

ORDINANCE NO. 740

AN ORDINANCE PERTAINING TO PUBLIC WORKS SERVICES AND AMENDING TITLE 12 OF THE TROUTDALE MUNICIPAL CODE.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. Title 12 of the Troutdale Municipal Code is being amended so that it is easier to administer and enforce the provisions contained therein and so that the terms and provisions in Title 12 are clear and consistent with other City regulations and state law.
2. It is in the City's interests to adopt the amendments to Title 12, as explained in the staff report.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. Chapter 12.01 of the Troutdale Municipal Code is amended to read as shown in Attachment A.

Section 2. Section 12.02.040, Paragraph C of the Troutdale Municipal Code is amended to read:


- C. The city recorder shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any system development charge. Written notice shall be mailed to persons on the list at least ninety days prior to the first hearing to adopt or amend a system development charge, and the methodology supporting the adoption or amendment shall be available at least sixty days prior to the first hearing to adopt or amend. The city recorder may periodically delete names from the list, but at least thirty days prior to removing a name from the list must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

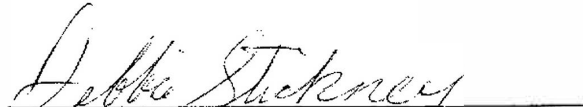
Section 3. Chapter 12.03 of the Troutdale Municipal Code is amended to read as shown in Attachment B.

Section 4. Chapter 12.04 of the Troutdale Municipal Code is amended to read as shown in Attachment C.

Section 5. Chapter 12.06 of the Troutdale Municipal Code is amended to read as shown in Attachment D.

YEAS: 5
NAYS: 0
ABSTAINED: 0


Paul A. Thalhøfer, Mayor
November 19, 2003
Date


Debbie Stickney, City Recorder

Adopted: November 18, 2003

CHAPTER 12.01

GENERAL

SECTIONS:

- 12.01.010 Applicability
- 12.01.020 Definitions
- 12.01.030 Ownership and Responsibility
- 12.01.040 Number of Connections
- 12.01.050 Liability
- 12.01.060 Access
- 12.01.070 Prohibited Activities
- 12.01.080 Violations
- 12.01.090 Enforcement
- 12.01.100 Appeals
- 12.01.110 Extension of Service Prohibited
- 12.01.120 Public Works Standards

12.01.010 Applicability

The provisions of this chapter shall apply to all public services authorized under this Title 12 of the Troutdale Municipal Code.

12.01.020 Definitions

Unless the context suggests otherwise, as used in this Title 12, these terms and phrases mean as follows:

“Account Holder” means the person who requests utility service from the City and is billed for such service or, if such person doesn’t fulfill the obligations herein, the person who owns the property that receives utility service.

“Biochemical Oxygen Demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration [milligrams per liter (mg/l)].

“Capital Improvement Plan (CIP)” means a plan prepared by or for the City identifying proposed additions or modifications to public works facilities.

“City” means the City of Troutdale.

“DEQ” means the State of Oregon's Department of Environmental Quality.

“Director” means the Public Works Director of the City of Troutdale or the Director's designate.

“EPA” means the United States Environmental Protection Agency.

“Equivalent Residential Unit (ERU)” means 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 wastewater treatment service area.

“Exempt Load” means a source-separated load of recyclable materials or a mixed load containing solid waste and recyclable materials from single-generator non-residential accounts transported from, in and through the city of Troutdale to a manufacturer, recycling facility or material recovery facility, but not to a transfer station or landfill. Multifamily accounts such as apartment complexes and condominiums are considered to be residential accounts.

“Grease” means animal, mineral or vegetable derived oil or grease.

“Material Recovery Facility” means a solid waste management facility that separates materials for the purposes of recycling from an incoming highly recoverable mixed load of non-putrescible waste by using manual and/or mechanical methods and achieves a verifiable minimum twenty-five percent recovery rate. It also means a facility that primarily accepts previously separated recyclables.

“Medical Wastes” means isolation wastes, infectious agents, human blood and blood product, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

“Mixed Load” means a load containing both: (1) non-recyclable solid waste, and (2) recyclable material, with no more than a trivial amount of putrescible waste.

