

MISSION STATEMENT

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.



CITY OF SWEET HOME CITY COUNCIL AGENDA

WIFI Passcode:
guestwifi

October 24, 2017, 6:30 p.m.
City Hall Annex, 1140 12th Avenue
Sweet Home, OR 97386

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

A. Call to Order and Pledge of Allegiance

B. Swearing In: Robert Briana

C. Roll Call:

Councilor Briana	Councilor Gourley
Councilor Coleman	Mayor Mahler
Councilor Gerson	Councilor Trask
Councilor Goble	

D. Consent Agenda:

- a) Approval of Minutes:
 - City Council Meeting October 4, 2017 (pg. 4)
 - City Council Meeting October 10, 2017 (pg. 5-9)

E. Recognition of Visitors and Hearing of Petitions

F. Old Business:

G. New Business:

- a) Set Executive Session Date for City Manager One Year Review Round Table
- b) Water, Wastewater Rate Review

H. Introduction, First and Second Reading of Ordinance Bills

- a) INTRODUCTION
 - i. Request for Council Action – Ordinance Bill No. 11 for 2017 – Sweet Home Ordinance Amending Public Trees, Shrubs and Bushes Ordinance with Expediency Clause (pg. 10-22)

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

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- ii. Request for Council Action – Ordinance No. 12 for 2017 - An Ordinance Amending Water Service Rates, And Related Matters Ordinance (pg. 23-36)
- iii. Request for Council Action – Ordinance No. 13 for 2017 - An Ordinance Amending Sweet Home Municipal Code Chapter 13.08, Sewer Service System (pg. 37-74)
- b) **FIRST READING**
 - i. (Potential) Ordinance Bill No. 11 for 2017 – Sweet Home Ordinance Amending Public Trees, Shrubs and Bushes Ordinance with Expediency Clause (pg. 21-22)
 - ii. (Potential) Ordinance Bill No. 12 for 2017 – An Ordinance Amending Water Service Rates, And Related Matters Ordinance (pg. 35-36)
 - iii. (Potential) Ordinance Bill No. 13 for 2017 – An Ordinance Amending Sweet Home Municipal Code Chapter 13.08, Sewer Service System (pg. 74)
- c) **SECOND READING**
 - i. (Potential) Ordinance Bill No. 11 for 2017 – Sweet Home Ordinance Amending Public Trees, Shrubs and Bushes Ordinance with Expediency Clause (pg.21-22)

I. Third Reading of Ordinance Bills (Roll Call Vote Required)

J. Resolutions

- a) Request for Council Action - Resolution No. 19 for 2017 – A Resolution Adopting Leak Adjustment Policy for Water and Wastewater Utility Accounts (RCA pg. 75-78) (Final pg. 79-80)
- b) Request for Council Action - Resolution No. 20 for 2017 – A Resolution Setting Forth the Procedure for Challenging a Disputed Water/Sewer Bill (RCA pg. 81-84) (Final pg. 85-86)
- c) Request for Council Action - Resolution No. 21 for 2017 – A Resolution Setting Rates and Fees for Water Services (RCA pg. 87-91) (Final pg. 92-94)
- d) Request for Council Action - Resolution No. 22 for 2017 – A Resolution Setting Delinquency Notice and Service Interruption Policy for Water and/or Wastewater Utility Accounts (RCA pg. 95-99) (Final pg. 100-101)

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- e) Request for Council Action - Resolution No. 23 for 2017 – A Resolution Setting Utility Account Deposit Policy for Water and/or Wastewater Accounts (RCA pg. 102-105) (Final pg. 106-107)
- f) Request for Council Action – Resolution No. 24 for 2017 – A Resolution Adopting Wastewater User Rates (RCA pg. 108-112) (Final pg. 113-115)

K. Reports of Committees:

Administrative & Finance/Property	Goble
Parks Board	Trask
Public Safety/Traffic Safety	Coleman
Public Works	Mahler
Tree Commission (Minutes 10-18-17)(pg. 116-118)	Trask
Youth Advisory Council	Gourley
Chamber of Commerce	Coleman
Fire District	Trask
Council of Governments	Gerson
Area Commission on Transportation	Coleman
Solid Waste Advisory Council	Goble
Ad Hoc Committee on Health	Gourley

L. Reports of City Officials:

- a) Mayor's Report
- b) City Manager's Report
- c) Department Director's Reports:
 - i. Finance Director
 - (1) SHMC September 2017 (pg. 119)
 - (2) Budget Comparison – July – Sept (pg. 125)
 - ii. Library Services Director
 - (1) September 2017 Report (pg. 126)
 - iii. Community and Economic Development Director
 - iv. Police Chief
 - v. Public Works Director
 - vi. City Attorney's Report

M. Adjournment

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

SWEET HOME CITY COUNCIL
SPECIAL MEETING MINUTES

October 04, 2017

The City Council Work Session was opened at 6:00 p.m. in the City Hall Annex.

Moment of Silence for Las Vegas

Roll Call:	Councilor Coleman	P	Mayor Mahler	P
	Councilor Gerson	P	Councilor Trask	P
	Councilor Goble	P	Vacant	
	Councilor Gourley	P		

Staff: City Manager Ray Towry, City Attorney Robert Snyder and Recording Secretary Julie Fisher.

Media: None

The purpose of the meeting was to interview applicants for the Sweet Home City Council. Seven applicants were interviewed; Theresa Howard, Robert Briana, William Mark Casebier, Edith Wilcox, Heather Metcalf, Henry Blomberg, and Derek Dix. Each applicant was asked the same questions. The Council ranked each applicant and returned their ranking matrix to the City Manager to tally. The Council will review the applicant's overall ranking during their regular meeting on October 10, 2017.

The meeting adjourned at 7:43 pm.

The foregoing is a true copy of the proceedings of the City Council at the October 4, 2017 City Council Work Session.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

**SWEET HOME CITY COUNCIL
MEETING MINUTES**

October 10, 2017

Mayor Mahler called the meeting to order at 6:30 p.m. in the City Hall Annex. The Pledge of Allegiance was recited.

Staff Present: City Manager Ray Towry, City Attorney Robert Snyder, Police Chief Jeff Lynn, Community and Economic Development Director Jerry Sorte, Public Works Director Greg Springman, Finance Director Pat Gray, Library Services Director Rose Peda and Recording Secretary Julie Fisher

Visitors Registered to Speak: None

Media: Sean Morgan, The New Era
Alex Paul, Albany Democrat Herald

Roll Call:	Councilor Coleman	P	Mayor Mahler	P
	Councilor Gerson	P	Councilor Trask	P
	Councilor Goble	P	Vacant	
	Councilor Gourley	P		

Consent Agenda: **Motion was made to approve the Consent Agenda. (Gourley/Gerson) Motion carried 6 Ayes, 0 Opposed, 1 Vacant**

Items on the consent agenda are as follows:

Approval of Minutes:
September 26, 2017 City Council Minutes

**Recognition of Visitors &
Hearing of Petitions**

Vince Adams
809 Mountain View Rd
Sweet Home, OR 97386

Vince Adams questioned how Ordinance No. 10 for 2017 worked. City Attorney Snyder explained the steps as outlined in the ordinance.

Old Business:

New City Hall Update

City Manager Ray Towry gave an update on the new City Hall. He presented the architects estimated cost. The City has a deficit of up to \$715,000 to complete the project as estimated. Staff is seeking additional funding options.

City Investment Policy Update

Finance Director Gray gave a brief update on the City of Sweet Home Investment Program.

**WWTP Upgrades/Rates
Presentation – Informational
Only**

Finance Director Gray and Public Works Director Springman gave an update on the Waste Water Treatment Plant upgrades and rates. They reviewed I&I, Lateral Replacement Program, budgeting and rate history. They explained the commodity has not kept up with the cost to produce water. Mayor Mahler stated the Council will need to review rates soon.

New Business:

**Vacant City Council Position
Discussion**

City Manager Ray Towry explained that there was a three way tie when ranking applicants for the City Council vacancy. Council was asked to rank the three finalists. The Council returned their votes to the City Manager who will tally them and get back to them with the results.

**Introduction, First and Second
Reading of Ordinance Bills:**

Introduction:

First Reading:

Second Reading:

**Third and Final Reading of
Ordinance Bills:**

Request for Council Action –
Ordinance No. 9 for 2017-
Ordinance No. 1263 - A Sweet
Home Ordinance Establishing
Certain City Committees

City Manager gave a brief history of the ordinance from introduction to date.

Motion to move the ordinance forward to third and final reading (Gourley/Coleman)

City Attorney Snyder read by title only Ordinance No. 9 for 2017- Ordinance No. 1263 - A Sweet Home Ordinance Establishing Certain City Committees.

Roll Call Vote:

Councilor Gerson	Aye
Councilor Goble	Aye
Councilor Coleman	Aye
Councilor Gourley	Aye
Mayor Mahler	Aye
Councilor Trask	Aye
Vacant	

Request for Council Action –
Ordinance No. 10 for 2017 –
Ordinance No. 1264 - An
Ordinance Amending the Sweet
Home Chronic Nuisance
Ordinance.

City Manager gave a brief history of the ordinance from introduction to date.

Motion to move the ordinance forward to third and final reading (Gourley/Gerson)

City Attorney Snyder read by title only Ordinance No. 10 for 2017- Ordinance No. 1264 – Ordinance Amending the Sweet Home Chronic Nuisance Ordinance.

Resolutions:

Roll Call Vote:

Councilor Goble	Aye
Councilor Coleman	Aye
Councilor Gourley	Aye
Mayor Mahler	Aye
Councilor Trask	Aye
Vacant	
Councilor Goble	Aye

Committee Reports:

Administration & Finance/ Property Committee	None
Public/Traffic Safety	None
Public Works	None

City Boards/Committees:

Chamber of Commerce	Councilor Gerson reported the Chamber met and are working to establish a strategic business plan and have another meeting scheduled in two weeks to continue their work.
Fire District	None
Park Board	Councilor Trask stated the Park Board is working on grant options to add lighting to Sankey Park.
Tree Commission	None
Y.A.C.	Councilor Gourley stated the YAC is planning a flash mob for the Zombie Zoup event. The YAC will conduct elections during their 10-11-17 meeting.
Ad Hoc Committee	Councilor Gourley announced students from Western

Community Healthcare

University will be presenting to the Committee on October 23, 2017 at 6pm.

Regional Boards/Committees:

Area Commission on
Transportation (ACT)

None

COG

None

Solid Waste Advisory
Council (SWAC)

None

Councilor Gerson announced a live stream presentation on KATU.com on October 17, 2017 from 7 – 8 pm on Solving the homeless crisis in Portland.

Mayor's Report

Mayor Mahler announced another successful Harvest Festival.

City Manager's Report

City Manager Ray Towry stated the Council needed to set a date for training with the Council notebooks.

City Manager Towry met with Regional Willamette Valley Army Corp of Engineers to discuss Emergency Management.

A flow chart for Ordinances was introduced to the Council.

City Manager Towry announced he will be out of the office on Friday.

Department Directors Reports:

Finance Director

Finance Director Gray referred to the Finance Department statistics that were included in the Council packet. The Council reviewed the check register.

4 new kiosks have been put up through the City with funds from the HEAL (Healthy Eating and Active Living) Grant.

Finance Director Gray explained how current property tax revenues will affect the Library and Police Department funds.

Finance Director Gray explained that interest goes to the account that earns that interest. Overall fund balance for wastewater is - \$337,000 and - \$7,968 for storm water. City Manager Towry stated we must bring those balances up.

Right now the General Fund is subsidizing which takes away from funds that could be used for parks, streets and the new City Hall.

Finance Director Gray announced January will be the last month with the City of Sweet Home. Mayor Mahler and the rest of the Council stated she will be missed and thanked her for all that she had done for the City and the community.

None

Library Director

Community and Economic
Development Director

CEDD Jerry Sorte referred to the Planning Commission Meeting minutes included in the Council Packet as well as a Department Report with detailed activities from the last month. CEDD Sorte announced the goals of the department are to streamline processes and have efficient programs and take advantage of the web platform to get information out. CEDD Sorte talked about the successful Harvest Festival that the Park and Recs Department hosted.

Police Chief

Police Chief Lynn gave updated department statistics. Chief Lynn reported CIS conducted a review of the departments HR practices and should have a report to Council soon. Chief Lynn announced the first Coffee with a Cop event went well. Emergency Management meetings are held the first Tuesday each month at 9am in the City Hall Conference Room. Representatives from Samaritan Health attended the last meeting and provided good information.

Public Works

PWD Greg Springman referred Council to his report in the Council packet. There were no questions.

City Attorney

None

With no further business the meeting adjourned at 7:32 PM.

Adjournment:

The foregoing is a true copy of the proceedings of the City Council at the October 10, 2017 regular City Council Meeting.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: October 24, 2017	TITLE: Public Trees, Shrubs and Bushes	TYPE OF ACTION: Ordinance
SUBMITTED BY: Robert Snyder, City Attorney	ATTACHMENTS: Public Trees, Shrubs and Bushes Ordinance	
REVIEWED BY: City Manager		

PURPOSE FOR THIS RCA:

The purpose of the proposed ordinance is to amend certain portions of the Public Trees, Shrubs and Bushes Ordinance to conform to the new ordinance that combined committees and changed the names thereof.

BACKGROUND/CONTEXT:

The City Council just passed an ordinance entitled Sweet Home Ordinance Establishing Certain City Committees. In said ordinance the Tree Commission is combined with the Park Board and made into the Park And Tree Committee. In the Sweet Home Public Trees, Shrubs and Bushes Ordinance which is codified at SHMC Chapter 12.16 it refers to the Tree Commission. That needs to be changed to reflect the new Park And Tree Committee name. Also, the powers and duties of the committee have been made to reflect what they are in the committee ordinance. A copy of the powers and duties is attached to the RCA. Finally, if an appeal is needed the city manager and his/her agent are now included along with the committee since they all may make decisions in the ordinance format. The "red" copy of the proposed ordinance is provided herewith to show the proposed amendments.

The Sweet Home Ordinance Establishing Certain City Committees will go into effect on the thirtieth day after its passage. Its third and final reading was on October 10th and its effective date will be November 9, 2017. Therefore, the City Council can upon a unanimous vote of all members present have the proposed ordinance read in full and by title at the October 24th meeting and the third time at the November 14th meeting with the proposed ordinance to be effective on November 14, 2017 per City Charter Section 25 which states in part that the council can provide for a time different from the thirty day period for ordinances to go into effect when it deems it expedient or in case of emergency.

THE CHALLENGE/PROBLEM:

Should the two ordinances be brought into conformity and use the new committee name of Park And Tree Committee?

STAKEHOLDERS:

1. Sweet Home Citizens. Residents who refer to the SHMC need to have the two ordinances use the same name for the committee.
2. City Council. The Council needs to have the SHMC reflect the most recent ordinances passed by the City Council.

ISSUES & FINANCIAL IMPACTS:

The proposed amendments are made to have the ordinances operate more efficiently.

ELEMENTS OF A STABLE SOLUTION:

An ordinance that brings conforming to ordinances in the SHMC?

OPTIONS:

1. Pass the ordinance as proposed.
2. Amend the ordinance.
3. Leave the ordinance the same without amending it.

RECOMMENDATION:

Option 1. Pass the ordinance as proposed.

If the ordinance meets with City Council approval read it for the first time in its entirety and by title only for the second reading if by motion a unanimous vote is received for the second reading by all the members who are present at the meeting.

2.10.050 POWERS AND DUTIES

PARK AND TREE COMMITTEE:

The powers and duties of the Park And Tree Committee shall be as follows:

1. To conduct an inventory of existing street trees, including historical trees and public properties in need of beautification and plantings and present a written report to the City Council of its findings;
2. To develop and recommend to the City Council, for its adoption, a master list of trees suitable for planting within the city. The list shall be reviewed annually, a copy of which shall be kept on file in the office of the City Recorder for public information;
3. To develop and recommend to the City Council, for its adoption, ordinances and policies for the planting, care, maintenance, replacement and protection of trees throughout the city;
4. To act in an advisory capacity to the Planning Commission with respect to landscape design, suitable plantings, protection of natural vegetation and street tree requirements;
5. To submit recommendations to the City Council regarding the beautification of public properties and rights-of-way;
6. To promote public knowledge and acceptance of the value of tree planting and maintenance programs and requirements;
7. To develop a capital development program for each fiscal year, to include acquisition of new land and/or development of existing property for parks and other recreation areas;
8. To recommend recreation programing needs to be produced by the city;
9. To recommend an operating budget to carry out the recreation program as outlined for the forthcoming fiscal year; and
10. To preform additional duties and studies as may be required from time to time by the City Council.
11. To meet a minimum of four meetings a year, beginning with the month of December, which meeting should be devoted to the development of the next year's capital and recreation programs.

CHAPTER 12.16: PUBLIC TREES, SHRUBS AND BUSHES

Section

- [12.16.010](#) Purpose.
- [12.16.020](#) Applicability.
- [12.16.030](#) Definitions.
- [12.16.040](#) Creation of Tree Commission.
- [12.16.050](#) Duties and responsibilities of the Tree Commission.
- [12.16.060](#) Review by the City Council.
- [12.16.070](#) Street tree planting specifications.
- [12.16.080](#) Street tree maintenance.
- [12.16.090](#) Street tree removal.
- [12.16.100](#) Permit.
- [12.16.110](#) Private trees.
- [12.16.120](#) Abuse and mutilation of street and park trees.
- [12.16.130](#) Enforcement—Penalties.
- [12.16.140](#) Liability on the city.

§ 12.16.010 PURPOSE.

It is the purpose of this chapter to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the City of Sweet Home.

(Ord. 1068, (part), 1994)

§ 12.16.020 APPLICABILITY.

This chapter provides the city full power over all trees, plants and shrubs located within street rights-of-way, parks and public places of the city; and to trees, plants and shrubs located on private property that constitute a hazard or thereas described herein.

(Ord. 1068, (part), 1994)

§ 12.16.030 DEFINITIONS.

As used in this chapter, the following words mean:

CALIPER. The American Association of Nurseryman standard for trunk measurement of nursery stock. **CALIPER OF THE TRUNK** shall be the trunk diameter measured six inches

above the ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizes.

CANOPY. The space of the tree above ground including the trunk and branches measured in volume.

