

ORDINANCE NO. 280

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF TROUTDALE TO CONSTRUCT, OPERATE AND MAINTAIN A WASTE WATER SYSTEM; REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSALS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC WASTE WATER SYSTEM; REQUIRING APPLICATION, PERMITS AND FEES; PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND REPEALING ORDINANCES NOS. 27, 28, 90, 139, 141, 146, 147, 157, 163, and 231.

WHEREAS, in order to protect the waters within and adjacent to the City of Troutdale from pollution and to promote the health, safety, and welfare of the residents, a sewerage system has been developed to be operated by the City for collection, treatment, and disposal of wastewater tributary on such a system; and,

WHEREAS, storm sewer lines and collection systems require equal regulation and protection from abuse and pollution; and

WHEREAS, in order to carry out its authorized function of wastewater collection and disposal, it is necessary and in the public interest that the City establish a schedule of rates for waste water service in amounts sufficient to pay the expenses of operating and maintaining such facilities, to provide debt service, and to provide a margin for reserve; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE:

SECTION 1. SHORT TITLE

This ordinance shall be known as the WASTE WATER REGULATIONS ORDINANCE.

SECTION 2. AUTHORITY AND INTENT

- A. Pursuant to the statutes of the State of Oregon and the powers granted in the charter of the City of Troutdale, the City does hereby declare and reaffirm its intention to:
1. acquire, own, construct, equip, operate, and maintain sanitary sewers, sewage pump stations, sewage treatment plants, and outfall sewers; to extend and expand the existing sewerage system of said City; and to reconstruct such existing sanitary sewers, sewage pump stations, and sewage treatment plants as may be deemed proper by the City Council; and,
 2. acquire, own, construct, equip and maintain such storm sewers and storm water collection, treatment and disposal systems as may be deemed proper by the City Council.

SECTION 3. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- A. "ASTM Specifications." All references to the form ASTM shall mean the Standard Specifications or Methods of the American Society for Testing and Materials of the serial designation indicated by the number and, unless otherwise stated, refer to the latest adopted revision of said specification or method.
- B. "Biochemical Oxygen Demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C. expressed in terms of weight and concentration (milligrams per liter).
- C. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.
- D. "Building Sewer" shall mean the extension from the building drain to the property line or right-of-way line and connection with the public sewer service connection.
- E. "Commercial User" shall mean any premises used for commercial or business purposes which is not an industry as defined in this Ordinance.
- F. "Director" means the Director of Public Works of this City or his duly appointed deputy, agent or representative.
- G. "Equivalent Residential Unit" (ERU) shall mean a unit of wastewater which incurs the same costs for operation and maintenance as the average volume of domestic wastes discharged from a single-family residence in the waste water treatment service area. In the City of Troutdale, one ERU shall be equivalent to 250 gallons per day of waste water with domestic strength. The volume attributed to an ERU where a user discharges wastes of strength significantly different from average domestic waste strength shall be adjusted appropriately to account for the difference in the costs of treating such wastes according to the rate schedule as established in the Waste Water Rates Ordinance.
- H. "Domestic Waste" shall mean any wastewater emanating from dwellings or from domestic activities which are performed outside the home in lieu of a home activity directly by or for private citizens.
- I. "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

- J. "Industrial Waste Water" means the liquid wastes resulting from the processes employed in industrial, manufacturing, trade or business establishments, as distinct from domestic wastes.
- K. "Industrial User" shall mean any non-governmental user of the public waste water system identified in the Standards Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:

Division A -- Agriculture, Forestry, and Fishing
Division B -- Mining
Division D -- Manufacturing
Division E -- Transportation, Communications, Electric,
Gas, and Sanitary Services
Division I -- Services

A user in the above Divisions may be excluded from industrial category if it is determined that it will introduce primarily segregated domestic wastes and wastes from sanitary conveniences.