“Multifamily dwelling” means a residential building containing four or more dwelling units, including units that are located one over the other. It does not include duplex, triplex, zero lot line, or attached dwellings.

“NPDES Permit” means a National Pollutant Discharge Elimination System permit issued by EPA or by another agency on behalf of EPA.

“Person” means 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” means a measure of the acidity or alkalinity of a substance, expressed in standard units.

“Public Works Facility” means any element of a water system, sanitary sewer system, storm sewer system, or transportation system.

“Public Works Permit” means a permit issued by the City authorizing work within a public right-of-way or connection to a public works facility.

“Putrescible Waste” means solid waste containing organic materials that can be rapidly decomposed by microorganisms, and which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

“Recyclable” means material that still has or retains useful physical,

chemical or biological properties after serving its original purpose(s) or function(s) and that can be recycled for the same or other purpose(s).

“Sanitary Sewer System” means all City-owned facilities utilized in the collection, treatment, and disposal of waste water, including sanitary sewer mains, pump stations, manholes, and the wastewater treatment plant, but excluding privately-owned sanitary sewer laterals.

“Shall, May” “Shall” is mandatory; “may” is permissive.

“Solid Waste” means all useless or discarded putrescible and non-putrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid materials, dead animals and infectious waste as defined in ORS 459.386. The term does not include:

1. Hazardous waste as defined in ORS 466.005;
2. Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic applications rates.

“Source-separate” and “source-separated” means that the person who last uses recyclable material separates the recyclable material from solid waste.

“Source-separated Recyclable Load” means a load of source-separated recyclable materials that contains less than five percent residual by weight.

“Standard Industrial Classification (SIC) Code” means a classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

“State” means State of Oregon.

“Storm Sewer System” means all City-owned facilities utilized in the collection, treatment, and disposal of storm water, including catch basins, pipes, ditches, culverts, and manholes.

“Storm Water” means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

“Street System” means all publicly-owned facilities contained within a public right-of-way, including travel lanes, bicycle lanes or paths, parking lanes, and sidewalks.

“Transfer Station” means a fixed or mobile facility other than a transportation vehicle where solid waste is deposited temporarily after being removed from the site of generation but before being transported to a final disposal location.

“Transportation System” means the street system, publicly-owned bicycle and pedestrian ways, public parking facilities, and public transit facilities.

“Utility service” means City-provided water, sanitary sewer, and/or storm sewer service.

“Water System” means all City-owned facilities utilized in the production, storage, treatment, and distribution of potable water, including wells, reservoirs, stand pipes, water mains, sampling stations, and meters, but excluding privately-owned service lines.

12.01.030 Ownership and Responsibility

The City is not required to operate, maintain, or repair private property connected to public works facilities.

12.01.040 Number of Connections

There shall be no more than one tax lot served by the same water meter or sanitary sewer lateral.

12.01.050 Liability

- A. The account holder is liable for any damage to public works facilities located on property occupied by the account holder, which damage is caused by the account holder, other occupants, or agents of the account holder.
- B. The City shall not be liable for damage resulting from the interruption in service, changes in pressure, or lack of service of any public works.
- C. The City shall not be liable for the cost of changing, relocating, or upsizing any public works facility due to a change in size, location, or usage of any private facility.

12.01.060 Access

The Director or his designated representative shall have access at all reasonable hours to any and all parts of structures and premises serviced by public works for the purpose of inspecting connections, determining the condition of fixtures, reading or servicing meters, determining the source or nature of any substance placed in the sanitary or storm sewer, and to correct or eliminate hazards to the public.

12.01.070 Prohibited Activities

- A. It shall be unlawful to connect to a City water main, sanitary sewer line, storm sewer line, or street without applying for and receiving a Public Works Permit.
- B. It shall be unlawful to connect to a City water main, sanitary sewer line, storm

sewer line, or street without paying the applicable fees and charges.

