	7/1/2015	3/29/2012	no change
	Collections Reinstatement Fee	\$50		Res 1216	7/1/2015	7/1/2015	no change
	Discovery Fee	\$10 (reports, documents); \$20 per CD/DVD (video, photo)		Res 1216	7/1/2015	7/1/2013	no change
	Juvenile Deferred Sentence	\$41, \$27 or \$14 depending on class of offense		Res 1216	7/1/2015	3/29/2012	no change
	Good Drivers Deferred Sentence	\$50 less than presumptive fine schedule of offense		Res 1216	7/1/2015	3/29/2012	no change
	MIP Deferred Sentence	\$150		Res 1216	7/1/2015	3/29/2012	no change
	Misdemeanor Deferred Sentence	\$250		Res 1216	7/1/2015	7/1/2013	no change
	Civil Compromise	\$150		Res 1216	7/1/2015	3/29/2012	no change
	Expunge Record Request Application	\$50		Res 1216	7/1/2015	7/1/2014	no change
Library							
	Lost item replacement	Cost		Res 1216	7/1/2015	7/1/2014	no change
	Damaged item	Cost		Res 1216	7/1/2015	4/1/2002	no change
	Printing Charge for Internet, Black & White	15¢/page		Res 1216	7/1/2015	4/1/2002	no change
	Printing Charge for Internet, Color	50¢		Res 1216	7/1/2015	6/1/2010	no change
	Microform reader/printer	15¢/page		Res 1216	7/1/2015	4/1/2002	no change
	Out of District Library Card Fee	\$95.00		Res 1216	7/1/2015	7/1/2009	no change
	Fines	10¢ per day		Res 1216	7/1/2015	10/3/1984	no change
Canby Area Transit							
	Dial-A-Ride General Public	\$1.00 per boarding		Res 1216	7/1/2015	1/2/2012	no change
	Dial-A-Ride Complementary	\$1.00 per boarding		Res 1216	7/1/2015	1/2/2012	no change
	Dial-A-Ride Premium	\$1.00 per boarding		Res 1216	7/1/2015	1/2/2012	no change
	Shopping Shuttle Services	no charge		Res 1216	7/1/2015	1/2/2012	no change
	Fixed-Route Bus Service	\$1.00 per boarding		Res 1216	7/1/2015	1/2/2012	no change
	Monthly Pass	\$20/calendar month		Res 1216	7/1/2015	4/1/2014	no change
	Punch Pass (24 rides)	\$20 (no expiration)		Res 1216	7/1/2015	7/1/2013	no change
	Payroll and self-employment tax	0.6%		Res 1216	7/1/2015	1/1/2002	no change
	Payment Submitted Without Return Fee	\$5 per 30 days or fraction thereof, not to exceed \$20 per instance		Res 1216	7/1/2015	12/4/2013	no change
Parks		In City	Out of City				
	Rental of Gazebo in Wait Park (waived for non-profits)	\$110	\$220	Res 1216	7/1/2015	4/1/2002	no change
	Rental of Wait Park (waived for non-profits)	\$375	\$750	Res 1216	7/1/2015	4/1/2002	no change
Public Works							
	Public Works Labor Rate	\$43/hr		Res 1216	7/1/2015	7/1/2015	no change
	Equipment Rates (include 1 operator):						
	Vector Truck	\$125/hr		Res 1216	7/1/2015	7/1/2011	no change
	Street Sweeper	\$75/hr		Res 1216	7/1/2015	7/1/2011	no change
	TV Van	\$100/hr		Res 1216	7/1/2015	7/1/2011	no change
	High Ranger	\$90/hr		Res 1216	7/1/2015	7/1/2011	no change
	Dump Truck	\$90/hr		Res 1216	7/1/2015	7/1/2011	no change
	Backhoe	\$90/hr		Res 1216	7/1/2015	7/1/2011	no change
	Street Closure Request	\$50 (waived for non-profits)		Res 1216	7/1/2015	4/1/2002	no change
	Railroad Parking Lot Event Fee	\$50 (waived for non-profits)		Res 1216	7/1/2015	7/1/2011	no change
	Street Barricade Delivery Fee	\$25 + \$250 refundable deposit with approved street closure permit		Res 1216	7/1/2015	6/1/2010	no change

EXHIBIT "A"

Department	Fee Description	Current Amount		Authority	Effective Date	Last amount change	Proposed change
	Map Copying and Research on Easements	\$60/hr+ printing charge		Res 1216	7/1/2015	6/1/2010	no change
	Banner Installation	\$100 (waived for non-profits)		Res 1216	7/1/2015	4/1/2002	no change
	Plan Review, Inspections, and Witnessing for Construction Projects	\$60/hr		Res 1216	7/1/2015	4/1/2002	no change
	Street Excavation (Construction) Permit Fee	\$100		Res 1216	7/1/2015	11/3/1999	no change
	Driveway Return, Street Curb or Public Sidewalk Construction Inspection Fee	\$100		Res 1216	7/1/2015	7/1/2015	no change
	Street Tree Fees for New Development	\$200 per tree		Res 1216	7/1/2015	10/16/2013	no change
	Street Signs: New and Replacements	Charge shall be determined based on state contract for similar commodity, quoted at time of request		Res 1216	7/1/2015	7/1/2015	no change
	Encroachment Application Permit Fee	\$50		Res 1216	7/1/2015	9/6/2000	no change
	Building Number Installation Charge	\$50		Res 1216	7/1/2015	6/1/2010	no change
	Advance Finance Public Improvement Application Fee	\$150		Res 1216	7/1/2015	6/1/2010	no change
	Street Tree Removal Permit	\$25		Res 1216	7/1/2015	6/1/2010	no change
	Sewer Tap Fee (on-site connection)	\$100		Res 1216	7/1/2015	6/1/2010	no change
	House Move Permit	\$50		Res 1216	7/1/2015	6/1/2010	no change
	Fleet Services Labor Rate	\$75/hr		Res 1216	7/1/2015	7/1/2011	no change
	Erosion Control	Without ESPC Certification	With ESPC Certification				
		Base Rate, to 4 inspections					
	Single Family	\$190	\$145	Res 1216	7/1/2015	7/1/2011	no change
	Duplex	\$285	\$218	Res 1216	7/1/2015	7/1/2011	no change
	Triplex	\$475	\$363	Res 1216	7/1/2015	7/1/2011	no change
	Single Family Additions (disturbing less than 500 sq. ft.)	\$145	\$145				
		Base Rate, to 8 inspections					
	All Other Lots (Up to 1 acre)	\$500	\$395	Res 1216	7/1/2015	7/1/2011	no change
	Each additional acre	\$85	\$75	Res 1216	7/1/2015	7/1/2011	no change
	Each additional inspection	\$45	\$45	Res 1216	7/1/2015	7/1/2011	no change
	Violations	\$100 per Violation per Day		Res 1216	7/1/2015	12/18/2002	no change
	Street Maintenance Fee, Monthly						
	Residential Single Family	\$5		Res 1216	7/1/2015	7/1/2008	no change
	Multi-Family Residences	\$3.34/unit		Res 1216	7/1/2015	7/1/2008	no change
	Detached Senior Housing and Mobile Home Parks	\$2.09/unit		Res 1216	7/1/2015	7/1/2008	no change
	Attached Senior Housing and Congregate Care Facilities	\$1.04/unit		Res 1216	7/1/2015	7/1/2008	no change
	Non-residential	Varies: \$0.522 x trip value x units (\$5 min)		Res 1216	7/1/2015	7/1/2008	no change
Sewer/Stormwater							
	Combined Sewer/Stormwater Rates (monthly):						
	Residential Single Family	\$46.20		Res 1216	7/1/2015	7/1/2015	no change
	Residential , apartment, per unit	\$46.20		Res 1216	7/1/2015	7/1/2015	no change
	Mobile home	\$46.20		Res 1216	7/1/2015	7/1/2015	no change
	Reduced Sewer Rate	\$32.92		Res 1216	7/1/2015	7/1/2015	no change
	Elementary school, per student	\$1.82		Res 1216	7/1/2015	7/1/2015	no change
	Middle & High school, per student	\$2.41		Res 1216	7/1/2015	7/1/2015	no change
	Transient housing (1st unit)	\$46.20		Res 1216	7/1/2015	7/1/2015	no change
	Each additional bed	\$24.26		Res 1216	7/1/2015	7/1/2015	no change
	Nursing home (1st two beds)	\$46.20		Res 1216	7/1/2015	7/1/2015	no change
	Each additional bed	\$24.26		Res 1216	7/1/2015	7/1/2015	no change
	Commercial retail, minimum	\$46.20		Res 1216	7/1/2015	7/1/2015	no change
	per 100 cf of water use Nov-Mar	\$5.78		Res 1216	7/1/2015	7/1/2015	no change
	Commercial government, minimum	\$46.20		Res 1216	7/1/2015	7/1/2015	no change
	per 100 cf of water use Dec & Jan	\$5.78		Res 1216	7/1/2015	7/1/2015	no change
	Industrial, minimum	\$46.20		Res 1216	7/1/2015	7/1/2015	no change
	per 100 cf of water use	\$5.78		Res 1216	7/1/2015	7/1/2015	no change
	Sanitary Sewer Extra Strength Charges						
	BOD:						
	Concentraton 0 to 300 mg/L	Included in Base		Res 1216	7/1/2015	7/1/2015	no change
	Concentraton 300 to 600 mg/L	\$1.18 per pound		Res 1216	7/1/2015	7/1/2015	no change
	Concentraton 600 to 1200 mg/L	\$2.36 per pound		Res 1216	7/1/2015	7/1/2015	no change
	TSS:						
	Concentraton 0 to 300 mg/L	Included in Base		Res 1216	7/1/2015	7/1/2015	no change
	Concentration 300 to 600 mg/L	\$1.18 per pound		Res 1216	7/1/2015	7/1/2015	no change

EXHIBIT "A"

Department	Fee Description	Current Amount	Authority	Effective Date	Last amount change	Proposed change
	Concentraton 600 to 1200 mg/L	\$2.36 per pound	Res 1216	7/1/2015	7/1/2015	no change
	Late fee	\$10 per month after 45 days	Res 1216	7/1/2015	7/1/2014	no change
	Delinquent Account Certification Fee	\$50.00	Res 1216	7/1/2015	7/1/2014	no change
	Industrial Wastewater Discharge Permit	\$5,000	Res 1216	7/1/2015	4/17/2013	no change
	Industrial Wastewater Discharge Permit application review fee	\$55/hr	Res 1216	7/1/2015	4/17/2013	no change
Construction Excise Tax						
	Residential, per dwelling unit					
	First 1,000 square feet	\$0.25/sq ft	Res 1216	7/1/2015	11/2/1994	no change
	Next 500 square feet	\$0.50/sq ft	Res 1216	7/1/2015	11/2/1994	no change
	Next 500 square feet	\$0.75/sq ft	Res 1216	7/1/2015	11/2/1994	no change
	Above 2,000 square feet	\$1.00/sq ft	Res 1216	7/1/2015	11/2/1994	no change
System Development Charges						
	Stormwater		Res 1216	7/1/2015	7/1/2015	
	Residential - per dwelling unit					
	Low Density	\$171.51				no change
	Manufactured	\$83.62				no change
	Medium/High Density	\$114.56				no change
	Non-Residential - per 1,000 square feet					
	Residential/Commercial (mixed use)	\$268.84				no change
	Convenience	\$185.08				no change
	Downtown	\$268.84				no change
	Highway	\$336.05				no change
	Commercial/Manufacturing	\$520.59				no change
	Industrial	\$157.37				no change
	Schools	\$232.49				no change
	Transportation	Estimated SDC per unit	Res 1216	7/1/2015	7/1/2015	
	Single-Family per unit	\$3,119.76				no change
	Multi-Family per unit	\$2,184.36				no change
	Non-residential Transportation SDC varies by use category indicated:					
	Elementary School	\$167.86 per Student				no change
	Church	\$2,227.65 per T.S.F.G.F.A. ¹				no change
	Day Care Center/Preschool	\$583.83 per Student				no change
	Clinic	\$10,867.95 per T.S.F.G.F.A. ¹				no change
	Specialty Retail Center	\$5,340.01 per T.S.F.G.L.A. ²				no change
	Shopping Center	\$5,173.20 per T.S.F.G.L.A. ²				no change
	Supermarket	\$17,918.29 per T.S.F.G.F.A. ¹				no change
	Convenience Market	\$39,406.09 per T.S.F.G.F.A. ¹				no change
	Pharmacy/Drugstore	\$12,577.22 per T.S.F.G.F.A. ¹				no change
	Bank/Savings: Walk-in	\$22,710.37 per T.S.F.G.F.A. ¹				no change
	Quality Restaurant	\$8,357.37 per T.S.F.G.F.A. ¹				no change
	Fast Food Restaurant	\$34,772.38 per T.S.F.G.F.A. ¹				no change
	Automobile Care Center	\$4,831.14 per T.S.F.G.F.A. ¹				no change
	Gasoline/Service Station	\$992.39 per V.F.P.³				\$10,146.36 per V.F.P.³
	General Office Building	\$3,589.57 per T.S.F.G.F.A. ¹				no change
	Medical-Dental Office Building	\$11,778.02 per T.S.F.G.F.A. ¹				no change
	General Light Industrial	\$2,276.10 per T.S.F.G.F.A. ¹				no change
	General Heavy Industrial	\$488.81 per T.S.F.G.F.A. ¹				no change
	Warehouse	\$1,620.59 per T.S.F.G.F.A. ¹				no change
	Mini Warehouse	\$815.05 per T.S.F.G.F.A. ¹				no change
	Abbreviations:					
	¹ T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area					
	² T.S.F.G.L.A. = Thousand Square Feet Gross Leasable Area					
	³ V.F.P. = Vehicle Fueling Position					
	Wastewater		Res 1216	7/1/2015	7/1/2015	
	5/8" x 3/4" Water meter	\$2,746.03				no change
	3/4" Water meter	\$5,376.71				no change
	1" Water meter	\$8,952.65				no change
	1 1/2" Water meter	\$17,933.06				no change
	2" Water meter	\$28,686.49				no change
	3" Water meter	\$62,723.00				no change
	4" Water meter	\$107,540.70				no change
	6" Water meter	\$224,035.12				no change
	8" Water meter	\$322,623.18				no change
	Multi-family Unit	\$2,151.11				no change
	Parks		Res 1216	7/1/2015	7/1/2015	
	Residential - per dwelling unit					
	Single Family	\$5,265.06				no change

EXHIBIT "A"

Department	Fee Description	Current Amount	Authority	Effective Date	Last amount change	Proposed change
	Multi-Family	\$5,481.49				no change
	Manufactured Housing	\$4,397.22				no change
	Non-Residential					
	<i>Note: Non-residential Parks SDC varies by use and can be calculated using either Method 1 or 2 indicated below.</i>					
	Manufacturing:					
	General (700)	\$603.29				no change
	Food Related (775)	\$544.91				no change
	Textile, Apparel (575)	\$734.44				no change
	Lumber, Wood Products (560)	\$754.12				no change
	Paper & Related (1,400)	\$301.64				no change
	Printing & Publishing (600)	\$703.83				no change
	Chemicals, Petrol, Rubber, Plastics (850)	\$496.82				no change
	Cement, Stone, Clay, Glass (800)	\$527.88				no change
	Furniture & Furnishings (600)	\$703.83				no change
	Primary Metals (1,000)	\$422.30				no change
	Secondary Metals (800)	\$527.88				no change
	Non-Electrical Machinery (600)	\$1,126.14				no change
	Electrical Machinery (375)	\$1,299.39				no change
	Electrical Design (325)	\$1,299.39				no change
	Transportation Equipment (500)	\$844.60				no change
	Other (400)	\$1,055.76				no change
	Wholesale Trade:					
	Durable Goods (1,000)	\$422.30				no change
	Non-Durable Goods (1,100)	\$367.22				no change
	Warehousing:					
	Storage (20,000)	\$21.12				no change
	Distribution (2,500)	\$168.92				no change
	Trucking (1,500)	\$281.53				no change
	Communications (250)	\$1,688.57				no change
	Utilities (225)	\$1,876.90				no change
	Retail:					
	General (700)	\$603.29				no change
	Hardware (1,000)	\$422.30				no change
	Food Stores (675)	\$625.64				no change
	Restaurant/Bar (225)	\$1,876.90				no change
	Appliance/Furniture (1,000)	\$422.30				no change
	Auto Dealership (650)	\$649.70				no change
	Gas/Station - Gas Only (300)	\$1,407.68				no change
	Gas/Station - Gas & Service (400)	\$1,055.76				no change
	Regional Shopping Center (600)	\$703.83				no change
	Services:					
	Hotel/Motel (1,500)	\$281.53				no change
	Health Services - Hospital (500)	\$844.60				no change
	Health Services - Clinic (350)	\$1,206.58				no change
	Educational (1,300)	\$324.85				no change
	Cinema (1,100)	\$383.91				no change
	Personal Services - Office (600)	\$703.83				no change
	Finance, Insurance, Real Estate, Business Services- Office (350)	\$1,206.58				no change
	Government Administration (300)	\$1,407.68				no change
	<i>(1) In order to calculate your Parks SDC fee using this chart: Divide your proposed new building area by 1000 sq ft and multiply that amount times the listed amount for your use provided (2) The Parks SDC Fee can also be calculated by identifying your use, taking the total sq ft of your building divided by the number of sq ft per employee listed next to the listed use, then multiply by the adopted per employee parks SDC fee of \$411.20. Example for Manufacturing, General (700) 25,000 sq. ft bldg / 700 sq. ft. per employee = 35.714 x \$422.30 base fee = \$14,685.60</i>					
						no change
Planning						
	Annexation – Less than 1 acre	\$1,850 - (Base Fee)	Res 1188	7/1/2015	7/10/2009	no change
	Annexation – 1 – 10 Acres	Plus \$105 per Acre	Res 1188	7/1/2015	7/10/2009	no change
	Annexation – 11 – 50 Acres	Plus \$55 per Acre	Res 1188	7/1/2015	7/10/2009	no change
	Annexation – 51+ Acres	Plus \$10 per Acre	Res 1188	7/1/2015	7/10/2009	no change
	Annexation Legal Review – Development Agreement or Development Concept Plan	Applicant pays actual costs	Res 1188	7/1/2015	7/10/2009	no change
	Annexation Election Deposit (Does not include County Elections Costs which will be billed separately)	\$2,500	Res 1188	7/1/2015	7/10/2009	no change
	Appeal - Interpretation or type II decision to Planning Commission	\$1,600	Res 1188	7/1/2015	7/10/2009	no change
	Appeal - Planning Commission decision to City Council	\$1,920	Res 1188	7/1/2015	7/10/2009	no change
	Building Permit Site Plan Review					

EXHIBIT "A"

Department	Fee Description	Current Amount	Authority	Effective Date	Last amount change	Proposed change
	Single Family House	\$100 per application	Res 1188	7/1/2015	7/1/2012	no change
	Duplex (including conversions of single family to duplex	\$120 per application	Res 1188	7/1/2015	7/1/2012	no change
	Non-Living Space addition (garage, carport, porch, etc)	\$50 per application	Res 1188	7/1/2015	7/1/2012	no change
	Living Space addition (expansion and/or creation of accessory dwelling	\$75 per application	Res 1188	7/1/2015	7/1/2012	no change
	Multifamily	\$60 per unit (first 20 units)/\$10 per each additional unit)	Res 1188	7/1/2015	7/1/2012	no change
	Demolitions (Residential)	\$25	Res 1188	7/1/2015	7/1/2012	no change
	Demolitions (Commercial or Industrial)	\$50	Res 1188	7/1/2015	7/1/2012	no change
	Commercial tenant improvements and remodels not involving additional square footage	\$25	Res 1216	7/1/2015	7/1/2015	Residential or Commercial tenant improvements and remodels not involving additional square footage
	Signs	\$50 (\$10 for each additional sign)	Res 1216			no change
	Existing Wireless Telecommunications System Facility/Tower Modification	\$50	Res 1216	7/1/2015	7/1/2013	no change
	All other commercial and industrial based on building square footage:					
	0 to 2,000 square feet	\$100	Res 1216	7/1/2015	7/10/2009	no change
	2,001 to 5,000 square feet	\$100 for the first 2,000 sq. ft. and \$1.75 for each additional 100 Sq. ft. or fraction thereof	Res 1216	7/1/2015	7/10/2009	no change
	5,001 to 10,000 square feet	\$152.50 for the first 5,000 sq. ft and \$1.50 for each additional 100 sq. ft. or fraction thereof	Res 1216	7/1/2015	7/10/2009	no change
	10,001 to 50,000 square feet	\$160 for the first 10,000 sq. ft. and \$1.25 for each additional 100 sq. ft. or fraction thereof	Res 1216	7/1/2015	7/10/2009	no change
	50,001 to 100,000 square feet	\$210 for the first 50,000 sq. ft. and \$1.00 for each additional 500 sq. ft. or fraction thereof	Res 1216	7/1/2015	7/10/2009	no change
	100,001 square feet and up	\$260 for the first 100,000 sq. ft. and \$0.75 for each additional 1,000 sq. ft or fraction thereof	Res 1216	7/1/2015	7/10/2009	no change
	Comprehensive Plan Amendment	\$3,220	Res 1188	7/1/2015	7/10/2009	no change
	Conditional Use Permit	\$2,040	Res 1188	7/1/2015	7/10/2009	no change
	Condominium Construction, less than six units	\$280	Res 1216	7/1/2015	7/10/2009	no change
	Interpretation	\$580	Res 1216	7/1/2015	7/10/2009	no change
	Lot Line Adjustment	\$520	Res 1216	7/1/2015	7/10/2009	no change
	Non-conforming Structure/Use	\$520	Res 1216	7/1/2015	7/10/2009	no change
	Parking Lot/Paving Projects	\$300	Res 1216	7/1/2015	7/10/2009	no change
	Partition - Major	\$1,360	Res 1216	7/1/2015	7/10/2009	no change
	Partition - Minor	\$1,280	Res 1216	7/1/2015	7/10/2009	no change
	Planned Unit Development	\$1,500	Res 1216	7/1/2015	7/1/2012	no change
	Plat (Final) Review	\$100	Res 1216	7/1/2015	7/10/2009	no change
	Pre-Application Conference					
	Type II (Administrative Review)	\$300	Res 1216	7/1/2015	7/1/2011	no change
	Types III or IV (Quasi-Judicial Review)	\$700	Res 1216	7/1/2015	7/1/2011	no change
	Preconstruction Conference	\$100 (+\$60 per hr. over 2 hrs)	Res 1216	7/1/2015	7/10/2009	no change
	Minor Modification	\$100	Res 1216	7/1/2015	7/10/2009	no change
	Multiple Land Use Application Submittal Discount	50% multiple application discount only applies to the lower cost application(s) (Please check with Planning Staff)	Res 1216			no change
	Sidewalk Café Annual Permit Fee	\$25	Res 1216	7/1/2015	8/18/2009	no change
	Sidewalk Café Annual Right of Way Rental Fee	\$1	Res 1216	7/1/2015	8/18/2009	no change
	Site and Design Review (Type II)					
	First 0.5 Acres	\$950 (Base Fee)	Res 1216	7/1/2015	7/1/2011	no change
	From 0.5 Acres up to 2.5 Acres	\$100 for each additional .1 acres	Res 1216	7/1/2015	7/1/2011	no change
	From 2.5 acres up to 8.0 Acres	\$100 for each additional .5 acres	Res 1216	7/1/2015	7/1/2011	no change
	From 8.0 Acres up to 13 Acres	\$100 for each additional 1.0 acres	Res 1216	7/1/2015	7/1/2011	no change
	13 Acres and above	\$5,000 maximum	Res 1216	7/1/2015	7/1/2011	no change
	Site and Design Review (Type III)					no change
	First 0.5 Acres	\$1,500 (Base Fee)	Res 1216	7/1/2015	7/10/2009	no change
	From 0.5 Acres up to 2.5 Acres	\$100 for each additional 0.1 acres	Res 1216	7/1/2015	7/10/2009	no change

EXHIBIT "A"