- L. "Operation and Maintenance" shall mean all activities, goods, and services which are necessary to maintain the proper capacity and performance of the waste water system for which such works were designed and constructed. The term "operation and maintenance" may include replacement as defined hereinafter.
- M. "Natural Outlet" shall mean any outlet into a water course, pond, ditch, lake, or other body of surface or groundwater.
- N. "Person" means any individual, firm, company, partnership, corporation, association, group or society, and includes the State of Oregon, and agencies, districts, commissions and political subdivisions created by or pursuant to State Law.
- O. "ph" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- P. "Pretreatment" means application of physical, chemical and biological processes to reduce the amount of pollutants in or alter the nature of the pollutant properties in a waste water prior to discharging such waste water into the publicly owned waste water treatment system.
- Q. "Pretreatment Standards" means all applicable Federal rules and regulations implementing Section 307 of the Clean Water Act, as well as any non-conflicting State or local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

- R. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow and conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
- S. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
- T. "Replacement" shall mean acquisition and installation of equipment, accessories, or appurtenances which are necessary during the service life of the waste water system to maintain the capacity and performance for which the system was designed and constructed.
- U. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.
- V. "Service Connection" shall mean a public sewer which has been constructed to the property line or right-of-way line from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.
- W. "Sewage" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water and storm water that may be present, whether treated or untreated, which is discharged into or permitted to enter the City's treatment works.
- X. "Sewer" shall mean a pipe or conduit for carrying sewage.
- Y. "Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- Z. "Shall" is mandatory, "May" is permissible.
- AA. "Storm Water" means any flow occurring during or immediately following any form of natural precipitation and resulting therefrom.
- BB. "Suspended Solids" means the total suspended matter that floats on the surface of, or is suspended in, water, waste water or other liquids and which is removable by laboratory filtering.
- CC. "User" means any person who discharges, causes or permits the discharge of waste water into the City's Waste Water System.
- DD. "Waste Water" is a generic term for all waters which are collected, treated or discharged by the City. Such waters may emanate from, but are not limited to, industrial and

commercial users, residential users or from storm water.

- EE. "Waste Water System Development Charge" shall mean the fee levied by the City of Troutdale to cover the cost of inspection and construction of the public sewer lateral to the property which is to be serviced, and for a portion of the construction cost of the Waste Water Treatment System and other administrative costs.
- FF. "Waste Water Treatment System" (System) means any devices, facilities, structures, equipment or works owned or used by the City for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastes, and storm waters, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, storm sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances; extensions, improvements remodeling, additions, and alternations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the waste water treatment process or is used for ultimate disposal of residues resulting from such treatment.
- GG. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 4. USE OF PUBLIC SEWERS REQUIRED

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City of Troutdale or in any area under the jurisdiction of said City any human or animal excrement, garbage, or other waste which may be injurious to the health, safety and well being of the residents of the City or which constitute a nuisance.
- B. It shall be unlawful to discharge to any natural outlet within the City of Troutdale, or in any area under the jurisdiction of said City, any polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- C. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the corporate limits of the City of Troutdale or in any area under the jurisdiction of said City without a special permit shall specify the time and conditions under which such a facility can be built and maintained.
- D. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes,

erected within the City of Troutdale and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City of Troutdale, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with the provisions of this Ordinance within ninety (90) days after the date of official notice to do so, provided that said public sewer is available or on the property and/or a property line of said property and the structures or buildings are within 300 feet of the public sewer. In the event that, during the said period of 90 days, the said owner shall file his written objections with the City Recorder against so being required to install said facilities the City shall not enforce the provisions of this subsection upon said owner, so filing his objections, until the Council shall have, at a meeting thereof, heard the said objections of said owner, and rendered its decision thereon. The said meeting of the Council shall be held not less than 10 days or more than 45 days from and after the date of the filing of said objections with the City Recorder. Not less than 10 days prior to the date set by the Council for said meeting, the City shall give due notice of the date set therefor to said owner. The decision of the Council shall be final and no appeal shall be taken therefrom by said owner except as is provided by law.