(Prior history: Ord. 1007)

DRIP LINE. The outermost edge of the tree's original canopy. When depicted on a plan, the **DRIP LINE** will appear as an irregular shaped circle that follows the canopy edge of the tree branches as seen from overhead.

GROVE. A stand of three or more trees (of the same species or a mixture), which form a visual and biological unit.

HAZARD TREE. Any tree with any structural defect, disease, extreme size or combinations of these which make it subject to a high probability of failure which might cause damage to persons or property.

PARK STRIP. A portion of street right-of-way that is located between a curb and a sidewalk.

PARK TREE. A tree, shrub, bush or other woody vegetation located in a public park or other area owned by the city having an individual name and all other areas owned by the city, or to which the public has free access as a park.

PRIVATE TREE. A tree, shrub, bush or other woody vegetation located on private property other than a dedicated right-of-way or public easement or public parks and grounds.

REMOVE or REMOVAL. The act of removing a tree by digging up, cutting down or any act which causes a tree to die within a period of three years; including but not limited to damage inflicted on the root system by machinery, storage of materials or soil compaction; changing the ground level in the area of the tree's root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; or any other action which is deemed harmful to the tree.

RIGHT-OF-WAY. The area between the boundary lines of a street or public easement. This area includes the park strip or tree lawn area between the curb and sidewalk.

ROOT ZONE. The area of the ground around the base of the tree measured from the trunk to five feet beyond the drip line.

SEVERELY PRUNE. To top a tree or remove more than 20% of the canopy within a year.

STREET TREE. A tree, shrub or other woody vegetation on land lying within the right-of-way along either side of a street, avenue or other way or within a public easement of the city.

TOPPING. The severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

TREE. Any woody, perennial plant, deciduous, evergreen or coniferous, characterized by having a main stem or trunk of six inches or more in diameter four and one-half feet above

natural grade. In cases of multi-stemmed or multi-trunk trees, the diameter shall be the sum of diameters of all individual stems or trunks.

(Ord. 1068, (part), 1994)

§ 12.16.040 PARK AND TREE COMMITTEE.- CREATION OF TREE COMMISSION.

~~The Park And Tree Committee established in SHMC 2.10 shall be the committee to implement the committee provisions of this chapter. There is created a standing commission that shall be known as the Tree Commission. The members of the Commission shall consist of appointed members, as well as representatives from the City Council and city staff as set out in Chapter 2.24.~~

(Ord. 1068, (part), 1994)

§ 12.16.050 POWERS AND DUTIES OF THE PARK AND TREE COMMISSION. DUTIES AND RESPONSIBILITIES OF THE TREE COMMISSION.

~~The Park And Tree Committee has the powers and duties as set out in SHMC Chapter 2.10. The Tree Commission shall study, investigate and develop and/or update annually and administer a written plan for the care, preservation, pruning, replanting, removal or disposition of street trees and park trees. The Tree Commission shall also be responsible for developing and reviewing planting and maintenance standards. The Tree Commission, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. The Commission shall perform the powers and duties as set out in Chapter 2.24.~~

(Ord. 1068, (part), 1994)

§ 12.16.060 REVIEW BY THE CITY COUNCIL.

The City Council may review the conduct, acts and decisions of the Park And Tree Committee, City Manager and authorized agent. Tree Commission. A person may appeal the ruling or order of the committee, manager or agent-Commission to the City Council who shall hear the matter and make a final decision.

(Ord. 1068, (part), 1994)

§ 12.16.070 STREET TREE PLANTING SPECIFICATIONS.

A. *Tree selection.* The official city street tree list of acceptable species for trees, shrubs, bushes and other woody plant material is included in Appendix E of the 1993 Sweet Home Park and Street Tree Planting Plan. No person, without the written permission of the city, shall plant a street tree of a species other than those included on the list.

B. *Size of tree to be planted.* Unless otherwise specified by the City of Sweet Home, all trees and their cultivars shall conform to the American Standard for Nursery Stock. The minimum size for planting stock for use along arterial street is a caliper of two inches or greater and one and one-half inches or greater along a collector street.

C. *Tree grade.* Unless otherwise specified by the city, all trees shall have straight trunks, well developed leaders and tops. The root system shall be characteristic of the species and it shall exhibit evidence of proper nursery practices.

D. *Type of planting stock.* Unless otherwise specified by the city, all nursery stock shall conform to the American Standard for Nursery Stock.

E. *Spacing of plantings.* The spacing of street trees shall be in accordance with the species, size and listed in Appendix E of the Sweet Home Park and Street Tree Planting Plan and no trees shall be planted closer together than the following:

<i>Spacing Requirements (in feet)</i>	<i>Small Trees <35'</i>	<i>Medium Trees 35-50'</i>	<i>Large Trees >50'</i>
1. Total width of planting area	3 - 4'	4 - 8'	>8'
2. Distance from back of curb or sidewalk	1.5'	3'	4'
3. Distance from alley or drive	10'	10'	10'
4. Distance from crosswalk	4'	6'	6'
5. Distance from face of curb at cross street	20'	20'	20'
6. Distance from stop sign or signal	30 - 50'	30 - 50'	30 - 50'
7. Distance between trees	1/2 of the mature crown spread, approx. 20' - 30'	1/2 of the mature crown spread, approx. 30' - 50'	1/2 of the mature crown spread, approx. 40' - 60'
8. Distance from water meter or sewer service	4'	6'	6'
9. Distance from utility or light pole	10'	30'	30'
10. Distance from building	5'	10'	25'

F. *Utility lines.* No street trees other than those species listed in Appendix E of the 1993 Park and Street Tree Planting Plan may be planted under or within ten lateral feet of any overhead utility wire or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. 1068, (part), 1994)

§ 12.16.080 STREET TREE MAINTENANCE.

A. *Permit required.* Unless specifically exempted in this chapter, no person shall remove, severely prune or disturb any tree on any street, park or other public place without first filing an application and procuring a tree permit from the city. Minor pruning and maintenance does not require a permit.

B. *Pruning and corner clearance.* All public trees overhanging a street right-of-way within the city shall be pruned so that the branches do not obstruct the light from a street lamp or obstruct the view of any street intersection. All dead, diseased, dangerous, broken or decayed limbs which constitute a menace to the safety of the public shall be removed.

C. *Clearance height.* All public trees shall be maintained so that the clearance height from a pedestrian walk is not less than eight feet, a clearance height from a residential street is not less than 12 feet and the clearance height from a collector or arterial street is 14 feet.

D. *Adjacent landowner responsibility.* In consideration of the value and benefits derived from the beauty and enjoyment of the street trees, the property owners abutting dedicated rights-of-way shall share the responsibility and cost of maintenance and care of the street trees abutting their property, and shall have the primary duty to regularly inspect and remove, as set out herein, any conditions that violate this chapter as needed. Failure to do so is a violation of this chapter.

(Ord. 1203, § 52, 2008; Ord. 1068, (part), 1994)

§ 12.16.090 STREET TREE REMOVAL.

A. *Permit required.* Unless specifically exempted in this chapter, no person may remove a public tree without first filing an application and procuring a permit from the city.

B. *Removal of stumps.* All stumps of street trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

C. *Tree replacement.* The city may require the replacement by the abutting landowner, at the landowner's expense, of a new tree after removal of an existing street tree.

(Ord. 1068, (part), 1994)

§ 12.16.100 PERMIT.

A. *City approval required.* Unless specifically exempted by this section, no person may remove, severely prune or disturb any tree on any street, park or other public place without first filing an application and procuring a tree permit and a public works permit from the city. Both permits shall be processed concurrently. The person receiving the permit shall abide by any conditions placed on the permit, the standards set forth in this chapter and the provisions of the 1993 Park and Street Tree Planting Plan.

B. *Application.* The applicant shall file a public works permit and a tree permit application concurrently with the Public Works Department. The owner or authorized agent must submit information on the location, type and size of the tree or trees in question and the reasons for the

desired action. The information and reasons shall address any appropriate criteria based on the type of area and tree designation.

C. *Review procedures.* The tree permit application will be forwarded to the City Manager or his or her authorized agent for review prior to the issuance of a public works permit by the Public Works Director. Review and issuance of the public works permit shall be in conformance with [Chapter 12.08](#). The following shall also apply:

1. The city may require the verification of any state tree illness, safety problems, etc., by an arborist certified by the International Society of Arboriculture, paid for at the applicant's expense.

2. The applicant shall submit any additional or more detailed information required by the City Manager or his or her authorized agent to ensure compliance with the provisions of this chapter and the 1993 Park and Street Tree Planting Plan.

3. The City Manager or his or her authorized agent shall ascertain whether the request is valid under the terms of this chapter. To be valid, evidence must be submitted by the applicant demonstrating that the tree(s) identified for pruning or removal poses a threat to the health, safety or general welfare of the abutting property owner and/or private or public property.

4. If valid, the permit shall be processed by city staff unless referred to ~~the the Park And Tree Committee~~~~Free Commission~~. All tree permits shall be issued with the following conditions attached.

a. Trees shall be removed or pruned following pruning standards of the International Society of Arboriculture and shall be provided to the applicant at the time a permit is issued.

b. It is the responsibility of the applicant to assure that all trees are removed or pruned in a manner which ensures safety to individuals and public and private property.

c. Other conditions as the City Manager or his or her authorized agent or the ~~Park And Tree Committee~~~~Free Commission~~ shall attach in keeping with the purpose of this chapter and the 1993 Park and Street Tree Planting Plan.

D. *Permit exemption.*

1. Regular maintenance by adjacent property owners which does not require removal of over 20% of the tree's canopy or tree topping.

2. The trimming, pruning, cutting or removal of any tree or shrub on a public street or right-of-way or upon any publicly-owned or controlled property, if the trimming, pruning, cutting or removal is done in the ordinary maintenance or repair of streets, sidewalks, pavement marking, existing utility lines, street signs, traffic signs or is done in order to repair or replace the same as a result of damage or deterioration as a result of accident, casualty or natural elements such as wind, rain, ice, electrical storm or the like.

3. Necessary measures may be taken to protect public safety or private or public property from imminent danger and to respond to emergencies declared by the city, county, state or federal governments. The emergencies may include a windstorm, mud slide, flood, freeze, dangerous and infectious insect infestation or disease or other disaster.

(Ord. 1068, (part), 1994)

§ 12.16.110 PRIVATE TREES.

A. *Pruning.* The city shall have the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be hazardous or a public nuisance and interferes with the proper spread of light along the street from a street light, or interferes with the visibility of any street intersection, traffic control device or sign.

B. *Clearance height.* All private trees shall be maintained so that the clearance height from a pedestrian walk is not less than eight feet, a clearance height from a residential street is not less than 12 feet and the clearance height from a collector or arterial street is 14 feet.

C. *Removal.* The city may cause the removal of all, or part of any dead, dangerous or diseased tree located on private property that constitutes a hazard to life or property or harbors insect or disease which constitute a potential threat to other trees within the city, or may require the property owner to remove or trim any such tree on private property. Failure of the property owner to take corrective action within 30 days after receiving notice by the city is a violation of this chapter.

(Ord. 1068, (part), 1994)

§ 12.16.120 ABUSE AND MUTILATION OF STREET AND PARK TREES.

A. *Abuse.* No person shall abuse, destroy or mutilate any street tree, in a dedicated public right-of-way or any other public place or attach or place any rope or wire (other than one used to support the tree itself), sign poster, handbill or other thing to, or on, any tree growing in a public place or to cause or permit any wire charged with electricity to come into contact with any such tree, or to allow any gaseous liquid or solid substance, which is harmful to such tree, to come into contact with their roots or leaves.

B. *Topping.* It is unlawful as a normal practice for any person or firm to top any street tree, park tree or other tree on public property. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the City Planner.

(Ord. 1068, (part), 1994)

§ 12.16.130 ENFORCEMENT—PENALTIES.

A. *Authority.* It shall be the duty of the City Manager or his or her authorized agent to administer the provisions of this chapter. The City Planner shall have authority to issue permits, impose conditions, enforce the provisions and requirements of this chapter and permits issued thereunder, and establish administrative procedures and guidelines, conduct inspections and prepare the forms necessary to carry out the purposes of this chapter.

B. *Authorized actions.* In addition to other remedies, the city may bring injunctive, declaratory or other actions to enforce this chapter.

C. *Stop work orders/permit revocation.*

1. The City Manager or his or her authorized agent shall suspend work or revoke a permit, as appropriate, if he or she finds that:

- a. The work is not authorized by a valid permit;
- b. Inaccurate information was used to obtain the permit;
- c. The permittee is not complying with the terms of the permit or approved plans; and

d. The work is, in the City Manager or his or her authorized agent's judgment, a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, watercourse, environmentally sensitive area or storm water facility or otherwise adversely affecting the public health, safety or welfare.

2. The City Manager or his or her authorized agent shall issue the permittee/violator a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project. If the permittee does not comply with the order within the time specified, the city may enter the project site and perform the required work. All costs incurred by the city in performing the work shall be charged to the applicant and/or the city may place a lien against the property in the amount of the funds expended to perform the required work.

D. Abatement/restoration. Violators of this chapter or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the City Manager or his or her authorized agent, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s). If the violator does not restore the damaged area, then the city may restore the area and the cost thereof shall be charged to the violator and/or be a lien upon the property as set forth in subsection C.2. of this section.

E. Penalty. A person who fails to comply with the requirements of this chapter or the terms of a permit issued hereunder, who undertakes an activity regulated by this chapter without obtaining a permit, or fails to comply with a stop work order issued under this chapter is in violation of this chapter and the violation constitutes a violation and may be prosecuted under the provisions of [Chapter 9.36](#).

(Ord. 1237, § 1 (part), 2013; Ord. 1068, (part), 1994)

§ 12.16.140 LIABILITY ON THE CITY.

Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, or to relieve the owner or occupant of any private property from the duty to keep in safe and healthy condition the trees upon their property or upon a public right-of-way over their property.

(Ord. 1068, (part), 1994)

ORDINANCE BILL NO. 11 FOR 2017

ORDINANCE NO.

SWEET HOME ORDINANCE AMENDING PUBLIC TREES, SHRUBS AND BUSHES
ORDINANCE WITH EXPEDIENCY CLAUSE

WHEREAS, Sweet Home Ordinance No. 1263 Establishing Certain City Committees passed in 2017 has changed the name, composition and other factors relating to the Tree Commission;

WHEREAS, the Tree Commission has been combined with the Park Board;

WHEREAS, Sweet Home Public Trees, Shrubs and Bushes Ordinance codified at SHMC Chapter 12.16 has references in it referring to the Tree Commission that need to be amended to correspond with the new committee ordinance and the new name of Park And Tree Committee therein;

WHEREAS, this ordinance needs to be in effect as soon as possible to correspond with Sweet Home Ordinance No. 1263 Establishing Certain City Committees;

Now Therefore,

The City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code Section 12.16.040 entitled CREATION OF TREE COMMISSION is changed to PARK AND TREE COMMITTEE and amended to read as follows:

The Park And Tree Committee established in SHMC Chapter 2.10 shall be the committee to implement the committee provisions of this chapter.

Section 2. Sweet Home Municipal Code Section 12.16.050 entitled DUTIES AND RESPONSIBILITIES OF TREE COMMISSION is changed to POWERS AND DUTIES OF THE PARK AND TREE COMMITTEE and is amended to read as follows:

The Park And Tree Committee has the powers and duties as set out in SHMC Chapter 2.10.

Section 3. Sweet Home Municipal Code Section 12.16.060 entitled REVIEW BY THE CITY COUNCIL is amended to read as follows:

The City Council may review the conduct, acts and decisions of the Park And Tree Committee, City Manager and authorized agent. A person may appeal the ruling or order of the committee, manager or agent to the City Council who shall hear the matter and make a final decision.

Section 4. Sweet Home Municipal Code first sentence of Section 12.16.100(4) entitled PERMIT is amended to read as follows:

If valid, the permit shall be processed by city staff unless referred to the Park And Tree Committee.

Section 5. Sweet Home Municipal Code Section 12.16.100(4)(c) entitled PERMIT is amended to read as follows:

c. Other conditions as the City Manager or his or her authorized agent or the Park And Tree Committee shall attach in keeping with the purpose of this chapter and the 1993 Park and Street Tree Planting Plan.

Section 6. Expediency Clause. It is hereby adjudged and declared that existing conditions are such that this ordinance is needed to be in effect upon its passage by the Council and approval by the Mayor.

PASSED by the Council and approved by the Mayor this day of
, 2017.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: October 24, 2017	TITLE: Ordinances Amending current Water Ordinance	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Pat Gray Finance Director	ATTACHMENTS: Ordinance No. 12 for 2017 – An Ordinance Amending Water Service Rates, and Related Matters	
REVIEWED By: Ray Towry City Manager		

PURPOSE OF THIS RCA:

Ordinances have been adopted by City Council to oversee the Water and Wastewater utility systems. Since these original adoptions, changes have occurred and/or issues noted over the years that need to be addressed by amending the ordinances.

BACKGROUND/CONTEXT:

With the responsibility of Utility Billing back with the Finance Director, staff reviewed the current ordinances and how they relate to the resolutions that give staff direction and authority to handle leak adjustments, interruption of services, resolving water/sewer bill issues and establishing deposit policies. Changes have occurred over the years since the ordinances were originally adopted that require some amendments.

THE CHALLENGE/PROBLEM:

How do we ensure congruency between our water ordinance, current practices, and resolutions?

STAKEHOLDERS:

- City of Sweet Home Residents/Utility Customers. Residents are assured that the water ordinance is current and consistent. Utility customers expect ordinances that are current and support resolutions used by city staff when working with utility customers. Citizens expect all landlords to be held accountable to ensure all delinquent utility accounts are paid.
- City Council Members. Council members rely on city staff to follow rules that follow ordinances they adopt. Adoption of current and consistent ordinances support current and consistent resolutions.
- City Staff/ Water & Wastewater Departments – Keeping ordinances updated allow finance staff clear instructions through consistent resolutions when working with utility billing customers and their accounts. Updating the ordinances will move all fees and interest into resolutions that are reviewed annually. Revisions to delinquent accounts on rental property will help reduce the accounts receivables currently outstanding in the utility accounts.