Department	Fee Description	Current Amount	Authority	Effective Date	Last amount change	Proposed change
	From 2.5 acres up to 8.0 Acres	\$100 for each additional 0.5 acres	Res 1216	7/1/2015	7/10/2009	no change
	From 8.0 Acres up to 13 Acres	\$100 for each additional 1.0 acres	Res 1216	7/1/2015	7/10/2009	no change
	13 Acres and above	\$5,000 maximum	Res 1216	7/1/2015	7/10/2009	no change
	Private On Site Engineering Plan Review Fee	0.2% of total private on-site building construction cost capped at \$3000, \$300 minimum	Res 1216	7/1/2015	7/1/2014	0.2% of total private on-site building construction cost capped at \$3000, \$300 minimum
	Special Permit (hardship)	\$100	Res 1216	7/1/2015	7/10/2009	no change
	Subdivision – 4 Lots	\$1,700 (Base Fee)	Res 1216	7/1/2015	7/10/2009	no change
	Subdivision – 5+ Lots	Base fee + \$110 per Lot	Res 1216	7/1/2015	7/1/2014	no change
	Engineering Public Improvement Plan Review Fee	0.4% of public improvement cost	Res 1216	7/1/2015	7/1/2014	no change
	Temporary Vendor Permit	\$100 (\$50 non-profit)	Res 1216	7/1/2015	10/16/2009	no change
	Temporary Vendor Permit Renewal	\$50 (\$25 non-profit)	Res 1216	7/1/2015	7/1/2012	no change
	Text Amendment	\$2,880	Res 1216	7/1/2015	7/10/2009	no change
	Traffic Engineering Scope	\$500 min. \$1,000 max. deposit	Res 1216	7/1/2015	7/1/2011	no change
	Traffic Impact Study	Applicant pays actual costs	Res 1216	7/1/2015	6/1/2010	no change
	Variance - Major	\$2,120	Res 1216	7/1/2015	7/10/2009	no change
	Variance - Minor	\$520	Res 1216	7/1/2015	7/10/2009	no change
	Withdrawal of Territory < 1 acre	\$1,388 (base fee)	Res 1216	7/1/2015	2/2/2011	no change
	Withdrawal of Territory - 1-10 acres	Plus \$79 per acre	Res 1216	7/1/2015	2/2/2011	no change
	Withdrawal of Territory 11-50 acres	Plus \$41 per acre	Res 1216	7/1/2015	2/2/2011	no change
	Withdrawal of Territory 51+ acres	Plus \$8 per acre	Res 1216	7/1/2015	2/2/2011	no change
	Zoning Letter					
	Basic (zone and use verification)	\$15	Res 1216	7/1/2015	7/1/2015	no change
	Expansive (conformance research)	\$100	Res 1216	7/1/2015	7/1/2015	no change
	Zoning Map Amendment	\$2,640	Res 1216	7/1/2015	7/10/2009	no change
Building						
	Building Permit Fee					
	\$0 to \$3,000 valuation	\$80	Res 1216	7/1/2015	11/1/2008	no change
	\$3,001 to \$25,000 valuation	\$80 for the first \$3,000 and \$12 for each additional \$1,000 or fraction thereof	Res 1216	7/1/2015	11/1/2008	no change
	\$25,001 to \$50,000 valuation	\$344 for the first \$25,000 and \$9 for each additional \$1,000 or fraction thereof	Res 1216	7/1/2015	11/1/2008	no change
	\$50,001 to \$100,000 valuation	\$569 for the first \$50,000 and \$6 for each additional \$1,000 or fraction thereof	Res 1216	7/1/2015	11/1/2008	no change
	\$100,001 and up	\$869 for the first \$100,000 and \$5 for each additional \$1,000 or fraction thereof	Res 1216	7/1/2015	11/1/2008	no change
	Plan Review Fee	100% of Building Permit fee	Res 1216	7/1/2015	11/1/2008	no change
	Temporary Certificate of Occupancy	\$250	Res 1216	7/1/2015	11/1/2008	no change
	Deferred submittal processing and reviewing fee	Equal to the building permit fee for the valuation of the particular deferred portion or portions of the project, with a set minimum fee of \$300	Res 1216	7/1/2015	11/1/2008	no change
	Phased or Partial Building Permit plan review fee	\$300 plus 10% of the total project building permit fee not to exceed \$2,000 for each phase in addition to above fees	Res 1216	7/1/2015	11/1/2008	no change
	Inspections outside of normal business hours	\$160/hr (minimum charge – two hours)	Res 1216	7/1/2015	11/1/2008	no change
	Re-inspection Fees	\$80	Res 1216	7/1/2015	11/1/2008	no change
	Inspections for which no fee is specifically indicated	\$160/hr (minimum charge – 1/2 hour)	Res 1216	7/1/2015	11/1/2008	no change
	Additional plan review required by changes, additions or revisions to proposed or approved plans	\$160/hr (minimum charge – 1/2 hour)	Res 1216	7/1/2015	11/1/2008	no change
	Residential Fire Suppression Systems Combined Plan Permit and Plan Check Fees:					
	0 sq. ft to 2,000 sq. ft	\$160	Res 1216	7/1/2015	11/1/2008	no change
	2001 sq. ft. to 3600 sq. ft.	\$210	Res 1216	7/1/2015	11/1/2008	no change
	3601 sq. ft. to 7200 sq. ft.	\$269	Res 1216	7/1/2015	11/1/2008	no change
	7201 sq. ft. and greater	\$377	Res 1216	7/1/2015	11/1/2008	no change
	Mechanical Fee Schedule for New and Additions or Alterations, to One and Two Family Dwellings:					
	Install/Replace Furnace: Up to 100,000btu	\$24.75 per appliance	Res 1216	7/1/2015	11/1/2008	no change

EXHIBIT "A"

Department	Fee Description	Current Amount		Authority	Effective Date	Last amount change	Proposed change
	Install/Replace Furnace: Over 100,000btu	\$31.50 per appliance		Res 1216	7/1/2015	11/1/2008	no change
	Install/Replace/Relocate Heaters: Suspended, Wall or Floor Mounted.	\$24.75 per appliance		Res 1216	7/1/2015	11/1/2008	no change
	Appliance Vent	\$12.50 per appliance		Res 1216	7/1/2015	11/1/2008	no change
	Alteration Of Existing HVAC System	\$24.75		Res 1216	7/1/2015	11/1/2008	no change
	Air Handling Units	\$18.75 per appliance		Res 1216	7/1/2015	11/1/2008	no change
	Air Conditioning under 100,000btu	\$24.75 per appliance		Res 1216	7/1/2015	11/1/2008	no change
	Air Conditioning over 100,000btu	\$46.50 per appliance		Res 1216	7/1/2015	11/1/2008	no change
	Dryer Exhaust	\$18.75 per appliance		Res 1216	7/1/2015	11/1/2008	no change
	Hood	\$18.75 per appliance		Res 1216	7/1/2015	11/1/2008	no change
	Exhaust Fan Connected To A Single Duct	\$12.50 per appliance		Res 1216	7/1/2015	11/1/2008	no change
	Gas Piping: 1 To 4 Outlets	\$8.25		Res 1216	7/1/2015	11/1/2008	no change
	Gas Piping: Each Additional Outlet	\$2.25 per outlet		Res 1216	7/1/2015	11/1/2008	no change
	Fireplace	\$18.75 per appliance		Res 1216	7/1/2015	11/1/2008	no change
	Wood Stove	\$18.75 per appliance		Res 1216	7/1/2015	11/1/2008	no change
	Other	\$18.75 per appliance		Res 1216	7/1/2015	11/1/2008	no change
	Minimum Permit Fee	\$80		Res 1216	7/1/2015	11/1/2008	no change
	Plan Review Fee (Mechanical)	100% of Mechanical Permit fee		Res 1216	7/1/2015	11/1/2008	no change
	Mechanical Fee Schedule for New and Additions or Alterations to Commercial, Multi-Family and Industrial Projects			Res 1216	7/1/2015	11/1/2008	no change
	\$0.00 to \$5000.00 valuation	\$80		Res 1216	7/1/2015	11/1/2008	no change
	\$5001.00 to \$10,000.00 valuation	\$80 for the first \$5000 and \$3 for each additional \$100 or fraction thereof		Res 1216	7/1/2015	11/1/2008	no change
	\$10,001.00 to \$100,000 valuation	\$230.00 for the first \$10,000.00 and \$12.00 for each additional \$1,000.00 or fraction thereof		Res 1216	7/1/2015	11/1/2008	no change
	\$100,001.00 and up	\$1,310 for the first \$100,000 and \$10 for each additional \$1,000 or fraction thereof		Res 1216	7/1/2015	11/1/2008	no change
	Plan Review Fee (Mechanical)	37% of Mechanical Permit fee		Res 1216	7/1/2015	11/1/2008	no change
	Grading Permit Fee Schedule						
	50 cubic yards or less	\$80		Res 1216	7/1/2015	11/1/2008	no change
	51 to 100 cubic yards	\$117		Res 1216	7/1/2015	11/1/2008	no change
	101 to 1,000 cubic yards	\$117 for the first 100 cubic yards, plus \$55 for each additional 100 cubic yards or fraction thereof		Res 1216	7/1/2015	11/1/2008	no change
	1,001 to 10,000 cubic yards	\$612 for the first 1,000 cubic yards, plus \$46 for each additional 1,000 cubic yards or fraction thereof		Res 1216	7/1/2015	11/1/2008	no change
	10,001 to 100,000 cubic yards	\$1026 for the first 10,000 cubic yards, plus \$210 for each additional 10,000 cubic yards or fraction thereof		Res 1216	7/1/2015	11/1/2008	no change
	100,001 cubic yards and up	\$2916 for the first 100,000 cubic yards, plus \$115 for each additional 10,000 cubic yards or fraction thereof		Res 1216	7/1/2015	11/1/2008	no change
	Plan Review Fee (Grading)	65% of Grading Permit fee		Res 1216	7/1/2015	11/1/2008	no change
	Manufactured Dwelling Installation						
	Installation and set up	\$350		Res 1216	7/1/2015	11/1/2008	no change
	Earthquake bracing when not part of original installation	\$280		Res 1216	7/1/2015	11/1/2008	no change
	Prescriptive Flat Fee Solar Installation	\$240		Res 1216	7/1/2015	7/1/2011	no change
Swim Center		In City	Out of City				
	Daily Admission - Youth	\$2.50	\$3.75	Res 1216	7/1/2015	6/1/2010	no change
	Daily Admission - Senior	\$2.50	\$3.75	Res 1216	7/1/2015	6/1/2010	no change
	Daily Admission - Adult	\$3.25	\$4.50	Res 1216	7/1/2015	6/1/2010	no change
	Daily Admission - Family	\$8.25	\$12.00	Res 1216	7/1/2015	6/1/2010	no change
	Tickets - 10 Swims Youth/Senior	\$25.00	\$37.50	Res 1216	7/1/2015	6/1/2010	no change
	Tickets - 10 Swims Adult	\$32.50	\$45.00	Res 1216	7/1/2015	6/1/2010	no change
	Pass 3 month - Youth	\$50.00	\$75.00	Res 1216	7/1/2015	6/1/2010	no change
	Pass 3 month - Senior	\$50.00	\$75.00	Res 1216	7/1/2015	6/1/2010	no change
	Pass 3 month - Adult	\$65.00	\$90.00	Res 1216	7/1/2015	6/1/2010	no change
	Pass 3 month - 1 + 1	\$97.50	\$135.00	Res 1216	7/1/2015	6/1/2010	no change
	Pass 3 month - Family	\$130.00	\$180.00	Res 1216	7/1/2015	6/1/2010	no change
	Pass 12 month - Youth	\$137.50	\$206.25	Res 1216	7/1/2015	6/1/2010	no change

EXHIBIT "A"

Department	Fee Description	Current Amount		Authority	Effective Date	Last amount change	Proposed change
	Pass 12 month - Senior	\$137.50	\$206.25	Res 1216	7/1/2015	6/1/2010	no change
	Pass 12 month - Adult	\$178.75	\$247.50	Res 1216	7/1/2015	6/1/2010	no change
	Pass 12 month - 1 + 1	\$268.00	\$371.25	Res 1216	7/1/2015	6/1/2010	no change
	Pass 12 month - Family	\$357.50	\$495.00	Res 1216	7/1/2015	6/1/2010	no change
	Water Exercise - Youth	\$2.50	\$3.75	Res 1216	7/1/2015	6/1/2010	no change
	Water Exercise - Senior	\$2.50	\$3.75	Res 1216	7/1/2015	6/1/2010	no change
	Water Exercise - Adult	\$3.25	\$4.50	Res 1216	7/1/2015	6/1/2010	no change
	Lessons - Public Lessons	\$3.50	\$5.25	Res 1216	7/1/2015	6/1/2010	no change
	Lessons - Spring Penguin	\$50.00	\$70.00	Res 1216	7/1/2015	6/1/2010	no change
	Lessons - Summer Penguin	\$80.00	\$100.00	Res 1216	7/1/2015	6/1/2010	no change
	Lessons - School Programs	by contract		Res 1216	7/1/2015	6/1/2010	no change
	Rentals - Public - 2 hours, up to 30 persons	\$45.00 per hr	\$62.50 per hr	Res 1216	7/1/2015	7/1/2015	no change
	Rentals - Public - additional charge for 31-60 persons, then additional \$30 per each additional group of 30.	\$30.00	\$30.00	Res 1216	7/1/2015	7/1/2015	no change
	Rentals - Canby Gators	by contract		Res 1216	7/1/2015	6/1/2010	no change
Cemetery							
	Grave Lots	Property	Perpetual Care Fee				
	Standard Grave Lot	\$450	\$700	Res 1216	7/1/2015	9/1/2005	no change
	Child Grave Lot (1/2 sp)	\$150	\$350	Res 1216	7/1/2015	9/1/2005	no change
	Baby Grave Lot (1/4 sp)	\$125	\$350	Res 1216	7/1/2015	9/1/2005	no change
	Cremains Lot	\$300	\$100	Res 1216	7/1/2015	6/1/2010	no change
	Grave Opening, Closing & Recording Fee:						
	Standard						
	Opening & Closing	\$650		Res 1216	7/1/2015	6/1/2010	no change
	Disinterment	\$1,000		Res 1216	7/1/2015	6/1/2010	no change
	Disinterment/Reinterment	\$1,250		Res 1216	7/1/2015	6/1/2010	no change
	Child						
	Opening & Closing	\$275		Res 1216	7/1/2015	6/1/2010	no change
	Disinterment	\$400		Res 1216	7/1/2015	6/1/2010	no change
	Disinterment/Reinterment	\$600		Res 1216	7/1/2015	6/1/2010	no change
	Baby						
	Opening & Closing	\$200		Res 1216	7/1/2015	6/1/2010	no change
	Disinterment	\$370		Res 1216	7/1/2015	6/1/2010	no change
	Disinterment/Reinterment	\$470		Res 1216	7/1/2015	6/1/2010	no change
	Cremains						
	Opening & Closing	\$300		Res 1216	7/1/2015	6/1/2010	no change
	Disinterment	\$350		Res 1216	7/1/2015	6/1/2010	no change
	Disinterment/Reinterment	\$400		Res 1216	7/1/2015	6/1/2010	no change
	Grave Liners:						
	Wholesale to Funeral Home	\$360		Res 1216	7/1/2015	9/1/2005	no change
	Standard	\$420		Res 1216	7/1/2015	9/1/2005	no change
	Child	\$240		Res 1216	7/1/2015	9/1/2005	no change
	Baby	\$240		Res 1216	7/1/2015	9/1/2005	no change
	Cremains Vault	\$155		Res 1216	7/1/2015	9/1/2005	no change
	Monument Installation:						
	24" or less in all dimensions	\$160		Res 1216	7/1/2015	9/1/2005	no change
	36" & Over	\$190		Res 1216	7/1/2015	9/1/2005	no change
	48" & Over	\$225		Res 1216	7/1/2015	9/1/2005	no change
	3' x 7' Grave Ledger	\$255		Res 1216	7/1/2015	9/1/2005	no change
	24" Bronze Military	\$160		Res 1216	7/1/2015	9/1/2005	no change
	Upright Monuments	\$260		Res 1216	7/1/2015	9/1/2005	no change
	Mausoleum Phase I (All prices includes perpetual care of \$60)			Res 1216			
	Exterior Single Crypts (1 space)						
	Sixth Level F	\$1,650		Res 1216	7/1/2015	9/1/2005	no change
	Fifth Level E	\$1,980		Res 1216	7/1/2015	9/1/2005	no change
	Fourth Level D	\$2,365		Res 1216	7/1/2015	9/1/2005	no change
	Third Level C	\$2,830		Res 1216	7/1/2015	9/1/2005	no change
	Second Level B	\$2,830		Res 1216	7/1/2015	9/1/2005	no change
	First and Westminster Level A (2 spaces)	\$3,350		Res 1216	7/1/2015	9/1/2005	no change
	Exterior Tandem Crypts (2 spaces)						
	Sixth Level F	\$2,805		Res 1216	7/1/2015	9/1/2005	no change
	Fifth Level E	\$3,115		Res 1216	7/1/2015	9/1/2005	no change
	Fourth Level D	\$3,465		Res 1216	7/1/2015	9/1/2005	no change
	Third Level C	\$3,915		Res 1216	7/1/2015	9/1/2005	no change
	Second Level B	\$3,915		Res 1216	7/1/2015	9/1/2005	no change
	First and Westminster Level A (4 spaces)	\$4,880		Res 1216	7/1/2015	9/1/2005	no change
	Exterior Side by Side Crypts (2 Sp)						

EXHIBIT "A"

Department	Fee Description	Current Amount	Authority	Effective Date	Last amount change	Proposed change
	Sixth Level F	\$2,905	Res 1216	7/1/2015	9/1/2005	no change
	Fifth Level E	\$3,255	Res 1216	7/1/2015	9/1/2005	no change
	Fourth Level D	\$3,610	Res 1216	7/1/2015	9/1/2005	no change
	Third Level C	\$4,335	Res 1216	7/1/2015	9/1/2005	no change
	Second Level B	\$4,335	Res 1216	7/1/2015	9/1/2005	no change
	First and Westminster Level A (4 spaces)	\$5,280	Res 1216	7/1/2015	9/1/2005	no change
	Niche Spaces (All prices includes perpetual care of \$35)		Res 1216			
	Level 1 through 6	\$420	Res 1216	7/1/2015	9/1/2005	no change
	Level 7 through 10	\$350	Res 1216	7/1/2015	9/1/2005	no change
	Level 11 through 12	\$330	Res 1216	7/1/2015	9/1/2005	no change
	Mausoleum Phase II (All prices includes perpetual care of \$100)		Res 1216			
	Exterior Single Crypts (1 space)			7/1/2015	9/1/2005	no change
	Sixth Level F	\$2,047	Res 1216	7/1/2015	9/1/2005	no change
	Fifth Level E	\$2,436	Res 1216	7/1/2015	9/1/2005	no change
	Fourth Level D	\$2,890	Res 1216	7/1/2015	9/1/2005	no change
	Third Level C	\$3,439	Res 1216	7/1/2015	9/1/2005	no change
	Second Level B	\$3,439	Res 1216	7/1/2015	9/1/2005	no change
	First and Westminster Level A (2 spaces)	\$4,053	Res 1216	7/1/2015	9/1/2005	no change
	Exterior Tandem Crypts (2 spaces)					
	Sixth Level F	\$3,409	Res 1216	7/1/2015	9/1/2005	no change
	Fifth Level E	\$3,775	Res 1216	7/1/2015	9/1/2005	no change
	Fourth Level D	\$4,359	Res 1216	7/1/2015	9/1/2005	no change
	Third Level C	\$5,215	Res 1216	7/1/2015	9/1/2005	no change
	Second Level B	\$5,215	Res 1216	7/1/2015	9/1/2005	no change
	First and Westminster Level A (4 spaces)	\$5,858	Res 1216	7/1/2015	9/1/2005	no change
	Exterior Side by Side Crypts (2 Sp)					
	Sixth Level F	\$3,527	Res 1216	7/1/2015	9/1/2005	no change
	Fifth Level E	\$3,940	Res 1216	7/1/2015	9/1/2005	no change
	Fourth Level D	\$4,359	Res 1216	7/1/2015	9/1/2005	no change
	Third Level C	\$5,215	Res 1216	7/1/2015	9/1/2005	no change
	Second Level B	\$5,215	Res 1216	7/1/2015	9/1/2005	no change
	First and Westminster Level A (4 spaces)	\$6,330	Res 1216	7/1/2015	9/1/2005	no change
	Opening & Closing for Crypts					
	Each Entombment	\$600	Res 1216	7/1/2015	7/1/2012	no change
	Disinterment from Westminster Crypt	\$750	Res 1216	7/1/2015	7/1/2012	no change
	Disinterment/Reinterment	\$650	Res 1216	7/1/2015	7/1/2012	no change
	Opening & Closing for Niches					
	Each Inurnment	\$325	Res 1216	7/1/2015	7/1/2012	no change
	Disinterment	\$425	Res 1216	7/1/2015	7/1/2012	no change
	Disinterment/Reinterment	\$500	Res 1216	7/1/2015	7/1/2012	no change
	Crypt Name Bar Installation	\$364	Res 1216	7/1/2015	6/1/2010	no change
	Niche Name Bar Installation	\$294	Res 1216	7/1/2015	6/1/2010	no change
	Emblems (Elks, Rotary, Cross, etc)	\$90	Res 1216	7/1/2015	6/1/2010	no change
	Extra Plastic Vase & Holder	\$90	Res 1216	7/1/2015	9/1/2005	no change
	Replace Plastic Vase	\$45	Res 1216	7/1/2015	9/1/2005	no change
	Weekend & Holiday Services (additional fee)	\$300	Res 1216	7/1/2015	9/1/2005	no change
	Overtime Fee	\$300	Res 1216	7/1/2015	8/2/2006	no change
	Cemetery Title Transfer	\$75	Res 1216	7/1/2015	8/2/2006	no change

CITY OF CANBY MASTER FEE SCHEDULE

Fees and charges in effect as of 8/19/2015

Authorized by Resolution No. 1223

Fee Description	Current Amount
GENERAL	
Photocopies or Printouts-Black and White, sizes to 8 1/2 x 14, single or double-sided	25¢ per sheet
Photocopies or Printouts-Color, sizes to 8 1/2 x 14, single or double-sided	75¢ per sheet
Photocopies or Printouts-Black and White, size 11x17, single sided only	\$1.00 per sheet
Photocopies or Printouts-Color, size 11x17, single sided only	\$1.25 per sheet
Plotter prints (8 1/2 x 11)	\$2
Plotter prints (11 x 17)	\$4
Plotter prints (17 x 22)	\$6
Plotter prints (24 x 36)	\$8
Plotter prints (36 x 48)	\$10
Audio Cassette copy	\$10
Records on CD/DVD	\$10 plus staff time costs
Public Records-Transcription	\$20/hr
Public Records-Clerical Research	\$20/hr
Public Records-Admin Research	\$35/hr
Public Records-Legal Research	\$80/hr
Public Records-Faxing	50¢ per page sent
Public Records-Mailing costs	Actual costs + \$1.00 handling fee
Returned check fee	\$25
Lien Search fee	\$25
License/Permit/Certificate replacement fee	\$10
ADMINISTRATION	
Business License Annual Renewal	\$50
Business License Past Due	\$10/mo up to \$50
Business License-Transfer or Assign	\$50
Operating a Business without a License Penalty	\$100
Liquor License Application New	\$100
Liquor License Change of Ownership, Location, or Privilege	\$75
Small Animal Permit	\$10
Impounded Animal Redemption Fee	\$50
Sidewalk Vending Permit	\$10
First Friday Marketing Program	\$25
Noise Variance fee	\$75
Human Resources Application Fee (Police)	\$20
Franchise Application and Review Fee-Telecommunications	Actual expenses (requires \$2000 deposit)
Registration Application Fee-Telecommunications Providers	\$100
Annual Registration Fee-Telecommunications Providers	4% of gross revenues
Right-of-Way Use Fee-Telecommunications Providers	\$2 per linear foot occupied (if no revenues earned in City)
Franchise Fees-Telecommunications	7% gross revenue
Franchise Fees-Cable	5% gross revenue
Franchise Fees-Natural Gas	5% gross revenue

Fee Description	Current Amount
Franchise Fees-Telephone	7% gross revenue
Franchise Fees-Solid Waste	5% gross revenue
In-lieu of Franchise Fees-Water/ Electric	5% of commodity sales
In-lieu of Franchise Fees-Wastewater/ Stormwater	7% of service charge collected
POLICE	
Special Event Security	\$60/hr
Alarm Permits	\$20 annual (waived over 65 & gov't)
Alarm Permit Delinquent Fee	\$25
False Alarm Response	Third alarm \$50; fourth alarm \$75; fifth alarm & up \$100 each
Vehicle Release	\$125
Police Reports	\$10 DMV accident report; \$15 Police Reports (plus 25¢ per page after 10 pages)
Fingerprinting	\$20 plus \$10 each add'l card
Name Check Letter/Printout	\$5
Address Printout	\$5
Citation - Photocopy	\$5
Officer's Notes - Photocopy	\$5 (per officer requested)
Photos on CD	\$15
Radar Certification - Photocopy	\$5
Temporary/Special Event Liquor License	\$35
Secondhand Dealer Application Fee	\$50
Secondhand Dealer Annual Permit Fee	\$100
COURT	
Payment Plan Fee	\$25, new or refinanced plan
Show Cause Fee	\$35 certified letter/\$10 regular letter
Warrant Costs	\$50
Late Fee	\$15 if more than 10 days late
Appeal Transcript Fee	\$35
City Cost Assessment	\$7 per offense
Public Records	\$5 1st page, 25¢ ea. addtl page \$38 (includes demand letter certified)
Returned Check Fee	\$25
Fix It Dismissal Fee	\$25
Guilty by Default Fee	\$25
Collections Fee	25% of outstanding balance (by statute), not to exceed \$250
Collections Reinstatement Fee	\$50
Discovery Fee	\$10 (reports, documents); \$20 per CD/DVD (video, photo)
Juvenile Deferred Sentence	\$41, \$27 or \$14 depending on class of offense
Good Drivers Deferred Sentence	\$50 less than presumptive fine schedule of offense
MIP Deferred Sentence	\$150
Misdemeanor Deferred Sentence	\$250
Civil Compromise	\$150
Expunge Record Request Application	\$50