SECTION 5. PROHIBITIONS AND LIMITATIONS

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- B. No person shall discharge or cause to be discharged any stormwater, unpolluted industrial cooling water or unpolluted process waters to any sewer except those sewers which are specifically designated as storm sewers or to such other facilities or natural outlets as may be approved by the Director. No person shall discharge any polluted water to a storm sewer or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters or wastes to any waste water collection or treatment facility.
 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a

public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

3. Any waters or wastes having a ph lower than (5.5) or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the waste water treatment facility.
 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.
- D. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:
1. Any liquid or vapor having a temperature higher than one hundred fifty (150)[°]F (65[°]C).
 2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) [°]F.
 3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director.
 4. Any waters or wastes containing strong acid iron picking wastes, or concentrated plating solutions whether neutralized or not.
 5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirements, to

such degree that any such materials received in the composite sewage at the sewage treatment works exceeds the limits established by the Director for such materials.

6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a ph in excess of (9.5).
9. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Waste waters at a flow rate or containing such concentrations or quantities of pollutants that exceeds, for any time period longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency.
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the Waste Water Treatment processes employed, or are amenable to treatment only to such degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Nothing in this section shall be construed as preventing any special agreement or arrangement between the City and any user of the Waste Water Treatment System whereby waste water of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable.

- E. No person, or persons, shall unlawfully, maliciously, willfully, or as the result of gross negligence on his or their part, break, damage, disturb, uncover, deface or tamper with any structure, facility, appurtenance or equipment which is a part of the sanitary sewer system of the City of Troutdale. This section does not apply, however, to any employee of the City during the time he is engaged in his official employment, nor to any person or persons authorized by the Director to work in any manner thereon.

SECTION 6. CONTROL OF PROHIBITED WASTES

- A. If waste waters containing any substances described in Section 5 of this Ordinance are discharged or proposed to be discharged into the Waste Water System of the City or to any Waste Water System tributary thereto, the Director or City Attorney may take any action necessary to:
1. Prohibit the discharge of such waste water.
 2. Require a discharger to demonstrate that his pre-treatment facilities will reduce or eliminate the discharge of such substances in conformity with this Ordinance.
 3. Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate this Ordinance.
 4. Require the person making, causing or allowing the discharge to pay any additional cost or expense incurred by the City for handling and treating excess loads imposed on the treatment system.
 5. Take such other remedial action as may be deemed to be desirable or necessary to achieve the purpose of this Ordinance.
- B. Where pretreatment or equalization of waste water flows prior to discharge into any part of the Waste Water Treatment System is required, plans, specifications, and other pertinent data or information relating to such pretreatment or flow-control facilities shall first be submitted to the Director for review and approval. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the Director.

- C. If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of this Ordinance and all other applicable codes, ordinances, and laws.
- D. Whenever it shall be necessary for the purposes of this Ordinance, the Director and other duly authorized employees or representatives of the City, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of (1) copying any records required to be kept under the provisions of this Ordinance; 2) inspecting any monitoring equipment or method; 3) sampling any discharge of waste water to the treatment works; and 4) determining waste water flows and strengths for the establishment of the user's Equivalent Residential Unit. The Director may enter upon the property at any hour under emergency circumstances.
- E. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review, and shall be approved by him before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify his facility as necessary to meet the requirements of this Ordinance.
- F. If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitations in this Ordinance, the user responsible for such discharge shall immediately notify the Director so that corrective action may be taken to protect the treatment system. In addition, a written report addressed to the Director detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible user within five (5) days of the occurrence of the non-complying discharge.
- G. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 7. INDUSTRIAL WASTE WATER MONITORING AND REPORTING

A. Discharge Reports

1. Every industrial user shall file a periodic Discharge Report at such intervals as are designated by the Director. The Director may require any other industrial users discharging or proposing to discharge into the treatment system to file such periodic reports.
2. The Discharge Report shall include, but, at the discretion of the Director, shall not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, concentration of controlled pollutants or other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to Discharge Reports, the Director may require information in the form of (Industrial Discharge Permit Applications and) self-monitoring reports.