ISSUES & FINANCIAL IMPACTS:**An Ordinance Amending Water Service Rates, and Related Matters Ordinance**

- Section 1 – staff wants to ensure that services are not allowed at properties where unpaid bills are ignored by the property owner who continues to rent the property without paying the outstanding bills. The ordinance already states that the property owner is ultimately responsible for all past due bills, yet there are some property owners who ignore notifications of liens and allow tenants to move in and out leaving unpaid utility bills. The City currently has \$194,539.76 in accounts receivable caused by property owners who have unpaid accounts at revolving door rental properties.
- Section 2 – there are some properties in Sweet Home with two houses utilizing one meter. Issues have occurred between the two households on responsibility of excessive consumption and payment of utilities. By leaving the bill in the property owner’s name, similar to “sewer only” accounts, the property owner can then mediate issues between the tenants, not the city.
- Section 3 – the dollar amounts of charges, fees and interest need to be reflected in the water rates and fees resolution, which allows review of these charges annually with the rates.
- Section 4 – “The City Manager shall have authority to adjust or waive fees as appropriate” is moved to follow the fees in Section 5.
- Section 5 – hydrant meter deposit replaces “lien search fees” that had already been moved to the City’s fee resolution, which is reviewed annually. “Late fee for delinquent accounts” is moved from Section 3 to the list that is established by resolution. The hydrant meter deposit will allow Public Works to charge a deposit when the meters are checked out to ensure their return or replacement if not returned in working condition.
“The City Manager shall have authority to adjust or waive fees as appropriate” is moved to after the fee list.
- Section 6 - refunding and/or waiving deposits is only allowed for property owners. Deposits paid by tenants are applied to the final bill when the account is closed, with any amount remaining refunded to the tenant.

ELEMENTS OF A STABLE SOLUTION:

Updated ordinances would ensure issues are addressed that could impede the city from enacting fair and consistent policies.

OPTIONS:

1. Do Nothing. Ordinances can be left as currently written, however current resolutions do not reflect current ordinance language.
2. Revise the Ordinance. Council can make changes to staff recommendations. Consideration will need to be given to what the ordinance says in relation to what is intended in companion resolutions.
3. Adopt the Ordinances. Make a Motion to Move Ordinance No. 12 for 2017 – “An Ordinance Amending Water Service Rates, and Related Matters”, to first reading.

RECOMMENDATION:

Staff recommends Option 3. Make a Motion to Move Ordinance No. 12 for 2017 – “An Ordinance Amending Water Service Rates, and Related Matters”, to first reading. The ordinance as presented address issues with accounts receivables and property owner responsibilities. The City Attorney has reviewed the ordinance for consistency and legal

interpretations. The amendments ensure consistency with resolutions that establish the rules and policies in regards to utility billing accounts. Property owners will be notified of amendments adopted by City Council as soon as they are passed by the City Council at the third and final reading. Staff would intend to begin enforcement after January 1st, 2018.

ORDINANCE BILL NO. 10 FOR 2005

ORDINANCE NO. 1174

AN ORDINANCE SETTING WATER SERVICE RATES, AND RELATED MATTERS; REPEALING ORDINANCE NO. 1100, ORDINANCE NO. 1168, AND DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

13.04.010 Definitions

"After hours" means any time other than that defined by "normal working hours" in definitions section.

"Backflow Prevention Device": All "backflow prevention devices" required under this section shall be of a type and model approved by the Oregon Health Division, and the Division maintains a current list of backflow prevention devices approved for use in Oregon.

"City" means the City of Sweet Home, Oregon, and the area within its boundaries including its boundaries as extended in the future and all property owned by the City, outside the City limits. It means all officers, employees, and representatives of the City of Sweet Home.

"City Engineer" means the City Engineer of the City of Sweet Home, or such person as may be designated by the Public Works Director for the administration of this Ordinance. Designated person includes Public Works Director and any qualified engineer.

"City Manager" or "Manager" means the City Manager of the City of Sweet Home, or such person as may be designated by the Manager for the administration of this Ordinance.

"Commodity Charge" is the sum of the following expense components as defined in the City Council Approved Rate study of April 2000; Base Expense; Maximum Day Expense and Maximum Hour Expense.

"Connection Fee" shall be the fee paid to the City by the owner for the direct cost of the City to provide a water service connection and meter from the public water mainline to the owner(s) property line. Cost shall be for the time, materials and equipment of inspection and connection by the City and shall be set by resolution.

"Cross connection" shall mean any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other service which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow (bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections).

"Customer Charge" also referred as "Monthly base charge" is a sum of the Billing Expense and the General Expense as identified in the Council Approved Rate Study of April 2000.

"Delinquent Account" means any billing and/or associated fee for service that is not paid by the fifteenth (15th) of the month following the month in which the service was provided and/or charges incurred.

"Direct Responsible Charge" also referred as "DRC" shall mean designation of certified operator, pursuant to applicable Oregon Administrative Rules (OAR), responsible for; supervising the technical operations of the water distribution system or wastewater collection system; establishing and executing specific practices and policies for operating the system in accordance with the policies and practices of the owner and the requirements of public water/wastewater system rules, and; are engaged in the actual day to day operation or supervision of the system.

"Double check detector assembly" means a backflow prevention device consisting of a line size double check assembly in parallel with a detector meter and meter size double check valve assembly. Each double check valve assembly is to be equipped with properly located test cocks and tightly closing shutoff valve at the end of the assembly. If it is necessary to put a double check detector assembly below the grade, upon the approval of the City Engineer it may be installed in a vault such that there is a minimum of twelve inches between the bottom of the vault and the bottom of the assembly so the top of the assembly is not more than a maximum of eight inches below grade, and there is a minimum of twenty four inches of clearance between the side of the vault and the side of the assembly. There shall be a minimum of twelve

inches clearance from the end of the assembly to the end wall surface of the vault. In vaults without a fully removable top, minimum headroom of 6 feet 0 inches is required. An access opening a minimum of twenty-four inches square is required on all vault lids. The vault must have adequate drainage to prevent flooding. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the assembly.

"Double check valve assembly" means a backflow prevention assembly composed of at least two independently acting check valves including tightly closing shutoff valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve. The assembly shall be located as close as practical to the user's connection and shall be installed horizontally above grade and in a manner where it is readily accessible for testing and maintenance. If it is necessary to put a double check valve assembly below the grade, upon the approval of the City Engineer it may be installed in a vault such that there is a minimum of twelve inches between the bottom of the vault and the bottom of the assembly so the top of the assembly is not more than a maximum of eight inches below grade, and there is a minimum of twenty four inches of clearance between the side of the vault and the side of the assembly. There shall be a minimum of twelve inches clearance from the end of the assembly to the end wall surface of the vault. In vaults without a fully removable top, minimum headroom of 6 feet 0 inches is required. An access opening a minimum of twenty-four inches square is required on all vault lids. The vault must have adequate drainage to prevent flooding. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the assembly.

"Fire service" is any service installed for the specific purpose of fire protection (hose connection or sprinklers).

"Hose Bib Vacuum Breaker" means a back-siphonage prevention device to be placed onto an existing water faucet consisting of a single check valve mechanism with an atmospheric vent. The hose bib vacuum breaker is not a backflow prevention device and cannot be tested.

"Pressure Vacuum Breaker" means a back-siphonage prevention device consisting of a single spring-loaded check valve and an independently operated, spring-loaded air inlet valve, two tightly closing gate or ball valves and two test cocks. It is not adequate protection in a situation where backpressure could occur; consequently, it is not approved for premise isolation.

"Reduced Pressure Principle Assembly" means a backflow prevention assembly which has three main components consisting of a #1 check valve, #2 check valve, and a pressure differential relief valve, and two tightly closing shutoff valves on each side of the assembly. The assembly shall be installed as close to the service connection as is practical. The device shall be installed a minimum of 12 inches above grade and no more that 36 inches above grade measured from the bottom of the device without a permanently installed testing platform approved by the City Engineer. The device shall be installed with a minimum of twelve inches side clearance. All test cocks shall be readily accessed and capped.

"Residence" or "Residences" means a building used as a home.

"Rule" shall mean any written standard, directive, interpretation, policy, regulation, procedure or other provision, adopted by the City Council as a Resolution to carry out the provisions of this ordinance.

"Normal working hours" for administrative purposes means any normal workday Monday through Friday (except holidays) between the hours of 8:00 a.m. and 5:00 p.m. Treatment Plant normal working hours are 7:00 A.M. to 3:30 P.M. everyday of the week.

"User" means any person, corporation, or other entity using water through an established service line.

"Water main" shall mean any pipe owned by the City of Sweet Home, laid in a street, alley, easement, or on City property, and used or intended to be used for the distribution of potable water to customers through service lines.

13.04.020 Water Service - Responsibility

The person who owns the premises served by the water service shall be ultimately responsible for payment of the water user charge for that property notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay said charges. The person(s) opening a water account and/or person(s) occupying the premises served shall be responsible

for payment of all charges prescribed in this chapter. Service may be denied to any person who has left an unpaid water bill at another address within the City limits of Sweet Home, until such bill is paid. Service may be denied to property that has unpaid water bills against it whether they were incurred by a current or prior property owner, prior tenant, or prior occupant.

The users of the water service shall be billed for services in accordance with the rate schedule set by resolution as authorized by this ordinance.

Where water is supplied through one service line to more than one user, the City may decline to furnish water until separate customer service lines are provided. However, when more than one house or premises is permitted to connect to one water meter, the customer service lines shall be arranged so that the supply to each separate residence or premises shall be controlled by a separate valve. ~~A previously designated person~~ The property owner shall be responsible to pay for all the water used through such meter. Approval for such a connection is required by the City Engineer prior to connection.

13.04.030 Billing, Payment Delinquencies and Penalties

Rates shall generally be charged for the use of the said water service using a monthly base charge established by meter size selection and a commodity charge based on the volume of water used, and the charges based upon said rates shall be payable at City Hall. All bills are due when mailed and shall be considered delinquent if not paid by the fifteenth (15th) of the month following the month in which the service was provided and/or charges incurred.

If a bill is not paid by the time it becomes delinquent, a delinquent notice may, by rule, be mailed to the customer and/or property owner(s). If the bill is not paid by the date & time specified in the delinquent notice, or appropriate arrangements made at City Hall – water department, the City Manager shall, by rule, have the authority to deprive the property concerned of said water service by means of shut off, lockout, meter removal, and/or methods appropriate for discontinuance of water service until all delinquent user charges including interest accrued and the expense of removal, closing, and restoration have been fully paid. The expense of such discontinuance, removal, or closing, as well as the expense of restoring service shall be a debt due to the City and a lien upon the property and may be recovered by civil action in the name of the City against the property owner, the person, or both. Water service shall not be restored until all charges, including interest accrued and the expense of removal, closing, and restoration shall have been paid.

~~Interest~~ Late fees and interest at a rate set by resolution shall accrue on all accounts from the date of delinquency. ~~In addition, a penalty shall be assessed at the rate of \$2.00 per month from the date of delinquency, which shall be added to the account and shall accrue interest in the same manner as all other delinquent charges beginning the following month.~~ A service charge as determined by resolution shall be paid to the City whenever service is reinstated after having been discontinued due to nonpayment. Service may be denied to any person until restitution has been made for any damage or loss of revenue resulting from tampering with or bypassing water meters or locking devices.

~~The City Manager shall have authority to adjust or waive fees as appropriate.~~ Adjustment of utility bills when water pipes break on the customer's side of the water meter may be adjusted upon customer request and upon proof the water pipe(s) have been repaired/replaced.

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

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

13.04.040 Fees

Fees shall be made as established by City Council Resolution for:

- a. Reinstating water service to any property deprived of such service under the foregoing Section 13.04.030;

- b. Turning water service on that has been turned off without permit under Section 13.04.080 of this ordinance;
 - c. Turning off and turning on water service during regular and after hours;
 - d. Re-reading the water meter at the request of the user, if the previous reading was correct;
 - e. Calibration or re-installation of water meters at the request of the user if the previous meter was registering correctly;
 - f. ~~Lien search;~~Hydrant meter deposit;
 - g. Vacationer's water on/off;
 - h. Tampering with water meter effecting register;
 - i. Special potable water usage fee;
 - j. Water deposits;
 - k. Temporary water service fee;
 - l. Plan review fee for required backflow devices;
 - m. Notifying user of delinquent bill by hanging said notice on door;~~r~~
 - n. Service Charge~~s~~
 - o. Late fee for delinquent accounts
 - p. Interest Rate for delinquent accounts
- The City Manager shall have authority to adjust or waive fees as appropriate.

13.04.050 Rates

The rates for water use shall be set by City Council Resolution.

Costs for installing City service lines and water meters outside the City, but within the Urban Growth Boundary (UGB), shall be calculated on an individual basis. The City will own and maintain the water meter. NO NEW INSTALLATIONS ARE TO BE ALLOWED OUTSIDE THE UGB.

For existing water users outside the City limits, the rate charge shall be one and one-half times the rate charge to water users within the City limits.

Under no circumstances shall service be extended to persons or properties located outside of the City limits without the expressed permission of the City Council by resolution. The council may grant service outside the City only under the following circumstances:

- 1) As a temporary measure to alleviate a health hazard;
- 2) Under emergency

All private fire lines shall be metered by the City at the owner's expense, if the owner is found to be using the water for other than fire protection.

The City Manager shall cause a review of water rates to be made each February of the year to determine what rate changes, if any are to be considered by the City Council.

13.04.060 Water Account Deposits

A deposit as set by resolution shall be required in advance on each new water account and for each customer whose water service has been turned off for non-payment, before water service is to be commenced or resumed, except in the case of authorized rental property managers requiring temporary water service of 72 hours or less. The authorized rental property manager will pay a non-refundable service fee as set by resolution in advance for each request for temporary service, plus actual water usage in excess of one hundred cubic feet. Temporary service for more than 72 hours shall require a full deposit plus actual water usage more than one hundred cubic feet. The temporary service deposit will be refunded on the regularly scheduled billing date, less the dollar amount for actual water usage more than one hundred cubic feet. Temporary service in all cases is thirty (30) days or less. Minimum charge for

temporary service shall be no less than as set by resolution plus actual water usage more than one hundred cubic feet.

Upon any termination of the water service, the deposit shall be applied as payment on the account and the balance shall be refunded.

Deposits will be available for refund, or may be waived altogether to property owners, based upon a showing of good credit. The determination of whether a customer has established "good credit" shall be made by rule. Fees for special portable metered, or estimated, water usage, i.e., swimming pool fills, tanker fills and street sweeper fills, and other usage as required, shall be established by Council resolution. Such usage must be with permit as approved by the City Engineer.

No person(s) may cut, change, remove, disconnect, connect, operate, repair, interfere or tamper in any manner with a fire hydrant owned by the City unless a permit has been issued. This section does not apply to the Sweet Home Public Works or Fire & Ambulance District. Violations of this sub-section will be prosecuted under the criminal laws of Sweet Home and the State of Oregon. **A State licensed and bonded professional plumber may receive a special annual permit from the City Engineer to operate residential service valves when making repairs. There shall be no fee for said permit.**

13.04.070 Revenues

All revenues received by the City from such waterworks system shall be separately kept by the Treasurer of the City of Sweet Home from all other funds and shall show all receipts in and disbursements from, said fund, and the purposes to which the disbursements have been applied.

13.04.080 New Water Service.

No new water service shall be installed by the City until the potential customer has installed a cutoff, or "yard valve", between the meter and the outlet. The City of Sweet Home reserves the right to refuse or discontinue water service to any premises where the City Engineer of the City of Sweet Home has determined that the plumbing facilities, appliances, and/or equipment using water are not installed and/or operating in accordance with the Oregon State Health rules and plumbing code of the City of Sweet Home and endanger the public health. Water service may be refused to any premises as long as said conditions exist. However, water service that is being furnished to an occupied premises may be discontinued only after notice of the condition of the plumbing that endangers the public health has been mailed by certified or registered mail to the owner of record, and said notice also has been given to the occupant of the premises, either personally by posting the notice on the premises or by mailing the notice to said occupant by certified or registered mail at least 7 days prior to the time that the water service is terminated unless immediate emergency action is required. If shortage of water exists, the City may restrict the use of water as determined by the City.

13.04.090 Authority

The City Manager may by rule establish any/all procedures as necessary for carrying out the provisions of this chapter.

13.04.100 Yard Valves

All residences are required to have a yard valve on their water lateral line. The yard valve shall be installed on the owner's side of the meter according to City specifications, and be the property of the owner to have and forever maintain. .

13.04.110 Backflow Prevention

The City is authorized by the "Safe Drinking Water Act" PL 93-523 and Oregon Administrative Rules Chapter 333 "Public Water System", to achieve compliance with any cross-connection control requirements set forth by the "U.S. Environmental Protection Agency". Cross-connections shall be prohibited and protection provided against such cross-connection. The City may require that all backflow assemblies installed on fire protection services be tested annually.

No person shall connect, unless an approved backflow prevention device is used, any pump or other apparatus to any water main or service connection connected to the City of Sweet Home water system which is capable of introducing any foreign liquid or material into said system. The existence of any cross-

connection, whether open or not, shall be found cause for the water to be turned off and/or completely disconnected from the City service line.

An approved backflow device shall be installed to isolate the fire suppression pipe network from the potable water system. An additional backflow device shall be installed on the service line as near to the meter as possible for protection of the City water supply or as determined by the City Engineer.

Premises where there is an auxiliary water supply which can be connected to the City water supply piping, such as being hooked to City water and continuing to use a well for irrigation purposes, an approved backflow prevention device for protecting community water systems shall be installed on the service connection.

Approved backflow assemblies shall have at least the same cross sectional area as the water meter size or the line diameter if smaller. If a continuous water supply is necessary, two sets of approved backflow assemblies shall be installed in parallel. Where parallel assemblies are required, the sum of the cross sectional areas shall be equivalent to the cross sectional area of the meter.

There shall be no outlet, tee, tap, or connection of any sort between the water meter and the approved backflow assembly. A "Y" strainer and/or pressure reducing valve installed before the approved backflow assembly are the only exceptions.

Approved backflow assemblies shall not be bypassed, made inoperative or removed without specific written authorization from the City Engineer.

(1) Removal. The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the City Engineer to verify that a hazard no longer exists or is not likely to be created in the future;

(2) Relocation. An assembly may be relocated following confirmation by the City Engineer that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device;

(3) Repair. An assembly may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the City Engineer. A retest will be required following the repair of the assembly.