Fee Description	Current Amount	
LIBRARY		
Lost item replacement	Cost	
Damaged item	Cost	
Printing Charge for Internet, Black & White	15¢/page	
Printing Charge for Internet, Color	50¢	
Microform reader/printer	15¢/page	
Out of District Library Card Fee	\$95.00	
Fines	10¢ per day	
CANBY AREA TRANSIT		
Dial-A-Ride General Public	\$1.00 per boarding	
Dial-A-Ride Complementary Paratransit	\$1.00 per boarding	
Dial-A-Ride Premium	\$1.00 per boarding	
Shopping Shuttle Services	no charge	
Fixed-Route Bus Service	\$1.00 per boarding	
Monthly Pass	\$20/calendar month	
Punch Pass (24 rides)	\$20 (no expiration)	
Payroll and self-employment tax	0.6%	
Payment Submitted Without Return Fee	\$5 per 30 days or fraction thereof,	
PARKS		
	In City	Out of City
Rental of Gazebo in Wait Park (waived for non-profits)	\$110	\$220
Rental of Wait Park (waived for non-profits)	\$375	\$750
PUBLIC WORKS		
Public Works Labor Rate	\$43/hr	
Equipment Rates (include 1 operator):		
Vactor Truck	\$125/hr	
Street Sweeper	\$75/hr	
TV Van	\$100/hr	
High Ranger	\$90/hr	
Dump Truck	\$90/hr	
Backhoe	\$90/hr	
Street Closure Request	\$50 (waived for non-profits)	
Railroad Parking Lot Event Fee	\$50 (waived for non-profits)	
	\$25 + \$250 refundable deposit with approved street closure permit	
Street Barricade Delivery Fee		
Map Copying and Research on Easements	\$60/hr+ printing charge	
Banner Installation	\$100 (waived for non-profits)	
Plan Review, Inspections, and Witnessing for Construction Projects	\$60/hr	
Street Excavation (Construction) Permit Fee	\$100	
Driveway Return, Street Curb or Public Sidewalk Construction Inspection Fee	\$100	
Street Tree Fees for New Development	\$200 per tree	
	Charge shall be determined based on state contract for similar commodity, quoted at time of request	
Street Signs: New and Replacements		
Encroachment Application Permit Fee	\$50	
Building Number Installation Charge	\$50	

Fee Description	Current Amount	
Advance Finance Public Improvement Application Fee		\$150
Street Tree Removal Permit		\$25
Sewer Tap Fee (on-site connection)		\$100
House Move Permit		\$50
Fleet Services Labor Rate		\$75/hr
Erosion Control	Without ESPC Certification	With ESPC Certification
	Base Rate, to 4 inspections	
Single Family	\$190	\$145
Duplex	\$285	\$218
Triplex	\$475	\$363
Single Family Additions (disturbing less than 500 sq. ft.)	\$145	\$145
	Base Rate, to 8 inspections	
All Other Lots (Up to 1 acre)	\$500	\$395
Each additional acre	\$85	\$75
Each additional inspection	\$45	\$45
Violations	\$100 per Violation per Day	
Street Maintenance Fee, Monthly		
Residential Single Family	\$5	
Multi-Family Residences	\$3.34/unit	
Detached Senior Housing and Mobile Home Parks	\$2.09/unit	
Attached Senior Housing and Congregate Care Facilities	\$1.04/unit	
Non-residential	Varies: \$0.522 x trip value x units (\$5 min)	
SEWER/STORMWATER		
Combined Sewer/Stormwater Rates (monthly):		
Residential Single Family	\$46.20	
Residential , apartment, per unit	\$46.20	
Mobile home	\$46.20	
Reduced Sewer Rate	\$32.92	
Elementary school, per student	\$1.82	
Middle & High school, per student	\$2.41	
Transient housing (1st unit)	\$46.20	
Each additional bed	\$24.26	
Nursing home (1st two beds)	\$46.20	
Each additional bed	\$24.26	
Commercial retail, minimum	\$46.20	
per 100 cf of water use Nov-Mar	\$5.78	
Commercial government, minimum	\$46.20	
per 100 cf of water use Dec & Jan	\$5.78	
Industrial, minimum	\$46.20	
per 100 cf of water use	\$5.78	
Sanitary Sewer Extra Strength Charges		
BOD:		
Concentraton 0 to 300 mg/L	Included in Base	
Concentraton 300 to 600 mg/L	\$1.18 per pound	

Fee Description	Current Amount
Concentrator 600 to 1200 mg/L	\$2.36 per pound
TSS:	
Concentrator 0 to 300 mg/L	Included in Base
Concentrator 300 to 600 mg/L	\$1.18 per pound
Concentrator 600 to 1200 mg/L	\$2.36 per pound
Late fee	\$10 per month after 45 days
Delinquent Account Certification Fee	\$50
Industrial Wastewater Discharge Permit	\$5,000
Industrial Wastewater Discharge Permit application review fee	\$55/hr
CONSTRUCTION EXCISE TAX	
Residential, per dwelling unit	
First 1,000 square feet	\$0.25/sq ft
Next 500 square feet	\$0.50/sq ft
Next 500 square feet	\$0.75/sq ft
Above 2,000 square feet	\$1.00/sq ft
SYSTEMS DEVELOPMENT CHARGES	
Stormwater	
Residential - per dwelling unit	
Low Density	\$171.51
Manufactured	\$83.62
Medium/High Density	\$114.56
Non-Residential - per 1,000 square feet	
Residential/Commercial (mixed use)	\$268.84
Convenience	\$185.08
Downtown	\$268.84
Highway	\$336.05
Commercial/Manufacturing	\$520.59
Industrial	\$157.37
Schools	\$232.49
Transportation	Estimated SDC per unit
Single-Family per unit	\$3,119.76
Multi-Family per unit	\$2,184.36
Non-residential Transportation SDC varies by use category indicated:	
Elementary School	\$167.86 per Student
Church	\$2,227.65 per T.S.F.G.F.A. ¹
Day Care Center/Preschool	\$583.83 per Student
Clinic	\$10,867.95 per T.S.F.G.F.A. ¹
Specialty Retail Center	\$5,340.01 per T.S.F.G.L.A. ²
Shopping Center	\$5,173.20 per T.S.F.G.L.A. ²
Supermarket	\$17,918.29 per T.S.F.G.F.A. ¹
Convenience Market	\$39,406.09 per T.S.F.G.F.A. ¹
Pharmacy/Drugstore	\$12,577.22 per T.S.F.G.F.A. ¹
Bank/Savings: Walk-in	\$22,710.37 per T.S.F.G.F.A. ¹
Quality Restaurant	\$8,357.37 per T.S.F.G.F.A. ¹
Fast Food Restaurant	\$34,772.38 per T.S.F.G.F.A. ¹
Automobile Care Center	\$4,831.14 per T.S.F.G.F.A. ¹
Gasoline/Service Station	\$10,146.36 per V.F.P. ³
General Office Building	\$3,589.57 per T.S.F.G.F.A. ¹

Fee Description	Current Amount
Medical-Dental Office Building	\$11,778.02 per T.S.F.G.F.A. ¹
General Light Industrial	\$2,276.10 per T.S.F.G.F.A. ¹
General Heavy Industrial	\$488.81 per T.S.F.G.F.A. ¹
Warehouse	\$1,620.59 per T.S.F.G.F.A. ¹
Mini Warehouse	\$815.05 per T.S.F.G.F.A. ¹
Abbreviations:	
¹ T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area	
² T.S.F.G.L.A. = Thousand Square Feet Gross Leasable Area	
³ V.F.P. = Vehicle Fueling Position	
Wastewater	
5/8" x 3/4" Water meter	\$2,746.03
3/4" Water meter	\$5,376.71
1" Water meter	\$8,952.65
1 1/2" Water meter	\$17,933.06
2" Water meter	\$28,686.49
3" Water meter	\$62,723.00
4" Water meter	\$107,540.70
6" Water meter	\$224,035.12
8" Water meter	\$322,623.18
Multi-family Unit	\$2,151.11
Parks	
Residential - per dwelling unit	
Single Family	\$5,265.06
Multi-Family	\$5,481.49
Manufactured Housing	\$4,397.22
Non-Residential	
<i>Note: Non-residential Parks SDC varies by use and can be calculated using either Method 1 or 2 indicated below.</i>	
Manufacturing:	
General (700)	\$603.29
Food Related (775)	\$544.91
Textile, Apparel (575)	\$734.44
Lumber, Wood Products (560)	\$754.12
Paper & Related (1,400)	\$301.64
Printing & Publishing (600)	\$703.83
Chemicals, Petrol, Rubber, Plastics (850)	\$496.82
Cement, Stone, Clay, Glass (800)	\$527.88
Furniture & Furnishings (600)	\$703.83
Primary Metals (1,000)	\$422.30
Secondary Metals (800)	\$527.88
Non-Electrical Machinery (600)	\$1,126.14
Electrical Machinery (375)	\$1,299.39
Electrical Design (325)	\$1,299.39
Transportation Equipment (500)	\$844.60
Other (400)	\$1,055.76
Wholesale Trade:	
Durable Goods (1,000)	\$422.30
Non-Durable Goods (1,100)	\$367.22
Warehousing:	
Storage (20,000)	\$21.12
Distribution (2,500)	\$168.92
Trucking (1,500)	\$281.53
Communications (250)	\$1,688.57

Fee Description	Current Amount
Utilities (225)	\$1,876.90
Retail:	
General (700)	\$603.29
Hardware (1,000)	\$422.30
Food Stores (675)	\$625.64
Restaurant/Bar (225)	\$1,876.90
Appliance/Furniture (1,000)	\$422.30
Auto Dealership (650)	\$649.70
Gas/Station - Gas Only (300)	\$1,407.68
Gas/Station - Gas & Service (400)	\$1,055.76
Regional Shopping Center (600)	\$703.83
Services:	
Hotel/Motel (1,500)	\$281.53
Health Services - Hospital (500)	\$844.60
Health Services - Clinic (350)	\$1,206.58
Educational (1,300)	\$324.85
Cinema (1,100)	\$383.91
Personal Services - Office (600)	\$703.83
Finance, Insurance, Real Estate, Business Services- Office (350)	\$1,206.58
Government Administration (300)	\$1,407.68
(1) In order to calculate your Parks SDC fee using this chart: Divide your proposed new building area by 1000 sf and multiply that amount times the listed amount for your use provided (2) The Parks SDC Fee can also be calculated by identifying your use, taking the total sf of your building divided by the number of sf per employee listed next to the listed use, then multiply by the adopted per employee parks SDC fee of \$422.30. Example for Manufacturing, General (700) 25,000 sq. ft bldg / 700 sq. ft. per employee = 35.714 x \$422.30 base fee = \$15,082.02.	
PLANNING	
Annexation – Less than 1 acre	\$1,850 - (Base Fee)
Annexation – 1 – 10 Acres	Plus \$105 per Acre
Annexation – 11 – 50 Acres	Plus \$55 per Acre
Annexation – 51+ Acres	Plus \$10 per Acre
Annexation Legal Review – Development Agreement or Development Concept Plan	Applicant pays actual costs
Annexation Election Deposit (Does not include County Elections Costs which will be billed separately)	\$2,500
Appeal - Interpretation or type II decision to Planning Commission	\$1,600
Appeal - Planning Commission decision to City Council	\$1,920
Building Permit Site Plan Review	
Single Family House	\$100 per application
Duplex (including conversions of single family to duplex)	\$120 per application
Non-Living Space addition (garage, carport, porch, etc)	\$50 per application
Living Space addition (expansion and/or creation of accessory dwelling)	\$75 per application
Multifamily	\$60 per unit (first 20 units)/\$10 per each additional unit)
Demolitions (Residential)	\$25
Demolitions (Commercial or Industrial)	\$50

Fee Description	Current Amount
Residential or Commercial tenant improvements and remodels not involving additional square footage	\$25
Signs	\$50 (\$10 for each additional sign)
Existing Wireless Telecommunications System Facility/Tower Modification	\$50
All other commercial and industrial based on building square footage:	
0 to 2,000 square feet	\$100
2,001 to 5,000 square feet	\$100 for the first 2,000 sq. ft. and \$1.75 for each additional 100 Sq. ft. or fraction thereof
5,001 to 10,000 square feet	\$152.50 for the first 5,000 sq. ft and \$1.50 for each additional 100 sq. ft. or fraction thereof
10,001 to 50,000 square feet	\$160 for the first 10,000 sq. ft. and \$1.25 for each additional 100 sq. ft. or fraction thereof
50,001 to 100,000 square feet	\$210 for the first 50,000 sq. ft. and \$1.00 for each additional 500 sq. ft. or fraction thereof
100,001 square feet and up	\$260 for the first 100,000 sq. ft. and \$0.75 for each additional 1,000 sq. ft. or fraction thereof
Comprehensive Plan Amendment	\$3,220
Conditional Use Permit	\$2,040
Condominium Construction, less than six units	\$280
Interpretation	\$580
Lot Line Adjustment	\$520
Non-conforming Structure/Use	\$520
Parking Lot/Paving Projects	\$300
Partition - Major	\$1,360
Partition - Minor	\$1,280
Planned Unit Development	\$1,500
Plat (Final) Review	\$100
Pre-Application Conference	
Type II (Administrative Review)	\$300
Types III or IV (Quasi-Judicial Review)	\$700
Preconstruction Conference	\$100 (+\$60 per hr. over 2 hrs)
Minor Modification	\$100
Multiple Land Use Application Submittal Discount	50% multiple application discount only applies to the lower cost application(s) (Please check with Planning Staff)
Sidewalk Café Annual Permit Fee	\$25
Sidewalk Café Annual Right of Way Rental Fee	\$1
Site and Design Review (Type II)	
First 0.5 Acres	\$950 (Base Fee)
From 0.5 Acres up to 2.5 Acres	\$100 for each additional .1 acres
From 2.5 acres up to 8.0 Acres	\$100 for each additional .5 acres

Fee Description	Current Amount
From 8.0 Acres up to 13 Acres	\$100 for each additional 1.0 acres
13 Acres and above	\$5,000 maximum
Site and Design Review (Type III)	
First 0.5 Acres	\$1,500 (Base Fee)
From 0.5 Acres up to 2.5 Acres	\$100 for each additional 0.1 acres
From 2.5 acres up to 8.0 Acres	\$100 for each additional 0.5 acres
From 8.0 Acres up to 13 Acres	\$100 for each additional 1.0 acres
13 Acres and above	\$5,000 maximum
Private On Site Engineering Plan Review Fee	0.2% of total private on-site construction cost capped at \$3000, \$300 minimum
Special Permit (hardship)	\$100
Subdivision – 4 Lots	\$1,700 (Base Fee)
Subdivision – 5+ Lots	Base fee + \$110 per Lot
Engineering Public Improvement Plan Review Fee	0.4% of public improvement cost
Temporary Vendor Permit	\$100 (\$50 non-profit)
Temporary Vendor Permit Renewal	\$50 (\$25 non-profit)
Text Amendment	\$2,880
Traffic Engineering Scope	\$500 min. \$1,000 max. deposit
Traffic Impact Study	Applicant pays actual costs
Variance - Major	\$2,120
Variance - Minor	\$520
Withdrawal of Territory < 1 acre	\$1,388 (base fee)
Withdrawal of Territory - 1-10 acres	Plus \$79 per acre
Withdrawal of Territory 11-50 acres	Plus \$41 per acre
Withdrawal of Territory 51+ acres	Plus \$8 per acre
Zoning Letter	
Basic (zone and use verification)	\$15
Expansive (conformance research)	\$100
Zoning Map Amendment	\$2,640
BUILDING	
Building Permit Fee	
\$0 to \$3,000 valuation	\$80
\$3,001 to \$25,000 valuation	\$80 for the first \$3,000 and \$12 for each additional \$1,000 or fraction thereof
\$25,001 to \$50,000 valuation	\$344 for the first \$25,000 and \$9 for each additional \$1,000 or fraction thereof
\$50,001 to \$100,000 valuation	\$569 for the first \$50,000 and \$6 for each additional \$1,000 or fraction thereof
\$100,001 and up	\$869 for the first \$100,000 and \$5 for each additional \$1,000 or fraction thereof
Plan Review Fee	100% of Building Permit fee
Temporary Certificate of Occupancy	\$250

Fee Description	Current Amount
Deferred submittal processing and reviewing fee	Equal to the building permit fee for the valuation of the particular deferred portion or portions of the project, with a set minimum fee of \$300
Phased or Partial Building Permit plan review fee	\$300 plus 10% of the total project building permit fee not to exceed \$2,000 for each phase in addition to above fees
Inspections outside of normal business hours	\$160/hr (minimum charge – two hours)
Re-inspection Fees	\$80
Inspections for which no fee is specifically indicated	\$160/hr (minimum charge – 1/2 hour)
Additional plan review required by changes, additions or revisions to proposed or approved plans	\$160/hr (minimum charge – 1/2 hour)
Residential Fire Suppression Systems Combined Plan Permit and Plan Check Fees:	
0 sq. ft to 2,000 sq. ft	\$160
2001 sq. ft. to 3600 sq. ft.	\$210
3601 sq. ft. to 7200 sq. ft.	\$269
7201 sq. ft. and greater	\$377
Mechanical Fee Schedule for New and Additions or Alterations, to One and Two Family Dwellings:	
Install/Replace Furnace: Up to 100,000btu	\$24.75 per appliance
Install/Replace Furnace: Over 100,000btu	\$31.50 per appliance
Install/Replace/Relocate Heaters: Suspended, Wall or Floor Mounted.	\$24.75 per appliance
Appliance Vent	\$12.50 per appliance
Alteration Of Existing HVAC System	\$24.75
Air Handling Units	\$18.75 per appliance
Air Conditioning under 100,000btu	\$24.75 per appliance
Air Conditioning over 100,000btu	\$46.50 per appliance
Dryer Exhaust	\$18.75 per appliance
Hood	\$18.75 per appliance
Exhaust Fan Connected To A Single Duct	\$12.50 per appliance
Gas Piping: 1 To 4 Outlets	\$8.25
Gas Piping: Each Additional Outlet	\$2.25 per outlet
Fireplace	\$18.75 per appliance
Wood Stove	\$18.75 per appliance
Other	\$18.75 per appliance
Minimum Permit Fee	\$80
Plan Review Fee (Mechanical)	100% of Mechanical Permit fee
Mechanical Fee Schedule for New and Additions or Alterations to Commercial, Multi-Family and Industrial Projects	
\$0.00 to \$5000.00 valuation	\$80

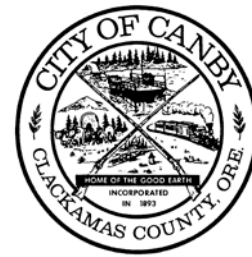
Fee Description	Current Amount	
\$5001.00 to \$10,000.00 valuation	\$80 for the first \$5000 and \$3 for each additional \$100 or fraction thereof	
\$10,001.00 to \$100,000 valuation	\$230.00 for the first \$10,000.00 and \$12.00 for each additional \$1,000.00 or fraction thereof	
\$100,001.00 and up	\$1,310 for the first \$100,000 and \$10 for each additional \$1,000 or fraction thereof	
Plan Review Fee (Mechanical)	37% of Mechanical Permit fee	
Grading Permit Fee Schedule		
50 cubic yards or less	\$80	
51 to 100 cubic yards	\$117	
101 to 1,000 cubic yards	\$117 for the first 100 cubic yards, plus \$55 for each additional 100 cubic yards or fraction thereof	
1,001 to 10,000 cubic yards	\$612 for the first 1,000 cubic yards, plus \$46 for each additional 1,000 cubic yards or fraction thereof	
10,001 to 100,000 cubic yards	\$1026 for the first 10,000 cubic yards, plus \$210 for each additional 10,000 cubic yards or fraction thereof	
100,001 cubic yards and up	\$2916 for the first 100,000 cubic yards, plus \$115 for each additional 10,000 cubic yards or fraction thereof	
Plan Review Fee (Grading)	65% of Grading Permit fee	
Manufactured Dwelling Installation		
Installation and set up	\$350	
Earthquake bracing when not part of original installation	\$280	
Prescriptive Flat Fee Solar Installation	\$240	
SWIM CENTER		
	In City	Out of City
Daily Admission - Youth	\$2.50	\$3.75
Daily Admission - Senior	\$2.50	\$3.75
Daily Admission - Adult	\$3.25	\$4.50
Daily Admission - Family	\$8.25	\$12.00
Tickets - 10 Swims Youth/Senior	\$25.00	\$37.50
Tickets - 10 Swims Adult	\$32.50	\$45.00
Pass 3 month - Youth	\$50.00	\$75.00
Pass 3 month - Senior	\$50.00	\$75.00
Pass 3 month - Adult	\$65.00	\$90.00
Pass 3 month - 1 + 1	\$97.50	\$135.00
Pass 3 month - Family	\$130.00	\$180.00
Pass 12 month - Youth	\$137.50	\$206.25
Pass 12 month - Senior	\$137.50	\$206.25
Pass 12 month - Adult	\$178.75	\$247.50
Pass 12 month - 1 + 1	\$268.00	\$371.25

Fee Description	Current Amount	
Pass 12 month - Family	\$357.50	\$495.00
Water Exercise - Youth	\$2.50	\$3.75
Water Exercise - Senior	\$2.50	\$3.75
Water Exercise - Adult	\$3.25	\$4.50
Lessons - Public Lessons	\$3.50	\$5.25
Lessons - Spring Penguin	\$50.00	\$70.00
Lessons - Summer Penguin	\$80.00	\$100.00
Lessons - School Programs	by contract	
Rentals - Public - 2 hours, up to 30 persons	\$45.00 per hr	\$62.50 per hr
Rentals - Public - additional charge for 31-60 persons, then additional \$30 per each additional group of up to 30.	\$30.00	\$30.00
Rentals - Canby Gators	by contract	
CEMETERY		
Grave Lots	Property	Perpetual Care Fee
Standard Grave Lot	\$450	\$700
Child Grave Lot (1/2 sp)	\$150	\$350
Baby Grave Lot (1/4 sp)	\$125	\$350
Cremains Lot	\$300	\$100
Grave Opening, Closing & Recording Fee:		
Standard		
Opening & Closing	\$650	
Disinterment	\$1,000	
Disinterment/Reinterment	\$1,250	
Child		
Opening & Closing	\$275	
Disinterment	\$400	
Disinterment/Reinterment	\$600	
Baby		
Opening & Closing	\$200	
Disinterment	\$370	
Disinterment/Reinterment	\$470	
Cremains		
Opening & Closing	\$300	
Disinterment	\$350	
Disinterment/Reinterment	\$400	
Grave Liners:		
Wholesale to Funeral Home	\$360	
Standard	\$420	
Child	\$240	
Baby	\$240	
Cremains Vault	\$155	
Monument Installation:		
24" or less in all dimensions	\$160	
36" & Over	\$190	
48" & Over	\$225	
3' x 7' Grave Ledger	\$255	
24" Bronze Military	\$160	
Upright Monuments	\$260	
Mausoleum Phase I (All prices includes perpetual care of \$60)		

Fee Description	Current Amount
Exterior Single Crypts (1 space)	
Sixth Level F	\$1,650
Fifth Level E	\$1,980
Fourth Level D	\$2,365
Third Level C	\$2,830
Second Level B	\$2,830
First and Westminster Level A (2 spaces)	\$3,350
Exterior Tandem Crypts (2 spaces)	
Sixth Level F	\$2,805
Fifth Level E	\$3,115
Fourth Level D	\$3,465
Third Level C	\$3,915
Second Level B	\$3,915
First and Westminster Level A (4 spaces)	\$4,880
Exterior Side by Side Crypts (2 Sp)	
Sixth Level F	\$2,905
Fifth Level E	\$3,255
Fourth Level D	\$3,610
Third Level C	\$4,335
Second Level B	\$4,335
First and Westminster Level A (4 spaces)	\$5,280
Niche Spaces (All prices includes perpetual care of \$35)	
Level 1 through 6	\$420
Level 7 through 10	\$350
Level 11 through 12	\$330
Mausoleum Phase II (All prices includes perpetual care of \$100)	
Exterior Single Crypts (1 space)	
Sixth Level F	\$2,047
Fifth Level E	\$2,436
Fourth Level D	\$2,890
Third Level C	\$3,439
Second Level B	\$3,439
First and Westminster Level A (2 spaces)	\$4,053
Exterior Tandem Crypts (2 spaces)	
Sixth Level F	\$3,409
Fifth Level E	\$3,775
Fourth Level D	\$4,359
Third Level C	\$5,215
Second Level B	\$5,215
First and Westminster Level A (4 spaces)	\$5,858
Exterior Side by Side Crypts (2 Sp)	
Sixth Level F	\$3,527
Fifth Level E	\$3,940
Fourth Level D	\$4,359
Third Level C	\$5,215
Second Level B	\$5,215
First and Westminster Level A (4 spaces)	\$6,330

Fee Description	Current Amount	
Opening & Closing for Crypts		
Each Entombment	\$600	
Disinterment from Westminster Crypt	\$750	
Disinterment/Reinterment	\$650	
Opening & Closing for Niches		
Each Inurnment	\$325	
Disinterment	\$425	
Disinterment/Reinterment	\$500	
Crypt Name Bar Installation	\$364	
Niche Name Bar Installation	\$294	
Emblems (Elks, Rotary, Cross, etc)	\$90	
Extra Plastic Vase & Holder	\$90	
Replace Plastic Vase	\$45	
Weekend & Holiday Services (additional fee)	\$300	
Overtime Fee	\$300	
Cemetery Title Transfer	\$75	

MEMORANDUM



TO: *Honorable Mayor Hodson and City Council*
FROM: *Kim Scheafer, MMC, City Recorder*
DATE: *August 10, 2015*
THROUGH: *Rick Robinson, City Administrator*

Issue:

This Resolution is brought before the Council so that supplemental pages to the Canby Municipal Code can be formally adopted.

