

ORDINANCE NO. 527-0

AN ORDINANCE ESTABLISHING AND IMPOSING WASTEWATER AVAILABILITY CHARGES, USER FEES AND WASTEWATER SYSTEM DEVELOPMENT/IMPROVEMENT CHARGES AND REPEALING ORDINANCE NO. 512-0.

WHEREAS, the City of Troutdale has constructed and maintains a Wastewater Collection and Treatment System (Wastewater System); and

WHEREAS, it is the City's intent to establish equitable and proportionate user fees and charges that places the cost of collection, treatment and capital expansion directly on the user and maintains financial self-sufficiency; and

WHEREAS, the City must pay for the operation and maintenance expenses, as well as the capital expansion costs, associated with said Wastewater System and charge the users of said System accordingly:

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

Section 1. Short Title

This Ordinance shall be known as the Wastewater Rates Ordinance.

Section 2. Authority and Intent

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:

- A) Acquire, own, construct, equip, operate, and maintain sanitary sewers, sewage pump stations, sewage treatment plant(s), and outfall sewer(s); to extend and to expand the existing sewer 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, the State Department of Environmental Quality and the Federal Environmental Protection Agency; to collect any and all fees determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City of Troutdale; to collect user fees from all who contribute to the wastewater collection and treatment system; and to collect system development and other charges appropriate to the capital expansion of said wastewater collection and treatment system.

- B) Acquire, own, construct, equip and maintain such storm sewers and storm water collection systems, treatment and disposal systems as may be deemed proper by the City Council, the Department of Environmental Quality and other such jurisdictions that may have statutory authority over the City of Troutdale.

### Section 3. Definitions

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

a) "Availability Charge" is a charge that is levied to all properties within the service boundaries of the Troutdale Wastewater System, whether platted or not, that has service available within two hundred feet.

b) "BOD" (biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20<sup>o</sup> c, expressed in milligrams per liter (mg/l).

c) "Collection System" shall mean all sewerlines intercepting sewers, outfall sewers, sewage collecting systems, pump stations and all other appurtenances associated with the collection system up to but not including the "building sewer".

d) "Commercial User" shall mean all retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

e) "ERU" (denoting equivalent residential unit) shall mean the unit of wastewater which incurs the same cost for operation and maintenance as the average volume of domestic wastes discharged from a single family residence in the wastewater treatment service area. In the City of Troutdale one ERU shall be equivalent to 102,000 gallons/year of wastewater flow, 170 lbs. of BOD/year and 230 lbs. of SS/year.

f) "Industrial User" shall include any non-governmental, non-residential user of public owned wastewater collection and treatment facilities which is described in the Standard Industrial Classification Manual, 1972 (or most current version), Office of Management & Budget, as amended and supplemented under the following divisions:

- A. Agriculture, Forestry, and Fishing;
- B. Mining;
- C. Manufacturing;
- D. Transportation, Communications, Electric, Gas and Sanitary;
- E. Services.

A copy of said manual is kept on file and is available for review at the City Recorder's office.

g) "Governmental User" shall include legislative, judicial, administrative, and regulatory activities of Federal, State and Local Governments.

h) "Institutional User" shall include social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

i) "Normal Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 200 milligrams mg/l (annual average), suspended solids concentration of not more than 275 mg/l (annual average), average daily flow of not more than 280 gallons, and shall mean any wastewater emitting from dwellings or from domestic activities which are performed outside the home in lieu of a home activity directly by or for private citizens.

j) "Operation and Maintenance" shall mean those functions that result in expenditures during the useful life of the System for materials, labor, utilities and other items which are necessary for the management and upkeep for which such facilities were designed and constructed. The term "Operation and Maintenance" includes "Renewal and Replacement" as defined in item d. Sec. 5.

k) "Renewal and Replacement" shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the Wastewater System to maintain the capacity and performance for which such works were designed and constructed.

l) "Residential User" shall mean any contributor to the City's Wastewater System whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

m) "SDC" (denoting system development charge) shall mean a charge imposed for wastewater collection and/or treatment facility capacity expansion or reserve.

n) "Slug Discharge" shall mean any discharge which exceeds normal daily domestic flow and/or strength characteristics by 20%.

o) "SS" (denoting suspended solids) shall mean solids that either float on the surface of (or are in suspension in) the water, sewage or other liquids and which are removable by laboratory filtering.