- C. It shall be unlawful to damage, destroy, remove, alter, or otherwise tamper with any component of the City water system, sanitary sewer system, street system, or storm sewer system.
- D. It shall be unlawful to cut, break, or otherwise alter the pavement of a City street or sidewalk, for the purpose of installing or repairing utilities or otherwise, without applying for and receiving a Public Works Permit.
- E. It is unlawful to fail to comply with the terms and conditions of a Public Works Permit.

12.01.080 Violations

- A. Any person that violates subsections A, D, or F of Section 12.01.070 may be fined in an amount established by resolution of the Council, and/or denied future Public Works Permits.
- B. In addition to the specific remedies stated elsewhere in the Code, any person found guilty of violating any provision of Title 12 of the Code shall be subject to a penalty not to exceed \$1,000 per violation. Each day in which the unlawful act is caused or permitted shall be a violation.
- C. Any person found guilty of violating any provision of this Title 12 shall also reimburse the City of Troutdale for actual costs incurred by the City for administrative costs of investigation, adjudication, and collection, including legal fees, and the costs of cleanup and repair, if any.
- D. Fines are payable as directed by the Director. Penalties and costs are payable as directed by the Municipal Court Judge. Fines, penalties and costs under this Ordinance are a debt owing to the City and may be collected in the same manner as any other debt allowed by law.
- E. The City may institute appropriate suit or legal action, in law or equity, in any court of competent jurisdiction to enforce the provisions of any written settlement of the Public Works Department or final order of the Municipal Court Judge, including, but not limited to, its suit or action to obtain judgment for any civil penalty imposed by an order of the Municipal Court Judge pursuant to Section 12.01.080(B) and/or any assessment for costs imposed pursuant to Section 12.01.080(C).
- F. Penalties collected pursuant to the provisions of this Section of the Code shall be credited to the General Fund. Fines and costs collected pursuant to the provisions of this Section of the Code shall be credited to the fund that sustained the cost.

12.01.090 Enforcement

- A. Enforcement of the policies set forth in this Title 12 shall be the exclusive responsibility of the Director, who shall:

1. Investigate alleged violations.
 2. Issue complaints.
 3. Reach a written settlement, if appropriate, with the violator.
 4. Impose fines.
 5. Represent the City of Troutdale before the Municipal Court.
- B. A proceeding may be initiated in Municipal Court by the filing of a complaint with the Police Department which contains the following:
1. The applicable section of the Municipal Code.
 2. The name and address of the respondent.
 3. The location and nature of the violation.
 4. The signature of the complainant.
- C. The Police Department shall cause notice of the hearing to be given to the respondent(s) either personally or by certified or registered United States mail by issuing a "Citation To Appear in Court". The citation shall contain a statement of the time, date, and place of the hearing, and a copy of the complaint shall be attached to the notice. The City shall, by separate document served with the citation, notify the respondent that he/she may be represented by a retained attorney provided that ten working days' written notice of such representation is received by the City.
- D. If the respondent alleged to have committed the violation fails to appear at a hearing as provided herein, the Municipal Court shall order a citation to be issued for failure to appear.
- E. Unless precluded by law, informal disposition of any proceeding may be made between the Public Works Department and respondent, with or without a hearing, by stipulation, consent order, agreed settlement, or default. The Public Works Department shall inform the Municipal Court in writing of any such disposition which occurs after the issuance of a citation.
- F. The City shall not be represented before the Municipal Court Judge by legal counsel except in preparation of the case or as provided below. A respondent charged with an infraction may be represented by a retained attorney provided that ten working days' written notice of such representation is received by the City so that the City may have Counsel represent it. The Municipal Court Judge may for good cause waive this notice requirement in individual cases or reset the hearing for a later date.
- G. The City must prove the violation occurred by a preponderance of the admissible evidence.
- H. The Municipal Court Judge shall have the authority to administer oaths and take testimony of witnesses. Upon the request of either of the parties, or upon his or her own motion, the Municipal Court Judge may issue subpoenas in accordance with the Oregon Rules of Civil Procedure.
1. If the respondent desires that witnesses be ordered to appear by subpoena, respondent shall so request in writing at any time no less than ten (10) days

prior to the scheduled hearing.