Background:

The last supplement that was codified for the Canby Municipal Code was for ordinances passed through June of 2014. Since that time, several ordinances have passed that affect the Canby Municipal Code. In order to keep the code up-to-date, these ordinances were sent to American Legal Publishing who prepared a 2015 supplement for ordinances passed through June 2015 (Ordinances 1403-1419).

Recommendation:

Staff recommends adoption of Resolution 1224, which formally adopts the 2015 S-9 supplemental pages to the Canby Municipal Code.

Fiscal Impact:

There is no fiscal impact on adoption of this resolution. All ordinances being codified have previously been adopted and implemented.

Recommended Motion:

I moved to adopt Resolution 1224, A RESOLUTION CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES FOR THE CITY OF CANBY.

Attached:

Resolution 1224

RESOLUTION NO. 1224

A RESOLUTION CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES FOR THE CITY OF CANBY.

WHEREAS, on February 15, 2006 the Canby City Council adopted Ordinance 1200 which adopted a revised code of the City of Canby entitled the “Canby Municipal Code”. Since that time the Council has adopted Resolutions 956, 1012, 1051, 1070, 1100, 1138, 1172, and 1204 codifying supplements.

WHEREAS, since that time Ordinances have been adopted affecting the Canby Municipal Code, causing the present general and permanent ordinances of the City to be inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Oregon empower and authorize the City to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the League of Oregon Cities, Ordinance Services Program, in its efforts to promote better and more efficient municipal governing, is willing to undertake the codification of the City’s ordinances;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby that the City hereby authorizes a general compilation, revision and codification of the ordinances of the City of a general and permanent nature and publication of such ordinances in book form, at a cost according to the standard rates and billing procedures for services under the program. A copy of the 2015 S-9 Supplement (codifying ordinances 1403-1419) is attached hereto as Exhibit “A”.

This resolution will take effect on August 19, 2015.

ADOPTED this 19th day of August 2015, by the Canby City Council.

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

CITY OF CANBY, OREGON

CODE OF ORDINANCES

2015 S-9 Supplement contains:
Local legislation current through Ord. 1419, passed 6-17-2015

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1-800-445-5588 ♦ www.amlegal.com

discretion. This prepayment does not guarantee annexation of the property at a particular time, or approval of a particular development.
(Am. Ord. 1005, passed 8-19-1998)

B. Rates.

1. Benefiting property owners shall pay advance financed reimbursement calculated as follows:

a. If the advance financed public improvement was completed by a private developer, the reimbursement shall be the total actual cost of the improvement, increased by 7% annual simple interest, or other interest rate as the Council may, from time to time, set by resolution, multiplied by the fraction of area owned by the benefiting property owner of the total area of all the benefiting property owners;

b. If the advance financed public improvement was completed by a public agency, the reimbursement to the public agency shall be the total cost of the improvement increased by the same interest rate, including costs, as the public agency pays to finance construction, multiplied by the fraction of area owned by the benefiting property owner of the total area of all the benefiting property owners; or

c. If the advance financed public improvement was completed without the issuance of debt by the public agency, the reimbursement to the public agency shall be to the total cost of the improvement increased by the current interest rate private developers receive, as set forth above, multiplied by the fraction of area owned by the benefiting property owner of the total area of all the benefiting property owners.

2. If inequities are created through the strict implementation of the above formulas, the Council may modify its impact on a case-by-case basis.

C. Collection.

1. The advance financed reimbursement is immediately due and payable by benefiting property owners upon their application for connection to an advance financed public improvement or any building permit, the result of which will utilize any advance financed public improvement. If connection is made or construction commenced without the above-mentioned permits, then the advance financed reimbursement is immediately due and payable upon

the earliest date that the permit was required. No permit for connection or construction shall be issued until the advance financed reimbursement is paid in full or otherwise processed in accordance with the terms of division C.2. of this section. Whenever the full and correct advance financed reimbursement is due and has not been paid and collected for any reason, the City Administrator shall report to the Council the amount of the uncollected reimbursement, the description of the real property to which the reimbursement is attributable, the date upon which the reimbursement was due and the name or names of the benefiting property owners. The City Council, by motion, shall then set a public hearing and shall direct the City Administrator to give notice of the hearing to each of those benefiting property owners, together with a copy of the City Administrator's report concerning the unpaid reimbursement, either in person or by certified mail. Upon public hearing, the Council may accept, reject or modify the City Administrator's report; and if it finds that any reimbursement is unpaid and uncollected, the Council, by motion, may direct the City Recorder to docket the unpaid and uncollected reimbursement in the city record of liens. Upon completion of the docketing, the city shall have a lien against the described land for the full amount of the unpaid advance financed reimbursement, interest and the city's actual cost of serving notice upon the benefiting property owners. The lien shall be enforced in the manner provided by O.R.S. Chapter 223.

2. Whenever an advance financed reimbursement is due and collectable, the benefiting property owner may apply, upon forms provided by the City Administrator, for the voluntary imposition of a lien upon a parcel for the full amount of the advance financed reimbursement and the payment of that lien in 20 equal semi-annual installments including interest at the current legal rate. The applicant must provide a certificate from a licensed title insurance company showing the identity and amount of all other liens already of record against the property and a certificate from the County Tax Assessor showing the assessed valuation of the property. The city shall not permit a lien greater than the assessed value less the combined total principal balance and accrued interest on all prior liens. Upon receipt of these certificates and

application, the City Administrator shall compute the amount of the advance financed reimbursement, the date upon which the reimbursement is due, the name or names of the applicant/owners and the description of the property; and upon receiving that report, the City Recorder shall docket the lien in the city docket of liens. From the time that docketing is completed, the city shall have a lien upon that land for the amount of the charge and interest upon that charge at the rate established by the Council for advance financed public improvements. That lien shall be enforced in the manner provided in O.R.S. Chapter 223.

§ 4.12.090 Disposition of advance financed reimbursements.

Developers shall receive advance financed reimbursement collected by the city pertaining to their advance financed public improvements. Such reimbursement shall be delivered to the developer for a period of 10 years from the date the applicable advance financing agreement has been executed. In addition, any developer, or said developer's heirs, successors or assigns, may apply at 5-year intervals for 2 5-year extensions beyond the initial 10-year period. Such reimbursement will be made by the city within 90 days of receipt of the advance financed reimbursements. Advance financed reimbursements not paid the developer under the terms of this chapter shall be retained by the city to be used for related system improvements as authorized from time to time by the Council.

(Am. Ord. 903, passed 1-4-1993)

§ 4.12.100 Recording.

All advance financing resolutions shall be recorded by the city in the deed records of Clackamas County. The resolution shall identify full legal description of the benefiting properties. Failure to make the recording shall not affect the legality of an advance financing resolution or agreement.

§ 4.12.110 Public improvements.

Public improvements installed pursuant to advance financing agreements shall become and remain the sole property of the city pursuant to the advance financing agreements, and advance financed reimbursement, plus interest, not paid to the developer during the 10-year period, or any extension or

extensions thereof, as set forth in § 4.12.080, shall be paid to the city to be used for related system improvement as authorized from time to time by the Council.

§ 4.12.120 Multiple public improvements.

More than 1 public improvement may be the subject of an advance financing agreement or resolution.

CHAPTER 4.20: SYSTEM DEVELOPMENT CHARGES

Section

4.20.010	Purpose.
4.20.020	Scope.
4.20.030	Definitions.
4.20.040	Establishment.
4.20.050	Methodology.
4.20.060	Authorized expenditures.
4.20.070	Parkland development charges.
4.20.080	Expenditure restrictions.
4.20.090	Improvement plan.
4.20.100	Collection of charge.
4.20.110	Delinquent charges; hearing.
4.20.120	Exemptions.
4.20.130	Credits.
4.20.140	Segregation and use of revenue.
4.20.150	Appeal procedure.
4.20.160	Prohibited connection.
4.20.170	Penalty.

§ 4.20.010 Purpose.

The purpose of the system development charge is to impose all or a portion of the cost of capital improvements for wastewater treatment or disposal, transportation, drainage, flood control and parks upon those developments that create the need for or increase the demands on capital improvements.

§ 4.20.020 Scope.

The system development charge imposed by this chapter is separate from and in addition to any

I. National and local advertising concerning its use;

J. The manner in which the object is displayed for sale;

K. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

L. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

M. The existence and scope of legitimate uses for the object in the community; and

N. Expert testimony concerning its use.

§ 9.32.040 Offenses and penalties.

A. Possession of Drug Paraphernalia. It is unlawful for any person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance. Any person who violates this subsection is guilty of an infraction and upon conviction may be fined not more than \$500. As of July 1, 2015, it is a valid defense to this section that a violator of this section is 21 years or older at the time of the offense, and that the paraphernalia was solely for uses involving marijuana.

B. Manufacture or Delivery of Drug Paraphernalia. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing or under circumstances where one reasonably should know that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance. Any person who violates this subsection is guilty of an infraction and upon conviction may be fined not more than \$500. As of July 1, 2015, it is a valid defense to this section that a violator of this section is 21 years or older at the time of the offense, and that the paraphernalia was solely

for uses involving marijuana by others also over the age of 21 years.

C. Delivery of Drug Paraphernalia to a Minor. Any person 18 years of age or over who violates division B. of this section by delivering drug paraphernalia to a person under 18 years of age is guilty of a misdemeanor offense and upon conviction may be imprisoned for not more than 1 year, fined not more than \$6,250, or both.

D. Advertisement of Drug Paraphernalia. It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this section is guilty of an infraction and upon conviction may be fined not more than \$500.

(Am. Ord. 1419, passed 6-17-2015)

§ 9.32.050 Exemption.

Medical practitioners and agents acting under their supervision in the course of a professional practice are exempt from the provisions of this chapter.

§ 9.32.060 Nuisance.

A. Drug paraphernalia are public nuisances. Any peace officer who has probable cause to believe these items enumerated above are being possessed in violation of this chapter shall summarily seize any paraphernalia and shall deliver it to the Chief of Police, who shall hold it subject to the order of the Municipal Court. Officers operating under this section should consider the new, valid defenses above as of July 1, 2015.

B. Whenever it appears to the court that drug paraphernalia has been possessed in violation of this chapter, the court shall order the Chief of Police to destroy the paraphernalia.

(Am. Ord. 1419, passed 6-17-2015)

§ 9.32.070 Infraction procedure.

A violation of § 9.32.040A., B. or D. is an infraction. Citations shall be issued and court procedures followed that are in accord with O.R.S. Ch. 153.

CHAPTER 9.44: GRAFFITI ABATEMENT

Section

9.44.010	Definitions.
9.44.020	Offenses.
9.44.030	Minimum fine.
9.44.040	Community service.
9.44.050	Parental responsibility.
9.44.060	Graffiti nuisance property.
9.44.070	Notice procedure.
9.44.080	Abatement procedures.
9.44.090	Remedies of the city.
9.44.100	Penalty.
9.44.110	Abatement by the city.

§ 9.44.010 Definitions.

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

Aerosol Paint Container means any aerosol container adapted or made for spraying paint.

Felt Tip Marker means any indelible marker or similar implement with a tip which at its broadest width is greater than 1/4 inch.

Graffiti means any inscription, word, figure or design that is marked, etched, scratched, drawn or painted on any surface that is not authorized by the owner or person in charge of the property.

Graffiti Implement means an aerosol paint container, a felt tip marker or a graffiti stick.

Graffiti Nuisance Property means property to which graffiti has been applied, if the graffiti is visible from any public right-of-way, any other public or private property or from any premises open to the public, and if the graffiti has not been abated within the time required by this chapter.

Graffiti Stick means a device containing a solid form of paint, chalk, wax, epoxy or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark at least 1/4 of an inch in width.

Owner means the legal owner of property or a person in charge of property.

Person in Charge of Property means an agent, occupant, lessee, contract purchaser or other person having possession or control of property or supervision of a construction project.

Property means any real or personal property and that which is affixed, incident or appurtenant to real property, including but not limited to any premises, house, building, fence, structure or any separate part thereof, whether permanent or not.
(Am. Ord. 1166, passed 1-5-2005)

§ 9.44.020 Offenses.

Offenses include unlawfully applying graffiti, unlawfully possessing graffiti implement, and involve seizure, community service and parental civil liability.

A. Unlawfully Applying Graffiti.

1. No person may apply graffiti on any real or personal property of another, whether located on public or privately owned property.

2. Unlawfully applying graffiti is a civil infraction punishable by a maximum fine not to exceed \$500.

B. Unlawfully Possessing Graffiti Implement.

1. No person may possess, with the intent to use in violation of division A.1. above of this section, any graffiti implement.

2. Unlawfully possessing a graffiti implement is a civil infraction punishable by a maximum fine not to exceed \$250.

C. Impounding of Implements. In addition to any citation issued, a graffiti implement used or possessed in violation of this section may be immediately seized and impounded by the Police Department. The court, upon disposition of the issued citation, shall determine whether the instrument shall be returned to the defendant or deemed contraband subject to forfeiture under state law.

§ 9.44.030 Minimum fine.

A. Upon conviction for unlawfully applying graffiti, the court shall impose a minimum fine of at least \$100.

B. Upon conviction for unlawfully possessing graffiti implement, the court shall impose a minimum fine of at least \$50.

§ 9.44.040 Community service.

In lieu of any fine that may be imposed for violation of this section, the court may order community service as follows:

A. Upon conviction for unlawfully applying graffiti, the person shall perform at least 20 hours of community service;

B. Upon conviction for unlawfully possessing a graffiti implement, the person shall perform at least 10 hours of community service;

Canby - Public Peace, Morals and Welfare

Public Services

CHAPTER 13.16: SEWER USE

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GENERAL PROVISIONS**§ 13.16.001 Purpose and policy.**

A. This chapter sets forth uniform requirements for users of publicly owned treatment works (POTW) for the city and enables the city to comply with all applicable state and federal laws including the Clean Water Act (Act 33 U.S.C. 1251 *et seq.*), and the General Pretreatment Regulations (40 C.F.R. Part 403) and Oregon Administrative Rules (OAR) Chapter 340. The objectives of this chapter are:

1. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;

2. To prevent the introduction of pollutants into the POTW, which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

3. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal to be in compliance with applicable statutes and regulations;

4. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public; and

5. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

B. This chapter shall apply to all users of the POTW. The chapter authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires users reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(Ord. 1413 § 1.1, passed 4-1-2015)

§ 13.16.002 Administration.

Except as otherwise provided herein, the Public Works Director or designated representative of the city shall administer, implement and enforce the provisions of this chapter.

(Ord. 1413 § 1.2, passed 4-1-2015)

§ 13.16.003 Definitions.

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

Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C.1251 *et seq.*

Approval Authority. The Oregon Department of Environmental Quality (DEQ).

Authorized Representative of the User.

1. If the industrial user is a corporation, authorized representative shall mean:

a. The president, secretary, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

b. The manager of 1 or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws

and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. If the industrial user is a partnership or sole proprietorship: a general partner or proprietor, respectively;

3. If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee.

4. The individuals described in divisions 1. through 3. above may designate another authorized representative if the authorization is in writing. The authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the city.

Best Management Practice (BMP). Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 13.16.015A. and B. [40 C.F.R. 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, within 5 days at 20° Celsius, usually expressed as a concentration [milligrams per liter (mg/l)].

Building Sewer. A sewer conveying wastewater from the premises of a user to the POTW.

Categorical Industrial User. A user regulated by one of EPA's Categorical Pretreatment Standards.

Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of users and which appears in 40 C.F.R. Chapter I, Subchapter N, Parts 405-471.

City. City of Canby Oregon, or the City Council of Canby, Oregon or a designated representative of the City of Canby, Oregon.

Color. The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on either an increment of flow or time.

Continuing Violation. Each day a violation occurs may be considered as a separate violation.

Control Authority. The City of Canby, Oregon or designated representative of the city, tasked with administration of this chapter.

Cooling Water/Non Contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.

Department of Environmental Quality or (DEQ). The Oregon Department of Environmental Quality or where appropriate, the term may also be used as a designation for the Director of the Department or other duly authorized official of the Department.

Domestic User (Residential User). Any person who contributes sewage wastewater to the municipal wastewater system.

Environmental Protection Agency or U.S. EPA. The U.S. Environmental Protection Agency or, where appropriate, the Director of the Region 10 Office of Water, or other duly authorized official of said agency.

Existing Source. A categorical industrial user, the construction or operation of whose facility commenced prior to the publication by EPA of proposed categorical pretreatment standards, which would be applicable to such source if and when the standard is thereafter promulgated in accordance with Section 307 of the Act.

Existing User. Any non-categorical user which was discharging wastewater prior to the effective date of this chapter.

Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump trucks.

Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

Industrial Pretreatment Coordinator. The person designated by the city to carry out certain duties and responsibilities associated with the pretreatment program. This person is the duly authorized representative of the Public Works Director in accordance with this section.

Industrial User. Any person, which is a source of indirect discharge.

Infiltration. Any water other than wastewater that enters the sewage treatment system (including service connections) from the ground, typically from broken pipes, or defective joints in pipes and manhole walls.

Inflow. Any water from storm water runoff that directly enters the sewage system during or immediately after rainfall. Typical points of entry include, but are not limited to, connections with roof and area drains, storm drain connections, holes in manhole covers in flooded streets, cooling water discharges, catch basins, and drainage from springs and swampy areas.

Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources, both:

1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
2. Therefore is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II, commonly referred to as (RCRA); and including State regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Local Discharge Limitations. Specific discharge limits developed and enforced by (the city) upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Maximum Allowable Discharge Limit. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

Municipal Wastewater System or System's. A "treatment works" as defined in Section 212 of the Act, (33 U.S.C. 1292) which is owned by the state or municipality. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having the responsibility for the O&M of the system.

National Pretreatment Standard. National pretreatment standard is defined in 40 C.F.R. 403.3(j) as any regulation containing pollutant discharge limits promulgated by EPA under Section 307(b) and (c) of the Clean Water Act applicable to industrial users, including the general and specific prohibitions found in 40 C.F.R. 403.5.

New Source.

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
- b. The building, structure, facility or installation completely replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of divisions a., b., or c. above but otherwise alters, replaces, or adds to existing process or production equipment.

3. Construction of a new source as defined under this division has commenced if the owner or operator has:

a. Begun, or caused to begin as part of a continuous on-site construction program;

i. Any placement, assembly, or installation of facilities or equipment; or

ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new sources facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this division.

New User. A "new user" is a user that is not regulated under federal categorical pretreatment standards but applies to the city for a new building permit or occupies an existing building and plans to commence discharge of wastewater to the city's collection system after the effective date of this chapter. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an "existing user" if no significant changes are made in the manufacturing operation.

Non-domestic Pollutants. Any substances other than human excrement and household gray water (shower, dish washing operations, and the like). Non-domestic pollutants include the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).

Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit (including an increase in the magnitude or duration of a violation).

Permittee. A person or user issued a wastewater discharge permit.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, or local governmental entities.

pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and characteristics of the wastewater (i.e., pH, temperature, TSS, Turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, or odor).

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

Pretreatment Requirement. Any substantive or procedural requirements related to pretreatment imposed on a user, other than a pretreatment standard.

Pretreatment Standards or Standards. Prohibited discharge standards, categorical pretreatment standards, and local limits established by the city/POTW.

Prohibited Discharge Standard or Prohibited Discharges. Absolute prohibitions against the discharge of certain types or characteristics of wastewater as established by EPA, DEQ, and/or the city.

Public Works Director. The person or their duly authorized representative designated by the city to supervise operation of the POTW its Pretreatment Program and carry out certain duties and responsibilities by this chapter.

Publicly Owned Treatment Works (POTW). "A treatment works," as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the city.

Receiving Stream or Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Oregon or any portion thereof.

Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage. Human excrement and gray water (household showers, dish washing operations, and the like).

Sewer. Any pipe, conduit ditch, or other device used to collect and transport sewage from the generating source.

Shall, May. "Shall" is mandatory, "may" is permissive.

Significant Industrial User.

1. An industrial user subject to categorical pretreatment standards; or
2. Any other Industrial user that:
 - a. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow down wastewater); contributes a process wastewater); or

b. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

c. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

3. Upon a finding that a user meeting the criteria in division 2. has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user [in accordance with procedures in 40 C.F.R. 403.8(f)(6)] determine that such user should not be considered a significant industrial user.

Slug Load. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in §§ 13.16.015 *et seq.* A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

Standard Industrial Classification (SIC) Code. A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

State. State of Oregon.

Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Total Suspended Solids (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Toxic Pollutant. One of the pollutants or combination of those pollutants listed as toxic in regulations promulgated by the Environmental Protection Agency under the provision of Section 307 (33 U.S.C. 1317) of the Act.

Treatment Plant. That portion of the municipal wastewater system designed to provide treatment of sewage and industrial waste.

Treatment Plant Effluent. The discharge from the POTW into the waters of the state.

User or Industrial User. A source of indirect discharge. The source shall not include "domestic user" as defined herein.

Violation. Shall have occurred when any requirement of this chapter has not been met; or when a written request of the Public Works Director or other designee, made under the authority of this chapter, is not met within the specified time; or when a condition of a permit or contract issued under the authority of this chapter is not met within the specified time; or when permitted effluent limitations are exceeded, regardless of intent or accident; or if an industrial user (IU), causes the POTW to violate its NPDES permit, the IU is in violation; or when false information has been provided by the discharger.

Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater Discharge Permit (Industrial Wastewater Discharge Permit). An authorization or equivalent control document issued by the city to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this chapter. (Ord. 1413 § 1.3, passed 4-1-2015)

§ 13.16.004 Abbreviations.

The following abbreviations shall have the designated meanings:

BMP	Best Management Practices
BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
DEQ	Department of Environmental Quality
EPA	U.S. Environmental Protection Agency
GPD	Gallons Per Day
IU's	Industrial Users
IWA	Industrial Waste Acceptance
LC50	Lethal Concentration for Fifty Percent (50%) of the Test Organisms
L	Liter

LEL	Lower Explosive Limit
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SNC	Significant Non-Compliance
SP/SCP	Spill Prevention/Slug Control Plan
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act (42 U.S.C. 6901)
TSS	Total Suspended Solids
USC	United States Code

(Ord. 1413 § 1.4, passed 4-1-2015)

GENERAL SEWER USE REQUIREMENTS

§ 13.16.015 Prohibited discharge standards.

A. General prohibitions (C.F.R. 403.5(a)1). A user may not introduce into a POTW any pollutant(s) which cause pass through or interference. These general prohibitions and the specific prohibitions in this section apply to each user introducing pollutants into a POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

B. Specific prohibitions (C.F.R. 403.5(b)). No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater;

1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the municipal wastewater system. Included in this prohibition are wastestreams with a closed cup flash point of less than 140° F (60° C) using the test methods prescribed in 40 C.F.R. 261.21.

2. Solid or viscous substances in amounts which will cause interference with the flow in a sewer.

3. Any fat, oils or greases, including but not limited to petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

4. Any wastewater from a grab sample having a pH less than 6.0 su., or more than 10.0 su., or which may otherwise cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0, unless the sewerage treatment system is specifically designed to accommodate such discharges.

5. Any wastewater containing pollutants, including oxygen-demanding pollutants (BOD, and the like), in sufficient quantity (flow or concentration), either singly or by interaction with other pollutants, to pass through or interfere with the municipal wastewater system, any wastewater treatment or sludge process, or constitute a hazard to humans or animals.

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

7. Any substance which may cause the treatment plant effluent or any other residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the system cause the city to be in noncompliance with sludge use or disposal regulations or permits issued under Section 405 of the Act; the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other state requirements applicable to the sludge use and disposal practices being used by the city.

8. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plants effluent thereby violating the city's NPDES permit.

9. Heat in amounts that will inhibit biological activity in the POTW resulting in Interference, but in no case wastewater that causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).

10. Any wastewater containing any radioactive waste or isotopes except as specifically approved by the Public Works Director or other designee in compliance with applicable state and federal regulations.

11. Any pollutants, which result in the presence of toxic gases, vapor or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

12. Any hauled pollutants, except at discharge points designated by the city in accordance with § 13.16.040.

13. Storm water, surface water, groundwater, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted industrial wastewater, unless specifically authorized by the Public Works Director or other designee.

14. Any sludge, screening, or other residues from the pretreatment of industrial wastes.

15. Any medical wastes, except as specifically authorized by the Public Works Director or other designee in a wastewater permit.

16. Any material containing ammonia, ammonia salts, or other chelating agents, which will produce metallic complexes that interfere with the municipal wastewater system.

17. Any material identified as hazardous waste according to 40 C.F.R. Part 261 except as specifically authorized by the Public Works Director or other designee.

18. Any wastewater causing the treatment plant effluent to demonstrate toxicity to test species during a bio-monitoring evaluation.

19. Recognizable portions of the human body or animal anatomy.

20. Any wastes containing detergents, surface-active agents, or other substances, which may cause excessive foaming in the municipal wastewater system.

21. Wastewater discharging from dental facilities which contain mercury shall be provided with an approved amalgam separator.

22. Any wastewater from dry cleaning machines.

C. Waste prohibited by this section shall not be processed or stored in such a manner that these waste could be discharged to the POTW.
(Ord. 1413 § 2.1, passed 4-1-2015)

§ 13.16.016 Federal categorical pretreatment standards.

Users subject to categorical pretreatment standards are required to comply with applicable standards set out in 40 C.F.R. Chapter 1, Subchapter N, Parts 405-471 and incorporated herein.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Public Works Director or other designee may impose equivalent concentration or mass limits in accordance with 40 C.F.R. 403.6(c).

B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Public Works Director or other designee shall impose an alternate limit using the combined wastestream formula in 40 C.F.R. 403.6(e).

C. A user may obtain a variance from categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 C.F.R. 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 C.F.R. 403.15.
(Ord. 1413 § 2.2, passed 4-1-2015)

§ 13.16.017 State requirements.

State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this chapter or in other applicable ordinances.
(Ord. 1413 § 2.3, passed 4-1-2015)

§ 13.16.018 Local limits.

A. Authority to establish local limits. The city is authorized to establish local limits pursuant to 40 C.F.R. 403.5(c).

B. Numerical local limits.

1. No nonresidential user shall discharge wastewater containing restricted substances into the POTW in excess of limitations specified in its wastewater discharge permit or adopted, by resolution, by the city. The Public Works Director or other designee shall publish and revise, from time to time, standards for specific restricted substances. These standards shall be developed in accordance with 40 C.F.R. Section 403.5 and shall implement the objectives of this chapter. Standards published in accordance with this section will be deemed pretreatment standards for the purposes of Section 307(d) of the Act.

2. The Public Works Director or other designee may impose mass limitations in addition to (or in place of) the concentration-based limitations above. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent or applicable pretreatment standard shall apply.

C. BMP - The Public Works Director or other designee may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of § 13.16.015. Such BMP's shall be considered local limits and pretreatment standards.
(Ord. 1413 § 2.4, passed 4-1-2015)

§ 13.16.019 City's right to revision.

The city reserves the right to establish, by ordinance or in wastewater permits, more stringent limitations or requirements for discharge to the municipal wastewater system if deemed necessary to comply with the objectives presented in § 13.16.001 or the general and specific prohibitions in § 13.16.015.

(Ord. 1413 § 2.5, passed 4-1-2015)

§ 13.16.020 Special agreement.

The city reserves the right to enter into special agreements with users setting out special terms under which the industrial user may discharge to the system. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 C.F.R. 403.15. Industrial users may also request a variance from the categorical pretreatment standard from U.S. EPA. Such a request shall be approved only if the user can prove that factors relating to its discharge are fundamentally different from the factors considered by U.S. EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 C.F.R. 403.13.

(Ord. 1413 § 2.6, passed 4-1-2015)

§ 13.16.021 Dilution.

No user shall ever increase the use of process water, or in any way attempt to dilute, a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard, or any other pollutant-specific limitation developed by the city.

(Ord. 1413 § 2.7, passed 4-1-2015)

§ 13.16.022 Deadline for compliance with categorical standards.

A. Compliance by existing sources with categorical pretreatment standards shall be within 3 years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 C.F.R. Chapter 1 Subchapter N.

B. New sources shall install and have in operating condition, and shall start-up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), new sources must meet all applicable pretreatment standards.

(Ord. 1413 § 2.8, passed 4-1-2015)

§ 13.16.023 Inflow and infiltration.

A. All property owners and responsible users identified by the city as contributors to excessive or improper infiltration or inflow into the treatment works shall be advised of their infiltration or inflow problems. All such properties shall be provided a 180-day grace period in which to correct the identified infiltration and inflow problems, said 180-day grace period to extend from the date of notification. By the end of the 180-day grace period, each property owner shall notify the city that corrective actions have been taken or are in progress, and describe the actions being taken.

B. A property owner failing to notify the city of corrective actions prior to the end of the 180-day grace period shall be subject to termination of service without further notice, and water service shall be immediately discontinued and shut off until the violations shall have been corrected in accordance to federal, state, and city regulations.

C. In the event any instance of excessive infiltration or inflow into the treatment works of the city shall continue beyond the 180-day grace period, it is hereby declared that such continuing infiltration or inflow is a public nuisance. The Public Works Director or other designee shall have the right to abate such a public nuisance, to enter upon any private property within the city for such a purpose, and to assess the cost of such abatement as a lien against the property upon which such infiltration and inflow occurs. The Public Works Director or other designee shall assess the cost of such abatement to the property from which infiltration and inflow occurs. An administration fee of \$350 or 5% of the cost, whichever is greater, shall be assessed in addition to all cost of abatement. The assessment of all cost shall be levied by the filing of a statement of such costs

together with the description of the property or properties to be assessed and the name of the owner(s) thereof with the City Recorder. The City Recorder shall enter the assessment as a lien against such property in the lien docket of the city.

D. No new connections from inflow sources into the water pollution control facilities shall be permitted without the approval of the Public Works Director or other designee.

(Ord. 1413 § 2.9, passed 4-1-2015)

PRETREATMENT OF WASTEWATER

§ 13.16.035 Pretreatment facilities.

Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in § 13.16.015 *et seq.* above, within the time limitations specified by the Public Works Director or other designee. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the city under the provisions of this chapter.

(Ord. 1413 § 3.1, passed 4-1-2015)

§ 13.16.036 Additional pretreatment measures.

Whenever deemed necessary, the Public Works Director or other designee may require industrial users to restrict the industrial user's discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the municipal wastewater system and determine the industrial user's compliance with the requirements of this chapter.

A. Each person discharging, into the municipal wastewater system greater than 100,000 gallons per day or greater than 5% of the average daily flow in the system, whichever is lesser, may be required by the Public Works Director or other designee to install and maintain, on his or her property and at his or her expense, a suitable storable and flow control facility to ensure equalization of flow over a 24 hour period. The facility shall have a capacity for at least 50% of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller. A wastewater permit may be issued solely for flow equalization.

B. Grease, oil and sand interceptors shall be provided, when, in the judgment of the Public Works Director or other designee, they are necessary for the proper handling of wastewater containing excessive amounts of grease, flammable substances, sand, suspended solids or other harmful substances; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the city and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner, at his or her expense.

C. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. 1413 § 3.2, passed 4-1-2015)

§ 13.16.037 Spill prevention and slug control plans.

The city may require any user to develop and implement a spill prevention/slug control plan (SP/SCP). Where deemed necessary by the city, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. A spill prevention/slug control plan (SP/SCP) showing facilities operating procedures to provide this protection shall be submitted to the city for review and approval before implementation. The city shall determine which user is required to develop a plan and require said plan to be submitted within 90 days after

notification by the city. Each user shall implement its SP/SCP as submitted or as modified after such plan has been reviewed and approved by the city. Review and approval of such plans and operating procedures by the city shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this chapter. The plan shall be posted and available for inspection at the facility during normal business hours.

A. Any user required to develop and implement an accidental spill prevention plan shall submit a plan which addresses, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any standards in §§ 13.16.015 through 13.16.018, including any discharge that would violate a prohibition under 40 C.F.R. 403.5(b), or as required by § 13.16.095; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and or measures and equipment for emergency response.

B. Users shall notify the City Wastewater Treatment Facility immediately after the occurrence of a slug or accidental discharge of substances regulated by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the city on account thereof under state or federal law.

C. Within 5 days following an accidental discharge, the user shall submit to the city a detailed

written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

D. Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such discharge with respect to emergency notification procedures.

E. Preventive measures.

1. If any user has a spill or uncontrolled discharge of prohibited or restricted substances into the city sewer, the Public Works Director or other designee may require the user's spill prevention and control plan to be resubmitted, with revisions, in order to fully comply with the requirements of this chapter. The POTW may also require the industrial user to install, modify equipment and/or make other changes necessary to prevent such discharges as a condition of issuance of and industrial waste discharge permit or as a condition of continued discharge into the city sewer system. The Public Works Director or other designee may establish a schedule of compliance for construction completion.

2. The Public Works Director or other designee may require connections or entry points which could allow spills or uncontrolled discharges of prohibited or restricted substances to enter the city sewer systems to be eliminated, labeled, or controlled, so as to prevent the entry of wastes in violation of this chapter.

(Ord. 1413 § 3.3, passed 4-1-2015)

§ 13.16.038 Tenant responsibility.

Any person who shall occupy an industrial user's premises as a tenant under any rental or lease agreement shall be jointly and severally responsible for compliance with the provisions of this chapter in the same manner as the owner.

(Ord. 1413 § 3.4, passed 4-1-2015)

§ 13.16.039 Separation of domestic and industrial wastewater.

All domestic wastewaters from rest rooms, showers, drinking fountains, and the like unless specifically included as part of a categorical pretreatment standard, shall be kept separate from all industrial wastewaters until the industrial wastewaters have passed through a required pretreatment system and the industrial user's monitoring facility. When directed to do so by the Public Works Director or other designee, industrial users must separate existing domestic wastestreams.

(Ord. 1413 § 3.5, passed 4-1-2015)

§ 13.16.040 Hauled wastewater.

Septic tank waste (septage) will be accepted into the municipal wastewater system at a designated receiving structure within the POTW area, (when such structures become available), and at such times as are established by the Public Works Director or other designee, provided such wastes do not contain toxic or hazardous pollutants, and provided such discharge does not violate any other requirements established by the city. The Public Works Director or other designee shall issue permits for individual vehicles to use such facilities.

A. All waste haulers, regardless of the origin of the hauled wastes, shall be considered "industrial users" for the purposes of this chapter and required to apply for a waste hauler permit.

B. The discharge of domestic septage wastes from commercial or industrial sites requires prior approval. The Public Works Director shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation.

C. Fees for the discharge of septage will be established as part of the user fee system as authorized in § 13.16.230 *et seq.*

(Ord. 1413 § 3.6, passed 4-1-2015)

§ 13.16.041 Vandalism.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the municipal wastewater system. Any person found in violation of this requirement shall be subject to the sanctions set out in §§ 13.16.150 *et seq.*, below.

(Ord. 1413 § 3.7, passed 4-1-2015)

§ 13.16.042 Grease interceptors.

A. The city may inspect grease interceptors (i.e., traps, oil/water separators) to insure proper installation and maintenance. Users may be required to reimburse the city for cleaning and additional maintenance of public sewer mains due to discharge of grease caused by noncompliance with these rules and regulations.

B. In the event the city, during routine line maintenance, discovers an accumulation of grease in a public line sufficient to restrict the normal flow of waste, upstream IUs shall be inspected. When the city determines which user was responsible for the grease or oil discharge, the user may be required to cease discharge of the prohibited waste, install an interceptor, and shall maintain the interceptor, and may be charged for the cost of cleaning the line.

(Ord. 1413 § 3.8, passed 4-1-2015)

WASTEWATER PERMIT ELIGIBILITY**§ 13.16.055 Wastewater survey.**

When requested by the city, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Public Works Director or other designee is authorized to prepare a form for this purpose and may periodically require industrial users

to update the survey. Failure to complete this survey shall be considered a violation of this chapter and subjects the industrial user to the sanctions set out in §§ 13.16.150 *et seq.*

(Ord. 1413 § 4.1, passed 4-1-2015)

§ 13.16.056 Wastewater permit requirement.

A. It shall be unlawful for significant industrial users to discharge wastewater into the city's sanitary sewer system without first obtaining a wastewater permit from the Public Works Director or other designee. Any violation of the terms and conditions of wastewater permit shall be deemed a violation of this chapter and subjects the industrial user to the sanctions set out in §§ 13.16.150 *et seq.* Obtaining a wastewater permit does not relieve a permittee of its obligation to obtain other permits required by federal, state or local law.

B. The Public Works Director or other designee may require other non-domestic users, non-discharging categorical industrial users and liquid waste haulers, to obtain waste water permits as necessary to carry out the purpose of this chapter.

(Ord. 1413 § 4.2, passed 4-1-2015)

§ 13.16.057 Permitting existing connections.

Any significant industrial user, without a current industrial discharge permit, which discharges industrial waste into the municipal wastewater system prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the city for a wastewater permit in accordance with § 13.16.060, and shall not cause or allow discharges to the system to continue after 180 days of the effective date of this chapter except in accordance with a permit issued by the Public Works Director or other designee.

(Ord. 1413 § 4.3, passed 4-1-2015)

§ 13.16.058 Permitting new connections.

Any significant industrial user proposing to begin or recommence discharging industrial wastes into the municipal wastewater system must obtain a wastewater permit prior to beginning or

recommencing such discharge. An application for this permit must be filed at least 90 days prior to the anticipated startup date.

(Ord. 1413 § 4.4, passed 4-1-2015)

§ 13.16.059 Permitting extra-jurisdictional industrial users.

Any existing significant industrial user located beyond the city limits shall submit a permit application, in accordance with § 13.16.060, within 90 days of the effective date of this chapter. New significant industrial users located beyond the city limits shall submit such applications to the Public Works Director or other designee 90 days prior to any proposed discharge into the municipal system. Upon review of such application, the Public Works Director or other designee may enter into a contract with the industrial user which requires the industrial user to subject itself to and abide by this chapter, including all permitting, compliance monitoring, reporting, and enforcement provisions herein. Alternately, the Public Works Director or other designee may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said user.

(Ord. 1413 § 4.5, passed 4-1-2015)

§ 13.16.060 Wastewater permit application contents.

A. In order to be considered for a wastewater permit, all industrial users required to have a permit must submit the following information on an application form approved by the Public Works Director or other designee.

1. Name, mailing address, and location if different from the mailing address).

2. Environmental control permits held by or for the facility.

3. Standard industrial classification (SIC) codes for pretreatment the industry as a whole and any processes for which categorical pretreatment standards have been promulgated.

4. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used at the facility which are or could accidentally or intentionally be discharged to the municipal system.

5. Number and type of employees, and hours of operation, and proposed or actual hours of operation of pretreatment system.

6. Each product by type, amount, process or processes and rate of production.

7. Type and amount of raw materials process (average and maximum per day).

8. The site plans, floor plans and mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location and elevation, and all points of discharge.

9. Time and duration of the discharge.

10. Measured average daily and maximum daily flow, in gallons per day, to the municipal system from regulated process streams and other streams as necessary to use the combined wastestream formula in 40 C.F.R. 403.6(e).

11. Daily maximum, daily average, and monthly average wastewater flow rates, including daily, monthly, and seasonable variations, if any.

12. Wastewater constituents and characteristics, including any pollutants in the discharge which are limited by federal, state, and local standards, pretreatment standards applicable to each regulated process; and nature and concentration (or mass if pretreatment standard requires) of regulated pollutant in each regulated process (daily maximum and average concentration or mass when required by a pretreatment standard) Sampling and analysis shall be undertaken in accordance with 40 C.F.R. Part 136; and certified that sampling is representative of normal work cycles and expected pollutant discharges.

13. A statement reviewed by an authorized representative of the user and certified to by a qualified professional indicating whether or not the pretreatment standards are being met on a consistent basis, and if not, what additional pretreatment is necessary.

14. If additional pretreatment and for O&M will be required to meet the standards, then the industrial user shall indicate the shortest time schedule necessary to accomplish installation or adoption of such additional treatment and/or O&M. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, beginning operation, and conducting routine operation). No increment referred to above shall exceed 9 months nor shall the total compliance period exceed 36 months.

b. No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Public Works Director or other designee including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than 9 months elapse between such progress reports.

15. Any other information as may be deemed necessary by the Public Works Director or other designee to evaluate the permit application.

16. A new source discharger may provide estimates as to the character and volume of pollutants described in § 13.16.060(A)10. through 12.

B. Incomplete or inaccurate applications shall not be processed and shall be returned to the industrial user for revision.

(Ord. 1413 § 4.6, passed 4-1-2015)

§ 13.16.061 Authorized signatory and accuracy certification.

A. All permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

B. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to Public Works Director or other designee prior to or together with any reports to be signed by an authorized representative.
(Ord. 1413 § 4.7, passed 4-1-2015)

§ 13.16.062 Wastewater permit decisions.

A. The Public Works Director or other designee will evaluate the data furnished by the industrial user and may require additional information. Within 60 days of receipt of a complete permit application, the Public Works Director or other designee will determine whether or not to issue a wastewater permit. If no determination is made within this time period, the application will be deemed denied.

B. If any waters or wastes are discharged, or area proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in §§ 13.16.015 *et seq.*, and which in the judgment of the Public Works Director or other designee, may have a deleterious effect upon the municipal treatment system, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Public Works Director or other designee may take any of the following actions:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
(Ord. 1413 § 4.8, passed 4-1-2015)

**WASTEWATER PERMIT ISSUANCE
PROCESS**

§ 13.16.075 Wastewater permit duration.

Permits shall be issued for a specific time period, not to exceed 5 years. A permit may be issued for a period less than 5 years, at the discretion of the Public Works Director or other designee. Each permit shall indicate a specific date upon which it will expire.
(Ord. 1413 § 5.1, passed 4-1-2015)

§ 13.16.076 Wastewater discharge permit contents.

Wastewater permits shall include such conditions as are reasonably deemed necessary by the Public Works Director or other designee to prevent pass through or interference, protect the quality of the water body receiving the treatment plants effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater permits shall contain the following conditions:

1. A statement that indicates permit duration, which in no event shall exceed 5 years.

2. A statement that the permit is nontransferable without prior notification to and approval from the city and provisions for furnishing the new owner or operator with a copy of the existing permit.

3. Effluent limits, including best management practices, based on applicable pretreatment standards in federal, state and local law.

4. Self-monitoring, sampling, reporting, notification and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law.

5. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines.

6. Requirements to control slug discharge, if determined by the Public Works Director or other designee to be necessary.

7. Requirements for immediate reporting of any instance of noncompliance and for automatic re-sampling and reporting within 30 days where self-monitoring indicates a violation(s).

8. Requirements for prior notification and approval by the Public Works Director or other designee of any new introduction of wastewater pollutants or of any change in the volume or character of the wastewater prior to introduction in the system.

9. Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge which could cause any problems to the system.

B. Permits may contain, but need not be limited to, the following:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulations and equalization.

2. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

3. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, and the like, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

4. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

5. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.

6. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.

7. Requirements for installation and maintenance of inspection and sampling facilities and equipment.

8. Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

9. Compliance schedules for meeting pretreatment standards and requirements.

10. Requirements for submission of periodic self-monitoring or special notification reports.

11. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified in § 13.16.101 and affording the Public Works Director, or representatives, access thereto.

12. Requirements for prior notification and approval by the Public Works Director or other designee of any change in the manufacturing and/or pretreatment process used by the permittee.

13. A statement that compliance with permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the permit.

14. Other conditions as deemed appropriate by the Public Works Director or other designee to ensure compliance with this chapter, and state and federal laws, rules, and regulations.
(Ord. 1413 § 5.2, passed 4-1-2015)

§ 13.16.077 Wastewater discharge permit appeals.

Any person, including the user, may petition the Public Works Director or other designee to reconsider the terms of the permit within 10 days of its issuance.

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative conditions, if any, it seeks to place in the wastewater permit.

C. The effectiveness of the permit shall not be stayed pending the appeal.

D. If the Public Works Director or other designee fails to act within 15 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purpose of judicial review.

E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Clackamas County Circuit Court, pursuant to O.R.S. Chapter 34, within 60 days of the final administrative decision.

(Ord. 1413 § 5.3, passed 4-1-2015)

§ 13.16.078 Wastewater permit modifications.

A. The Public Works Director or other designee may modify the permit for good cause including, but not limited to, the following:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements.

2. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of permit issuance.

3. A change in the municipal wastewater system that requires either a temporary or permanent reduction or elimination of the authorized discharge.

4. Information indicating that the permitted discharge poses a threat to the city's municipal wastewater system, city personnel, or the receiving waters.

5. Violation of any terms or conditions of the wastewater permit.

6. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting.

7. Revisions of or a grant of variance from categorical pretreatment standards pursuant to 40 C.F.R. 403.13.

8. To correct typographical or other errors in the permit.

9. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.

B. The filing of a request by the permittee for a permit modification does not stay any permit condition.

(Ord. 1413 § 5.4, passed 4-1-2015)

§ 13.16.079 Wastewater permit transfer.

A. Permits may be reassigned or transferred to a new owner and/or operator only with prior approval of the Public Works Director or other designee. The permittee must give at least 30 days advance notice to the Public Works Director or other designee. The notice must include provision for furnishing the new owner or operator with a copy of the existing permit and a written certification by the new owner which:

1. States that the new owner has no immediate intent to change the facility's operations and processes.

2. Identifies the specific date on which the transfer is to occur.

3. Acknowledges full responsibility for complying with the existing permit.

B. Failure to provide advance notice of a transfer renders the wastewater permit terminated.

(Ord. 1413 § 5.5, passed 4-1-2015)

§ 13.16.080 Wastewater permit revocation.

A. The Public Works Director or other designee may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify the city of significant changes to the wastewater prior to the changed discharge;
2. Falsifying self-monitoring reports;
3. Tampering with monitoring equipment;
4. Refusing to allow the city timely access to the facility premises and records;
5. Failure to meet effluent limitations;
6. Failure to pay administrative penalties;
7. Failure to pay sewer charges;
8. Failure to meet compliance schedules;
9. Failure to complete a wastewater survey;
10. Failure to provide advance notice of the transfer of a permitted facility;
11. Violations of any pretreatment standard or requirement or any terms of the permit or the chapter.
12. Failure to provide prior notification of changed conditions pursuant to § 13.16.094.
13. Misrepresentation of, or failure to fully disclose all relevant facts in the wastewater discharge permit application.
14. Failure to complete a wastewater discharge permit application.

B. Wastewater discharge permits shall be voided upon cessation of operations, or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater permit to that user.
(Ord. 1413 § 5.6, passed 4-1-2015)

§ 13.16.081 Wastewater discharge permit reissuance.

A user who is required to have a wastewater discharge permit shall apply for a wastewater discharge permit application, in accordance with § 13.16.060, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who has submitted its

re-application in the time period specified herein shall be deemed to have an effective wastewater discharge permit until the city issues or denies the new wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who failed to submit its re-application in the time period specified herein will be deemed to be discharging without a wastewater discharge permit.

(Ord. 1413 § 5.7, passed 4-1-2015)

§ 13.16.082 Regulation of wastewater received from other jurisdictions.

If another municipality, or user located within another jurisdiction, contributes wastewater to the municipal wastewater system, the Public Works Director or other designee shall enter into an inter-municipal or inter-jurisdictional agreement with the contributing municipality or jurisdiction, or enter into a contract with the user(s), in accordance with requirements specified in the city's pretreatment procedures. All inter-jurisdictional agreements made with users outside the city's jurisdiction will be considered a major modification to the city NPDES permit and will require approval from the Department of Environmental Quality.

(Ord. 1413 § 5.8, passed 4-1-2015)

REPORTING REQUIREMENTS**§ 13.16.090 Baseline monitoring reports.**

A. Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision on a category determination under 40 C.F.R. 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the municipal system shall be required to submit to the city a report which contains the information listed in division B., below. At least 90 days prior to commencement of their discharge, new sources, including existing users which have changed their operation or processes so as to become new sources, shall be required to submit to the city a report which contains the information listed in division B. A new

source shall also be required to report the method it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

B. The information required by this section includes:

1. Identifying information. The user shall submit the name and address of the facility including the name of the operator and owners;

2. Permits. The user shall submit a list of any environmental controls permits held by or for the facility;

3. Description of operation. The user shall submit a brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the system from the regulated processes;

4. Flow measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the system from regulated process streams and other streams as necessary to allow use of the combined wastewater formula set out in 40 C.F.R. 403.6(e);

5. Measurement of pollutant.

a. The industrial user shall identify the categorical pretreatment standards applicable to each regulated process.

b. In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by federal, state or city standards) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentrations (or mass, where required by federal, state or city standards) shall be reported. The sample shall be representative of daily operations.

c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the

flows and concentrations necessary to allow use of the combined wastestream formula, in order to evaluate compliance with pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. 403.6(e). This adjusted limit along with supported data shall be submitted to the control authority.

d. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 C.F.R. part 136 and amendments thereto.

e. The control authority may allow the submission of a baseline monitoring report, which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

f. The baseline report shall indicate the time, date and place, of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharge to the POTW.