B. Monitoring

1. Industrial users shall install, at the user's cost and expense, suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
2. The monitoring equipment shall be located and maintained on the industrial user's premises outside of the building. When such a location would be impractical or cause undue hardship on the user, the Director may allow such facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk area, and located so that it will not be obstructed by public utilities, landscaping or parked vehicles.
3. When more than one user can discharge into a common sewer, the Director may require installation of separate monitoring equipment for each user. When there is a difference in waste water constituents and characteristics produced by different operations of a single user, the Director may require that separate monitoring facilities be installed for each separate discharge.
4. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Director's requirements and all applicable construction standards and specifications.

C. Inspection, Sampling and Analysis

1. Compliance Determination. Compliance determination with respect to SECTION 5, Prohibitions and Limitations, may be made on the basis of either instantaneous grab samples or composite samples of waste water. Composite samples may be taken over a 24-hour period, or over a longer or shorter time span, as determined necessary by the Director to meet the needs of specific circumstances.
2. Analysis of Industrial Waste Waters. Laboratory analysis of industrial waste water samples shall be performed in accordance with the current edition of "Standard Methods", "Methods for Chemical Analysis of Water and Waste" published by the U. S. Environmental Protection Agency or the "Annual Book of Standards, Part 23, Water, Atmospheric Analysis" published by the American Society for Testing and Materials. Analysis of those pollutants not covered by these publications shall be performed in accordance with procedures established by the State Department of Environmental Quality.
3. Sampling Frequency. Sampling of industrial waste water for the purpose of compliance determination with respect to SECTION 5, Prohibitions and Limitations, will be done at such intervals as the Director may designate. However, it is the intention of the Director to conduct compliance sampling or to cause such sampling to be conducted for all contributing industries at least once in every 1 year period.

SECTION 8. INDUSTRIAL DISCHARGE PERMIT SYSTEM

- A. All industrial users proposing to connect to or discharge into any part of the waste water treatment system must first obtain a discharge permit therefor. All existing industrial users connected to or discharging to any part of the City system must obtain a waste water discharge permit within ninety (90) days from and after the effective date of this Ordinance.
- B. Users seeking a waste water discharge permit shall complete and file with the Director an application on the form prescribed by the Director. In support of this application, the user shall submit the following information:
 1. Name and address of applicant.
 2. Volume of waste water to be discharged.
 3. Waste water constituents and characteristics including, but not limited to, those set forth in SECTION 3 of this Ordinance as determined by a reliable analytical laboratory.

4. Time and duration of discharge,
5. Average and (30) minute peak waste water flow rates, including daily, monthly and seasonal variations, if any.
6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
7. Description of activities, facilities and plant processes on the premises including all materials and types of materials which are, or could be, discharged.
8. Each product produced by type, amount, and rate of production.
9. Number and type of employees, and hours of work.
10. Any other information as may be deemed by the Director to be necessary to evaluate the permit application.

The Director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Director may issue a waste water discharge permit subject to terms and conditions provided herein.

C. Waste water discharge permits shall be expressly subject to provisions of this Ordinance and all other regulations, user charges and fees established by the City. The conditions of waste water discharge permits shall be uniformly enforced in accordance with this Ordinance, and applicable State and Federal regulations. Permit conditions will include the following:

1. The unit charge or schedule of user charges and fees for the waste water to be discharged to the system.
2. The average and maximum waste water constituents and characteristics.
3. Limits on rate and time of discharge or requirements for flow regulations and equalization.
4. Requirements for installation of inspection and sampling facilities, and specifications for monitoring programs.
5. Requirements for maintaining and submitting technical reports and plant records relating to waste water discharges.
6. Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's waste water discharge.

7. Compliance schedules,
 8. Other conditions to ensure compliance with this Ordinance or amendments thereto,
 9. The Director shall inform the user of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permits shall include a reasonable time schedule for compliance.
- D. Waste water discharge permits shall be issued for an indefinite time period by the Director.
 - E. Waste water discharge permits are issued to a specific user for a specific operation. A waste water discharge permit shall not be re-assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
 - F. Any user who violates the conditions of his permit or of this Ordinance, or of applicable State and Federal regulations, is subject to having his permit revoked by the Director. Violations subjecting a user to possible revocation of his permit include, but are not limited to, the following:
 1. Failure of a user to accurately report the waste water constituents and characteristics of his discharge.
 2. Failure of the user to report significant changes in operations, or waste water constituents and characteristics;
 3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
 4. Violation of conditions of the permit.