p) "Unbuildable Lot of Record" shall mean a legally created lot of record for which a building permit would not be issued for other than an accessory use because of topography or natural hazard as defined in the Comprehensive Plan and the Development Ordinance or unavailability of access.

q) "Useful Life" shall mean the estimated period for which the wastewater collection or treatment system will be operated.

r) "User Fee" shall mean that portion of the total Wastewater System service fee which is levied in a proportional and adequate manner for the cost of operating, maintaining and renewal and replacement of the Wastewater System facilities.

s) "Wastewater Treatment Facility" shall mean any devices and systems for the storage, treatment, recycling, reclamation, treatment and discharge of all wastes in compliance with Local, State and Federal guidelines established for the cities' collection and treatment facilities. This definition includes all existing facilities and systems together with extensions, improvements, remodeling, additions and alterations thereof; and any works, including side acquisition of the land that will be an integral part of the treatment process or is used for such ultimate disposal of residues resulting for such treatment (including land for sludge composting or sludge disposal, temporary storage of such sludge and sludge bi-products and land used for the storage of treated wastewater before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste.

Unless the context dictates otherwise, the meaning of terms used in this Ordinance shall be as those defined in Wastewater Regulation Ordinance No. 280 and/or other ordinances applicable.

#### Section 4. Fiscal Accountability

A) The revenues collected, as a result of user fees levied, shall be deposited in a separate non-lapsing fund known as the Sewer Fund.

B) Revenues collected, as a result of system development charges levied and collected, shall be deposited in a separate non-lapsing fund known as the Sewer Improvement Fund.

C) Fiscal year-end balances for the Sewer Fund shall be used for no other purposes than those designated in the appropriate budget established for that year. Monies which have been transferred from other sources to meet temporary shortages in the Sewer Fund shall be returned to their respective accounts upon appropriate adjustment of the user fees. The user fee rate(s) shall be adjusted such that the transferred monies shall be returned to the respective accounts within the fiscal year following in which the monies were borrowed. Monies transferred to other municipal accounts to meet temporary shortages shall be returned and shall not effect user fee rate(s).

Section 5. User Fee Rates

- A) Each user shall pay for the services provided by the City's wastewater collection and treatment system based upon his use of the treatment facilities as determine by the number of calculated equivalent residential units (ERU).
- B) Each user shall pay a user fee rate proportionate to the budgetary requirement and this fee shall be \$13.20 per equivalent resident unit which costs includes availability charges as set forth in section 5.E.
- C) For those users whose wastewater has a greater strength than normal domestic sewage, a surcharge of 20% in addition to the normal user fee, will be collected. The surcharge required for the approved budget will be: \$15.80 / ERU/month and/or established by the following unit costs.

- \$ .85 per 1000 gallons of flow.
- \$ .35 per pound of BOD.
- \$ .19 per pound of suspended solids.
- \$ ★ per pound of other pollutant(s).

★ To be determined by the Director of Community Services or designated official on a case by case basis.

- D) Any user which discharges any toxic pollutants (as defined in the City's Wastewater Ordinance No. 280) which may cause an increase in the cost of operating and maintaining the City's Wastewater System, or any user which discharges any substance which singularly or by interaction with other substances causes identifiable increases in the cost of operations, maintenance or renewal and replacement of the treatment of the collection facility, shall pay for such increased costs. The charge for each such user shall be determined by the Director of Community Services or other designated official.
- E) All properties, except "unbuildable lots" within the City of Troutdale's Wastewater System boundaries shall pay an availability charge based upon the operation and maintenance of the collection system installed to provide future service to those properties together with the cost of processing the flow from "inflow and infiltration" (I & I) associated with the collection system and treatment facilities. This cost has been established at \$2.50.

Section 6. Wastewater System Development Charges

- A) All new connections to the City's Wastewater System shall be required to pay a system development charge of \$1250.00 per equivalent residential unit (ERU). All existing facilities that have changed to a more intense use, or show flow/demand

consumption greater than 10% (annual average) over their current ERU classification shall be required to pay SDC's commensurate with that increased use. A deduction in flow/demand will not be cause for SDC refunds. Balance payments for previous purchased SDC base payments shall be set at a level such that the amount collected when combined with the initial base payment will be equal to the current SDC charge specified above.