6. Special certification. A statement, reviewed by an authorized representative of the industrial user and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operations and maintenance (O&M) and/or additional pretreatment is required in order to meet the pretreatment standards and requirements; and

7. Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M shall be established. The completion date in this schedule will not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 13.16.060(14).

8. Signature and certification. All baseline-monitoring reports must be signed and certified in accordance with § 13.16.041. (Ord. 1413 § 6.1, passed 4-1-2015)

§ 13.16.091 Compliance schedule for meeting pretreatment standards.

The following conditions shall apply to the compliance schedule required by § 13.16.090B.7.:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, commencing and completing construction, and beginning and conducting routine operation).

B. No increment referred to above shall exceed 9 months.

C. The user shall submit a progress report to the Public Works Director no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

D. In no event shall more than 9 months lapse between such progress reports.
(Ord. 1413 § 6.2, passed 4-1-2015)

§ 13.16.092 Reports on compliance with categorical pretreatment standard deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the municipal (POTW) wastewater system, any user subject to such pretreatment standards and requirements shall submit to the Public Works Director a report containing the information described in § 13.16.090B.4. through 6. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 C.F.R. 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of

allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with §§ 13.16.061 and 13.16.090B.6. through 8.
(Ord. 1413 § 6.3, passed 4-1-2015)

§ 13.16.093 Periodic compliance reports.

A. Any user that is required to have an industrial waste discharge permit and performs self-monitoring shall submit to the city semi-annually on the 15th day of June and December, unless required on other dates or more frequently by the city, a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the city or the pretreatment standard necessary to determine the compliance of the user. The frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, users shall sample their discharge at least twice per year. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge according to 40 C.F.R. 403.12(b)(4).

B. The report shall include a record of the concentration (and mass if specified in the wastewater discharge permit) of the pollutants listed in the wastewater discharge permit that were measured and a record of all flow measurements (average and maximum) taken at the designated sampling locations and shall also include any additional information required by this chapter or the wastewater discharge permit. Production data shall be reported if required by the wastewater discharge permit. Both daily maximum and average concentration (or mass, where required) shall be reported. If a user sampled and analyzed more frequently than what was required by the city or by this chapter, using methodologies in 40 C.F.R. Part 136, it must submit all results of sampling and analysis of the discharge during the reporting period.

C. Any user subject to equivalent mass or concentration limits established by the city or by unit production limits specified in the applicable categorical standards shall report production data as outlined in § 13.16.092.

D. If the city calculated limits to factor out dilution flows or non-regulated flows, the user will be responsible for providing flows from the regulated process flows, dilution flows and non-regulated flows.

E. Flows shall be reported on the basis of actual measurements, provided, however, that the city may accept reports of average and minimum flows estimated by verifiable techniques if the city determines that an actual measurement is not feasible.

F. Discharges sampled shall be representative of the user's daily operations and samples shall be taken in accordance with the requirements specified in §§ 13.16.090 *et seq.*

G. The city may require reporting by users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent, or determine any other factor which is related to the operation and maintenance of the sewer system.

H. The city may require self-monitoring by the user or, if requested by the user, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section. If the city agrees to perform such periodic compliance monitoring, it may charge the user for such monitoring, based upon the costs incurred by the city for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills. The city is under no obligation to perform periodic compliance monitoring for a user.

I. All wastewater samples must be representative of industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring

facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

1. In the event an industrial user's monitoring results indicate a violation has occurred, the industrial user shall immediately (within 24 hours of becoming aware of the violation) notify the Public Works Director or other designee and shall re-sample its discharge. The industrial user shall report the results of the repeated sampling within 30 days of discovering the first violation.

2. The reports shall indicate the time, date, persons, location of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of the normal work cycles and expected pollutant discharges to the city sewer system. All sampling and analysis protocol shall be in accordance with 40 C.F.R. Part 136.

3. The Public Works Director or other designee may require reporting by dischargers that are not required to have an industrial discharge permit if information or data is needed to establish a sewer charge, determine the treat ability of the effluent or determine any other factor which is related to the operation and maintenance of the sewer system.

4. Reporting requirements for industrial users not subject to categorical pretreatment standards will be according to the requirements established in 40 C.F.R. 403.12(h) and § 13.16.093.

J. All periodic compliance reports must be signed and certified in accordance with § 13.16.061. (Ord. 1413 § 6.4, passed 4-1-2015)

§ 13.16.094 Report of changed conditions.

Each industrial user shall notify the Public Works Director or other designee of any planned significant changes to the industrial user's operations or system, which might alter the nature, quality, or volume of its wastewater at least 30 days before the change. Notification of any changes in the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 C.F.R. 403.12(p) must also be reported.

A. The Public Works Director or other designee may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a waste water permit application under § 13.16.060, if necessary.

B. The Public Works Director or other designee may issue a wastewater permit under § 13.16.062 or modify an existing wastewater permit under § 13.16.078.

C. No industrial user shall implement the planned changed condition(s) until and unless the Public Works Director or other designee has responded to the industrial user's notice.

D. For purposes of this requirement, flow or loading increases of 20% or greater and the discharge of any previously unreported pollutant shall be deemed significant.

(Ord. 1413 § 6.5, passed 4-1-2015)

§ 13.16.095 Reports of potential problems.

A. In the case of an accidental or other discharge, which may cause potential problems for the municipal wastewater system, it is the responsibility of the user to immediately telephone and notify the City POTW Supervisor or Public Works Director or other designee of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within 5 days following an accidental discharge, the user shall, unless waived by the Public Works Director or other designee, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the system, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter.

C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in division A., above. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

D. Significant industrial users are required to notify the Public Works Director or other designee immediately of any changes at its facility affecting the potential for a slug discharge. Failure to notify the city of potential problem discharges shall be deemed a separate violation of this chapter.

(Ord. 1413 § 6.6, passed 4-1-2015)

§ 13.16.096 Reports from unpermitted users.

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater permit shall provide appropriate reports to the city as the Public Works Director or other designee may require.

(Ord. 1413 § 6.7, passed 4-1-2015)

§ 13.16.097 Sample collection.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in division B. and C. below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by Public Works Director. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 C.F.R. Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the

laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in §§ 13.16.090 and 13.16.092 [40 C.F.R. 403.12(b) and (d)], a minimum of 4 grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Public Works Director may authorize a lower minimum. For the reports required by § 13.16.093 [40 C.F.R. 403.12(e) and 403.12(h)], the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

D. Samples that are taken by city personnel for the purposes of determining compliance with the requirements of this chapter may be split with the discharger if requested (or a duplicate sample provided in the instance of fats, oils and greases) if requested before or at the time of sampling.

E. The Public Works Director or other designee may require a discharger to install and maintain at the discharger's expense a suitable manhole in the discharger's branch sewer or other suitable monitoring access to allow observation, sampling and measurement of all industrial wastes being discharged into the city sewer system. It shall be constructed in accordance with plans approved by the city and shall be designed so that flow measuring

and sampling equipment may be conveniently installed. Access to the manhole or monitoring access shall be available to city representatives at all times. (Ord. 1413 § 6.8, passed 4-1-2015)

§ 13.16.098 Analytical requirements.

All sample analyses shall be performed in accordance with the procedures set forth in 40 C.F.R. Part 136 and any amendments thereto or with any other test procedures approved by the Administrator of The Environmental Protection Agency. If there are no approved test procedures for a particular pollutant, then analyses shall be performed using other validated procedures approved by the Public Works Director or other designee and, if the discharge is subject to a categorical pretreatment standard, by the EPA Administrator.

(Ord. 1413 § 6.9, passed 4-1-2015)

§ 13.16.099 Monitoring charges.

The city may recover the expenses incurred in collecting and analyzing samples of the industrial user's discharge by adding the city's expenses to the industrial user's sewer charges.

(Ord. 1413 § 6.10, passed 4-1-2015)

§ 13.16.100 Timing.

Written reports shall be deemed to have been transmitted at the time of deposit, postage prepaid, into a mail facility services by the United States Postal Service.

(Ord. 1413 § 6.11, passed 4-1-2015)

§ 13.16.101 Record keeping.

Industrial users shall retain, and make available for inspection, and copying, all records and information required to be retained under 40 C.F.R. 403.12(o), (including documentation associated with best management practices). These records shall remain available for a period of at least 3 years. This period shall be automatically extended for the duration of any litigation concerning compliance with this

chapter, or where the industrial user has been specifically notified of a longer retention period by the Public Works Director or other designee, DEQ or EPA.

(Ord. 1413 § 6.12, passed 4-1-2015)

§ 13.16.102 Reporting of additional monitoring.

If an industrial user subject to the reporting requirements of 40 C.F.R. 403.12(e) or (h), which requires submission of periodic compliance reports, monitors any pollutant more frequently than required by the city, using the procedures prescribed in 40 C.F.R. Part 136, the results of this monitoring shall be included in the report, as required by 40 C.F.R. 403.12(g)(5).

(Ord. 1413 § 6.13, passed 4-1-2015)

§ 13.16.103 Notification of significant production change.

An industrial user operating under a waste discharge permit incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the Public Works Director or other designee within 2 business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Public Works Director or other designee of such anticipated change shall be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

(Ord. 1413 § 6.14, passed 4-1-2015)

§ 13.16.104 Hazardous waste notification.

A. Any user who commences the discharge of hazardous waste shall notify the city, the EPA Regional Waste Management Division Director, of any discharge into the municipal wastewater system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges

more than 100 kilograms of such waste per calendar month to the municipal wastewater system, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 C.F.R. 403.12(j) and § 13.16.094. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 C.F.R. 403.12(b), (d), (e), and §§ 13.16.090, 13.16.092, and 13.16.093.

B. Dischargers are exempt from the requirements of this division A., above, during a calendar month in which they discharge no more than 15 kilograms of hazardous waste, unless the wastes are acute hazardous waste as specified in 40 C.F.R. 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous waste in a calendar month, or of any quantity of acute hazardous waste as specified in 40 C.F.R. 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under Section 3001 of the RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Director, the EPA Regional Waste Management Division Director, and DEQ Solid and

Hazardous Waste Division Director, of the discharge of such substance within 90 days of the effective date of such regulations.

D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued hereunder, or any applicable federal or state law.
(Ord. 1413 § 6.15, passed 4-1-2015)

COMPLIANCE

§ 13.16.115 Inspection and sampling.

Authorized city representatives may inspect and monitor any non-residential user of city water and/or sewer services to determine compliance with the requirements of this chapter. The discharger shall allow the city or its authorized representatives to enter upon the premises of the discharger at all reasonable hours, for the purpose of inspection, sampling, records examination, record copying, and photographic documentation. The city shall also have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. The right of entry includes, but is not limited to, access to those portions of the premises that contain facilities for sampling, measuring, treating, transporting or otherwise handling waste, and storing records, reports or documents relating to the treatment, sampling or discharge of waste.

A. Where a user has security measures in force, which require proper identification and clearance before entry into their premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the city, state, and U.S. EPA will be permitted to enter, without delay, for the purposes of performing their official duties.

B. The entry shall be made at reasonable times during normal operating or business hours unless an emergency situation exists as determined by the Public Works Director or other designee.

C. The city may require the industrial user to install monitoring equipment, as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at the industrial user's expense. All devices used to measure wastewater flow and quality shall be calibrated periodically to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or oral request of the Public Works Director or other designee and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

E. Unreasonable delays in allowing city personnel access to the industrial user's premises shall be a violation of this chapter.
(Ord. 1413 § 7.1, passed 4-1-2015)

§ 13.16.116 Search warrants.

If the Public Works Director or authorized representative has been refused access to a building, structure or property or any part thereof, and has probable cause to believe that there may be a violation to this chapter, or that there is a need to inspect as part of a routine inspection program of the city designed to protect the overall public health, safety and welfare of the community, the Public Works Director shall contact the City Attorney who may then apply for an administrative search warrant from a court of competent jurisdiction.
(Ord. 1413 § 7.2, passed 4-1-2015)

CONFIDENTIAL INFORMATION

§ 13.16.130 Confidential information.

Information and data on an industrial user obtained from reports, questionnaires, permit applications, permits, and monitoring programs, and

from city inspections and sampling activities shall be available to the public without restriction unless the industrial user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state laws.

A. Wastewater constituents and characteristics and other "effluent data" as defined by 40 C.F.R. 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

B. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) program, and in enforcement proceedings involving the person furnishing the report.

(Ord. 1413 § 8, passed 4-1-2015)

PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

§ 13.16.140 Publication of users in significant noncompliance.

The city shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any other industrial user that violates divisions C., D. or H. of this section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a 6 month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in §§ 13.16.015 *et seq.*;

B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a 6 month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by §§ 13.16.015 *et seq.* multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a pretreatment standard or requirement as defined by §§ 13.16.015 *et seq.* (daily maximum, long-term average, instantaneous limit, or narrative standard) that the city determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of best management practices, which the city determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 1413 § 9, passed 4-1-2015)

ADMINISTRATIVE ENFORCEMENT REMEDIES

§ 13.16.150 General.

A. This section authorizes the development and implementation of an Enforcement Response Plan, Industrial Sampling/Inspection Procedures Manual, and any modifications or revisions thereof. Administration of fines for noncompliance shall be contained in the city's Enforcement Response Procedure. These procedures shall also establish a general guideline for establishment of a fine schedule. The city is hereby authorized to adopt rules, procedures and forms to implement the provisions of this chapter.

B. Any discharger that fails to comply with the requirements of this chapter and any rules adopted hereunder or provisions of its industrial waste discharge permit may be subject to enforcement actions as prescribed below in addition to those developed by the city. (Ord. 1413 § 10, passed 4-1-2015)

§ 13.16.151 Industrial user violation process.

Whenever the city determines that a violation of this chapter, any permit issued hereunder, or any order issued by the city pursuant to this chapter, has occurred or is taking place, it may initiate enforcement action as provided in this section. In addition, any enforcement action or remedy provided in state or federal law may be employed. If the city believes a violation has occurred or is occurring, a representative of the city shall make a reasonable effort to notify the user of the violation. All violations including the first violation shall receive a written notice of violation, and may also incur a monetary penalty.

A. All written notices of violations shall describe the violation and any potential penalty (monetary or additional pretreatment). The written notice may further require that a response to the violation be submitted to the city within a 10 day time period.

B. If a written notice of violation requires submittal of a response, the response shall include an explanation of the cause of the violation, a plan for its satisfactory correction and prevention of future such violations, and specific corrective or preventive actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Public Works Director or other designee to initiate emergency action or other enforcement action without first issuing a notice of violation. (Ord. 1413 § 10.1, passed 4-1-2015)

§ 13.16.152 Violation.

A. A violation of limitations established under this chapter, any applicable federal, state or pretreatment standards, or specific requirements of a discharge permit shall constitute a violation of this chapter and shall be cause for enforcement action by the city, including but not limited to levying of administrative penalties as described in §§ 13.16.150 *et seq.* regardless of the intent of the user. Each day of a continuing violation shall constitute a separate offense for purposes of computing the applicable penalty.

B. Whenever the city finds that any IU has violated or is violating this chapter, a wastewater permit or order issued hereunder, or any other pretreatment requirement, the Public Works Director or other designee shall cause to be served upon said IU a written notice of violation. The notice of violation shall be delivered to the user's premises or be sent by certified mail to the address of the permit holder on record with the city. (Ord. 1413 § 10.2, passed 4-1-2015)

§ 13.16.153 Violation of permit parameters.

A. For the maximum daily allowable concentration, if the concentration of any single sample (whether grab or a sample within a series) exceed the limitations, a violation will have occurred.

B. For the monthly average allowable concentration, if the average of all sample(s) (grab or composite) taken exceeds the limitation, a violation will have occurred. One sample collected may constitute a monthly average violation.
(Ord. 1413 § 10.3, passed 4-1-2015)

§ 13.16.154 Additional violation parameters.

A violation of this chapter shall also be deemed to occur:

A. For noncompliance with any special reporting requirements established by permit, written request of the city, or as specified by federal pretreatment standards (40 C.F.R. 403.12).

B. Pollutants prohibited by this chapter are discharged into the system.

C. Failure to apply for and obtain a permit prior to discharge of industrial wastewater into the system.
(Ord. 1413 § 10.4, passed 4-1-2015)

§ 13.16.155 IU notice to city of violation.

If sampling performed by an industrial user indicates a violation, the industrial user shall notify the Public Works Director or designate within 24 hours of becoming aware of the violation. The user shall also resample and report the results within 30 days of becoming aware of violation pursuant to 40 C.F.R. 403.12(g)(2). Resampling must continue until it is evident that the discharge is within compliance.
(Ord. 1413 § 10.5, passed 4-1-2015)

§ 13.16.156 Consent orders.

The city may enter into consent orders, assurance of voluntary compliance, or other similar documents establishing an agreement with an IU not in compliance with any permit parameter or provision of this chapter. Such orders will include specific action to be taken by the IU to correct the noncompliance

within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders and upon issuance, such orders shall be judicially enforceable. Use of a consent order shall not be a bar against, or prerequisite for, taking any other action against the user.
(Ord. 1413 § 10.6, passed 4-1-2015)

§ 13.16.157 Show cause hearing.

A. The city may order any user, which causes or contributes to violation(s) of this chapter, wastewater permits, order issued hereunder, or any other pretreatment requirement, to appear before the city and show cause why a proposed enforcement action should not be taken. Notice shall be served on the IU specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and an order that the IU show cause why this proposed enforcement action should not be taken.

B. The notice of the hearing shall be served personally or by registered mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the IU. Whether or not the IU appears at the hearing, the city may pursue enforcement action following the hearing date. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.
(Ord. 1413 § 10.7, passed 4-1-2015)

§ 13.16.158 Compliance orders.

A. When the city finds that an IU has violated or continues to violate the chapter, permits or orders issued hereunder, or any other pretreatment requirement, an order may be issued to the IU directing that, following a specific time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer.

B. In addition to such Compliance Orders, the city may require additional self-monitoring for at least 90 days after consistent compliance has been achieved, after which time the self-monitoring conditions in the discharge permit shall control. Issuance of a compliance order shall not be a bar against, or prerequisite for, taking any other action against the user.

(Ord. 1413 § 10.8, passed 4-1-2015)

§ 13.16.159 Cease and desist orders.

When the city finds that an industrial user has violated or continued to violate this chapter, any permit or order issued hereunder, or any other pretreatment requirement, the city may issue an order to the industrial user directing them to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(Ord. 1413 § 10.9, passed 4-1-2015)

§ 13.16.160 Administrative fines.

A. When the city finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city may fine such user in an amount not to exceed \$2,500. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines and penalties shall, after 30 calendar days, be assessed an additional penalty of 20% of the unpaid balance, and interest shall accrue thereafter at a rate of 7% per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the city to reconsider the fine along with full payment of the fine amount within 15

days of being notified of the fine. Where a request has merit, the city may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The city may add the cost of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. 1413 § 10.10, passed 4-1-2015)

§ 13.16.161 Emergency suspensions.

The city may immediately suspend an industrial user's discharge and the industrial user's wastewater discharge permit, after informal notice to the industrial user, whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The city may also immediately suspend an industrial user's discharge and the industrial user's wastewater discharge permit, after notice and opportunity to respond, that threatens to interfere with the operation of the municipal waste water system, or which presents or may present an endangerment to the environment.

A. Any industrial user notified of a suspension of its wastewater permit shall immediately stop or eliminate its contribution. In the event of an industrial user's failure to immediately comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the system, its receiving stream, or endangerment to any individuals. The city shall allow the industrial user to recommence its discharge when the user has demonstrated to the satisfaction of the city that the period of endangerment has passed, unless the termination proceedings set forth in § 13.16.162 are initiated against the user.

B. An industrial user which is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written

statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence prior to the date of any show cause or termination hearing under §§ 13.16.157 and 13.16.162.

(Ord. 1413 § 10.11, passed 4-1-2015)

§ 13.16.162 Termination of permit.

A. In addition to those provisions in § 13.16.080 of this chapter, any industrial user which violates the following conditions of this chapter, wastewater permits, or orders issued hereunder is subject to permit termination:

1. Violation of permit conditions.
2. Failure to accurately report the wastewater constituents and characteristics of its discharge.
3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
5. Slug loads causing interference, pass through, or damage to human health, the environment, or the treatment plant.
6. When the facility serviced by the sanitary sewer service is occupied prior to a certificate of occupancy being issued.
7. When the facility served by the sanitary sewer service does not comply with the provisions of the city's "Construction Standards for Public Works Facilities".
8. When the facility served by the sanitary sewer service does not comply with a condition of approval issued by the City Council, Planning Commission, or Site and Design Review Committee.
9. When the facility served by the sanitary sewer service is improperly connected to a city utility system or is connected without obtaining the required approvals or without paying the required fees and charges.
10. When a user fails to immediately comply with an Administrative Order requiring the immediate halting or elimination of discharge.

B. Non-complying industrial users shall be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause under § 13.16.157, why the proposed action should not be taken.

(Ord. 1413 § 10.12, passed 4-1-2015)

JUDICIAL ENFORCEMENT REMEDIES

§ 13.16.175 Injunctive relief.

Whenever an industrial user has violated, threatens to violate, or continues to violate the provisions of this chapter, permits or orders issued hereunder, or any other pretreatment requirements, the city may petition the courts for the issuance of a temporary or permanent injunction, as may be appropriate, which restrains or compels the specific performance of the wastewater permit, order, or other requirement imposed by this chapter on activities of the industrial user. Such other action as may be appropriate for legal and/or equitable relief may also be sought by the city. A petition for injunctive relief shall not be a bar against, or a prerequisite for taking any other action against the user.

(Ord. 1413 § 11.1, passed 4-1-2015)

§ 13.16.176 Civil penalties.

Any industrial user which has violated or continues to violate this chapter, any order or permit hereunder, or any other pretreatment requirement shall be liable to the city for a maximum civil penalty of \$2,500 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each calendar day during the period of this violation.

A. The court may award reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

B. In determining the amount of civil penalty, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, corrective actions by

the industrial user, economic benefit to the user of noncompliance, the compliance history of the user, and any other factors as justice requires.

C. Where appropriate, the city may accept mitigation projects in lieu of the payment of civil penalties where the project provides a valuable service to the city and the industrial user's expense in undertaking the project is at least 150% of the civil penalty.

(Ord. 1413 § 11.2, passed 4-1-2015)

§ 13.16.177 Criminal prosecution.

Any industrial user who willfully or negligently violates any provisions of the chapter, any orders or permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$2,500 per violation per day or imprisonment for not more than 1 year, or both.

A. Any industrial user who knowingly makes any false statement, representations or certification in any application, record, report, plan or other documentation filed or required to be maintained pursuant to the chapter or wastewater permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$2,500 per violation per day or imprisonment for not more than 1 year, or both.

B. In the event of a second conviction, the user shall be punishable by a fine not to exceed \$5,000 per violation per day or imprisonment for not more than 3 years, or both.

(Ord. 1413 § 11.3, passed 4-1-2015)

§ 13.16.178 Remedies nonexclusive.

A. A City Enforcement Response Plan will be developed by the city in accordance with 40 C.F.R. Section 403.8 and submitted to the City Attorney for approval and certification. The city will implement the plan after receiving approval from the City Attorney.

B. The remedies provided for in this chapter are not exclusive. The city may take any, all, or any

combination of these actions against a noncompliant user. Enforcement of pretreatment violations will be in accordance with the City of Canby's Enforcement Response Plan. However the city may take other action against any user when the circumstances warrant. Further, the city is empowered to take more than 1 enforcement action against any noncompliant user.

(Ord. 1413 § 11.4, passed 4-1-2015)

SUPPLEMENTAL ENFORCEMENT ACTIONS

§ 13.16.190 Performance bonds.

The city may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this chapter, any orders, or a previous permit issued hereunder unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the city to be necessary to achieve consistent compliance.

(Ord. 1413 § 12.1, passed 4-1-2015)

§ 13.16.191 Liability insurance.

The city may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this chapter, any orders, or a previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurance sufficient to restore or repair damage to the municipal wastewater system caused by its discharge.

(Ord. 1413 § 12.2, passed 4-1-2015)

§ 13.16.192 Water supply severance.

When an industrial user has violated the provisions of this chapter, orders, or permits issued hereunder, the city may sever water service to the industrial user and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(Ord. 1413 § 12.3, passed 4-1-2015)

§ 13.16.193 Public nuisance.