SECTION 9. PRIVATE SEWAGE DISPOSAL

- A. Where a public sanitary or combined sewer is not available under the provisions of SECTION 4,D, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Department of Environmental Quality, the Oregon State Board of Health, and the Building and Plumbing Code of the State of Oregon.
- B. At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in SECTION 4, a direct connection shall be made to the public sewer in compliance with this Ordinance and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. Where existing buildings are too low to be served by gravity by an available sewer, sewage pump-

ing facilities, as approved by the Director, shall be installed to pump into the available sanitary sewer system.

- C. The provisions of this article shall be in addition to and not in derogation of the requirements of general law.

SECTION 10. BUILDING SANITARY SEWERS AND CONNECTIONS

- A. No unauthorized person shall uncover, make any connections with or opening into, alter, or disturb any public sewer or appurtenances thereto and no person shall make any connection to any part of the sewer system without first making an application and securing a permit therefor.
- B. There shall be two classes of building sewer permits: 1) for residential and commercial service; and 2) for service to establishments producing industrial wastes. In either case, the user shall make application on a special form furnished by the City of Troutdale. The permit applications shall be supplemented by any plan, specifications, or other information considered pertinent to the Director's judgment. A permit and inspection fee of \$20.00 shall be paid to the City Recorder at the time the building permits are issued. No permit shall be issued until the Waste Water System Development Charge specified in SECTION 13 has been paid in accordance with SECTION 15.
- C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the user. The user shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation.
- D. Old building sewers may be used in connection with new buildings or new building sewers only when they are found, on examination and tested by the Director, to meet all requirements of this Ordinance.
- E. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- F. The installation of the building sewer shall conform to all City, County, and State building codes referred to herein and with the manufacturer's recommended practices, as approved by the Director.
- G. Building sewer connections shall be made in accordance with the applicable City, County and State building codes. Connection of the building sewer to the City sewer at the property line shall be with an approved adaptor.
- H. The first fitting at the connection with the public sewer and the building sewer shall be a tee fitting, furnished

by the user. This tee shall be used for inserting a test plug for water testing the building sewer and tee branch shall extend vertically to within one foot of finished ground surface and shall be sealed with an approved cap or plug. This riser shall be used as an auxiliary clean-out. Backfilling around the riser shall be done in such a manner so as not to damage the pipe.

- I. The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than 4 inches. The slope of such 4-inch pipe shall not be less than one-quarter (1/4) inch per foot, unless approved by the Director. In no case shall the slope of 4-inch pipe be less than one-eighth (1/8) inch per foot.
- J. All joints and connections shall be made gas-tight and water-tight.
- K. Building sewers serving buildings with basements shall, whenever possible, be brought to the building at an elevation below the basement floor.
- L. The building sewer shall be laid at uniform grade and in straight alignment insofar as is possible. Changes in directions shall be made only with curved pipe no greater than "45-degree long radius bends". No 45-degree or 90-degree short radius elbows shall be used. All pipe shall be laid on a firm bed in conformance with the applicable City, County and State building and plumbing codes.
- M. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- N. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Director.
- O. No sewer facility shall be constructed or connected to the City sewer system unless they are constructed in accordance with plans and specifications first approved by the Director and upon such reasonable conditions as the Director may require.

SECTION 11. WASTE WATER USERS FEES AND CHARGES LEVIED AND IMPOSED

- A. Waste water users fees are established for the purpose of providing for the ordinary operation, maintenance and capital replacement costs for the waste water collection, treatment and disposal systems and to ensure the availability of such systems whether or not they are actually used.