(4) Replacement. An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed. All replacement assemblies must be approved by the Oregon Health Division and commensurate with the degree of hazard.

Owners of any premises on which, or on account of which, backflow assemblies are installed, shall have the assemblies tested by a certified backflow prevention assembly tester licensed by the Oregon Health Department (Drinking Water Division). Backflow assemblies must be tested at a minimum of annually and immediately after installation, relocation, or repair. The City Engineer may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed in service unless it is functioning as required. A report form provided by the City must be filed with the Public Works Office each time the device is tested, relocated or repaired. These devices shall be serviced, overhauled or replaced whenever they are found defective and all costs of testing, repair and maintenance shall be born by the water user. The Public Works Department will supply affected water users with a list of persons Certified by the State of Oregon Health Department (Drinking Water Division) upon request.

The City Engineer shall review all requests for new services to determine if backflow protection is required. Plans and specifications must be submitted to the City Engineer upon request for review of possible cross connection hazards as a condition of service. No review fee will be required if no hazard or potential hazard exists. If it is determined that a backflow prevention assembly is necessary to protect the public water system, a review fee as set by resolution will be required for each device installed. The required device must be installed before service will be granted.

13.04.120 Customer Notification for Cross Connection Program Inspection

The City Engineer may require an on-premises inspection to evaluate cross connection hazards. Any customer who cannot or will not allow on-premises inspection of their piping system shall be required to install the backflow prevention assembly that the City Engineer considers necessary.

The City Engineer may require a re-inspection for cross connection hazards of any premises to which water is serviced by the water department. Any customer who cannot or will not allow on-premises inspection of their piping system shall be required to install the backflow prevention assembly that the City Engineer considers necessary.

1. The City Engineer shall notify the water user of the cross connection inspection findings, listing corrective action to be taken if required. A period of 30 days shall be given to complete all corrective actions required including installation of backflow prevention assemblies.

2. A second notice shall be sent to each water user that does not take the required corrective action prescribed in the first notice within the thirty-day period allowed. The second notice shall give the water user a two-week period to take the required corrective action. If no action is taken within the two-week period, the water service to the affected water user shall be terminated until the required corrective actions are taken.

3. The City Engineer shall notify each affected water user when it is time for the backflow prevention assembly installed on their service connection to be tested. This written notice shall give the water user thirty days to have the device tested and supply the Public Works Department with the necessary form documenting the test.

4. A second notice shall be sent to each water user who does not have a backflow prevention device tested as prescribed in the first notice within the thirty-day period allowed. The second notice shall give the water user a two-week period to have the backflow prevention assembly tested. If no action is taken within the two-week period, the City Engineer will terminate water service to the affected water user until the subject device is tested.

5. When the City Engineer encounters water use(s) that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the City Engineer shall institute the procedure for terminating the water service. Conditions or water uses that create a basis for immediate water termination are as follows;

- a. Refusal to install the required backflow prevention assembly.
- b. Refusal to test a backflow prevention assembly.
- c. Refusal to repair a faulty backflow prevention assembly.
- d. Refusal to replace a faulty backflow prevention assembly.
- e. Removal and/or bypassing without prior approval of a backflow assembly where required.
- f. Direct or indirect connection between the public water system and a sewer line.
- g. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.
- h. Unprotected direct or indirect connection between the public water system and an auxiliary water system.
- i. A situation that presents an immediate health hazard to the public water system.
- j. Non-submission of records of tests, repairs and maintenance to the department upon a second letter request of their submission.

13.04.130 Inspections

The City Engineer may inspect, at reasonable hours of the day, the exterior parts of the building and premises in which water is delivered from the City mains to determine the condition of the pipes and fixtures and the manner in which the water is used, or interior portions as allowed by law. Such designated representative will present proper identification, if requested.

13.04.140 Water turnoff from mains

Water may be turned off from the mains without notice for repair or other necessary purposes. The City is not responsible for any consequential damages.

13.04.150 Provision of water for steam boilers

Water for steam boilers shall not be furnished by direct pressure from the City mains.

13.04.160 Damage to water system

Any damage to the City water system or service line because of faulty customer equipment or backflow shall be the responsibility of the customer or user.

13.04.170 Fluoridation

The city is authorized and directed to provide for the fluoride supplementation of its public water supplies. Such supplementation is to be made in conformance with the regulations of the Oregon State Board of Health controlling fluoridation of public water supplies.

13.04.180 Violation – Penalty

Unless the cut-off valve is on the user's side of the water meter, it is unlawful for any person to turn on or off any cut-off valve controlling water service to any property, or to not obtain a permit from the City Engineer prior to taking water from the City water system. Violations of this Ordinance may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36 and any amendments thereto and Sweet Home Ordinance Number 1128 in addition to any other legal remedies available to the City. Each day that a violation exists is a separate offense.

13.04.190 Severability.

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. It is hereby declared to be the City Council's intent that this ordinance would have been adopted had such an unconstitutional provision not been included herein.

13.04.200 Classification.

The City Council determines that any fee, rates or charges imposed by this ordinance are not a tax subject to the property tax limitations of Article XI, section 11(b) of the Oregon Constitution.

13.04.210 Repeal/Savings

Ordinance No. 1100 and all ordinances amending Ordinance No. 1100 are hereby repealed. The repeal of an ordinance, or part thereof, shall not preclude action against a person or property that is in violation of said ordinance before the effective date of the repeal. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.

13.04.220 Emergency Clause.

The City Council hereby determines that existing conditions are such that this ordinance is immediately necessary for the protection of the present health, safety and good of the City of Sweet Home and the property owners and citizens thereof and, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately after its passage by the Council and approval by the Mayor.

PASSED by the Sweet Home City Council and approved by the Mayor this 11th day of October 2005.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

ORDINANCE BILL NO. 12 FOR 2017

ORDINANCE NO. _____

AN ORDINANCE AMENDING WATER SERVICE RATES, AND RELATED MATTERS ORDINANCE.

The City of Sweet Home does ordain as follows:

Section 1. SHMC 13.04.020A Water Service-Responsibility is amended by adding the following sentence to the end of the Paragraph A:

Service may be denied to property that has unpaid water bills against it whether they were incurred by a current or prior property owner, prior tenant, or prior occupant.

Section 2. SHMC 13.04.020C Water Service-Responsibility is amended by changing the second to the last sentence in Paragraph C to read:

The property owner shall be responsible to pay for all the water used through such meter.

Section 3. SHMC 13.04.030C Billing, Payment Delinquencies and Penalties is amended to read:

A late fee and interest at a rate set by resolution shall accrue on all accounts from the date of delinquency. A service charge, as determined by resolution shall be paid to the City whenever service is reinstated after having been discontinued due to nonpayment.

The sentence - The City Manager shall have authority to adjust or waive fees as appropriate. - is moved to Chapter 13.04.040 following the fees.

Section 4. SHMC 13.04.030E is amended by deleting the first sentence of Paragraph E

Section 5. SHMC 13.04.040 Fees is amended to read:

Fees shall be made as established by City Council Resolution for:

- a. Reinstating water service to any property deprived of such service under the foregoing Section 13.04.030;
- b. Turning water service on that has been turned off without permit under Section 13.04.080 of this ordinance;
- c. Turning off and turning on water service during regular and after hours;
- d. Re-reading the water meter at the request of the user, if the previous reading was correct;
- e. Calibration or re-installation of water meters at the request of the user if the previous meter was registering correctly;
- f. Hydrant meter deposit;
- g. Vacationer's water on/off;
- h. Tampering with water meter effecting register;
- i. Special potable water usage fee;
- j. Water deposits;
- k. Temporary water service fee;
- l. Plan review fee for required backflow devices;

- m. Notifying user of delinquent bill by hanging said notice on door.
- n. Service Charge
- o. Late fee for delinquent accounts
- p. Interest Rate for delinquent accounts

The City Manager shall have authority to adjust or waive fees as appropriate.

Section 6. SHMC 13.04.060C Water Account Deposits is amended by changing the first sentence in Paragraph C to read:

Deposits will be available for refund or may be waived altogether for property owners, based upon a showing of good credit.

PASSED by the Council and approved by the Mayor this ____ day of October, 2017

Mayor

ATTEST: _____

City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: October 24, 2017	TITLE: Ordinances Amending current Wastewater Ordinance	TYPE OF ACTION: — RESOLUTION <u>X</u> MOTION — OTHER
SUBMITTED BY: Pat Gray Finance Director	ATTACHMENTS: Ordinance No. 13 for 2017- An Ordinance Amending Sweet Home Municipal Code Chapter 13.08, Sewer Service System	
REVIEWED By: Ray Towry City Manager		

PURPOSE OF THIS RCA:

Ordinances have been adopted by City Council to oversee the Water and Wastewater utility systems. Since these original adoptions, changes have occurred and/or issues noted over the years that need to be addressed by amending the ordinances.

BACKGROUND/CONTEXT:

With the responsibility of Utility Billing back with the Finance Director, staff reviewed the current ordinances and how they relate to the resolutions that give staff direction and authority to handle leak adjustments, interruption of services, resolving water/sewer bill issues and establishing deposit policies. Changes have occurred over the years since the ordinances were originally adopted that require some amendments.

THE CHALLENGE/PROBLEM:

How do we ensure congruency between our wastewater ordinance, current practices, and resolutions?

STAKEHOLDERS:

- City of Sweet Home Residents/Utility Customers. Residents are assured that the wastewater ordinance is current and consistent. Utility customers expect ordinances that are current and support resolutions used by city staff when working with utility customers. Citizens expect all landlords to be held accountable to ensure all delinquent utility accounts are paid.
- City Council Members. Council members rely on city staff to follow rules that follow ordinances they adopt. Adoption of current and consistent ordinances support current and consistent resolutions.
- City Staff/ Water & Wastewater Departments – Keeping ordinances updated allow finance staff clear instructions through consistent resolutions when working with utility billing customers and their accounts. Updating the ordinances will move all fees and interest into resolutions that are reviewed annually. Revisions to delinquent accounts on rental property will help reduce the accounts receivables currently outstanding in the utility accounts.

ISSUES & FINANCIAL IMPACTS:**An Ordinance Amending Sweet Home Municipal Code Chapter 13.08, Sewer Service System**

- Section 1- The dollar amounts of charges, fees and interest need to be reflected in the wastewater rates & fees resolution, which allows review of these charges annually with the rates.
- Section 2 – Section 13.08.790 of the sewer ordinance is being deleted so that the appeal “challenge” process on a sewer bill is per Resolution No. 20 for 2017 and works the same as a disputed water/sewer bill. The deleted section has no counterpart in the water ordinance.

ELEMENTS OF A STABLE SOLUTION:

Updated ordinances would ensure issues are addressed that could impede the city from enacting fair and consistent policies.

OPTIONS:

1. Do Nothing. Ordinances can be left as currently written, however current resolutions do not reflect ordinance language.
2. Revise the Ordinance. Council can make changes to staff recommendations. Consideration will need to be given to what the ordinance says in relation to what is intended in companion resolutions.
3. Adopt the Ordinances. Make a Motion to Move Ordinance No. 13 for 2017 – An Ordinance Amending Sweet Home Municipal Code Chapter 13.08, Sewer Service System to first reading.

RECOMMENDATION:

Staff recommends Option 3. Make a Motion to Move Ordinance No. 13 for 2017 – An Ordinance Amending Sweet Home Municipal Code Chapter 13.08, Sewer Service System to first reading. The ordinance as presented address issues with accounts receivables and property owner responsibilities. The City Attorney has reviewed the ordinance for consistency and legal interpretations. The amendments ensure consistency with resolutions that establish the rules and policies in regards to utility billing accounts. Property owners will be notified of amendments adopted by City Council as soon as they are passed by the City Council at the third and final reading.

Chapter 13.08

SEWER SERVICE SYSTEM

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	ARTICLE XXV INFILTRATION AND INFLOW
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13.08.790	Appeals on rates
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ARTICLE I General Provisions

13.08.010 – Purpose This chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the city and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 12561 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this chapter are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- B. To prevent the introduction of pollutants into the POTW, which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW.
- C. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To improve opportunities for reuse and recycling of wastewater and sludge from the POTW.
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
- F. To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and any other federal or state laws to which the POTW is subject.

This chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

13.08.020 Applicability This chapter shall apply to all users of the POTW.

13.08.030 Administration Except as otherwise provided herein, the control authority, as defined in this chapter, shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the control authority may be delegated by the control authority to his/her authorized representative.

13.08.040 Abbreviations The following abbreviations shall have the designated meanings.

- A. “BOD” shall mean Biochemical oxygen demand

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- B. "CCB" shall mean Construction Contractors Board
- C. "CFR" shall mean Code of Federal Regulations
- D. "DEQ" shall mean Department of Environmental Quality
- E. "EPA" shall mean U.S. Environmental Protection Agency
- F. "gpd" shall mean gallons per day
- G. "mg/l" shall mean milligrams per liter
- H. "NPDES" shall mean National Pollutant Discharge Elimination System
- I. "POTW" shall mean Publicly Owned Treatment Works
- J. "RCRA" shall mean Resource Conservation and Recovery Act
- K. "TSS" shall mean Total Suspended Solids
- L. "USC" shall mean United States Code

ARTICLE II Definitions

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

"Act or the Act" shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 USC 1251 et seq.

"Approval authority" shall mean the State of Oregon Department of Environmental Quality (DEQ).

"Authorized signatory of the user" shall mean:

1. If the user is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second-quarter 1980 dollars), and if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the user is a federal, state or local government facility; a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
4. The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to control authority.

"Appurtenance" shall mean those items at the endpoints of the mainline segments being cleanouts or manholes that are publicly administered and maintained.

"Biochemical oxygen demand (BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter (mg/l).

"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 five feet (1.5 meters) outside the inner face of the building wall.

“Building sewer” shall mean the extension from the building drain up to and including the connection fitting on the public sewer or other place of disposal.

“City Manager” shall mean the Chief Executive Officer of the City, responsible to the City Council.

“Collection system” shall mean the system of public sewer to be operated by the City designed for the collection of sanitary sewage.

“Commercial user” shall mean any premises used for commercial or business purposes, which are not an industry, as defined in this ordinance.

“Director” shall mean the Public Works Director of the City of Sweet Home, or his/her authorized deputy, agent or representative.

“Domestic waste” shall mean any wastewater emanating from dwellings.

“Equivalent Residential Unit (ERU)” shall mean a volume of wastewater which incurs the same costs from operations and maintenance as the average volume of domestic waste discharged from an average residential dwelling unit in the treatment works service area. For purposes of making this determination the City shall utilize the metered water use records or other metering device approved by the Public Works Director. Where a user believes his wastewater discharge to treatment works is substantially different than his water consumption; an appropriate adjustment shall be made providing the user demonstrates to the satisfaction of the Director the actual wastewater discharge. The volume attributed to an ERU where the BOD, suspended solids or other characteristic of the wastewater discharged by a user is significantly greater than a domestic waste shall be adjusted to account for the difference in the costs of treatment.

“Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

“Industrial user” shall mean a discharger into the POTW of non-domestic wastewater and or any non-governmental, nonresidential user of the POTW which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following division:

- | | | |
|------------|---|--|
| 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 these Divisions may be excluded from the industrial category if it is determined that it will introduce domestic waste and waste from sanitary conveniences.

“Industrial waste” shall mean that portion of the wastewater emanating from an industrial user, which is not domestic waste, or waste from sanitary convenience.

“Natural outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

“Operation and Maintenance” shall mean activities required ensuring the dependable and economical function of collection and treatment works.

- a. Maintenance: Preservation of functional integrity and efficiency of equipment and structures. This includes preventive maintenance, corrective maintenance, and replacement of equipment.
- b. Operation: Control of the unit processes and equipment that make up the collection and treatment works. This includes keeping financial and personnel management records, laboratory control,

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process control, safety and emergency operation planning, employment of attorneys and consultants, payment of court costs or fees reasonably associated with any of the above.

“Person” shall mean any individual, firm, company, association, society, corporation,—partnership, co-partnership, 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” shall mean a measure of acidity or alkalinity of a substance, expressed in standard units.

“Properly shredded garbage” shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

“Public sewer” shall mean a sewer in which owners of assessed properties have equal rights, is controlled by public authority, where two or more private building sewers are attached to the City sanitary public sewer system. Any length of 3”, 4”, 6” or 8” or larger pipe size may be considered public regardless of the presence or not of sewer appurtenances.

“Sanitary Sewer” shall mean a sewer, which carries sewage, and to which storm, surface and ground waters are not intentionally admitted.

“Sewage” shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

“Sewage works” shall mean all facilities for collecting, pumping, treating and disposing of sewage.

“Sewer” shall mean a pipe or conduit for carrying sewage.

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

“Slug load” shall mean any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in this chapter or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

“Storm drain” (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

“Suspended solids” shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering,

“Service lateral” shall mean the building sewer up to and including the connection fitting on the public sewer.

“Replacement” shall mean obtaining and installing equipment accessories or appurtenances that are necessary during the design or useful life, whichever is longer, of the collection and treatment works to maintain the capacity and performance form which such works were designed and constructed.

“Residential user” shall mean user of a single-family dwelling.

“Service area” shall mean all the area served by the treatment works and for which there is one uniform user charge system.

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“Publicly owned treatment works (POTW)” shall mean a “treatment works,” as defined by Section 212 of the Act (33 USC 1292) which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

“User” shall mean a discharger into the POTW.

“User charge” shall mean the monthly charges levied on all users of the POTW, and shall, at a minimum, cover each user’s proportionate share of the cost of operation and maintenance (including replacement) of such works as provided under Section 204(b) (1) (A) of the Clean Water Act.

“Categorical pretreatment standard” or “categorical standard” shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40CFR Chapter I, Subchapter N, Parts 405-471.

“City” shall mean the City of Sweet Home or the City Council of Sweet Home or its authorized representative.

“Composite Sample” shall mean the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time, as specified by the control authority.

“Control Authority” shall mean the City of Sweet Home; the person(s) authorized by the City to supervise, administer, implement, or otherwise perform activities of the industrial pretreatment program, and who is charged with these duties and responsibilities by this chapter.

“Environmental Protection Agency (EPA)” shall mean the U.S. Environmental Protection Agency or its authorized representative.