Any violation of the prohibitions or effluent limitations of this chapter, permits, or orders issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the city. Any person(s) creating a public nuisance shall be subject to the provisions of the city ordinance governing such nuisance, including reimbursing the city for any costs incurred in removing, abating or remedying said nuisance.

(Ord. 1413 § 12.4, passed 4-1-2015)

§ 13.16.194 Contractor listing.

Subject to other applicable law, industrial users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive contract awards for the sale of goods or services to the city.

(Ord. 1413 § 12.5, passed 4-1-2015)

***AFFIRMATIVE DEFENSES TO DISCHARGE
VIOLATIONS***

§ 13.16.210 Affirmative defenses.

A user shall have an affirmative defenses in any action brought against it alleging a violation of the general prohibitions, specific prohibitions and this chapter, where the user can demonstrate the requirements established in 40 C.F.R. 403.5(a)(2).

(Ord. 1413 § 13.1, passed 4-1-2015)

§ 13.16.211 Upset.

A. For the purpose of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall be an affirmative defense to an enforcement action brought for noncompliance with categorical pretreatment standards and requirement if the following conditions are met:

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. The user can identify the cause of the upset;

2. The facility was operating in a prudent and workman-like manner at the time of the upset and was in compliance with applicable O&M procedures; and

3. The user submits the following information to the city within 24 hours of becoming aware of the upset, If this report is given orally, the user must also submit a written report containing such information within 5 days:

a. A description of the discharge and its causes of noncompliance;

b. The period of noncompliance including exact dates and time or, if not corrected, the anticipated time the noncompliance is expected to continue;

c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have burden of proof.

5. Users will have the opportunity for judicial determination on any claim of upset only in an enforcement action for noncompliance with categorical pretreatment standards.

6. User shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. 1413 § 13.2, passed 4-1-2015)

§ 13.16.212 Prohibited discharge standards.

An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in § 13.16.015, first paragraph of § 13.16.001 or the specific prohibitions in § 13.16.015B.2. through 3., B.5. through 11., and B.13. through 20., if it can prove that it did not know or have reasons to know that its discharge, alone or in conjunction with discharges from other sources would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to and during the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, in compliance with applicable sludge use or disposal requirements.

(Ord. 1413 § 13.3, passed 4-1-2015)

§ 13.16.213 Bypass.

A. For the purposes of this section,

"Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of divisions A., B. and C. of this section.

1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Public Works Director or other designee, at least 10 days before the date of the bypass, if possible.

2. A user shall submit oral notice to the Public Works Director or other designee of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Public Works Director or other designee may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

3. Bypass is prohibited, and the Public Works Director or other designee may take an enforcement action against a user for bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The user submitted notices required under division 3. of this section.

C. The Public Works Director or other designee may approve an anticipated bypass, after considering its adverse effects; if the Public Works Director or other designee determines that it will meet the 3 conditions listed in division B. of this section.

(Ord. 1413 § 13.4, passed 4-1-2015)

MISCELLANEOUS PROVISIONS**§ 13.16.230 Pretreatment charges and fees.**

The city may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the city's pretreatment program which may include:

- A. Fees for permit applications including the cost of processing such applications;
 - B. Fees for monitoring, inspection and surveillance procedures including the cost of reviewing monitoring reports submitted by industrial users;
 - C. Fees for reviewing and responding to accidental discharge procedures and construction;
 - D. Fees for filing appeals;
 - E. Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines and penalties chargeable by the city.
- (Ord. 1413 § 14.1, passed 4-1-2015)

§ 13.16.231 Sewer connection charges levied and imposed.

A. What is a connection charge? All sewer connection charges and any other development-related charges shall be imposed in accordance with the city's most current systems development ordinance and implementing resolutions.

B. What the connection charge is based on. The service connection charge is levied upon a property based upon the existing or intended use of the property at the time of application for connection. If the property is improved, expanded, subdivided or otherwise modified so as to increase the connection charge due from that property, a service connection charge shall be levied for the modified portion of the property based upon connection charges in effect at the time of modification.

C. Abutting a Right-of-Way with Sanitary Service. Any dwelling that is on property abutting any street, alley or right-of-way in which there is located a sanitary sewer of the city and, that by reason of

ordinance, resolution or motion duly adopted by the City Council, is not required to connect to the sewage system, shall not be subject to the sewer connection charges provided by this chapter.

(Ord. 1413 § 14.2, passed 4-1-2015)

§ 13.16.232 Rates for connection charges.

The City Council shall by resolution, establish appropriate rates and methodologies to be charged for connecting to the city sewer system. Such rates shall differentiate between various types of users or activities with discharge into the sewage system.

(Ord. 1413 § 14.3, passed 4-1-2015)

§ 13.16.233 Fees for sewer service levied and imposed.

A. Rates. All users of the city's sewage system shall pay to the city the rates for sewer service as provided by this chapter.

B. Abutting a row with service. Any dwelling that is on property abutting any street, alley or right-of-way in which there is located a sanitary sewer of the city and that, by reason of ordinance, resolution or motion duly adopted by the City Council, is not required to connect to the sewage system, shall not be subject to the sewer service charges provided by this chapter.

C. When levied (existing). When sewer service is initially provided to existing dwellings, said sewer service charge shall first be levied for the month following the first month in which dwellings are permitted to be connected to the sewer.

D. When levied (new). When new dwellings are served by the sewage system, said sewer service charge shall first be levied for the month following the first month in which the dwelling is occupied or utilized by personnel not associated with the construction of the dwelling.

E. Based on availability. Sewer service charges are to be levied and imposed based upon the availability of sewer service, and are not dependent upon the owner's schedule for connecting to the sewer system after said system is available.

F. Minimum service. The minimum service for an individually billed service shall be equal to the charge for a residential service.

G. Who is billed. Sewer service charges shall be billed to any dwelling showing connection to the city sewer and either water use or electric power use.

H. Property owner responsibility. Sewer service charges may be billed to an occupant; however, the property owner shall be ultimately responsible for all sewer service charges to his or her property.
(Ord. 1413 § 14.4, passed 4-1-2015)

§ 13.16.234 Severability and conflicts with other ordinances.

A. If any provision of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

B. To the extent that an inconsistency exists between the terms of this chapter and another existing ordinance, this chapter shall be deemed to preempt the other ordinance and the terms of this chapter shall control.
(Ord. 1413 § 14.5, passed 4-1-2015)

§ 13.16.235 Emergency clause.

This chapter being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this chapter shall take effect immediately after final reading and enactment by the Canby City Council.
(Ord. 1413 § 14.6, passed 4-1-2015)

CHAPTER 13.20: IMPLEMENTATION

Section

13.20.010	Denial of connection.
13.20.020	Issuance of stop work order.
13.20.030	Delinquency.
13.20.040	Discontinuance of service.
13.20.050	Restoration of service.
13.20.060	Ownership and occupancy.
13.20.070	Lien.
13.20.080	Special agreements.
13.20.090	Disbursement.
13.20.100	Right of revision.

§ 13.20.010 Denial of connection.

No local government agency or person shall connect a sewer to the city sewerage system unless the agency or person shall then be in compliance with all of these rules and regulations.

§ 13.20.020 Issuance of stop work order.

If any local government agency or person shall construct a public sewer, private sewer or building sewer in violation of these rules and regulations, the city may issue an order to the agency or person to stop work in progress which is not in compliance with these rules and regulations, or the city may issue an order to correct work which has been performed. The agency or person shall forthwith take action as may be necessary to comply with the order and with these rules and regulations, all at the expense of the agency or person.

§ 13.20.030 Delinquency.

Sewer service charges or connection charges levied in accordance with the rules and regulations shall be a debt due to the city and shall be a lien upon property. If this debt is not paid within 30 days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person or both.

§ 13.20.040 Discontinuance of service.

A. In the event of failure to pay sewer service charges, connection fees, industrial pretreatment compliance monitoring analysis, any administrative or civil fines assessed by the city or court after they become delinquent, failure to cease discharging to the sewer substances prohibited by any rules and regulations of the city, or failure to have flow monitoring or sampling devices in proper operating condition for more than 7 days, the city shall have the right to remove or close sewer connections and enter the property for accomplishing that purpose.

B. The expense of the removal or closing, as well as the expense of restoring service, shall likewise be a debt due to the city and a lien upon the property, and may be recovered by civil action in the name of the city against the property owner, the person or both.

C. If past due sewer service charges or connection fees are placed in the hands of the City Attorney for collection, the property owner, the person or both shall be liable for the city's reasonable attorneys' fees and collection costs in the recovery of the sewer charges, both at trial and appeal.

§ 13.20.050 Restoration of service.

Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration shall have been paid and the cause for discontinuance of service corrected.

§ 13.20.060 Ownership and occupancy.

Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

§ 13.20.070 Lien.

A. All sewage service rental charges shall be a lien against the property served from and after the date of billing and entry on the ledger record of the Sewer Department, and the ledger record shall be made accessible for inspection by anyone interested in ascertaining the amount of the charges against the property.

B. The City Council may use additional means of collection as may be provided by the laws of the state or permitted by the Charter and ordinances of the city.

§ 13.20.080 Special agreements.

A. No statement contained in this chapter shall be construed as prohibiting any special agreement or arrangement between the city and any person, whereby an industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment; provided that there is no impairment of the functioning of the wastewater treatment system by reason of the admission of the wastes, and no extra costs are incurred by the city without recompense by the person.

B. If any waters or wastes are discharged, or are proposed to be discharged to the city sewers, which waters contain the substances or possess the characteristics enumerated in this title and which, in the judgment of the Superintendent of Public Works, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or otherwise create a hazard to life or constitute a public nuisance, the city may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewer, including a minimum of 2 hours of settling for wastes containing soil, dirt and/or sand;
3. Require control over the quantities and rates of discharge by constructing equalization basins or by other appropriate methods; or
4. Require payment to cover the added cost of handling and treating the wastes not covered by the existing sewer charges.

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

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
975	8-20-1997	8.04.120
—	11-4-1997	Charter, Chapter 1
982	1-7-1997	4.24.010 - 4.24.080
984	2-18-1998	4.24.010
989	4-1-1998	2.32.010 - 2.32.030
992	5-6-1998	2.48.020, 2.48.030, 2.48.090
996	6-17-1998	T.S.O. I
1000	7-15-1998	T.S.O. I
1001	7-15-1998	T.S.O. I
1005	8-19-1998	4.12.080
1012	12-2-1998	T.S.O. I
1014	1-20-1999	T.S.O. I
1017	4-7-1999	T.S.O. I
1032	10-6-1999	2.68.010 - 2.68.050
1035	11-3-1999	12.08.010 - 12.08.200
1036	11-3-1999	12.36.010 - 12.36.090
1031	11-24-1999	4.28.010
1040	11-17-1999	T.S.O. I
1053	7-19-2000	T.S.O. I
1054	9-6-2000	12.20.010 - 12.20.070
1081	11-21-2001	3.24.010 - 3.24.250
1082	11-21-2001	12.40.010 - 12.40.080
1085	1-2-2002	15.04.010 - 15.04.050
1091	2-20-2002	4.04.110
1093	3-20-2002	2.36.010
1108	1-8-2003	15.20.010 - 15.20.280
1109	11-20-2002	2.70.010 - 2.70.050
1110	2-5-2003	12.24.060, 12.24.065
1113	2-19-2003	4.24.150 - 4.24.240
1133	2-18-2004	2.56.020 - 2.56.080
1136	4-21-2004	2.64.020, 2.64.030
1137	4-21-2004	2.20.030, 2.20.040
1151	8-18-2004	13.08.150
1160	10-20-2004	4.24.200, 4.24.220
1165	12-1-2004	4.32.010 - 4.32.090
1166	1-5-2005	9.44.010, 9.44.060 - 9.44.110
1169	2-2-2005	T.S.O. I
1170	2-16-2005	2.16.010 - 2.16.030

Canby - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
1200	2-15-2006	Adopting Ordinance
1208	6-7-2006	T.S.O. I
1219	9-6-2006	4.24.220
1261	1-2-2008	3.40.020 - 3.40.270
1262	1-16-2008	3.30.010 - 3.30.110
1279	6-18-2008	15.12.010 - 15.12.190
1296	10-15-2008	12.12.010 - 12.12.040
1303	2-4-2009	2.05.010, 2.05.020
1312	7-15-2009	2.10.010
1313	7-15-2009	12.08.010, 12.08.030
1316	8-19-2009	9.24.060, 12.13.010 - 12.13.120
1319	11-18-2009	8.04.010, 8.04.020
1327	5-19-2010	3.20.070, 4.12.030, 5.04.210, 5.16.030, 6.04.060, 6.08.070, 8.20.040, 8.20.070, 8.20.105, 9.08.030, 10.04.090, 10.04.095, 10.12.010, 10.12.020, 15.08.060
1328	6-16-2010	T.S.O. I
1333	7-21-2010	5.12.020, 5.12.030
1336	11-3-2010	12.36.3030
1341	3-2-2011	2.80.010 - 2.80.050
1342	5-18-2011	T.S.O. I
1347	10-19-2011	T.S.O. I
1349	10-19-2011	T.S.O. I
1355	5-2-2012	2.10.020
1356	5-16-2012	13.12.065
1357	5-16-2012	8.20.030 - 8.20.050, 8.20.070, 8.20.080
1366	11-21-2012	9.24.060
1370	3-6-2013	T.S.O. I
1372	3-20-2013	2.64.050
1373	5-1-2013	9.48.050
1385	10-16-2013	12.32.010, 12.32.020, 12.32.040 - 12.32.070, 12.32.090
1386	11-6-2013	5.06.010 - 5.06.150
1387	11-20-2013	12.36.020 - 12.36.080
1388	11-20-2013	T.S.O. I
1389	11-20-2013	T.S.O. I
1391	12-4-2013	3.24.010, 3.24.020, 3.24.040 - 3.24.080, 3.24.100 - 3.24.190, 3.24.210, 3.24.220, 3.24.250, 3.24.260
1393	2-5-2014	2.90.010 - 2.90.060
1395	3-5-2014	12.28.010 - 12.28.040, 12.28.060, 12.28.070, 12.28.090
1396	3-5-2014	5.04.190

References to Ordinances

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
1399	6-4-2014	5.04.150, 5.04.230, 8.04.100, Repeals Ch. 3.16
1402	6-18-2014	13.12.065
1413 § 1.1	4-1-2015	13.16.001
1413 § 1.2	4-1-2015	13.16.002
1413 § 1.3	4-1-2015	13.16.003
1413 § 1.4	4-1-2015	13.16.004
1413 § 2.1	4-1-2015	13.16.015
1413 § 2.2	4-1-2015	13.16.016
1413 § 2.3	4-1-2015	13.16.017
1413 § 2.4	4-1-2015	13.16.018
1413 § 2.5	4-1-2015	13.16.019
1413 § 2.6	4-1-2015	13.16.020
1413 § 2.7	4-1-2015	13.16.021
1413 § 2.8	4-1-2015	13.16.022
1413 § 2.9	4-1-2015	13.16.023
1413 § 3.1	4-1-2015	13.16.035
1413 § 3.2	4-1-2015	13.16.036
1413 § 3.3	4-1-2015	13.16.037
1413 § 3.4	4-1-2015	13.16.038
1413 § 3.5	4-1-2015	13.16.039
1413 § 3.6	4-1-2015	13.16.040
1413 § 3.7	4-1-2015	13.16.041
1413 § 3.8	4-1-2015	13.16.042
1413 § 4.1	4-1-2015	13.16.055
1413 § 4.2	4-1-2015	13.16.056
1413 § 4.3	4-1-2015	13.16.057
1413 § 4.4	4-1-2015	13.16.058
1413 § 4.5	4-1-2015	13.16.059
1413 § 4.6	4-1-2015	13.16.060
1413 § 4.7	4-1-2015	13.16.061
1413 § 4.8	4-1-2015	13.16.062
1413 § 5.1	4-1-2015	13.16.075
1413 § 5.2	4-1-2015	13.16.076
1413 § 5.3	4-1-2015	13.16.077
1413 § 5.4	4-1-2015	13.16.078
1413 § 5.5	4-1-2015	13.16.079
1413 § 5.6	4-1-2015	13.16.080
1413 § 5.7	4-1-2015	13.16.081
1413 § 5.8	4-1-2015	13.16.082
1413 § 6.1	4-1-2015	13.16.090
1413 § 6.2	4-1-2015	13.16.091
1413 § 6.3	4-1-2015	13.16.092

Canby - Parallel References

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
1413 § 6.4	4-1-2015	13.16.093
1413 § 6.5	4-1-2015	13.16.094
1413 § 6.6	4-1-2015	13.16.095
1413 § 6.7	4-1-2015	13.16.096
1413 § 6.8	4-1-2015	13.16.097
1413 § 6.9	4-1-2015	13.16.098
1413 § 6.10	4-1-2015	13.16.099
1413 § 6.11	4-1-2015	13.16.100
1413 § 6.12	4-1-2015	13.16.101
1413 § 6.13	4-1-2015	13.16.102
1413 § 6.14	4-1-2015	13.16.103
1413 § 6.15	4-1-2015	13.16.104
1413 § 7.1	4-1-2015	13.16.115
1413 § 7.2	4-1-2015	13.16.116
1413 § 8	4-1-2015	13.16.130
1413 § 9	4-1-2015	13.16.140
1413 § 10	4-1-2015	13.16.150
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1413 § 10.2	4-1-2015	13.16.152
1413 § 10.3	4-1-2015	13.16.153
1413 § 10.4	4-1-2015	13.16.154
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1413 § 10.6	4-1-2015	13.16.156
1413 § 10.7	4-1-2015	13.16.157
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1413 § 10.10	4-1-2015	13.16.160
1413 § 10.11	4-1-2015	13.16.161
1413 § 10.12	4-1-2015	13.16.162
1413 § 11.1	4-1-2015	13.16.175
1413 § 11.2	4-1-2015	13.16.176
1413 § 11.3	4-1-2015	13.16.177
1413 § 11.4	4-1-2015	13.16.178
1413 § 12.1	4-1-2015	13.16.190
1413 § 12.2	4-1-2015	13.16.191
1413 § 12.3	4-1-2015	13.16.192
1413 § 12.4	4-1-2015	13.16.193
1413 § 12.5	4-1-2015	13.16.194
1413 § 13.1	4-1-2015	13.16.210
1413 § 13.2	4-1-2015	13.16.211
1413 § 13.3	4-1-2015	13.16.212
1413 § 13.4	4-1-2015	13.16.213
1413 § 14.1	4-1-2015	13.16.230

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<i>Ord. No.</i>	<i>Date Passed</i>	<i>Code Section</i>
1413 § 14.2	4-1-2015	13.16.231
1413 § 14.3	4-1-2015	13.16.232
1413 § 14.4	4-1-2015	13.16.233
1413 § 14.5	4-1-2015	13.16.234
1413 § 14.6	4-1-2015	13.16.235
1419	6-17-2015	9.32.040, 9.32.060

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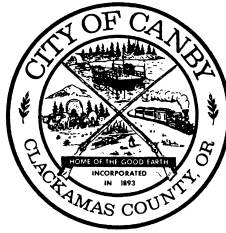
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MEMORANDUM

DATE: AUGUST 19, 2015
TO: HONORABLE MAYOR HODSON AND CANBY CITY COUNCIL
FROM: HALEY FISH, FINANCE DIRECTOR
THROUGH: RICK ROBINSON, CITY ADMINISTRATOR
RE: A RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATIONS FROM CONTINGENCY TO CAPITAL OUTLAY IN THE SWIM CENTER LEVY FUND

ISSUE: Adoption of a Budget Transfer Resolution for the 2015-2016 fiscal year.

SYNOPSIS: An increase in the capital budget for the swim center levy fund is requested partially due to a timing variance with expenses budgeted in prior year not getting incurred until this fiscal year and partially due to a scope increase on deck repairs needed. These repairs are planned to be completed during the annual pool closure the first week of September. To maintain compliance with local budget law we need to authorize/execute the transfer to increase the category appropriations prior to completing the repairs in September so that we don't exceed the appropriations.

RECOMMENDATION: Staff recommends that Council adopt Resolution No. 1225

ATTACHED: Resolution No. 1225

RESOLUTION NO. 1225

**A RESOLUTION AUTHORIZING TRANSFER OF APPROPRIATIONS FROM
CONTINGENCY TO CAPITAL OUTLAY IN THE SWIM CENTER LEVY FUND**

WHEREAS, the need to increase the scope of work of deck repair at the Swim Center became known during preparation for the annual pool maintenance closure, and

WHEREAS, it was not anticipated at the time the current budget was adopted that this additional work would be needed, and

WHEREAS, the Swim Center Levy Fund has sufficient money budgeted in Contingency to cover the costs,

WHEREAS, ORS 294.463(2) allows transfers from Contingency by resolution as long as the amount transferred doesn't exceed 15% of the total appropriations of the fund and this transfer is in compliance with this limitation,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Canby, as follows:

Section 1. The City Administrator shall transfer or cause to be transferred the following appropriation in the Swim Center Levy Fund:

<u>From</u>		<u>To</u>	
Contingency	7,500	Capital Outlay	7,500

This resolution shall take effect on August 19, 2015.

ADOPTED by the Canby City Council at a regular meeting thereof on August 19, 2015.

Brian Hodson, Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

ORDINANCE NO. 1420

AN ORDINANCE AUTHORIZING THE CITY OF CANBY TO ENTER INTO A CONTRACT WITH CURRAN-MCLEOD, INC. CONSULTING ENGINEERS FOR ENGINEERING SERVICES REGARDING 2015-2016 WASTEWATER TREATMENT PLANT IMPROVEMENTS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby requires improvements to its wastewater treatment plant; and

WHEREAS, the City of Canby went through a competitive process to hire Curran-McLeod, Inc. Consulting Engineers as engineer of record, and Curran-McLeod, Inc. has been involved with all preliminary planning at the wastewater plant including this project;

WHEREAS, the City of Canby desires to secure a cost effective contract for the requisite engineering services for this integral service;

THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

Section 1. The City Administrator is hereby authorized on behalf of the City to enter into an Agreement for Engineering Services with Curran-McLeod, Inc. Consulting Engineers for Engineering Services for the City. A copy of the Agreement is attached hereto as Exhibit "A."

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to begin wastewater treatment plant improvements as soon as possible, in order to provide both essential and general services to the public, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its enactment.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, August 5, 2015, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, August 19, 2015, commencing at the hour of 7:30 p.m. in the Council Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

2nd Reading

PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on August 19, 2015 by the following vote:

YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder

**CITY OF CANBY
2015-16 WASTEWATER TREATMENT PLANT IMPROVEMENTS
AGREEMENT FOR ENGINEERING SERVICES**

This Agreement is made this _____ day of _____, 2015, by and between the **CITY OF CANBY**, Oregon, hereafter referred to as the OWNER, and **CURRAN-McLEOD, INC. CONSULTING ENGINEERS**, Portland, Oregon, hereafter referred to as the ENGINEER.

The OWNER intends to make improvements to the Wastewater Treatment Plant defined as the Biosolids Handling and Storage Improvements, and Odor Control Study, and for which the ENGINEER agrees to perform the various professional engineering services for the design and construction of said improvements.

WITNESSETH

That for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed:

SECTION A - ENGINEERING SERVICES

The ENGINEER shall furnish engineering services to accomplish the work identified above and as more specifically identified in the correspondence dated July 22, 2015, attached as Exhibit A:

1. The ENGINEER will attend conferences with the OWNER, representatives of the State, or other interested parties as may be required for completion of the work previously described.
2. After the OWNER directs the ENGINEER to proceed, the ENGINEER will perform the necessary alignment determination, accomplish the detailed design of the projects, prepare construction Drawings, Specifications and Contract Documents, and prepare a final cost estimate based on the final design. It is also understood that if additional subsurface explorations (such as borings, soil tests, rock soundings and the like) are required, the ENGINEER will furnish coordination of said explorations without additional charge, but the costs incident to such explorations shall be paid for by the OWNER as set out in Section D hereof.

Statements of probable construction costs and detailed cost estimates prepared by the ENGINEER represent his best judgment as a design professional familiar with the Construction Industry. It is recognized, however, that neither the ENGINEER nor the OWNER has any control over the cost of labor, materials or equipment, over the Contractor's method of determining bid prices, or over competitive bidding or market conditions. Accordingly the ENGINEER cannot and does not guarantee that bids will not vary from any statement of probable construction cost or other cost estimate prepared by the ENGINEER.