2. Subject to the same ten (10) day limitation, the City may also request that certain witnesses be ordered to appear by subpoena.
 3. The Municipal Court Judge may waive the ten (10) day limitation for good cause.
 4. Witnesses ordered to appear by subpoena shall be allowed the same fees and mileage as allowed in civil cases which shall be the responsibility of those requesting the witnesses' appearance.
 5. If a fine is declared in the final order, the order shall also provide that the respondent also pay any witness fees attributable to the hearing.
- I. The parties shall have the right to cross-examine witnesses who testify and shall have the right to submit evidence on their behalf.
- J. After due consideration of the evidence and arguments, the Municipal Court Judge shall determine whether the violation alleged in the complaint has been proven by a preponderance of the evidence.
1. When the determination is that the violation has not been proven, an order dismissing the complaint shall be entered.
 2. When the determination is that the violation has been proven, or if an answer admitting the violation has been received, an appropriate order shall be entered. The order may require a person that violated this Title to pay a penalty, costs, restitution and to take specific corrective actions.
 3. The final order issued by the Municipal Court Judge shall contain the amount of the fine, costs, and other penalties imposed and instructions regarding payment.
- K. Review:
1. Any motion to reconsider the final order of the Municipal Court Judge must be filed within ten (10) days of the original order.
 2. A respondent may appeal a final adverse ruling by Writ of Review as provided in ORS 34.010 through 34.100.

12.01.100 Appeals

An appeal from a decision made by the Director concerning any administrative determination made under this Title 12, other than determinations pertaining to system development charges made pursuant to Chapter 12.02, and determinations pertaining to termination of water services made pursuant to Chapter 12.03, may be appealed to the City Administrator, provided that the appeal is submitted in writing no more than thirty days after the decision is made by the Director. The appeal must state the particular matter in dispute, the reason(s) for differing with the Director, and the specific relief sought.

12.01.110 Extension of Service Prohibited

Public works services shall not be extra-territorially extended.

12.01.120 Public Works Standards

The City hereby adopts the latest version of the American Public Works Association "Standard Specifications for Public Works Construction" for use on all public works in the City. The Council, by Resolution, may adopt local construction standards which clarify, modify, or expand upon the APWA standards.

CHAPTER 12.03

WATER SYSTEM

SECTIONS:

- 12.03.010 Title
- 12.03.020 Intent and Scope
- 12.03.025 Requirements and Prohibitions
- 12.03.030 Establishment of a Water Utility Fee
- 12.03.040 Use of Water Utility Fee
- 12.03.050 Calculation of Water Utility Fee
- 12.03.055 Initiation of Utility Service
- 12.03.060 Billings and Collection
- 12.03.065 Termination of Water Service
- 12.03.070 Administration

12.03.010 Title

This chapter shall be entitled "Water System".

12.03.020 Intent and Scope

- A. Pursuant to the statutes of the State of Oregon and the powers granted in the Charter of the City, the Council declares its intent to acquire, own, construct, reconstruct, improve, equip, operate, maintain, and repair a water system within the City limits, and outside the City limits when consistent with City policy, intergovernmental agreements, and State law.
- B. The Council finds, determines, and declares the necessity of providing for the City's water system by the formation of a Water Utility.

12.03.025 Requirements and Prohibitions

- A. Anytime a new or replacement structure that needs a source of running water, or an expansion of an existing structure, when either the existing or expanded structure needs a source of running water, is developed on property in the City, the owner of the property is required to connect such structure to the public water system at the owner's expense unless the property is more than one thousand feet from the nearest adequate public water main.
- B. It is unlawful for any person to take water from the public water system of the City without prior authorization or without obtaining the proper permits and payment of appropriate fees and charges.