“Existing source” shall mean any source of discharge, the construction or operation of which commenced prior to the publication of EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

“Grab sample” shall mean an individual sample collected over a period of time not to exceed fifteen minutes.

“Indirect discharge” or “discharge” shall mean the introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.

“Interference” shall mean a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal.

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

“National Pollutant Discharge Elimination System (NPDES) Permit” shall mean a permit issued to a POTW or other discharger pursuant to Section 402 of the Act.

“New source” shall mean.

1. Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:
 - a. The building, structure, facility or installation is constructed at a site at which no other sources are located; or
 - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - a. Begun, or caused to begin as part of a continuous on-site construction program:
 - i. Any placement, assembly or installation of facilities or equipment, or
 - ii. Significant site preparation work including clearing, excavation or removal of existing building, structure or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment, that is intended for use in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

“Noncontact cooling water” shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, and waste product or finished product.

“Pass through” shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City’s NPDES permit (including an increase in the magnitude or duration of a violation).

“Pollutant” shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e. pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity or odor).

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

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“Pretreatment requirements” shall mean any substantive or procedural requirement, other than a pretreatment standard, related to pretreatment and imposed on a user.

“Prohibited discharge standards” or “prohibited discharges” shall mean prohibitions against the discharge of certain substances; these prohibitions appear in Section 13.08.060 of this chapter.

“Septic tank waste” shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

“Significant industrial user” shall mean:

1. A user subject to categorical pretreatment standards; or
2. A user that:
 - a. Discharges an average of twenty-five thousand gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
 - b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or
 - c. Is designated as such by the control authority on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.
3. Upon a finding that a user meeting the criteria in subsection 2 has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the control authority may at any time, on its own initiative or in response to a petition received from a user (and in accordance with procedures in 40CFR 403.8(f)(6)) determine that such user should not be considered a significant industrial user.

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

“Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

“Wastewater treatment plant” shall mean any arrangement of devices and structures used for treating sewage.

ARTICLE III Use of Public Sewers Required

13.08.060 Use of public sewers required.

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Sweet Home, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the City of Sweet Home, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.
- C. Except as provided by permitting regulations of the DEQ 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.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes that use water or produce wastewater situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner’s expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 90 days after date of official notice to do so; provided, that said public sewer is within 100 feet (30.5 meters) of the property line.

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13.08.070 Construction – Generally.

- A. The City requires that any public infrastructure required by this chapter be constructed to the opposite extent of the property from the boundary side providing the existing utility. On a case by case basis, the Public Works Director may allow the extension of public utilities to front a portion of the property to be served with the following conditions:
1. The public frontage of the property to be served shall be greater than 100 feet.
 2. The allowed constructed frontage of the public utility serving the property will be a nominal 10 feet.
 3. The public utility is to be designed for the full extent of the property boundary frontage.
 4. The remaining portion of the public utility may be extended at the discretion of the City, request of the property owner or at the development of the adjacent “upstream” property owner.
 5. An agreement shall be signed and recorded by the property owner binding the present and future property owner(s) heirs, successors and assigns for future construction costs when the utility is to be extended.
- B. Private development requiring extensions of mainline public sanitary sewer shall conform to current American Public Works Association construction standards, or as so revised. All extensions of public sanitary sewer shall be engineered and have prior DEQ approval. All extensions of public sanitary sewer on private lands shall require a minimum fifteen-foot wide easement. Access and utility easements shall be signed, notarized and recorded prior to issuance of right-of-way permit.

ARTICLE IV Private Sewage Disposal13.08.080 Private sewage disposal.

- A. Where a public sanitary sewer is not available under the provision of Article III the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the Oregon State DEQ prior to being issued a Building department plumbing permit.
- C. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Article III, 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 facility shall be abandoned in accordance with State law at no expense to the City. This connection shall be accomplished within ninety days of written notice of the availability of public sewers.
- D. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.
- E. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Oregon State Department of Environmental Quality.
- F. The Director shall have the authority to inspect any private sewage disposal system to determine and ensure compliance with this ordinance.

ARTICLE V Building Sewers and Connections13.08.090 Building sewers and connections.

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director.
- B. There shall be two classes of permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. The permit application shall be

supplemented by any plans, specifications or other information considered pertinent in the judgment of the Director.

- C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. 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. However, such connection must meet the following standards:
 - 1. Minimum building sewer size from public sewer to front building: 6 inches.
 - 2. Minimum building sewer size from front building to rear building: 4 inches.
 - 3. Existing service size does not need to be upgraded when requested for medical hardship for members of the immediate family living in a second dwelling. Request must be through and approved by the City of Sweet Home Planning Commission.
 - 4. Minimum building sewer service requirements for duplex dwelling units shall be two individual 4" service laterals. In cases where one 4" service lateral is present to the property, a second 4" building sewer shall be installed.
 - 5. Multifamily dwelling units of 3 or more units shall provide to public works plumbing specification documents verifying available capacity to use a 4", 6" or 8" service lateral.
 - 6. Sanitary sewer system development charges will apply to any second structure or building if building sewer is provided to that building.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director to meet all requirements of this ordinance. Any instances of service laterals found to be made of "orange-burg" type material will require removal and replacement with an approved material.
- F. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and back-filling the trench shall all conform to the requirements of the building and plumbing code and the most current specifications of the American Public Works Association. Clean-outs shall be placed at the property right-of-way line on new construction of building sewers.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain or fixture is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a residential sewage pump and vault designed for the storage and transport of domestic sanitary sewage and approved by the Director.
- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface run-off or groundwater to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and the most current specifications of the American Public Works Association. All connections of the building sewer into the public sewer shall be performed by DEQ licensed and bonded contractors. All such connections shall be made gas-tight and watertight. The Director before installation must approve any deviation from the prescribed procedures and materials.
- J. The applicant for the permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director or his representative.
- K. 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 City. A Public Works permit is required when working in any public right-of-way. At the time of permit application contractors must provide company name(s), address(es), telephone number(s), CCB number and DEQ number.

- L. Maintenance and repair of the building sewer is the responsibility of the owner of the property served. The building sewer may extend any distance of 3", 4", 6", 8" or larger pipe size to a public main as defined with segment endpoints with appurtenances or to a point on the building sewer where a second building sewer from a second property is connected.
- M. Extension for any length of the City sanitary public sewer system at the request of a developer and not as part of a local improvement district or subdivision action, shall conform to the following.
 - A. Projects shall be engineered and reviewed and approved by DEQ
 - B. Asbuilt submittals shall be to the standards of the Control Authority
 - C. Developers shall extend service to potential properties within the project limits at the discretion of the Control Authority.
- N. Upon acceptance by the City of public infrastructure within subdivisions, it is the responsibility of the property owner to provide any new sewer service to any new property if any future property partitions and/or lot line adjustments of tax lots within the subdivision take place.

ARTICLE VI Use of Public Stormwater Sewers

13.08.100 Use of Public Stormwater Sewers.

- A. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Director or the appropriate jurisdictional authority, to a storm sewer or natural outlet.
- B. Stormwater sewer or channel sizing shall conform to all Master Storm Drainage Plan requirements.
- C. Standard culvert material shall be of Portland Cement Concrete. Smooth bore plastic pipe with an "n" value of 12 shall have concrete headwalls and may be approved at the discretion of the control authority.

13.08.110 Prohibited discharge standards.

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater, which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:
 1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a close-cup flashpoint of less than one hundred forty degrees F (sixty degrees C) using the test methods specified in 40 CFR 262.21;
 2. Wastewater that has a pH less than 6.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment, unless specifically authorized by the control authority;
 3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than one-half inch in any dimension;
 4. Pollutants, including oxygen-demanding pollutant (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 5. Wastewater having a temperature greater than one hundred-fifty degrees F, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred-four degrees F (forty degrees C);
 6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

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8. Trucked or hauled pollutants, except at discharge points designated by the control authority;
9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal and approved by the control authority;
11. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the control authority;
12. Sludges, screenings or other residues from the pretreatment of industrial wastes, unless specifically authorized by the control authority;
13. Medical wastes, except as specifically authorized by the control authority in a wastewater discharge permit;
14. Any material into a manhole through its top unless specifically authorized by the control authority.

C. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

13.08.120 Categorical pretreatment standards. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the control authority may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the control authority shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(3).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a new gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

13.08.130 State pretreatment standards. State pretreatment standards and any other applicable state standards or requirements are hereby incorporated.

13.08.140 Local limits. The city reserves the right to, at any time, establish specific pollutant limits for protections against pass through and interference.

13.08.150 Right of revision. The control authority reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

13.08.160 Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The control authority may impose mass limitations on users that are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

13.08.170 Public Works Director -- Authority.

- A. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 2 of this article, and which in the judgment of the Director may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:
 - (a) Reject the wastes;
 - (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (c) Require control over the quantities and rates of discharge; and/or
 - (d) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this article.
- B. If the Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director and subject to the requirements of all applicable codes, ordinances and laws.

13.08.180 Water Quality Manholes.

- A. When required by the Director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense, and shall be maintained by the owner so as to be accessible and safe at all times.
- B. When required by the Director, the owner of any property serviced by a storm drain carrying parking lot runoff, shall install a suitable control manhole with appurtenances to detain, filter or settle waste from the storm drainage. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense, and shall be maintained by the owner so as to be accessible and safe at all times.

13.08.190 Measurements, tests and analyses. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constants upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample of sample should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.)

ARTICLE VII Pretreatment of Wastewater

13.08.200 Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all national pretreatment standards, local limits, and the prohibitions set out in Article 6, Section 2 of this chapter within the time limitations specified by EPA, the state, or the control authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures will in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the control authority under the provisions of this chapter.

13.08.210 Additional pretreatment measures.

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- A. Whenever deemed necessary, the control authority may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.
- B. The control authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil and sand interceptors shall be provided when, in the opinion of the control authority, they are necessary for the proper handling of wastewater containing excessive amounts grease and oil, sand, any flammable wastes, 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 control authority and shall be located as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly, as needed, by the user at the user's expense.
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

13.08.220 Accidental discharge/slug control plans. At least once every two years the control authority shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The control authority may require any user to develop, submit for approval, and implement such a plan. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the control authority of any accidental or slug discharge, as required by Article X, Section 6. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Article XVI, Section 2; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

The review and/or approval of such plans will in no way relieve the user from the responsibility of modifying such plans or facilities as necessary to comply with the provisions of this chapter.

13.08.230 Hauled wastewater.

- A. Septic tank waste may be introduced into the POTW only at locations approved by the control authority and at such times as are established by the control authority. Such wastes shall not violate Article VI of this chapter or any other requirements established by the control authority. The control authority may require septic tank waste haulers to obtain wastewater discharge permits.
- B. The control authority shall require haulers of industrial waste to obtain wastewater discharge permits. The control authority may require generators of hauled industrial waste to obtain wastewater discharge permits. The control authority also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.
- C. Industrial waste haulers may only discharge loads designated by the control authority. No load may be discharged without prior consent of the control authority. The control authority may collect samples of each hauled load to ensure compliance with applicable

standards. The control authority may require the hauler to provide a waste analysis of any load prior to discharge.

- D. Industrial waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Article VIII Wastewater Discharge Permit Application

13.08.240 Wastewater analysis. When requested by the control authority, a user must submit information on the nature and characteristics of the user's wastewater. The control authority is authorized to prepare a form for this purpose and may periodically require users to update the information. Failure to provide the information shall be reasonable grounds for denying or terminating service to the user and shall be considered a violation of this chapter.

13.08.250 Wastewater discharge permit requirement

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the control authority, except a significant industrial user that has filed a timely application pursuant to Section 3 of this Article may continue to discharge for the time period specified therein.
- B. The control authority may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subject the wastewater discharge permittee to the sanctions set out in Articles XIII through XVI of this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

13.08.260 Wastewater discharge permitting - existing connections. Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of the ordinance codified in this chapter and who wishes to continue such discharges in the future, shall, within ninety days after said date, apply to the control authority for a wastewater discharge permit in accordance with Section 5 of this Article, and shall not cause or allow discharges to the POTW to continue after one hundred fifty days of the effective date of said ordinance except in accordance with a wastewater discharge permit issued by the control authority.

13.08.270 Wastewater discharge permitting - new connections. Any user required to obtain a wastewater discharge permit that proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit in accordance with Section 4 of this Article must be filed at least sixty days prior to the date upon which any discharge will begin or recommence.

13.08.280 Contents. All users required to obtain a wastewater permit must submit a permit application. The control authority may require a user to submit as part of an application the following information:

- A. The information required by Article X, Section 1.
- B. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number of employees, hours of operation and proposed or actual hours of operation;
- D. Each product produced by type amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);

- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, chemical storage areas, and appurtenances by size, location and elevation, and all points of discharge;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the control authority to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

13.08.290 Application signatories and certification. All wastewater discharge permit applications and user reports must be signed by an authorized signatory of the user and contain the following certification statement:

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

13.08.300 Wastewater discharge permit decisions. The control authority will evaluate the data furnished by the user and may require additional information. Within sixty days of receipt of a complete wastewater discharge permit application, the control authority will determine whether or not to issue a wastewater discharge permit. The control authority may deny any application for a wastewater discharge permit.

Article IX Wastewater Discharge Permit Issuance Process

13.08.310 Duration. Wastewater discharge permits shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the control authority. Each wastewater discharge permit will indicate a specific date upon which it will expire.

13.08.320 Contents. Wastewater discharge permits shall include such conditions as are deemed reasonably necessary by the control authority to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, protect the public, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Wastewater discharge permits must contain:
 1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years;
 2. A statement that the wastewater discharge permit is nontransferable;
 3. Effluent limits based on applicable pretreatment standards;
 4. Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state and local law; and
 5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
 1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

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2. Requirements for the installation and maintenance of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works;
3. Requirements for the development and implementation of accidental discharge/slug control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or non-routine discharges;
4. Requirements for the development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
6. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
7. Other conditions as deemed appropriate by the control authority to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

13.08.330 Appeals. The control authority shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the control authority to reconsider the terms of a wastewater discharge permit within thirty days of notice of issuance of the discharge permit.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the control authority fails to act within thirty days of receipt of the request, the request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the circuit court for Linn County, state of Oregon within sixty days from the date of the decision.

13.08.340 Modification. The control authority may modify the wastewater discharge permit for good cause including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, state or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating the permitted discharge poses a threat to the POTW, POTW personnel, the public or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit.

13.08.350 Transfer. Wastewater discharge permits may not be assigned or transferred to a new owner and/or operator.

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13.08.360 Revocation. The control authority may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the control authority of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the control authority of changed conditions pursuant to Article X, Section 5;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring or other reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the control authority timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application; or
- L. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit of this chapter.

Wastewater discharge permits shall be voidable upon cessation of operations. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

13.08.370 Reissuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit re-issuance by submitting a complete permit application, in accordance with Article VIII, Section 4, a minimum of sixty days prior to the expiration of the user's existing wastewater discharge permit.

13.08.380 Regulation of waste received from other jurisdictions.

- A. If another jurisdiction, or user located within another jurisdiction, contributes wastewater to the POTW, the control authority shall enter into an inter-jurisdictional agreement with the contributing jurisdiction.
- B. Prior to entering into an agreement required by subsection A of this section, the control authority shall request the following information from the contributing jurisdiction:
 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction;
 2. An inventory of all users located within the contributing jurisdiction and discharging to the POTW; and
 3. Such other information as the control authority may deem necessary.
- C. An inter-jurisdictional agreement, as required by subsection A of this section, shall contain, at a minimum, the following conditions:
 1. A requirement for the contributing jurisdiction to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits which are at least as stringent as those set out in Article VI, Section 5. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance and/or local limits;
 2. A requirement for the contributing jurisdiction to submit a revised user inventory on at least an annual basis;
 3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing jurisdiction; which of this activities will be conducted by the control authority; and which of these activities will be conducted jointly by the contributing jurisdiction and the control authority;

4. A requirement for the contributing jurisdiction to provide the control authority with access to all information the contributing jurisdiction obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing jurisdiction's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing jurisdiction's discharge;
7. A provision insuring the control authority access to the facilities of users located within the contributing jurisdiction's boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the control authority; and
8. A provision specifying remedies available for breach of the terms of the inter-jurisdictional agreement.

Article X Reporting Requirements

13.08.390 Baseline monitoring reports.

- A. Within either one hundred eighty days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the control authority a report which contains the information listed in subsection B of this section. At least ninety days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the control authority a report which contains the information listed in subsection B of this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
 1. Identifying Information. The name and address of the facility, including the name of the operator and owner.
 2. Environmental Permits. A list of any environmental control permits held by or for the facility.
 3. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 4. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
 5. Measurement of Pollutants.
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the control authority) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 10 of this Article.
 - c. Sampling must be performed in accordance with procedures set out in Section 11 of this Article.
 6. Certification. A statement, reviewed by the user's authorized signatory and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment, is required to meet the pretreatment standards and requirements.

7. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 2 of this Article.
8. Signature and Certification. All baseline-monitoring reports must be signed and certified in accordance with Article VIII, Section 6.

13.08.400 Compliance schedule progress reports. The following conditions shall apply to any schedule required by this chapter or the control authority:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine months;
- C. The user shall submit a progress report to the control authority no later than fourteen days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine months elapse between such progress reports to the control authority.
- E. No compliance schedule shall exceed eighteen months.

13.08.410 Report on compliance with categorical pretreatment standard deadline. Within ninety days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the control authority a report containing the information described in Section 1 (B)(4) through (6) of this Article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Article VIII, Section 6).

13.08.420 Periodic compliance reports.

- A. All significant industrial users shall, at a frequency determined by the control authority but in no case less than every six months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Article VIII, Section 6.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the control authority, using the procedures prescribed in Sections 10 and 11 of this Article, the results of this monitoring shall be included in the report.

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13.08.430 Report of changed conditions. Each user must notify the control authority of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least thirty days before the change.

- A. The control authority may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Article VIII, Section 5.
- B. The control authority may issue a wastewater discharge permit under Article VIII, Section 7, or modify an existing wastewater discharge permit under Article IX, Section 4, in response to changed conditions or anticipated changed conditions.
- C. No user shall implement the planned changed condition(s) until and unless the control authority has responded to the user's notice.
- D. For purposes of this requirement, significant changes include, but are not limited to, flow changes of twenty percent or greater, and the discharge of any previously unreported pollutants.