- B. There shall be levied and imposed upon the owner of any dwelling used for human occupancy, employment, recreation, or other purposes, situated on property within the City of Troutdale and abutting on any street, alley, or right-of-way in which there is now located or in the future will be located a public sanitary sewer of the City of Troutdale just and equitable fees and charges for waste water service.
- C. Waste water 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 system after said system is available.
- D. The Common Council shall, by separate Ordinance establish such waste water user fees as the Council deems just and equitable.
- E. Dwellings that cannot be served by gravity flow to the sanitary sewer shall be subject to the waste water service charges provided by this Ordinance unless lesser charges for such dwellings are enacted by resolution of the City Council.
- F. Any dwelling that is on property abutting on 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 be subject to the waste water service charges provided by this Ordinance unless lesser charges for such dwelling are enacted by resolution of the City Council.
- G. The user fee shall be calculated by multiplying the monthly total number of Equivalent Residential Units for each user by a constant waste water user fee.

SECTION 12. ESTABLISHMENT AND REVIEW OF EQUIVALENT RESIDENTIAL UNITS (ERU)

- A. The Director shall assign each user an equivalent residential unit as defined by this Ordinance for purposes of establishing the waste water user rates and waste water system development and improvement charges.
- B. The following Equivalent Residential Units are hereby established for the following user classes:

USER CLASS	EQUIVALENT RESIDENTIAL UNIT	UNIT
Single-family residence	1.0	per unit
Multi-family residence, trailer parks	1.0	for first unit
	plus .78	per additional units

USER CLASS	EQUIVALENT RESIDENTIAL UNIT	UNIT
Airport	.2	per 3 employees
Bars, Cocktail Lounges, Taverns (no kitchen)	.09	per seat
Barber & Beauty Shops	.3	per station
Bowling Alley	.5	per lane
Cafes, Cafeterias, (w/kitchens)	.4	per seat
Car Washes	2.0	per station
Churches, Lodges, Clubs	1.0	per unit
plus	.6	per kitchen
plus	.09	per cocktail lounge seat
Hospitals	1.0	per bed
Hotels, Motels	.2	per 3 employees
plus	.2	per unit w/o bath
plus	.4	per unit w/bath
plus	.2	per kitchen facility in above units
Institutions w/permanent or temporary residents rest homes, etc.	.4	per resident
plus	.2	per 3 employees
Laundries		
Coin-op	.12	per lb washing capacity
Commercial	.18	per lb washing capacity
Mortuaries	2.0	per establishment
Museums, Visitor Center	.4	per 3 employees
Offices, Factories (San- itary wastes only), Small Businesses, Stores	.2	per 3 employees
plus	.5	per shower
plus charges for any cafeterias, etc. included under the name of this user.		
Swimming Pools	1.0	per 250 gal. discharged
plus	.5	per shower
Schools, Elementary	.06	per capita (including faculty & staff)
Junior High	.08	per capita (including faculty & staff)
High	.10	per capita (including faculty & staff)
Supermarkets, Grocery Stores	.5	per 3 employees
plus	1.0	per butcher shop
Theaters	.02	per seat (performances)
Open Class	1.0	per 250 gallons/day

- C. Should any user believe that he has been incorrectly assigned to a particular user class or incorrectly assigned a number of ERU's or should any user believe that a portion of his metered flow is not discharged into the sewerage system, that user may apply for review of his user charge.

- D. Should the Director determine that a user is incorrectly assigned to a user class or incorrectly assigned a number of ERU's, he shall re-assign a more appropriate user class or number of ERU's to that user and shall notify that user of such re-assignment.
- E. Records of all assigned rates and any assigned waste water volumes and strengths to user and user classes as well as the waste water characteristics forming the basis of the ERU shall be kept on file with the City Recorder and shall be open for public inspection.
- F. Any user which cannot be classified by virtue of the volume and/or strength of his waste water in any of the above user classes shall be considered a special user. If the strength of such wastes is not significantly different from that of normal household wastes, such user shall be placed in the Open Class and shall be assigned the appropriate waste water volume. If the waste water strength is significantly different from that of normal household waste, a special charge based on both volume and strength shall be assigned to that user by the Director.

SECTION 13. WASTE WATER SYSTEM DEVELOPMENT CHARGES

- A. The purpose of the waste water system development and improvement charge is to provide for the growth and improvement of the waste water systems as necessitated by system growth.
- B. All houses, buildings or properties used for human occupancy, employment, recreation, or other purposes which are required to connect to the public sewer under the provisions of this Ordinance shall pay a system development charge which shall be equal to the amount set forth in the Waste Water Rates Ordinance multiplied by the equivalent residential units as set forth in this Ordinance and as determined by the Director.