12.03.030 Establishment of a Water Utility Fee

There is established a Water Utility Fee to be paid by each account holder of the water system. Such fee may include charges for water consumption, standby fire

service, installation of new or changed service, standpipe service, and hydrant meter usage. Such fees shall not be imposed in amounts greater than that which is necessary, in the judgment of the Council, to provide sufficient funds to properly acquire, construct, reconstruct, improve, equip, operate, maintain, and repair the City's water system. The Council, by resolution, shall establish the amount of the fee and may, from time to time, by resolution change the amount of the fee.

12.03.040 Use of Water Utility Fee

There is established a Water Fund, and all water utility fees collected by the City shall be paid into the Water Fund. Such revenues shall be used for the acquisition, construction, operation, maintenance, and repair (to include renewal, replacement, and improvement) of the City's water system. To the extent that the fees collected may not be sufficient to properly meet the expenses of the water system, the cost of same may be paid from other City funds as may be determined by the Council, but the Council may order the reimbursement of such funds if additional water funds are collected thereafter. The fees collected by virtue of this chapter shall not be used for general or other governmental purposes of the City except to pay for the equitable share of the cost of accounting, management, and other administrative costs attributable to the water system.

12.03.050 Calculation of Water Utility Fee

The monthly water utility fee shall be the sum of the charges for water consumption, standby fire service, installation of new or changed services, standpipe service, and hydrant meter usage, as applicable.

12.03.055 Initiation of Utility Service

Utility service will not be initiated for a new account, for a new account holder, or for the reinstatement of an existing account in which service has been terminated, without a written request from the account holder providing information deemed necessary by the Finance Director and the payment of a deposit, if any, in an amount and under terms and conditions determined by the Council.

12.03.060 Billings and Collection

- A. The Water Utility Fee shall be billed and collected with the monthly City utility bill. The bill shall be paid twenty calendar days after the end of the billing month.
- B. Partial payments on utility bills shall be allocated on a pro-rated basis to each utility balance due.
- C. If full payment for a utility bill is not received within forty-five days after the end of the billing month, a late fee in an amount determined by the Council shall be charged. If a utility bill is not paid in full sixty days after the end of the billing month, the account becomes delinquent and water service to that account shall be terminated by the City after providing a fifteen day written

notice. It shall not be resumed until all fees and charges are brought current or until the account holder enters into a payment plan agreement with the Finance Director.

- D. Any charge due hereunder which is not paid may be recovered from the account holder in an action at law by the City.
- E. The Water Utility Fee shall be due when the account holder receives water service. An unpaid Water Utility Fee shall be a lien on the property of the owner and may be foreclosed in any manner provided by ORS 223.505 to 223.650 or other applicable laws.

12.03.065 Termination of Water Service

- A. The public works director may terminate water service in accordance with subsection B of this section under any of the following circumstances:
 - 1. When the utility bill for the water service is delinquent as defined in Section 12.03.060(C).
 - 2. When the installation of an approved backflow device is required by OAR 333-061-0070 or the Oregon Specialty Plumbing Code and no such device is installed.
 - 3. When a test of a backflow device is required by OAR 333-061-0070 or the Oregon Specialty Plumbing Code and such test is not made or is made and fails.
 - 4. When the facility served by the water service is occupied prior to a Certificate of Occupancy being issued.
 - 5. When the facility served by the water service does not comply with the provisions of the City of Troutdale Construction Standards for Public Works Facilities.
 - 6. When the facility served by the water service does not comply with a Condition of Approval as issued by the City Council, Planning Commission, or Site and Design Review Committee.
 - 7. When the facility served by the water service does not comply with the City's Pretreatment Program as described in Chapter 12.07 or with the provisions of a wastewater discharge permit issued thereunder.
 - 8. When the facility served by the water service is improperly connected to the water or sewer system or is connected to the water or sewer system without obtaining the required approvals or without paying the required fees and charges.
 - 9. When an account receiving water service is terminated and a new account is not established.
- B. Water service may be terminated after providing the account holder with a fifteen-day written notice explaining the reason for the termination. An

account holder who believes the termination notice is in error may submit a written appeal to the City Administrator at least five days prior to the noticed termination date. The appeal must clearly state the location of the water service, the alleged reason water service is being terminated, and why the reason for termination is in error. The City Administrator shall issue a written decision within five days after receipt of the appeal or, if a more thorough investigation is warranted or a policy issue must be referred to the City Council, suspend the termination action until a decision is rendered. If water service is terminated, it shall not be resumed until the reason for termination is cured and any applicable administrative fees are paid.