13.08.440 Reports of potential problems.

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW (including a violation of the prohibited discharge standards in Article VI, Section 2), the user shall immediately telephone and notify the control authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five days following such discharge, the user shall, unless waived by the control authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed pursuant to this chapter.
- C. Failure to notify the control authority of potential problem discharges shall be deemed a violation of this chapter.
- D. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection A of this section. Employers shall ensure that all employees are advised of the emergency notification procedure.

13.08.450 Reports from unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports as may be required by the control authority.

13.08.460 Notice of violation - repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the control authority as soon as possible but no later than twenty-four hours of becoming aware of the violation. The user shall also immediately repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within the time period specified by the control authority but at no time greater than thirty days after becoming aware of the violation. The user may not be required to resample if the control authority monitors at the user's facility at least once a month, or if the control authority samples between the user's initial sampling and when the user receives the results of this sampling.

13.08.470 Notification of the discharge of hazardous waste.

- A. Any user who commences the discharge of hazardous waste shall notify the control authority, the EPA Regional Waste Management Division Director, and state hazardous waste authorities (in writing) of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 26 1. Such

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notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste numbers, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents in the wastes, an estimation of the mass and concentration of such constituents contained in the waste-stream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take place no later than one hundred eighty days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 5 of this Article. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Sections 1, 3 and 4 of this Article.

- B. Discharges are exempt from the requirements of subsection A of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the control authority, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within ninety days of the effective date of such regulations.
- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This reporting provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

13.08.480 Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA

13.08.490 Sample collection.

- A. Except as indicated in subsection B of this section, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the control authority may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

13.08.500 Timing. Written reports will be deemed to have been submitted on the date post-marked. For reports that are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

13.08.510 Record keeping. Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the control authority, or where the user has been specifically notified of a longer retention period by the control authority.

Article XI Compliance Monitoring

13.08.520 Right of entry - inspection and sampling. The control authority shall have the right upon presentation of proper credentials to enter the premises of any user to determine whether the user is complying with all requirements of this chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the control authority ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, including photographing or videotaping on the user's premises, and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the control authority will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The control authority shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The control authority may require the user to install monitoring equipment as necessary. The user at its own expense shall maintain at the facility's sampling and monitoring equipment all times in a safe and proper operating condition. All devices used to measure wastewater flow and quality shall be calibrated at least annually by a certified technician to ensure their accuracy. Calibration records shall be made available to the control authority upon request.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the control authority and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the control authority access to the user's premises shall be a violation of this chapter.

13.08.530 Search warrants. If the control authority has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the control authority designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the control authority may seek issuance of a search warrant from the municipal court of the city, or any other court of competent jurisdiction.

Article XII Confidential Information

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13.08.540 Confidential information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the control authority's inspection and sampling activities, shall be available to the public without restriction according to the public disclosure laws of the state of Oregon, unless the user specifically requests, and is able to demonstrate to the satisfaction of the control authority, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. Subject to the public records laws of the state of Oregon, when requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Article XIII Publication of Users in Significant Noncompliance

13.08.550 Publication of users - In significant noncompliance. The control authority shall publish annually, in the largest weekly newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria: 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH;
- C. Any other discharge violation that the control authority believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the city personnel or the general public);
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the control authority's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety days of the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) that the control authority determines will adversely affect the operation or implementation of the local pretreatment program

Article XIV Administrative Enforcement Remedies

13.08.560 Notification of violation. When the control authority finds that a user has violated (or continues to violate) any provision of Article VII or subsequent Articles pertaining to such, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the control authority shall serve upon a representative of the user, such representative meeting the criteria of authorized signatory, a written notice of violation. Within five days of the receipt of this notice, an explanation of the

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violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the control authority. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the control authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

13.08.570 Consent orders. The control authority may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 4 and 5 of this Article and shall be judicially enforceable.

13.08.580 Show cause hearing. The control authority may order a user which has violated or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the control authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fourteen days prior to the hearing. Such notice shall be served on a representative of the user who meets the criteria of an authorized signatory. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. In the event that a user fails to appear at a show cause hearing, without good cause for the failure to appear, the control authority shall proceed to take such actions or orders as may be appropriate under the circumstances. Failure of the user to receive actual personal notice, subject to the above notice requirements, shall not prevent the control authority to proceed with the hearing and take such actions that are otherwise appropriate.

13.08.590 Compliance orders. When the control authority finds that a user has violated or continues to violate any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the control authority may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a national pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.08.600 Cease and desist orders. When the control authority finds that a user has violated (or continues to violate) any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the control authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.08.610 Administrative fines.

- A. When the control authority finds that a user has violated or continues to violate any provision of Article VII or subsequent Articles pertaining to such, a wastewater discharge

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permit or order issued hereunder, or any other pretreatment standard or requirement, the control authority may fine such user in an amount not to exceed one thousand dollars. Any and all such fines shall be assessed on a per violation, per day basis. The control authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine, as well as other expenses actually associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages or fines incurred by the control authority.

- B. Interest shall accrue on any unpaid charges, fines, or penalties after sixty days from their assessment at the rate of nine percent per year. The city recorder shall enter the assessments in the City lien docket, which assessments shall be liened and charged upon the respective properties against which they are placed. Such liens shall be first and prior to all other liens or encumbrances, insofar as the laws of Oregon allow, and shall be foreclosed as provided by law.
- C. Users desiring to dispute such fines must file a written request for the control authority to reconsider the fine along with full payment of the fine amount within thirty days of being notified of the fine. The control authority shall convene a hearing on the matter within thirty days of receiving the request from the user. In the event the user's appeal is successful, the payment shall be returned to the user. In the event that the user's appeal is unsuccessful, the user may appeal to the city council by filing a written request with the City Manager within fifteen days of the decision upon reconsideration of the control authority. The City Manager shall schedule a hearing upon the appeal before the city council within sixty days from the date the appeal is filed. The appeal can be heard at a regular or special meeting of the city council, with notice to be given to the user no less than ten calendar days prior to the hearing. The hearing shall be conducted in a summary manner, with all parties allowed the right to present evidence. Neither the decision of the control authority, nor the payment of the fine imposed by the control authority, shall be stayed during the pendency of the appeal. In the event that the user's appeal is successful before the city council, the payment of the fine shall be returned to the user.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

13.08.620 Emergency suspensions. The control authority may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The control authority may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the control authority shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The control authority shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the control authority that the period of endangerment has passed, unless the termination proceedings in Section 8 of this Article are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the control authority within five days.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

13.08.630 Termination of discharge. Any user that violates the conditions in Article VI, Section 6 of this chapter is subject to discharge termination. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 3 of this Article why the proposed

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action should not be taken. Exercise of this option by the control authority shall not be a bar to, or a prerequisite for, taking any other action against the user.

Article XV Judicial Enforcement Remedies

13.08.640 Injunctive relief. When the control authority finds that a user has violated (or continues to violate) any provision of Article VII or subsequent Articles pertaining to such, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the control authority may petition the circuit court for Linn County, Oregon through the control authority's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The control authority may also seek such other action as is appropriate for legal and/or equitable relief, including requirements for the user to conduct environmental remediation and/or make reparations for damages to the POTW. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

13.08.650 Civil penalties.

- A. A user who has violated or continues to violate any provision of Article VII or subsequent Articles pertaining to such, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the control authority for a maximum civil penalty of ten thousand dollars, but not less than one thousand dollars per violation, per day.
- B. The control authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages or fines incurred by the control authority.
- C. In determining the amount of civil liability, the court shall be taken into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

13.08.660 Criminal prosecution.

- A. A user who has intentionally or knowingly violated any provision of Article VII or subsequent Articles pertaining to such, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed five thousand dollars per violation, per day, or imprisonment for not more than one year, or both.
- B. A user who has intentionally or knowingly introduced any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least five thousand dollars and/or be subject to imprisonment for one year. The penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- C. A user who intentionally or knowingly makes any false statements, representations or certifications in any application, record, report plan, or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit, or order issued hereunder, or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this chapter shall be guilty of a misdemeanor punishable by a fine not to exceed five thousand dollars per violation, per day, or imprisonment for not more than one year, or both.

13.08.670 Remedies nonexclusive. The remedies provided for in this chapter are not exclusive. The control authority may take any, all or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the control authority's

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enforcement response plan. However, the control authority may take other action against any user when the circumstances warrant.

Article XVI Affirmative Defenses to Discharge Violations

13.08.680 Upset.

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection C of this section are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and the user can identify the cause(s) of the upset;
 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 3. The user has submitted the following information to the control authority as soon as possible but no later than twenty-four hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five days:
 - a. A description of the indirect discharge and cause of noncompliance,
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue, and
 - c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

13.08.690 Prohibited discharge standards. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the prohibitions in Article VI, Section 2 if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the control authority was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.08.700 Bypass.

- A. For the purposes of this section,
 1. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

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2. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow the bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections C and D of this section.
- C.
1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the control authority, at least ten days before the date of the bypass, if possible.
 2. A user shall submit oral notice to the control authority of an unanticipated bypass that exceeds applicable pretreatment standards as soon as possible but no later than twenty-four hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The control authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.
- D.
1. Bypass is prohibited, and the control authority may take an enforcement action against a user for a bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The user submitted notices as required under subsection C of this section.
 2. The control authority may approve an anticipated bypass, after considering its adverse effects, if the control authority determines that it will meet the three conditions listed in subsection (D)(1) of this section.

Article XVII Miscellaneous Provisions

13.08.710 Pretreatment charges and fees. The control authority may adopt reasonable fees for reimbursement of the costs of development and administration of the control authority's pretreatment program, which may include:

- A. Fees for wastewater discharges permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the control authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the control authority.

ARTICLE XVIII Protection from Damage

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13.08.720 Protection from damage.

- A. No unauthorized person shall maliciously, willfully, intentionally, knowingly, recklessly, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to the criminal laws of the City of Sweet Home and State of Oregon.
- B. It shall be unlawful to permit the growth of hydrotropic species of trees such as members of the populus and salix genera which have root systems that tend to be attracted to and enter into the City's sewer system, within 25 feet of any public sewer. Trees located farther than 25 feet from a city sewer lateral shall be removed if it is determined that the root system may interfere with a public sewer. Removal of such trees existing on property other than public rights-of-way shall be at the property owner's expense.

ARTICLE XIX Powers and Authority of Inspectors13.08.730 Powers and authority of inspectors.

- A. The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Director or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing necessary work on private properties referred to in Article XIX, Section 1, above, the Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company; and the company shall be held harmless for injury or death to the city employees; and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging or sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VI, Section 10.
- C. The Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE XX Sewer User Charges13.08.740 Sewer user charge.

- A. User charges shall be levied on all users of the POTW, and set by resolution. Such charges shall cover the cost of operation and maintenance, replacement, and other administrative costs of such POTW. The user charge system shall distribute these costs in proportion to each user's contribution to the wastewater loading of the POTW.
- B. There shall be assigned to each multi-family residential number of ERU's and this number shall represent the ratio of the cost incurred by the wastewater from the user to the cost incurred by the wastewater from the residential dwelling unit.
- C. The user charge shall be calculated by multiplying the total number of ERU's for each user by a constant cost factor. This cost factor shall be set by resolution.
- D. Should any user believe that that he had been incorrectly assigned a number of ERU's, that user may apply to city council for review of his wastewater contribution.
- E. If it has been determined by the City that a user's wastewater contribution is incorrectly assigned, the City shall reassign a more appropriate value to that user and shall notify that user of such reassignment.
- F. Records of all assigned wastewater contributions forming the basis of the charges shall be kept on file with the city recorder and shall be open for public inspection.

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- G. The sewer user charge for all occupied property shall begin 60 days after the sewer main becomes available or the day that connection is made to the public sewer, whichever occurs first. There shall be no user charge for unoccupied property. Once the sewer user charge has commenced no credit shall be given for vacancy unless it can be demonstrated by the sewer user that water service to that property from any and all sources has been discontinued. The regular user charge shall be reinstated as soon as water service to that property from any source has begun. If the date 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.
- H. Industrial sewer users and commercial sewer users shall be charged on the basis of sewage flow in units of 100 cubic feet being equal to one unit plus a monthly customer charge.
- I. The rate per unit for and the monthly customer charge for industrial and commercial users shall be set by resolution.
- J. Non flat rate customers with sewage strengths greater than average residential sewage shall pay a surcharge for the strength loading in excess of average residential strength loading.
- K. The surcharge for extra strength loadings shall be set by resolution.
- L. Once a year each user shall be notified, in conjunction with a regular bill, of that portion of the user charges which are attributable to the operation, maintenance and replacement of the wastewater collection, treatment and disposal system. In lieu of the above notification requirement a newspaper public notice with a posting of said notice at City Hall will satisfy the notice requirement. The notice will be given during the month of May each year.

ARTICLE XXI Review and Revision of Rates

13.08.750 Review and revision of rates.

The sewer user charges established in Article III of this ordinance shall, as a minimum, be reviewed annually and revised periodically to reflect actual costs of operation, maintenance and replacement of the POTW 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 contribution to the total wastewater loading of the POTW.

ARTICLE XXII Responsibility, Payment Delinquencies and Penalties

13.08.760 User charge payment responsibility, delinquencies and penalties.

- A. The person who owns the premises served by the sewerage system shall be responsible for payment of the sewer user charge for that property notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay said charges.
- B. The users of the sewerage system shall be billed for services in accordance with the rate schedule set by resolution as authorized by this ordinance.
- C. The date of billing shall be established by the rate setting resolution as provided in Article XX of this ordinance.
- D. Sewer user charges shall be due and payable as established by the rate setting resolution provided in Article XX of this ordinance.
- E. Sewer user charges levied in accordance with this ordinance shall be a debt due to the City and a lien upon the property. If this debt is not paid within 30 days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both.
- F. ~~Interest at a rate set by resolution shall accrue on all accounts from the date of delinquency. In addition, a penalty shall be assessed at the rate of \$2 per month from the date of delinquency, which shall be added to the account and shall accrue interest in the same manner as all other delinquent charges beginning the following month. A late fee and interest at a rate set by resolution shall accrue on all accounts from the date of delinquency.~~
- G. In the event of failure to pay sewer charges after they have become delinquent, the City shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes. The expense of such discontinuance, removal, or closing, as well as the expense of restoring service shall be a debt due to the City and a lien upon the property and may be recovered by civil action in the name of the City against the property owner, the person, or both.

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- H. Sewer service shall not be restored until all charges, including interest accrued and the expense of removal, closing, and restoration shall have been paid.
- I. Changes of ownership or occupancy of premises found delinquent shall not be cause of reducing or eliminating these penalties.
- J. If a sewer user charge is not paid when due, the City may shut off water service until all delinquent sewer user charges are fully paid.

ARTICLE XXIII Handling of Funds

13.08.770 Handling of funds.

- A. Bills for sewer user charges shall be mailed to the address specified in the application for permit to make the connection unless or until the different owner or user of the property is reported to the Finance Department.
- B. All collections of sewer user charges shall be made by the City Recorder by and through the Finance Department. Sewer user charges shall be computed as provided in Article XX of this ordinance and shall be payable as provided in Article XXII of this ordinance.
- C. The City Recorder is hereby directed to deposit in the Sewer Fund all of the gross revenues received from charges, rates, and penalties collected for the use of the sewerage system as herein provided.
- D. The revenues thus deposited in the Sewer Fund shall be used exclusively for the operation, maintenance, and repair of the sewerage system; administration costs; expenses of collection of charges imposed by this ordinance and payments of the principle and interest on any debts of the sewerage system of the city.

ARTICLE XXIV Reserved for Industrial Cost Recovery

ARTICLE XXV Infiltration and Inflow

Amended by Ordinance Bill #11 for 2005!

ARTICLE XXVI Appeals on Rates ARTICLE XXVI Left for Expansion

~~13.08.790 Appeals on rates. 13.08.790 Left for Expansion~~

~~Appeals on Rates established by the City shall be made in writing to the City Manager within 90 days of the billing of said use fee. The City Manager shall respond in writing within 90 days of receipt of the appeal. If the user(s) wish to appeal further, they shall request in writing that the City Manager place their specific appeal on the next scheduled regular City Council session. The decision of the City Council shall be final.~~

ARTICLE XXVII Penalties

13.08.800 Violations – Penalties.

- A. Any person found to be in violation of any provision of this ordinance, except Article VII or subsequent Articles pertaining to such, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, and Article XVIII, may be served by the City with writing notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Violation of this ordinance constitutes an infraction and may be prosecuted under the provision of Sweet Home Municipal Code Chapter 9.36, as now enacted or hereafter amended except Article VII or subsequent Articles pertaining to such, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, and Article XVIII, Section 1.
- C. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss or damage that the City sustains by reason of such violation.

ARTICLE XXVIII Validity

Section 1. All Sweet Home Ordinances or parts of ordinances in conflict herewith are hereby repealed including Ordinances 1023 and 1031.

Section 2. The repeal of an ordinance, or part thereof, by Section 1 hereof shall not preclude action against a person or property that is in violation of said ordinance before the effective date of the repeal.

Section 3. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.

Passed by the Council and approved by the Mayor this _____ day of _____, 1999.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

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ORDINANCE BILL NO. 13 FOR 2017

ORDINANCE NO. _____

AN ORDINANCE AMENDING SWEET HOME MUNICIPAL CODE CHAPTER 13.08, SEWER SERVICE SYSTEM.

The City of Sweet Home does ordain as follows:

Section 1. SHMC 13.08.760F. – User Charge, Payment Responsibility, Delinquencies and Penalties is amended to read as follows:

A late fee and interest at a rate set by resolution shall accrue on all accounts from the date of delinquency.

Section 2. SHMC ARTICLE XXVI – Shall be entitled Left For Expansion and SHMC 13.08.790 – text is deleted and the section is left for expansion.