3. The Contract Documents furnished by the ENGINEER under Section A-2 shall include the State of Oregon Prevailing Wage Rates or the Federal Davis Bacon Prevailing Wage Rates as applicable, and OWNER, funding agency, and state requirements as appropriate.
4. Prior to the advertisement for bids, the ENGINEER will provide for each Construction Contract, not to exceed 10 copies of detailed Drawings, Specifications, and Contract Documents for use by the OWNER, and for appropriate Federal, State, and local agencies from whom approval of the project must be obtained. The cost of such drawings, Specifications, and Contract Documents shall be included in the basic compensation paid to the ENGINEER. The OWNER pays the cost of permits and review fees as provided in Section F-2 of this Agreement.
5. The drawings prepared by the ENGINEER under the provisions of Section A-2 above shall be in sufficient detail to permit the actual location of the proposed improvements on the ground. The ENGINEER shall prepare and furnish to the OWNER without any additional compensation, three copies of a map(s) showing the general location of needed construction easements and permanent easements and the land to be acquired. Property surveys, property plats, property descriptions, abstracting and negotiations for land rights shall be provided by the OWNER, unless the OWNER requests, and the ENGINEER agrees to provide those services. In the event the ENGINEER is requested to provide such services, the ENGINEER shall be additionally compensated as set out in Section D hereof, unless this task is identified and included in the proposed scope of work herein.
6. The ENGINEER will furnish additional copies of the Drawings, Specifications and Contract Documents as required by prospective bidders, materials suppliers, and other interested parties, but may charge them for the reasonable cost of such copies. Upon award of each contract, the ENGINEER will furnish to the OWNER three sets of the Drawings, Specifications and Contract Documents for execution. The cost of these sets shall be included in the basic compensation paid to the ENGINEER. Drawings and Specifications as instruments of service are and shall remain the property of the ENGINEER whether the project for which they are made is executed or not. They are not to be used by the OWNER on other projects or extensions to this project except by agreement in writing and with appropriate compensation to the ENGINEER.
7. The ENGINEER will require prospective contractors to file an approved Pre-qualification Form with the Oregon Department of Transportation and will require a Bid Bond not to exceed 10% in the Bidding Documents to secure the Bid.
8. The ENGINEER will attend the bid opening and tabulate the bid proposals, make an analysis of the bids, make recommendations for awarding contracts for construction.
9. The ENGINEER will assist in the Preconstruction Conference, and will review and approve, for conformance with the design concept, any necessary shop and working drawings furnished by Contractors.
10. The ENGINEER will interpret the drawings and specifications to protect the OWNER against defects and deficiencies in construction on the part of the Contractor. The

ENGINEER will not, however, guarantee the performance of any Contractor. Planning and design of the project and construction engineering services shall be accomplished with due diligence and in conformance with accepted industry standards of the practice of professional engineering.

11. The ENGINEER will provide general engineering review of the work of the contractors as construction progresses to assure conformance with the design concept.
12. The ENGINEER will establish baselines and grades for locating the work together with a suitable number of bench marks adjacent to the work as shown in the Contract Documents.
13. The ENGINEER, as representative of the OWNER during the construction phase, shall advise and consult with the OWNER and all of the OWNER'S instructions to the Contractor shall be issued through the ENGINEER. The ENGINEER shall have the authority to act on behalf of the OWNER to the extent provided in this Agreement.
14. Unless otherwise requested by the OWNER in writing, the ENGINEER will not provide Resident Construction Inspection. The ENGINEER'S undertaking construction inspection hereunder shall not relieve the Contractor of Contractor's obligation to perform the work in conformity with the Drawings and Specifications and in a workmanlike manner; shall not make the ENGINEER an insurer of the Contractor's performance; and shall not impose upon the ENGINEER any obligation to see that the work is performed in a safe manner.
15. The ENGINEER will review the Contractor's applications for progress and final payment and, when approved, submit same to the OWNER for payment.
16. The ENGINEER will prepare and review necessary contract Change Orders on a timely basis for consideration of approval by the OWNER.
17. The ENGINEER and a representative of the OWNER will make an inspection of the project or project element to determine the status of completion. The ENGINEER may issue a Certificate of Substantial Completion consistent with the General Conditions of the Construction Contract Documents.
18. The ENGINEER will provide the OWNER with one set of record drawings on electronic media and three sets of prints at no additional cost to the OWNER. Such drawings will be based upon construction records provided by the Contractor during construction, as specifically required in the Construction Contract, and reviewed by the ENGINEER, and from the ENGINEER'S construction data.
19. If State statutes require notices and advertisements of final payment, the ENGINEER shall assist in their preparation.
20. The ENGINEER will be available for site visits to furnish engineering services and consultations necessary to correct unforeseen project operation difficulties for a period of

one year after the date of the Certificate of Substantial Completion of the facility. The ENGINEER will assist the OWNER in performing a review of the project during the 11th month after the date of initiation of the 12 month warranty period.

SECTION B - COMPENSATION FOR ENGINEERING SERVICES

1. The OWNER shall compensate the ENGINEER for services in accordance with the following schedule:

Biosolids Handling & Storage Design Phase Engineering:

- Sixty One Thousand Five Hundred and No/100 Dollars (\$61,500)

Odor Control Analysis and Summary report Design Services

- Eight Thousand and No/100 (\$8,000)

Biosolids Handling & Storage Construction Phase Engineering:

- Thirty Two Thousand and No/100 Dollars (\$32,000)

2. The compensation for the above Engineering Services shall be as follows:
 - a. Design Phase Services shall include items A-1 through A-5.
 - b. Design phase and Odor Control Analysis report billings shall be submitted monthly by the ENGINEER for Design Services during the previous month. Payments shall be made for these billings within 30 days. Billings shall be based on percent of completion for pre-design and Design services. The ENGINEER will provide a status report with the billing as requested.
 - c. Construction Phase Engineering Services and Construction Inspection shall include items A-6 through A-20 and shall be billed by the ENGINEER on an hourly basis. The total shall not exceed the budget figures under Article B.1 above without the express written authorization of the OWNER.
 - d. Where hourly rates are used, they shall be in accordance with the Standard Hourly Rate Schedule, attached herewith and referenced Exhibit B.
 - e. In the event of multiple construction contracts, the ENGINEER may negotiate revised figures under Article B.1.
3. The budget figures shown above shall not be exceeded except by express written authorization of the OWNER.

4. Billings for Engineering Services shall be submitted in a format consistent with the payment provisions and format of the Agreement.

SECTION C - RESIDENT CONSTRUCTION INSPECTION

If the OWNER requests the ENGINEER to provide Resident Construction Inspection, the ENGINEER will, prior to the Preconstruction Conference, submit a resume of the Resident Inspector's qualifications, anticipated duties and responsibilities for approval by the OWNER. The OWNER agrees to pay the ENGINEER for such services in accordance with the "Inspector" rate schedule set out in Exhibit B. The ENGINEER will render to OWNER for such services performed hereunder during such period, the same to be due and payable by the OWNER to the ENGINEER on or before the 10th day of the following period. A separate agreement shall be negotiated for Resident Construction Inspections Services setting out estimated hours required and maximum estimated fees and charges.

SECTION D - ADDITIONAL ENGINEERING SERVICES

In addition to the foregoing being performed, the following services may be provided UPON WRITTEN AUTHORIZATION OF THE OWNER.

1. Financial feasibility or other special studies.
2. Record boundary surveys or other similar surveys, excepting surveys required to locate the construction project, or as identified in the scope of work.
3. Laboratory tests, borings, specialized geological, soil, hydraulic, or other studies recommended by the ENGINEER.
4. Record property surveys, detailed descriptions of sites, maps, drawings, or estimates related thereto; assistance in negotiating for land and easement rights.
5. Necessary data and filing maps for storm water discharge permits, water rights, adjudication, and litigation.
6. Redesigns not initiated by the ENGINEER after final Plans and Specifications have been approved by the OWNER, except redesigns to reduce the project cost to within the funds available.
7. Appearances before courts or boards on matters of litigation or hearings related to the project and providing services as an expert witness in connection with any public hearing, arbitration proceeding, or the proceedings of a court of record.
8. Preparation of Environmental Assessments or Environmental Impact Statement (E.I.S.).
9. Performance of detailed staking necessary for construction of the project in excess of the control staking set forth in Section A-12.

10. Preparing documents for alternate bids requested by the OWNER.
11. Providing consultation concerning replacement of any work damaged by fire or other cause during construction, and furnishing professional services of the type set forth as previously mentioned in this Agreement as may be required in connection with the replacement of such work.
12. Providing professional services made necessary by the default of the Contractor in the Construction Contract.
13. Providing construction engineering and inspection services after the construction contract time has been exceeded.

Unless identified as included in the proposed scope of work herein, payment for the services specified in this Section D shall be as agreed in writing prior to commencement of the work. The ENGINEER will render to OWNER for such services an itemized bill, once each month, for compensation for services performed hereunder during such period, the same to be due and payable by OWNER to the ENGINEER within 30 days.

SECTION E - OWNER'S RESPONSIBILITIES

1. The OWNER shall provide full information regarding his requirements for the project.
2. The OWNER shall designate, when necessary, a representative authorized to act in his behalf with respect to the project. The OWNER or his representative shall examine documents submitted by the ENGINEER and shall render decisions pertaining thereto promptly, to avoid unreasonable delay in the progress of the ENGINEER'S work.
3. The OWNER shall furnish all pertinent existing mechanical, chemical or other laboratory tests, inspections and reports as required by law or the Contract Documents, and which may impact the design.
4. The OWNER shall furnish such legal, accounting and insurance counseling services as may be necessary for the project, and such auditing services as he may require to ascertain how or for what purposes the CONTRACTOR has used the moneys paid to him under the Construction Contract.
5. If the OWNER observes or otherwise becomes aware of any fault or defect in the project or non-conformance with the Contract Documents, he shall give prompt oral notice with written confirmation thereof to the ENGINEER.
6. The OWNER shall furnish information required of him as expeditiously as necessary for the orderly progress of the work.

SECTION F - SPECIAL PROVISIONS

The following is agreed to by both parties:

1. That the OWNER reserves the right to request replacement of any Resident Inspector(s) furnished by the ENGINEER or to furnish the Resident Inspector(s) from the OWNER'S own forces, subject to the approval of the ENGINEER regarding the qualifications of the Resident Inspector(s). If the OWNER furnishes the Resident Inspector(s), the OWNER agrees that the Resident Inspector(s) will be under the direction and supervision of the ENGINEER.
2. That the OWNER shall pay for advertisement for bids, building or other permits, licenses, technical review fees, etc., as may be required by local, State or Federal authorities, and shall secure the necessary land easements and rights-of-way.
3. The ENGINEER will endeavor to assure compliance of his work with applicable State and Federal requirements.
4. That insofar as the work under this Agreement may require, the OWNER shall furnish the ENGINEER all existing maps, field survey data, grades and lines of streets, pavements, and boundaries, rights-of-way, and other surveys presently available, which will be returned upon project completion. ENGINEER will provide the OWNER a copy of survey notes establishing bench marks and location of improvements.
5. That if the engineering work covered in this Agreement has not been completed on or after the expiration of a Twelve (12) month period from the date of execution of this Agreement, the OWNER or ENGINEER may, at the option of either, on written notice, request a renegotiation of Sections B, C, and D (providing for the compensation to be paid the ENGINEER for services rendered) to allow for changes in the cost of services. Such new schedule of compensation is to apply only to work performed by the ENGINEER after delivery date of such written notice.
6. That this Agreement is to be binding on the heirs, successors and assigns of the parties hereto and is not to be assigned by either party without first obtaining the written consent of the other. At least fifteen (15) days shall be allowed for such consent.
7. Attorney's fees: In the event a suit, arbitration or other legal action is required by either the OWNER or the ENGINEER to enforce any provision of this Agreement, the prevailing parties shall be entitled to all reasonable costs and reasonable attorney's fees upon litigation or upon appeal.
8. Termination
 - a. This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given (1) not less than ten

- (10) calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate, and (2) an opportunity for consultation with the terminating party prior to termination.
- b. The Agreement may be terminated in whole or in part in writing by the OWNER for its convenience, provided that the ENGINEER is given (1) not less than ten (10) calendar days' written notice, (delivered by certified mail, return receipt requested) of intent to terminate, and (2) opportunity for consultation with the terminating party prior to termination.
 - c. If termination for default is effected by the OWNER an equitable adjustment in the price provided for in the Agreement shall be made, but (1) no amount shall be allowed for anticipated profit on unperformed services or other work, and (2) any payment due to the ENGINEER at the time of termination may be adjusted to cover any additional costs to the OWNER because of the ENGINEER'S default. If termination for default is effected by the ENGINEER, or if termination for convenience is effected by the OWNER, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to the termination, in addition to termination settlement costs reasonably incurred by the ENGINEER relating to commitments which had become firm prior to the termination.
 - d. Upon receipt of a termination action under paragraphs a. or b. above, the ENGINEER shall (1) promptly discontinue all affected work (unless the notice directs otherwise), and (2) deliver or otherwise make available to the OWNER reproducible data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by the ENGINEER in performing this Agreement whether completed or in process.
 - e. Upon termination under paragraphs a. or b. above, the OWNER may take over the work and may award another party a contract to complete the work under this Agreement.
 - f. If, after termination for failure of the ENGINEER to fulfill contractual obligations, it is determined that the ENGINEER had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of the OWNER. In such event, adjustment of the Agreement price shall be made as provided in paragraph c. of this clause.
9. The ENGINEER agrees to hold harmless and indemnify the OWNER against all claims, damages, losses and costs, including costs of defense, arising out of the negligent performances of engineering services under this Agreement. OWNER may make claim under applicable law against ENGINEER or ENGINEER'S insurance carriers for any loss, damage or cost arising out of ENGINEER'S negligent performance of services under this Agreement.

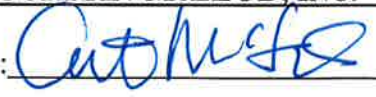
10. The ENGINEER agrees to acquire and maintain for the duration of this Agreement, Professional Liability Insurance in the nominal amount of \$1,000,000 per occurrence and \$2,000,000 aggregate.
11. The ENGINEER further agrees to obtain and maintain, at the ENGINEER'S expense, such insurance as will protect the ENGINEER from claims under the Worker's Compensation Act and such comprehensive general liability insurance as will protect the OWNER and the ENGINEER from all claims for bodily injury, death, or property damage which may arise from the performance by the ENGINEER or by the ENGINEER'S employees or agents.
12. The ENGINEER will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The ENGINEER will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin, such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; lay off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
13. ENGINEER covenants that he presently has no interest and shall not acquire interest, direct or indirect, which would conflict in any manner or degree with the performance of his services under this Agreement. Any interest on the part of the ENGINEER or his employees must be disclosed to the OWNER.
14. INDEPENDENT CONTRACTOR. It is agreed that ENGINEER is providing the services hereunder as an independent contractor and not as an employee of OWNER.

OWNER shall have no right to control the manner of the performance of the services, but may place restrictions on ENGINEER relating to use of OWNERS premises. As an independent contractor, ENGINEER shall not be eligible to receive benefits otherwise provided to employees of the OWNER.

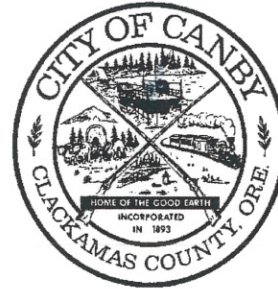
15. The records and documents with respect to all matters covered by the Agreement shall be subject at all times to inspection, review or audit by the OWNER, County, Federal or State officials so authorized by law during the performance of this contract. Required records shall be retained for a period of three (3) years after termination of this Agreement
16. No member or delegate to the Congress of the United States and no Resident Commissioner or City Official shall be admitted to any share or part of this Agreement or to any benefit that may arise hereunder.

17. This CONTRACT shall be construed according to the laws of the State of Oregon. Any litigation between the OWNER and the ENGINEER or out of work performed under this CONTRACT shall occur, if in the state courts, in the Clackamas County Court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the District of Oregon.
18. This Agreement, including Exhibits A and B, represents the entire integrated agreement between the OWNER and the ENGINEER and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the OWNER and ENGINEER.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in duplicate on the respective dates indicated below.

OWNER: <u>CITY OF CANBY</u>	ENGINEER: <u>CURRAN-McLEOD, INC.</u>
SIGNATURE: _____	SIGNATURE: <u></u>
NAME: _____	NAME: <u>CURT MCLEOD</u>
TITLE: _____	TITLE: <u>PRINCIPAL</u>
DATE: _____	DATE: <u>JULY 22, 2015</u>

MEMORANDUM



TO: *Honorable Mayor Hodson and City Council*
FROM: *Jerry Nelzen, Public Works Lead*
DATE: *August 12, 2015*
THROUGH: *Rick Robinson, City Administrator*

Issue: Purchase of an AL120-EZ Airless Slide-in Striper

Synopsis: The Public Works Department would like to purchase an AL120-EZ Airless Slide-in Striper with a three gun system with electric gun actuators to raise and lower guns. This striper will have two 55 gallon drums holding roadway paint and a 20 HP Honda engine with two cylinder single stage 13 cfm air compressor.

The City has a push parking lot striper currently in use and takes the crew two months to paint the City's streets with this new striper it will be located in a vehicle and take two weeks to paint the City's Streets. Over the years having a push striper we have had safety issues with the crew in the middle of the roadway even with our vehicles following. We have had ODOT and Clackamas County do our roadway striping at a cost of \$25,000 to \$30,000 yearly and a City employee to supervise the project. This new striper will alleviate any scheduling and yearly contract costs and pay for itself within two to three years. In order for the equipment to be purchased at the current price it must first be declared as an emergency purchase by the City Council, saving the City \$7,000.00.

Money has been budgeted in the street fund for capital equipment purchases. The purchase price for the AL120-EZ Airless Slide-in Striper is \$68,000.00.

Recommendation: Staff recommends Council approve Ordinance 1421.

Recommended

Motion: ***"I move to approve Ordinance 1421, AN ORDINANCE AUTHORIZING A CONTRACT BETWEEN THE CITY OF CANBY AND EZ-LINER FOR THE PURCHASE OF A AL120-EZ AIRLESS SLIDE-IN STRIPER to come up for second reading on September 16, 2015.***

Attached: Ordinance 1421 and Exhibit "A".

THIS HAS BEEN REVIEWED
BY THE FINANCE DIRECTOR

Haley J 8/13/15

ORDINANCE NO. 1421

AN ORDINANCE AUTHORIZING THE PURCHASE OF AN AL120-EZ AIRLESS SLIDE-IN STRIPER FROM EZ-LINER; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Canby desires to purchase a AL120-EZ Airless Slide-in Striper for use by its Public Works Department; and

WHEREAS, the AL120-EZ Airless Slide-in Striper is an essential tool for use of striping City of Canby streets with efficient and seamless lines and having a multiple access to different paint colors; and

WHEREAS, formal quotes were solicited in accordance with public purchasing requirements and EZ-Liner was the lowest cost responder.

THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:

Section 1. The City Administrator is hereby authorized on behalf of the City to enter into a contract with EZ-Liner to purchase an AL120-EZ Airless Slide-in Striper for the purchase price of \$68,000. A copy of the Formal Proposal from EZ-Liner is attached hereto and marked as Exhibit "A" and by this reference incorporated herein.

Section 2. Inasmuch as it is in the best interest of the citizens of Canby, Oregon, to begin purchase the AL120-EZ Airless Slide-in Striper as soon as possible, in order to obtain the special pricing, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its enactment.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, August 19, 2015; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, September 16, 2015, after the hour of 7:30 pm at the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, MMC
City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 16th day of September 2015, by the following vote:

YEAS _____ NAYS _____

Brian Hodson
Mayor

ATTEST:

Kimberly Scheafer, MMC
City Recorder



August 12, 2015

Jerry Nelzen
Public Works Lead
1470 NE Territorial Road
PO Box 930
Canby, Oregon 97013
Phone: 503-266-0759
Cell: 971-253-9173
Fax: 503-266-7238
Email: nelzenj@ci.canby.or.us

Hello Jerry:

Thank you for your interest in EZ-Liner's Model AL-120 airless palletized striper. This machine offers the capability of a truck-mounted striper in an affordable package. The Model AL120 fits into the bed of a standard ¾-ton super-duty pickup or flatbed truck and is simple to mount or dismount. Its large material capacity and high-volume paint pump make it the most productive palletized striper available while its simple design and streamlined controls make it easy to operate and maintain. That's why this striper was the choice of the United States Air Force and is used by contractors, municipalities, counties and state DOTs nationwide. As you can see, the machine can be configured to meet your specific needs. The base model is very capable of handling virtually any need you have for a striper but additional features can enhance your productivity and is the most configurable unit on the market.

The base unit includes: Stand tube, bumper tie down, fuel tank assembly, seat with arm rests and safety belt, manual outrigger with steering wheel, adjustable line guide, 17 gpm Vickers or Parker hydraulic pump, 15 gallon hydraulic tank with magnet at bottom, hydraulic filter, 12 volt electrical system, high pressure filter assembly white, high pressure filter assembly yellow, gun carriage assembly, carriage transport bracket, air compressor with 2 gallon reservoir, Norgren air dryer system, LaMan dryer, agitator hole cover, Honda engine, Model 238-377 Graco paint guns with reverse-a-clean spray tips (various tip sizes available), Model 238-338 Bead Gun (various nozzle sizes available), gun solenoid, manual controller, trailing reversible gun carriage for center or edgeline with pneumatic carriage lift with controls, clamp on line guide, carb compliant fuel tank, stainless steel/water or solvent based compatible, lift points for easy mount/dismount, Model AL120-EZ Training Video (DVD).

Please consider the following quotation:

- 1 Model AL120-EZ airless slide-in striper
- Three gun system (paint and bead capability) with electric gun actuators to raise and lower guns
- Drum draw with holders and tie downs for two drums
- Two drum lid mounted hydraulic agitators
- Standard power pack includes 20 HP Honda engine and two cylinder,

single stage 13 cfm air compressor
 Two 8.6 gpm @ 2000 psi, hydraulic piston paint pumps each with surge chambers
 500# ASME bead tank with regulator
 Two 6" 40 mesh filtration Ingersoll Rand elements
 Electronic Skipline controller
 Hose reel & hand gun (paint and bead)
 David Clark hard wired intercom system
 Hydraulic steering in lieu of manual steering
 Laserline manual laser guidance system (12v with cigarette lighter cord)
 Minimum recommended spare parts kit
 Air system oiler (for longer solenoid life)
 Storage stand with four caster wheels
 Forklift pockets for loading and unloading from side (in addition to std. lift hooks)
 LED safety light system
 Video guidance system (camera facing rearward towards carriage from manual
 sliding bracket and monitor in cab)

*Price for unit as equipped above	\$66,050.00
Shipping to Canby, OR	\$ 1,950.00
Total	\$68,000.00

We will hold the pricing for the September 16, 2015 council reading.

The AL120-EZ is available for shipment within 30 working days ARO. Terms are net 30 for government entities. A training DVD is provided standard with the unit. Any training beyond the video is additional. Please don't hesitate to contact me if you have any questions about this proposal.

Thank you,

Mike Vander Zwaag
 Specialized Equipment Sales
 Vogel Traffic Services
 DBA - EZ Liner Industries
 1920 Albany Pl. SE
 Orange City, IA 51041
Office: 800-373-4016 ext. 11950
Cell: 712-360-1204
Mike.vanderzwaag@ezliner.com

Management Team Meeting Minutes

August 3, 2015

2:00 PM

City Hall Conference Room

In attendance: Amanda Zeiber, Kim Scheafer, Bryan Brown, Eric Laitinen, Renate Mengelberg, Haley Fish, Julie Wehling, and Joseph Lindsay.

Amanda Zeiber

- Gave an update on recent job postings and employment background checks that are going on
- Canby Excavation will be starting work on the sewer relocation for the Library/Civic Building next week
- The Staff BBQ will be at 11:30 a.m. on August 13 at Molalla River State Park
- The new Library/Civic Building Groundbreaking Ceremony will be held on August 31 at 2 p.m.

Kim Scheafer

- Reviewed Agenda for the August 19 CC Meeting
- No items are scheduled for the September 2 CC Meeting
- Denied a business license for a medical marijuana dispensary. Their appeal will be heard in front of the Council on August 5

Joseph Lindsay

- Court has been slow
- Chief is out of the office this week

Julie Wehling

- The new Route 99 starts today
- New bus lot was striped
- Doing a fair shuttle this year Tuesday – Saturday of fair week
- Sent Exercise Notice to purchase to Pioneer Properties

Haley Fish

- Any invoices for the previous fiscal year need to be paid by August 15
- Adopted budget is posted on the web page
- Auditors will be doing preliminary field work on August 25-27 and the audit November 9-13

Eric Laitinen

- Pool will be closed the first two weeks in September for annual maintenance work. Reopens September 14.

Bryan Brown

- Working on Canby Commons staff report
- OBC Warehouse application was received Friday
- Working with applicant for a new warehouse on 1st Avenue
- Staff is working on language for a Comprehensive Plan Amendment regarding the North Redwood Development Concept Plan

Renate Mengelberg

- Ultimate Team Spirit is now in the old CAT office
- First Friday will be on August 7

- Working on a brewery property promotion
- Shimadzu overachieved their job creation for their SDC Incentive
- Doing business outreach visits with the County and Chamber
- Meeting with Hanlon Development Group this week

Minutes taken by Kim Scheafer