12.03.070 Administration

- A. The Public Works Director shall be responsible for the administration of this chapter (except for the billing and collection of funds), to include the development of administrative procedures, maintenance programs, capital improvements, operations and maintenance standards, and related activities.
- B. The Finance Director shall be responsible for the billing and collection of funds.

CHAPTER 12.04

SANITARY SEWER SYSTEM

SECTIONS:

- 12.04.010 Title
- 12.04.020 Intent and Scope
- 12.04.025 Requirements and Prohibitions
- 12.04.030 Establishment of a Sanitary Sewer Utility Fee
- 12.04.040 Use of Sanitary Sewer Utility Fee
- 12.04.050 Calculation of Sanitary Sewer Utility Fee
- 12.04.055 Initiation of Utility Service
- 12.04.060 Billings and Collection
- 12.04.070 Administration

- 12.04.010 Title
This chapter shall be entitled "Sanitary Sewer System".

- 12.04.020 Intent and Scope
 - A. Pursuant to the statutes of the State of Oregon and the powers granted in the Charter of the City, the Council declares its intent to acquire, own, construct, reconstruct, improve, equip, operate, maintain, and repair a sanitary sewer system within the City limits, and outside the City limits when consistent with City policy, intergovernmental agreements, and State law.
 - B. The Council finds, determines, and declares the necessity of providing for the City's sanitary sewer system by the formation of a Sanitary Sewer Utility.

- 12.04.025 Requirements and prohibitions
 - A. Anytime a new or replacement structure that discharges sewage, or an expansion of an existing structure, when either the existing or expanded structure discharges sewage, is developed on property in the City, the owner of the property is required to connect such structure to the public sanitary sewer system at the owner's expense unless the property is more than one thousand feet from the nearest adequate public sanitary sewer main.
 - B. It is unlawful for any person to discharge to the public sanitary sewer system of the City without prior authorization, without obtaining the proper permits and payment of appropriate fees and charges, or without decommissioning the private septic system being replaced as required by OAR 340-071-0185 (if applicable).
 - C. It is unlawful for any person to place, deposit, or permit to be deposited upon any private or public property (except for approved discharges to the sanitary sewer system) any human or animal excrement, garbage, or other waste which

may be injurious to the health, safety, or well-being of the residents of the City.

12.04.030 Establishment of Sanitary Sewer Utility Fee

There is established a Sanitary Sewer Utility Fee to be paid by each account holder of the sewer system. Such fee may include charges for volume of discharge and for strength of discharge if such discharge creates a greater impact on the treatment system than normal domestic sewage. Such fees shall not be imposed in amounts greater than that which is necessary, in the judgment of the Council, to provide sufficient funds to properly acquire, construct, reconstruct, improve, equip, operate, maintain, and repair the City's sanitary sewer system. The Council, by resolution, shall establish the amount of the fee and may, from time to time, by resolution change the amount of the fee.

12.04.040 Use of Sanitary Sewer Utility Fee

There is established a Sewer Fund, and all Sanitary Sewer Utility Fees collected by the City shall be paid into the Sewer Fund. Such revenues shall be used for the acquisition, construction, operation, maintenance, and repair (to include renewal, replacement, and improvement) of the City's sanitary sewer system. To the extent that the fees collected may not be sufficient to properly meet the expenses of the sanitary sewer system, the cost of same may be paid from other City funds as may be determined by the Council, but the Council may order the reimbursement to such fund if additional sanitary sewer funds are collected thereafter. The fees collected by virtue of this chapter shall not be used for general or other governmental purposes of the City except to pay for the equitable share of the cost of accounting, management, and other administrative costs attributable to the sanitary sewer system.

12.04.050 Calculation of Sanitary Sewer Utility Fee

The monthly sanitary sewer utility fee shall be the sum of the charges for volume of discharge and strength of discharge to the sanitary sewer system.