SECTION 14. REVIEW AND REVISION OF RATES

The waste water user fees and charges and waste water system development charges as established in the Waste Water Rates Ordinance shall be reviewed and revised periodically by the Common Council to reflect actual costs of operation, maintenance, replacement, and financing of the waste water system and to maintain the equitability of the user charges with respect to proportional distribution of the costs of operation and maintenance in proportion to each user's, or potential user's, contribution to the total waste water loading of the waste water system.

SECTION 15. PAYMENT

- A. Every person subject to a charge hereunder shall pay the same when due to the City Recorder.
- B. All waste water system development and improvement charges shall be paid in full at the time building permits are issued.
- C. Building sewer permits and inspection fees shall be paid in full at the time the building permits are issued.
- D. The waste water user charge for all occupied property shall begin 60 days after the sewer service becomes available or the day that connection is made to the public sewer, whichever occurs first. The user charge for all unoccupied property shall begin as of the day the property is ready for occupancy, as verified by the Certificate of Occupancy, or on the first day of occupancy, as verified by the water meter installation, whichever occurs first. All unoccupied property which is ready for occupancy at the time of the sewer service becomes available shall be treated as occupied property. Once the sewer user charge has commenced, no credit shall be given for vacancy. If the dates upon which the user charge is commenced or altered does not fall on the first day of a billing period, the rates shall be appropriately pro-rated.

SECTION 16. COLLECTION

- A. The City Recorder of the City of Troutdale is hereby directed to collect the waste water user charges provided for in the Waste Water Rates Ordinance.
- B. Waste water user charges as and when collected shall be paid into a fund designated as the Enterprise Fund.
- C. Waste water user charges as hereinbefore provided shall be collected every two months and, if not paid on or before ten days after the date of billing, said charges shall be deemed to be delinquent.
- D. Delinquent waste water user accounts shall bear interest from the day of delinquency at a rate of 8% per annum. The City Recorder may excuse interest payments on accounts delinquent for 30 days or less.
- E. The City may use such means of collection as may be provided by the laws of the State of Oregon or permitted by the Charter and Ordinances of the City of Troutdale.
- F. Any delinquencies may be certified to the tax assessor of Multnomah County and be by him assessed against the premises serviced and shall thereupon be collected and paid over in the same manner as other taxes are certified, collected and paid over.

- G. In the event it becomes necessary to certify the user charges and interest charges established because of the non-payment thereof, there shall be added to such charges a penalty in the amount of 10% thereof.

SECTION 17. ENFORCEMENTS PROCEDURES

- A. Whenever the Director finds that any person has violated or is violating this Ordinance, or any prohibition, limitation or requirement contained herein, he may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for the satisfactory correction thereof.
- B. In the event a person fails to comply with this Ordinance within a reasonable time as stated in the Notice given pursuant to paragraph A of this SECTION, the Director may set a time for a hearing for said person to show cause why he should not be required to comply with this Ordinance. In the event of such a hearing, the following procedure shall be followed:
1. Notice shall be served on the person in violation of the Ordinance.
 2. The Notice shall specify the time, date and place of the hearing.
 3. The Notice shall direct the person in violation of the Ordinance to show cause why he should not be required to comply with the Ordinance.
 4. The Notice shall also inform the person in violation of the Ordinance of any other action which may be taken by the Common Council or other hearing officer.
 5. The Notice shall be served upon the person personally or by certified mail not less than ten (10) days prior to the hearing. In the event such service is not possible after diligent efforts, service may be effected by publication in a newspaper of general circulation in the City of Troutdale by publishing said Notice not less than twice on different dates within thirty (30) days of the date of hearing, but not less than ten (10) days before the date of hearing.
 6. The hearing shall be conducted by the Common Council or a hearing officer designated by the Common Council.
 7. The Common Council or the Director may request the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings.