- B) All holders of system capacity reserves will be allowed to combine their base payments so as to result in a mathematically equivalent number of fully prepaid system development charges based upon the total cost of \$1250.00 per ERU as specified in section 6.A above.

### Section 7. Billing & Collection

- A) All users shall be billed monthly. Billings for any particular month shall be made within ten days after the end of the month and payments are due within twenty days after the end of the billing month. Any payment not received within thirty days after the end of the billing month shall be deemed delinquent.
- B) A late payment penalty of 1% on the unpaid balance of the user fee bill shall be added to each delinquent bill for each thirty days or portion thereof of delinquency. When any water or sewer bill is more than sixty (60) days in default, the City reserves the right to discontinue such service(s) until such bill is paid.
- C) When any water or sewer bill (including interest and penalties) remains unpaid for one year after the date due, such bill shall be recorded in the Multnomah County Assessor's office by the City Recorder and shall, following property owner notification as mandated by State statute, constitute a lien on the property. If such lien (including interest and penalties) remains unpaid for a period of one year after date of recordation, such property shall be subject to public sale by the Recorder of the City of Troutdale and in accordance with Oregon State Statutes.
- D) The City reserves the right upon discovery of any connection to its system (approved or not) which has not been billed or paid user fees, to so assess these user fees in arrears based upon the rates in effect for the established period of time. The City reserves the right, as allowed by Oregon State Statute, to collect this full past due amount plus interest for each discovered connection. Should it be determined that this connection was illegally made, the City has the right and obligation to pursue the collection of past due amounts together with penalties as set forth in the City's Wastewater Ordinance No. 280.

## Section 8. Reporting Obligations

All non-residential users contributing at a combined rate greater than 20% in excess of 280 gallons per day and/or whose waste strength (on a monthly average, or "slug discharge") is greater than 200 mg/l of BOD and/or 275 mg/l of SS will prepare and file with the City a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain these data, and these data shall be used to calculate the user fee for that user. The City shall have the right to gain access to the waste stream and take its own samples should the City elect to do so, and should the results be substantially different as determined by the City's samples, from the data submitted by the user, the user fee for that user shall be revised for the next billing cycle/period.

## Section 9. Appeals

- A) Any user who feels or takes issue with his user fee, connection charge or system development charge may make written application to the Director of Community Services or designated official requesting a review of his user fees or charges. Said written request shall, where necessary, show the actual or estimated average flow and/or strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.
- B) Review of the request shall be made by the Director of Community Services, and the user charges for that user shall be re-computed based upon the revised flow and/or strength data and the new charges shall be applicable to the next billing cycle/period.
- C) Any person disputing the findings of the Director of Community Services, his designated official or the interpretation of this Ordinance may appeal to the Common Council of the City of Troutdale or its appointed hearings officer. In such an event, the Director of Community Services shall set a date, time and place of hearing and the grieved party shall make such an appeal to the Director or the City Council in writing and shall set forth therein all issues relevant to his appeal.
- D) Any violation of this Ordinance or 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 previously.

Section 10. Rate Setting Policy

- A) The City will review the user fees (at least annually) and revise the rates following the adoption of a budget by the Troutdale City Council. This user fee will be based upon the requirements set forth in the Sewer Fund Budget.
- B) The City will review the SDC amounts in conjunction with Troutdale City Council policy and/or revisions to the wastewater collection and treatment facility capital improvement programs.
- C) The City will hold all required public hearings annually as part of its rate setting program and all requirements of local and State statutes will be met for notification of such hearings.

Section 11. Severability Clause

If any clause, sentence, paragraph, section, or portion of this Ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section or portion of this ordinance directly involved in the controversy in which the judgment is rendered.

Section 12. Repealing a Previous Ordinance

Ordinance No. 512-0, passed on March 22, 1988, is hereby repealed.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 13th DAY OF JUNE, 1989.

YEAS: 6

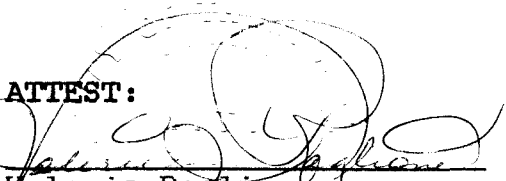
NAYS: 0

ABSTAINED: 0

  
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Sam K. Cox, Mayor

Dated: JUNE 15, 1989

ATTEST:

  
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Valerie Raglione  
City Recorder

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