12.04.055 Initiation of Utility Service

Utility service will not be initiated for a new account, for a new account holder, or for the reinstatement of an existing account in which service has been terminated, without a written request from the account holder providing information deemed necessary by the Finance Director and the payment of a deposit, if any, in an amount and under terms and conditions determined by the Council.

12.04.060 Billings and Collection

- A. The Sanitary Sewer Utility Fee shall be billed and collected with the monthly City utility bill. The bill shall be paid twenty calendar days after the end of the billing month.
- B. Partial payments on utility bills shall be allocated on a pro-rated basis to each utility balance due.

- C. If full payment for a utility bill is not received within forty-five days after the end of the billing month, a late fee in an amount determined by the Council shall be charged. If a utility bill is not paid in full sixty days after the end of the billing month, the account becomes delinquent and water service to that account shall be terminated by the City after providing a fifteen day written notice. It shall not be resumed until all fees and charges are brought current or until the account holder enters into a payment plan agreement with the Finance Director.
- D. Any charge due hereunder which is not paid when due may be recovered from the account holder in an action at law by the City.
- E. The Sanitary Sewer Utility Fee shall be due when the account holder receives sanitary sewer service. An unpaid Sanitary Sewer Utility Fee shall be a lien on the property of the owner and may be foreclosed in any manner provided by ORS 223.505 to 223.650 or other applicable laws.

12.04.070 Administration

- A. The Public Works Director shall be responsible for the administration of this chapter (except for the billing and collection of funds), to include the development of administrative procedures, maintenance programs, capital improvements, operations and maintenance standards, and related activities.
- B. The Finance Director shall be responsible for the billing and collection of funds.

CHAPTER 12.06

STORM SEWER SYSTEM

SECTIONS:

- 12.06.010 Title
- 12.06.020 Intent and Scope
- 12.06.030 Establishment of a Storm Sewer Utility Fee
- 12.06.040 Use of Storm Sewer Utility Fee
- 12.06.050 Calculation of Storm Sewer Utility Fee
- 12.06.055 Initiation of Utility Service
- 12.06.060 Billings and Collection
- 12.06.070 Administration

12.06.010 Title
This chapter shall be entitled "Storm Sewer System".

12.06.020 Intent and Scope

- A. Pursuant to the statutes of the State of Oregon and the powers granted in the Charter of the City, the Council declares its intent to acquire, own, construct, reconstruct, improve, equip, operate, maintain, and repair storm sewer systems within the City limits and outside the City limits when consistent with City policy, intergovernmental agreements, and State law. Storm sewer systems are defined as those natural or man-made facilities used to convey stormwater from public or private places to appropriate destinations with minimal adverse impact. Included in the storm sewer system are drainage ditches, culverts, manholes, pipes, detention ponds, streams, creeks, sumps, storage facilities, curbs, gutters, catchment basins, pump stations, and any other facility necessary for the conveyance or treatment of storm water.
- B. The Council finds, determines, and declares the necessity of providing for the City's storm sewer systems by the formation of a Storm Sewer Utility.
- C. Prohibited Activities. No person shall cause pollution of any waters of the City's storm sewer system or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the City's storm sewer system by any means. Wastes which are unlawful to discharge or cause to be discharged directly or indirectly into the City storm sewer system shall include, but not be limited to, the following:
 - 1. Any discharge having a visible sheen such as, but not limited to, petroleum based products;
 - 2. Any discharge having a pH of less than 6.0 Standard Units (S.U.) or greater than 9.0 S.U.;
 - 3. Any discharge that contains toxic chemicals in toxic concentrations;
 - 4. Any discharge that contains visible floating solids;

5. Any discharge which causes or may cause visible discoloration (including, but not limited to, dyes and inks) of the receiving waters;
6. Any discharge which causes or may cause damage to the City's storm sewer system;
7. Any discharge which causes interference in the City's storm sewer system;
8. Any discharge which causes or may cause a nuisance or a hazard to the City's storm sewer system, City personnel or the receiving waters;
9. Any discharge with a temperature greater than 150° F;
10. Any discharge (other than non-contact cooling water) from commercial or industrial operations such as, but not limited to, concrete waste, rug and carpet cleaning waste, or paint clean-up waste.
11. Any discharge containing human or animal waste or other waste intended for the sanitary sewer system.