8. Evidence shall be given and received at the public hearing under oath and shall be recorded either electronically or stenographically.
9. The Common Council or hearings officer shall make findings of fact upon the conclusion of the hearing. Pursuant thereto, the Common Council or hearings officer may issue an order to the person requiring compliance and may make such other orders and directives as are necessary and appropriate requiring the Director to take such action as may be reasonable to enforce this Ordinance.

C. Remedies

1. In the event the person fails to comply with SECTION 4 of this Ordinance, after hearing as set forth above, the Common Council or hearings officer may, upon finding that a health hazard exists or is likely to occur, direct the Director to connect the facilities to the public sewer. An accurate record of the cost of such work shall be kept and shall include a surcharge of 25% of the cost for administrative overhead. Upon completion of said work, a billing for the amount of the cost shall be forwarded by certified mail to the person failing to comply with this Ordinance. Payment thereon shall be due within thirty (30) days of the date of the billing.
 2. The Director shall certify the amount of cost to the recorder and the cost shall constitute a lien against the property to which the connection has been made until payment in full has been made.
 3. The recorder shall record the lien on the City's main docket.
 4. The lien provided for herein may be foreclosed in the manner prescribed by State law for the enforcement of liens and collection of assessments.
 5. Subject to the procedure stated above for hearings, any person who is the owner of property subject to a lien provided by this SECTION may request a hearing before the Common Council or hearings officer to determine the reasonableness of the amount of the lien and such hearing shall be granted within forty-five (45) days of request by the affected party. However, if the affected party does not request such hearing on or before forty-five (45) days after the billing is made, he shall be deemed to have waived hearing.
- D. Any person disputing the interpretation of this Ordinance by any member of the City Administration or any person who disputes the amount of charges or fees to be levied or assessed under this Ordinance may appeal to the Common

Council of hearings officer. In such event, the Director shall set a date, time and place of hearing as set forth above. The aggrieved party shall make such appeal to the Director or the Common Council in writing and shall set forth therein all issues relevant to the Ordinance which he wishes to be heard.

- E. Any violation of this Ordinance or an order of the Common Council may be enforced through appropriate legal action. Upon authorization by the Common Council, the City may seek legal or equitable relief to enforce the provisions hereof. In the event a health hazard exists or other emergency, judicial relief may be sought prior to the hearing as set forth above.

SECTION 18. PENALTY: COSTS

- A. Any person who is found to have violated an order of the Common Council or who willfully or negligently failed to comply with any provision of this Ordinance, and the orders, rules and regulations issued hereunder, shall be fined not more than one thousand dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules and regulations issued hereunder.
- B. Any person or persons who, as the result of violating any of the provisions of this Ordinance, cause any expenses, loss or damage to the City of Troutdale shall immediately become liable to the City for the full sum of such expense, loss, or damage. The Council may, at its discretion, instruct the City Attorney to proceed against any such person or persons, in any court of competent jurisdiction, in a civil action to be brought in the name of the City of Troutdale, for the recovery of the full sum of any such expense, loss, or damage sustained by the City.

SECTION 19. SEVERABILITY CLAUSE

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

SECTION 20. EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its passage by the Common Council of the City of Troutdale and its signing by the Mayor.

SECTION 21. REPEALING CERTAIN ORDINANCES

The following Ordinances are hereby repealed:

- Ordinance No. 27 passed April 14, 1953
- Ordinance No. 28 passed April 14, 1953
- Ordinance No. 90 passed July 13, 1967
- Ordinance No. 139 passed September 9, 1969
- Ordinance No. 141 passed November 11, 1969
- Ordinance No. 146 passed December 16, 1969
- Ordinance No. 147 passed March 24, 1970
- Ordinance No. 157 passed September 8, 1960
- Ordinance No. 163 passed March 9, 1971
- Ordinance No. 231 passed October 12, 1976

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS
13th DAY OF February, 1979.

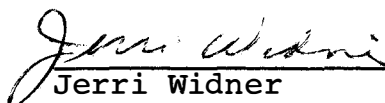
YEAS: 6

NAYS: 0



R. M. Sturges, Mayor

ATTEST:



Jerri Widner
Finance Director/
City Recorder