PASSED by the Council and approved by the Mayor this ____ day of _____, 2017

Mayor

ATTEST: _____

City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: October 24, 2017	TITLE: Requesting updates in Utility Billing Resolutions	TYPE OF ACTION: <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Pat Gray Finance Director	ATTACHMENTS: <u>Resolution No. 19 for 2017-</u> Adopting Leak Adjustment Policy	
REVIEWED By: Ray Towry City Manager		

PURPOSE OF THIS RCA:

Resolutions have been adopted by City Council to provide rules for staff to follow in order to carry out the provisions of Water & Wastewater Ordinances. Several of these policies have not been updated since 2006. Practices have evolved over the years that require some changes and/or updates to the resolutions for consistency. Staff is asking City Council to review the proposed changes and adopt the updated resolution incorporating generally accepted best practices and to ensure congruity between resolution, ordinance and practice.

BACKGROUND/CONTEXT:

With the responsibility of Utility Billing back with the Finance Director, staff reviewed the current resolutions that give direction and authority to handle leak adjustments, interruption of services, resolving water/sewer bill issues and establishing deposit policies. Changes have occurred over the years since the resolutions were originally adopted that require the resolutions to be updated to reflect these changes and inconsistencies that have been discovered between the resolutions and the Water Ordinance.

THE CHALLENGE/PROBLEM:

How do we ensure congruency between our water and wastewater ordinance, current practices, and resolutions?

STAKEHOLDERS:

- City of Sweet Home Residents. Residents are assured that utility billing policies are current, consistent and follow ordinances as adopted by City Council.
- City Council Members. Council members rely on city staff to follow policies and procedures that align with ordinances adopted by Council. Adoption of current resolutions that align with ordinance language assure ordinances are meeting objectives, as intended by Council.
- City Staff. Finance staff have clear and consistent instructions when working with utility billing customers and their accounts.

ISSUES & FINANCIAL IMPACTS:**A Resolution Adopting Leak Adjustment Policy for Water and Wastewater Utility Accounts**

- Spell out “Sweet Home Municipal Code” before SHMC in second paragraph for clarification and take out “by rule” language that is not in the Ordinance.
- Take out “and/or plumbing fixture” in fifth paragraph, Ordinance does not address plumbing fixtures.
- Take out “fixture problem” in sixth paragraph to follow Ordinance language that states “adjustment of utility bills when water pipes break on customer’s side....,” “fixture problems” are not called out in the Ordinance.
- Cleanup language in the ninth paragraph that limits a customer to coming back no longer than six months to request a leak adjustment.
- Add another line that an adjustment will be for no more than two billing periods. Due to the confusion of the six month period, staff understood that customers can request up to six months of adjustments for leaks that were not repaired in a timely manner, which is also why another line is added that adjustments will not be for leaking toilets or for customer’s failure to repair a leak.
- Added another line that limits leak adjustments to one per account per a 12 month rolling calendar year. There are some customers who tend to have several leaky toilets during the year or don’t repair their irrigation lines.
- There are no fees in this resolution so the Measure 5 Classification line was struck.

In summary, during 2016 staff adjusted \$68,812 from customers’ bills due to liberal leak adjustments. Staff believes these changes will help make customers more responsible for fixing on going leaks in irrigation systems and addressing leaky toilet issues faster, conserving water and resources.

ELEMENTS OF A STABLE SOLUTION:

Updated resolutions would ensure issues are addressed that could impede the city from enacting fair and consistent policies.

OPTIONS:

1. Do Nothing. Resolutions and ordinances can be left as currently written, however current resolutions do not reflect current ordinance language.
2. Revise the Resolution. Council can make changes to staff recommendations. Consideration will need to be given to what the ordinance says in relation to what is intended with the resolution.
3. Adopt Resolution. Adopt Resolution No. 19 for 2017 – A Resolution Adopting Leak Adjustment Policy for Water and Wastewater Utility Accounts as presented.

RECOMMENDATION:

Staff recommends Option 3 – Motion to Adopt Resolution No. 19 for 2017 – “A Resolution Adopting Leak Adjustment Policy for Water and Wastewater Utility Accounts”, as presented. The resolution, as presented, utilizes the same language found within the water and wastewater ordinances. The City Attorney has reviewed the resolution for consistency and legal interpretations. The revisions ensure consistency with rules and policies in regards to utility billing accounts. Customers will be notified of changes as soon as adopted by City Council with final implantation to occur depending upon the resolution.

RESOLUTION NO. ~~19-10 for 2006~~ for 2017

A RESOLUTION ADOPTING LEAK ADJUSTMENT POLICY FOR WATER AND WASTEWATER UTILITY ACCOUNTS.

WHEREAS, the Sweet Home City Council has provided that "Rules" can be adopted as Resolutions to carry out provisions of Water and Wastewater (Sewer) Ordinances in accordance with Ordinance No. 1174 and 1175; and

WHEREAS, Sweet Home Municipal Code (SHMC) 13.04.030 Billing, Payment Delinquencies and Penalties states "Adjustment of utility bills when water pipes break on the customer's side of the water meter may, ~~by rule,~~ be adjusted upon customer request..."; and

WHEREAS, City desires to establish a formal policy regarding water and/or wastewater account deposits.

NOW, THEREFORE, BE IT RESOLVED BY THE SWEET HOME CITY COUNCIL that effective upon passage of this Resolution, the following shall be in effect:

The following policy is in regards to adjusting utility accounts when account holder experiences an "excess in water usage" due to water supply ~~and/or plumbing fixture~~ break, failure, and/or leak on the customer (private) side of the water meter beyond their control

- A utility bill MAY be adjusted, AFTER proof (i.e plumbers invoice, parts receipts, plumbing permit, etc.) has been provided to the City that the ~~underground~~ supply line/~~fixture problem~~ has been repaired or corrected, according to the following:
 - The charge for water billing will be based upon the average consumption for the billing periods of the previous 12 months beginning with the month just prior to when the problem occurred, PLUS ½ of the water consumption measured in excess of the above referenced average for the billing period the problem occurred.
 - If the charge for sewer billing is based upon the volume of water metered, any/all adjustments will be based upon the 12 month average consumption described above unless billing was not affect by this "excess water usage" i.e. during Winter Averaging.
 - Customer must ~~apply for a request a~~ leak adjustment ~~consideration~~ within six (6) months ~~of the occurance, that problem occurred to ensure adjustment consideration, applications-Requests~~ for adjustments beyond six (6) months will ~~be~~ not be considered.
 - If approved, the adjustment to the bill will be for no more than the last two billing periods.

- o No leak adjustment is allowed for a leaking toilet or for negligent failure to repair a leak.
- o One adjustment per utility account will be allowed per calendar year (rolling 12 month year from last occurrence)

~~It has been determined that these rates and/or fees are classified as not being subject to Oregon Constitution, Article XI, Section 11b limitations.~~

This resolution supersedes any/all prior resolutions adopting a leak adjustment policy for water and wastewater utility accounts including Resolution No. 10 for 2006.

PASSED by the City Council and approved by the Mayor this ~~14th~~ 24th day of ~~March, 2006~~ October, 2017.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

RESOLUTION NO. 19 for 2017

A RESOLUTION ADOPTING LEAK ADJUSTMENT POLICY FOR WATER AND WASTEWATER UTILITY ACCOUNTS

WHEREAS, the Sweet Home City Council has provided that “Rules” can be adopted as Resolutions to carry out provisions of Water and Wastewater (Sewer) Ordinances in accordance with Ordinance No. 1174 and 1175; and

WHEREAS, Sweet Home Municipal Code (SHMC) 13.04.030 Billing, Payment Delinquencies and Penalties states “Adjustment of utility bills when water pipes break on the customer’s side of the water meter maybe adjusted upon customer request...”; and

WHEREAS, City desires to establish a formal policy regarding water and/or wastewater account deposits.

NOW, THEREFORE, BE IT RESOLVED BY THE SWEET HOME CITY COUNCIL that effective upon passage of this Resolution, the following shall be in effect:

The following policy is in regards to adjusting utility accounts when account holder experiences an “excess in water usage” due to water supply break, failure, and/or leak on the customer (private) side of the water meter beyond their control

- A utility bill MAY be adjusted, AFTER proof (i.e plumbers invoice, parts receipts, plumbing permit, etc.) has been provided to the City that the supply line has been repaired or corrected, according to the following:
 - The charge for water billing will be based upon the average consumption for the billing periods of the previous 12 months beginning with the month just prior to when the problem occurred, PLUS ½ of the water consumption measured in excess of the above referenced average for the billing period the problem occurred.
 - If the charge for sewer billing is based upon the volume of water metered, any/all adjustments will be based upon the 12 month average consumption described above unless billing was not affect by this “excess water usage” i.e. during Winter Averaging.
 - Customer must request a leak adjustment within six (6) months of the occurrence. Requests for adjustments beyond six (6) months will not be considered.
 - If approved, the adjustment to the bill will be for no more than the last two billing periods.
 - No leak adjustment is allowed for a leaking toilet or for negligent failure to repair a leak.

- One adjustment per utility account will be allowed per calendar year (rolling 12 month year from last occurrence)

This resolution supersedes any/all prior resolutions adopting a leak adjustment policy for water and wastewater utility accounts including Resolution No. 10 for 2006.

PASSED by the City Council and approved by the Mayor this 24th day of October, 2017.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: October 24, 2017	TITLE: Requesting updates in Utility Billing Resolutions	TYPE OF ACTION: <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Pat Gray Finance Director	ATTACHMENTS: <u>Resolution No. 20 for 2017 -A</u> Resolution Challenging a Disputed Water/Sewer Bill	
REVIEWED By: Ray Towry City Manager		

PURPOSE OF THIS RCA:

Resolutions have been adopted by City Council to provide rules for staff to follow in order to carry out the provisions of Water & Wastewater Ordinances. Several of these policies have not been updated since 2006. Practices have evolved over the years that require some changes and/or updates to the resolutions for consistency. Staff is asking City Council to review the proposed changes and adopt the updated resolution incorporating generally accepted best practices and to ensure congruity between resolutions, ordinances, and practice.

BACKGROUND/CONTEXT:

With the responsibility of Utility Billing back with the Finance Director, staff reviewed the current resolutions that give direction and authority to handle leak adjustments, interruption of services, resolving water/sewer bill issues and establishing deposit policies. Changes have occurred over the years since the resolutions were originally adopted that require the resolutions to be updated to reflect these changes and inconsistencies that have been discovered between the resolutions and the Water Ordinance.

THE CHALLENGE/PROBLEM:

How do we ensure congruency between our ordinances, resolutions, and current practices?

STAKEHOLDERS:

- City of Sweet Home Residents. Residents are assured that utility billing polices are current, consistent and follow ordinances as adopted by City Council.
- City Council Members. Council members rely on city staff to follow policies and procedures that align with ordinances adopted by Council. Adoption of current resolutions that align with ordinance language assure ordinances are meeting objectives, as intended by Council.
- City Staff. Finance staff have clear and consistent instructions when working with utility billing customers and their accounts.

ISSUES & FINANCIAL IMPACTS:**A Resolution Setting Forth the Procedure for Challenging a Disputed Water/Sewer Bill**

- Under Step Two: change the contact from the Public Works Director to the Finance Director.

ELEMENTS OF A STABLE SOLUTION:

Updated resolutions would ensure issues are addressed that could impede the city from enacting fair and consistent policies.

OPTIONS:

1. Do Nothing. Resolutions and ordinances can be left as currently written, however current resolutions do not reflect current ordinance language.
2. Revise the Resolution. Council can make changes to staff recommendations. Consideration will need to be given to what the ordinance says in relation to what is intended with the resolution.
3. Adopt Resolution. Adopt Resolution No. 20 for 2017 – A Resolution Setting Forth the Procedure for Challenging a Disputed Water/Sewer Bill.

RECOMMENDATION:

Staff recommends Option 3 – Motion to Adopt Resolution No. 20 for 2017 – A Resolution Setting Forth the Procedure for Challenging a Disputed Water/Sewer Bill, as presented. The resolution, as presented, utilizes the same language found within the water and wastewater ordinances. The City Attorney has reviewed the resolution for consistency and legal interpretations. The revisions ensure consistency with rules and policies in regards to utility billing accounts. Customers will be notified of changes as soon as adopted by City Council with final implantation to occur depending upon the resolution.

Resolution Challenging a Disputed Water/Sewer Bill can begin immediately as it's only a change in designated staff responsibility.

RESOLUTION No. 20 FOR 2017

A RESOLUTION SETTING FORTH THE PROCEDURE FOR ~~CHALLENGING~~ A DISPUTED WATER/SEWER BILL.

WHEREAS, the Sweet Home City Council has provided that "Rules" can be adopted as Resolutions to carry out provisions of Water and Wastewater (Sewer) Ordinances in accordance with Ordinance 1174 and 1175; and

WHEREAS, the City desires to establish a formal written procedure for challenging a disputed water/sewer bill.

NOW, THEREFORE, BE IT RESOLVED BY THE SWEET HOME CITY COUNCIL that effective upon passage of this Resolution, the following shall be in effect:

The procedure for challenging a disputed water/sewer bill is as follows:

PROCEDURE FOR CHALLENGING A DISPUTED WATER/SEWER BILL

STEP ONE:

Contact City Hall water department staff at 541-367-5128, 1140 12th Avenue, Sweet Home, Oregon 97386-2111.

If no resolution to disputed bill is forthcoming from city staff, proceed to Step Two.

STEP TWO:

Contact ~~Public Works Director at 541-367-6243~~ Finance Director at 541-367-5128, 1140 12th Avenue, Sweet Home, Oregon 97386-2111.

If no resolution to disputed bill is forthcoming from ~~Public Works Director~~ Finance Director, proceed to Step Three.

STEP THREE:

Contact City Manager at 541-367-8969, 1140 12th Avenue, Sweet Home, Oregon 97386-2111.

If no resolution to disputed bill is forthcoming from City Manager, proceed to Step Four.

STEP FOUR:

Present your disputed bill ~~objections~~ to Sweet Home City Council at a regular scheduled meeting. The City Council has their regular scheduled meetings the second and fourth Tuesday of each month. To be placed on the City Council agenda for an upcoming meeting you need to contact the City Manager at 541-367-8969, 1140 12th Avenue, Sweet Home, Oregon 97386-2111 on or before the Wednesday before the next regular scheduled meeting.

STEP FIVE:

The direction of Sweet Home City Council on the disputed bill shall be final.

The telephone numbers and addresses above can be changed, as needed, without a further Resolution.

This resolution supersedes any/all prior resolutions setting forth the procedure for challenging a disputed water/sewer bill.

PASSED by the City Council and approved by the Mayor this ____ day of _____, 2017.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

RESOLUTION NO. 20 for 2017

A RESOLUTION SETTING FORTH THE PROCEDURE FOR CHALLENGING A DISPUTED WATER/SEWER BILL.

WHEREAS, the Sweet Home City Council has provided that "Rules" can be adopted as Resolutions to carry out provisions of Water and Wastewater (Sewer) Ordinances in accordance with Ordinance 1174 and 1175; and

WHEREAS, the City desires to establish a formal written procedure for challenging a disputed water/sewer bill.

NOW, THEREFORE, BE IT RESOLVED BY THE SWEET HOME CITY COUNCIL that effective upon passage of this Resolution, the following shall be in effect:

The procedure for challenging a disputed water/sewer bill is as follows:

PROCEDURE FOR CHALLENGING A DISPUTED WATER/SEWER BILL

STEP ONE:

Contact City Hall water department staff at 541-367-5128, 1140 12th Avenue, Sweet Home, Oregon 97386-2111.

If no resolution to disputed bill is forthcoming from city staff, proceed to Step Two.

STEP TWO:

Contact Finance Director at 541-367-5128, 1140 12th Avenue, Sweet Home, Oregon 97386-2111.

If no resolution to disputed bill is forthcoming from Finance Director, proceed to Step Three.

STEP THREE:

Contact City Manager at 541-367-8969, 1140 12th Avenue, Sweet Home, Oregon 97386-2111.

If no resolution to disputed bill is forthcoming from City Manager, proceed to Step Four.

STEP FOUR:

Present your disputed bill objections to Sweet Home City Council at a regular scheduled meeting. The City Council has their regular scheduled meetings the second and fourth Tuesday of each month. To be placed on the City Council agenda for an upcoming meeting you need to contact the City Manager at 541-367-8969, 1140 12th Avenue, Sweet Home, Oregon 97386-2111 on or before the Wednesday before the next regular scheduled meeting.

STEP FIVE:

The direction of Sweet Home City Council on the disputed bill shall be final.

The telephone numbers and addresses above can be changed, as needed, without a further Resolution.

This resolution supersedes any/all prior resolutions setting forth the procedure for challenging a disputed water/sewer bill including Resolution No. 6 for 2011.

PASSED by the City Council and approved by the Mayor this 24th day of October, 2017.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: October 24, 2017	TITLE: Requesting updates in Utility Billing Resolutions	TYPE OF ACTION: <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Pat Gray Finance Director	ATTACHMENTS: <u>Resolution No. 21 for 2017 – A</u> Resolution Setting Rates & Fees for Water Service	
REVIEWED By: Ray Towry City Manager		

PURPOSE OF THIS RCA:

Resolutions have been adopted by City Council to provide rules for staff to follow in order to carry out the provisions of Water & Wastewater Ordinances. Several of these policies have not been updated since 2006. Practices have evolved over the years that require some changes and/or updates to the resolutions for consistency. Staff is asking City Council to review the proposed changes and adopt the updated resolution incorporating generally accepted best practices and to ensure congruity between resolutions, ordinances, and practice.

BACKGROUND/CONTEXT:

With the responsibility of Utility Billing back with the Finance Director, staff reviewed the current resolutions that give direction and authority to handle leak adjustments, interruption of services, resolving water/sewer bill issues and establishing deposit policies. Changes have occurred over the years since the resolutions were originally adopted that require the resolutions to be updated to reflect these changes and inconsistencies that have been discovered between the resolutions and the Water Ordinance.

THE CHALLENGE/PROBLEM:

How do we ensure congruency between our ordinances, resolutions, and current practices?

STAKEHOLDERS:

- City of Sweet Home Residents. Residents are assured that utility billing policies are current, consistent and follow ordinances as adopted by City Council.
- City Council Members. Council members rely on city staff to follow policies and procedures that align with ordinances adopted by Council. Adoption of current resolutions that align with ordinance language assure ordinances are meeting objectives, as intended by Council.
- City Staff. Finance staff have clear and consistent instructions when working with utility billing customers and their accounts.