12.06.030 Establishment of a Storm Sewer Utility Fee

There is established a Storm Sewer Utility Fee to be paid by the account holder for each developed property within the corporate limits of the City. Such fee shall not be imposed in amounts greater than that which is necessary, in the judgment of the Council, to provide sufficient funds to properly acquire, construct, equip, operate, maintain, and repair the City's storm sewer systems. Fees for users shall be based upon impervious surface area and individual mitigation efforts, if any. The Council, by resolution, shall establish the amount and effective date of the fee and may, from time to time, by resolution change the amount of the fee.

12.06.040 Use of Storm Sewer Utility Fee

There is established a Storm Sewer Fund, and all Storm Sewer Utility Fees collected by the City shall be paid into the Fund. Such revenues shall be used for the acquisition, construction, operation, maintenance, and repair (including renewal, replacement, and improvement) of the City's storm sewer system. To the extent that the fees collected may not be sufficient to properly meet the expenses of the storm sewer system, the cost of same may be paid from other City funds as may be determined by the Council, but the Council may order the reimbursement to such fund if additional storm sewer funds are collected thereafter. The fees collected by virtue of this chapter shall not be used for general or other governmental purposes of the City except to pay for the equitable share of the cost of accounting, management, and other administrative costs attributable to the storm sewer system.

12.06.050 Calculation of Storm Sewer Utility Fee

- A. The amount of the monthly Storm Sewer Utility Fee shall be determined by resolution approved by the Council based upon the amount of impervious surface per location.
- B. All residential users shall be deemed to have 2,700 square feet of impervious surface area.
- C. Whenever a resident or business takes measures to mitigate the effect of storm

water flow from the impervious surface of the residence or place of business, the Public Works Director, when so authorized by Council resolution, shall upon written request determine the percent of storm water flow which has been reduced, and a proportional reduction in the Storm Sewer Utility Fee shall be made consistent with that Council resolution, but in no event shall the fee be reduced more than 70%.

- D. The Storm Sewer Utility Fee shall not be imposed for impervious surfaces of a public street, road, or highway nor upon the runways or taxiways of a public airport.

12.06.055 Initiation of Utility Service

Utility service will not be initiated for a new account, for a new account holder, or for the reinstatement of an existing account in which service has been terminated, without a written request from the account holder providing information deemed necessary by the Finance Director and the payment of a deposit, if any, in an amount and under terms and conditions determined by the Council.

12.06.060 Billings and Collection

- A. The Storm Sewer Utility Fee shall be billed and collected with the monthly City utility bill. The bill shall be paid twenty calendar days after the end of the billing month.
- B. Partial payments on utility bills shall be allocated on a pro-rated basis to each utility balance due.
- C. If full payment for a utility bill is not received within forty-five days after the end of the billing month, a late fee in an amount determined by the Council shall be charged. If a utility bill is not paid in full sixty days after the end of the billing month, the account becomes delinquent and water service to that account shall be terminated by the City after providing a fifteen day written notice. It shall not be resumed until all fees and charges are brought current or until the account holder enters into a payment plan agreement with the Finance Director.
- D. Any charge due hereunder which is not paid when due may be recovered from the *account holder* in an action at law by the City.
- E. The Storm Sewer Utility Fee shall be due when the account holder receives storm sewer services. An unpaid Storm Sewer Utility Fee shall be a lien on the property of the owner and may be foreclosed in any manner provided by ORS 223.505 to 223.650 or other applicable laws.

12.06.070 Administration

- A. The Public Works Director shall be responsible for the administration of this chapter (except for the billing and collection of funds), to include the development of administrative procedures, maintenance programs, capital improvements, operations and maintenance standards, and related activities.
- B. The Finance Director shall be responsible for the billing and collection of funds.