ISSUES & FINANCIAL IMPACTS:
A Resolution Setting Rates and Fees for Water Services

- In Section 2 – Miscellaneous water service fees to be established as follows:
 - added f) Hydrant meter deposit is added for \$1,650;
 - n) moved \$2.00 per month on delinquent accounts from Service Charge to
 - o) Late fee for delinquent accounts; \$2.00 per month; and added “The City Manager shall have authority to adjust or waive fees as appropriate: to match ordinance language

ELEMENTS OF A STABLE SOLUTION:

Updated ordinances would ensure issues are addressed that could impede the city from enacting fair and consistent policies.

OPTIONS:

1. Do Nothing. Resolutions and ordinances can be left as currently written, however current resolutions do not reflect current ordinance language.
2. Revise the Resolution. Council can make changes to staff recommendations. Consideration will need to be given to what the ordinance says in relation to what is intended with the resolution.
3. Adopt Resolution. Adopt Resolution No. 21 for 2017 – A Resolution Setting Rates and Fees for Water Service.

RECOMMENDATION:

Staff recommends Option 3 – Motion to Adopt Resolution No. 21 for 2017 – “A Resolution Setting Rates and Fees for Water Service,” as presented. The resolution, as presented, utilizes the same language found within the water and wastewater ordinances. The City Attorney has reviewed the resolution for consistency and legal interpretations. The revisions ensure consistency with rules and policies in regards to utility billing accounts. Customers will be notified of changes as soon as adopted by City Council with final implantation to occur depending upon the resolution.

Resolution Setting Rates & Fees for Water Service can begin immediately as the fees have already been approved in the water ordinance.

RESOLUTION NO. ~~26-~~ 21— for ~~2016~~2017**A RESOLUTION SETTING RATES AND FEES FOR WATER SERVICES.**

WHEREAS, the Sweet Home City Council has provided that Water User Rates should be established by resolution, in accordance with Ordinance No. 1174; and

WHEREAS, the Water User Rates were last adjusted July 2014 and need to be adjusted herein to ensure adequate funds are received to cover the annual cost of operation and maintenance, replacement, and other administrative costs of the Water Utility.

NOW, THEREFORE, BE IT RESOLVED BY THE SWEET HOME CITY COUNCIL that effective July 21, 2016, the water user fees shall be as follows:

For purposes of this resolution, the City Council shall annually review Water Rates before May of each year and set the new monthly rate for bills sent out each July.

Section 1 - The rates for water use to be charged for each billing period are as follows:

A minimum charge for each water service inside the city limits will be made according to the meter sizes as follows.

Meter Size	Monthly Base Charge
3/4 inch	\$ 26.58
1 inch	33.32
1-1/2 inch	42.30
2 inch	67.00
3 inch	248.88
4 inch	316.24
6 inch	473.43
8 inch	653.06

Residential Users (Inside the City Limits): The monthly base charge is to include the first 400 cubic feet of water consumed for all residential customers only. A consumption charge of \$6.50 per 100 cubic feet for water used, over 400 cubic feet, shall be made in addition to the Monthly Base Charge for all meter sizes for all residential customers only.

Commercial Users (Inside the City Limits): A consumption charge of \$5.95 per 100 cubic feet for all water used shall be made in addition to the Monthly Base Charge for all commercial customers per meter size.

Bulk Users (Inside the City Limits): A consumption charge of \$5.21 per 100 cubic feet for all water used shall be made.

Water Users Outside the City Limits: Monthly charges will be computed at 1.5 times the inside city rate as stated above for residential, commercial and bulk users.

The Monthly Base Charge for a meter on a water line installed solely for the purpose of providing fire protection shall be the 3/4 inch rate charged for a residence. If the monthly reading of the meter

indicates any usage, the Monthly Base Charge will be the normal charge for the meter size installed as shown above in addition to the charge for consumption.

Section 2 - Miscellaneous water service fees to be established as follows:

- a) Reinstating water service to any property deprived of such service; a fee of \$32.
- b) Turning water service on that has been turned off without permit by persons other than City employees; a fee of \$32.
- c) Turning off and turning on water service after hours; a fee of \$32. During regular hours \$16 (after hours at users' request only).
- d) Re-reading the water meter at the request of the user, if the previous reading was correct; a fee of \$16.
- e) Calibration or reinstallation of water meters at the request of the user, if the previous meter was registering correctly; a fee of \$125.
- ~~e)f)~~ Hydrant meter deposit, a deposit of \$1,650.
- ~~f)g)~~ Vacationers' water on/off; a fee of \$16 each visit.
- ~~g)h)~~ Tampering with a water meter affecting register; a fee of \$250.
- ~~h)i)~~ Fees for special portable metered or estimated water usage; i.e., swimming pool fills, tanker, fills and street sweeper fills, and other usage as required shall be charged at a \$5.21 per 100 cubic feet, or \$0.0070/gallon. Such usage must be with permit as approved by the Public Works Director (see Bulk users).
- ~~i)j)~~ Water Deposit: \$50.00 (An additional \$50.00 will be collected from water residents for each new sewer account and shall be administered in conjunction with the Wastewater Ordinance/Resolution).
- ~~j)k)~~ Temporary Water Service Fee; \$32
- ~~k)l)~~ Plan review fee for required backflow devices as established in Ordinance No. 958 – Basic Right-of-way Fee.
- ~~l)m)~~ Notification by Door Hanging for Delinquent Bill; \$16.
- ~~n)~~ Service Charge; ~~\$2.00 per month on delinquent accounts.~~
- ~~m)o)~~ Late fee for delinquent accounts; \$2.00 per month
- ~~n)p)~~ Interest Rate: 1-1/2% per month on outstanding delinquent account balance including all interest, service charges, or other relevant fees/charges.
- ~~o)q)~~ Refunds will not be made for amounts less than \$10.

The City Manager shall have authority to adjust or waive fees as appropriate.

Section 3 – Other associated fees, practices and charges for water and sewer installation and hookup are described in ordinance Numbers 1029, 1127 and 1175 or other current superseding ordinances.

It has been determined that these rates and fees are classified as not being subject to Oregon Constitution, Article XI, Section 11b limitations.

This Resolution supersedes all prior resolutions on water rates including Resolution No. 26 for 2006.

PASSED by the City Council and approved by the Mayor this ~~23rd~~ 24th day of ~~August,~~ 2016.~~October, 2017~~

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

RESOLUTION NO. 21 for 2017

A RESOLUTION SETTING RATES AND FEES FOR WATER SERVICES.

WHEREAS, the Sweet Home City Council has provided that Water User Rates should be established by resolution, in accordance with Ordinance No. 1174; and

WHEREAS, the Water User Rates were last adjusted July 2014 and need to be adjusted herein to ensure adequate funds are received to cover the annual cost of operation and maintenance, replacement, and other administrative costs of the Water Utility.

NOW, THEREFORE, BE IT RESOLVED BY THE SWEET HOME CITY COUNCIL that effective July 21, 2016, the water user fees shall be as follows:

For purposes of this resolution, the City Council shall annually review Water Rates before May of each year and set the new monthly rate for bills sent out each July.

Section 1 - The rates for water use to be charged for each billing period are as follows:

A minimum charge for each water service inside the city limits will be made according to the meter sizes as follows.

<u>Meter Size</u>	<u>Monthly Base Charge</u>
3/4 inch	\$ 26.58
1 inch	33.32
1-1/2 inch	42.30
2 inch	67.00
3 inch	248.88
4 inch	316.24
6 inch	473.43
8 inch	653.06

Residential Users (Inside the City Limits): The monthly base charge is to include the first 400 cubic feet of water consumed for all residential customers only. A consumption charge of \$6.50 per 100 cubic feet for water used, over 400 cubic feet, shall be made in addition to the Monthly Base Charge for all meter sizes for all residential customers only.

Commercial Users (Inside the City Limits): A consumption charge of \$5.95 per 100 cubic feet for all water used shall be made in addition to the Monthly Base Charge for all commercial customers per meter size.

Bulk Users (Inside the City Limits): A consumption charge of \$5.21 per 100 cubic feet for all water used shall be made.

Water Users Outside the City Limits: Monthly charges will be computed at 1.5 times the inside city rate as stated above for residential, commercial and bulk users.

The Monthly Base Charge for a meter on a water line installed solely for the purpose of providing fire protection shall be the 3/4 inch rate charged for a residence. If the monthly reading of the meter

indicates any usage, the Monthly Base Charge will be the normal charge for the meter size installed as shown above in addition to the charge for consumption.

Section 2 - Miscellaneous water service fees to be established as follows:

- a) Reinstating water service to any property deprived of such service; a fee of \$32.
- b) Turning water service on that has been turned off without permit by persons other than City employees; a fee of \$32.
- c) Turning off and turning on water service after hours; a fee of \$32. During regular hours \$16 (after hours at users' request only).
- d) Re-reading the water meter at the request of the user, if the previous reading was correct; a fee of \$16.
- e) Calibration or reinstallation of water meters at the request of the user, if the previous meter was registering correctly; a fee of \$125.
- f) Hydrant meter deposit, a deposit of \$1,650.
- g) Vacationers' water on/off; a fee of \$16 each visit.
- h) Tampering with a water meter affecting register; a fee of \$250.
- i) Fees for special portable metered or estimated water usage; i.e., swimming pool fills, tanker, fills and street sweeper fills, and other usage as required shall be charged at a \$5.21 per 100 cubic feet, or \$0.0070/gallon. Such usage must be with permit as approved by the Public Works Director (see Bulk users).
- j) Water Deposit: \$50.00 (An additional \$50.00 will be collected from water residents for each new sewer account and shall be administered in conjunction with the Wastewater Ordinance/Resolution).
- k) Temporary Water Service Fee; \$32
- l) Plan review fee for required backflow devices as established in Ordinance No. 958 – Basic Right-of-way Fee.
- m) Notification by Door Hanging for Delinquent Bill; \$16.
- n) Service Charge;
- o) Late fee for delinquent accounts; \$2.00 per month
- p) Interest Rate: 1-1/2% per month on outstanding delinquent account balance including all interest, service charges, or other relevant fees/charges.

- q) Refunds will not be made for amounts less than \$10.
The City Manager shall have authority to adjust or waive fees as appropriate.

Section 3 – Other associated fees, practices and charges for water and sewer installation and hookup are described in ordinance Numbers 1029, 1127 and 1175 or other current superseding ordinances.

It has been determined that these rates and fees are classified as not being subject to Oregon Constitution, Article XI, Section 11b limitations.

This Resolution supersedes all prior resolutions on water rates including Resolution No. 26 for 2006.

PASSED by the City Council and approved by the Mayor this 24th day of October, 2017

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: October 24, 2017	TITLE: Requesting updates in Utility Billing Resolutions	TYPE OF ACTION: <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Pat Gray Finance Director	ATTACHMENTS: <u>Resolution No. 22 for 2017 – A</u> Resolution Setting Delinquency Notice & Service Interruption Policy for Water and/or Wastewater Utility Accounts.	
REVIEWED By: Ray Towry City Manager		

PURPOSE OF THIS RCA:

Resolutions have been adopted by City Council to provide rules for staff to follow in order to carry out the provisions of Water & Wastewater Ordinances. Several of these policies have not been updated since 2006. Practices have evolved over the years that require some changes and/or updates to the resolutions for consistency. Staff is asking City Council to review the proposed changes and adopt the updated resolution incorporating generally accepted best practices and to ensure congruity between resolutions, ordinances and practice.

BACKGROUND/CONTEXT:

With the responsibility of Utility Billing back with the Finance Director, staff reviewed the current resolutions that give direction and authority to handle leak adjustments, interruption of services, resolving water/sewer bill issues and establishing deposit policies. Changes have occurred over the years since the resolutions were originally adopted that require the resolutions to be updated to reflect these changes and inconsistencies that have been discovered between the resolutions and the Water Ordinance.

THE CHALLENGE/PROBLEM:

How do we ensure congruency between our ordinances, resolutions, and current practices?

STAKEHOLDERS:

- City of Sweet Home Residents. Residents are assured that utility billing polices are current, consistent and follow ordinances as adopted by City Council.
- City Council Members. Council members rely on city staff to follow policies and procedures that align with ordinances adopted by Council. Adoption of current resolutions that align with ordinance language assure ordinances are meeting objectives, as intended by Council.
- City Staff. Finance staff have clear and consistent instructions when working with utility billing customers and their accounts.

ISSUES & FINANCIAL IMPACTS:

A Resolution Setting Delinquency Notice and Service Interruption Policy for Water and/or Wastewater Utility Accounts; Setting Interest Rate on Delinquent Accounts

- Take “Setting Interest Rate on Delinquent Accounts” out of the resolution title. The interest rate and penalty fee need to be moved to the user rates and fees resolution so they’re not in policy resolutions.
- In the sixth paragraph move the penalty fee and interest charges for delinquent accounts to the Water and Wastewater rates and fee resolutions. Refer to the rate and fee resolutions for amounts; don’t list the dollar amounts in policy resolutions.
- The last sentence in the sixth paragraph has been changed to the same language that’s in the Water Ordinance. “Service shall not be restored until all charges, including interest accrued and the expense of removal, closing and restoration shall have been paid.” Currently, customers are being allowed to carry an \$80 delinquent balance to avoid turn off and those who are turned off only have to pay the delinquent amount and penalty fees leaving the current balance, which ends up as a delinquent balance the following month and subject to turn off. This change would follow the ordinance, which requires all charges are paid before service is restored.
- Residential, Commercial and Industrial Customers are held to the same policy; that all delinquent charges are paid to avoid interruption of services on the second Wednesday of the month following delinquency notice due date.
- Payment Arrangements will only be allowed when unusual circumstances occur, such as a leak that is so large the customer is unable to pay the overage in one month. Payment Arrangements are not allowed on delinquent accounts.
- With the fees being moved to the user rate and fee resolution, the Measure 5 Classification line was struck.

ELEMENTS OF A STABLE SOLUTION:

Updated resolutions would ensure issues are addressed that could impede the city from enacting fair and consistent policies.

OPTIONS:

1. *Do Nothing.* Resolutions and ordinances can be left as currently written, however current resolutions do not reflect current ordinance language.
2. *Revise the Resolution.* Council can make changes to staff recommendations. Consideration will need to be given to what the ordinance says in relation to what is intended with the resolution.
3. *Adopt Resolution.* Adopt Resolution No. 22 for 2017 – A Resolution Setting Delinquency Notice and Service Interruption Policy for Water and/or Wastewater Utility Accounts as presented.

RECOMMENDATION:

Staff recommends Option 3 – Motion to Adopt Resolution No. 22 for 2017 – “A Resolution Setting Delinquency Notice and Service Interruption Policy for Water and/or Wastewater Utility Accounts,” as presented. The resolution, as presented, utilizes the same language found within the water and wastewater ordinances. The City Attorney has reviewed the resolution for consistency and legal interpretations. The revisions ensure consistency with rules and policies in regards to utility billing accounts.

Customers will be notified of changes as soon as adopted by City Council with final implantation to occur depending upon the resolution.

Resolution Setting Delinquency Notice & Service Interruption Policy will need 3 months for final implementation. Customers who are consistently late will be notified immediately by city staff. All utility billing customers will receive notification on their utility bills and given until January 1, 2018, to work down their delinquent balances to avoid having their utility account turned off the second Wednesday in January, 2018, per the resolution and ordinance.

RESOLUTION NO. ~~8-22~~ FOR ~~2006~~2017

A RESOLUTION SETTING DELINQUENCY NOTICE AND SERVICE INTERRUPTION POLICY FOR WATER AND/OR WASTEWATER UTILITY ACCOUNTS; ~~SETTING INTEREST RATE ON DELINQUENT ACCOUNTS.~~

WHEREAS, the Sweet Home City Council has provided that “Rules” can be adopted as Resolutions to carry out provisions of Water and Wastewater (Sewer) Ordinances ~~to accordance with Ordinances~~ in accordance with Ordinance 1174 and 1175; and

WHEREAS, Sweet Home Municipal Code (~~SHMC) 13.04.030~~ provides that “All bills (water and/or sewer) are due when mailed and shall be considered delinquent if not paid by the fifteenth (15th) of the month following the month in which the service was provided and/or charges incurred”; and

WHEREAS, City desires to establish a formal policy regarding the handling of delinquency notices, delinquent accounts, and/or interruption of service.

NOW, THEREFORE, BE IT RESOLVED BY THE SWEET HOME CITY COUNCIL that effective upon passage of this Resolution, the following shall be in effect:

Consumption (usage) is typically measured from mid-month to mid-month, i.e. February 20 – March 19, and bills are prepared for mailing approximately three business days before the end of the month to ensure bills are received by customer within first three business days of the following month, i.e. by April 3.

Each bill received shall have the “date due” listed and if payment is not received within office by the end of business on date due, a “delinquency notice” shall be generated and mailed. If the amount indicated on the delinquency notice is not paid by date and time indicated, service is subject to interruption and account shall be assessed a penalty fee ~~of \$2.00 per month as set by Resolution.~~ In addition, delinquent amount (including fees and service charges) shall begin to accrue interest ~~at rate of One and one half percent (1½%) per month as set by Resolution~~ until paid in full. If service is scheduled to be interrupted for non-payment according to the process established below, a service charge shall be applied as set by Resolution. Service shall not be restored until all ~~delinquent charges including interest, penalty fee, and/or service charges, and current charges are paid in full, leaving a zero balance on the account. charges, including interest accrued and the expense of removal, closing, and restoration shall have been paid.~~

Service may be interrupted according to the following process:

Residential, Commercial and Industrial Customers - Any ~~residential~~ customer with a delinquent amount owing (including interest, penalty fees, and/or service charges) ~~in excess of deposit on account or \$80, whichever is less,~~ shall be subject to service interruption. Interruption of service shall take place no later than the second Wednesday of the month following delinquency notice due date.

~~Commercial and Industrial Customers—Any commercial and /or industrial customer with a delinquent amount owing (including interest, penalty fees, and/or service charges) in excess of deposit on account AND more than 60 days delinquent shall be subject to service interruption. Interruption of service shall take place no later than the second Wednesday of the month following delinquency notice due date.~~

Payment Arrangements - Any customer that is unable to pay the entire amount ~~delinquent in a timely manner due to unusual circumstances~~, to avoid service interruption, shall have the opportunity to request "payment arrangements". In order to be considered, all payment arrangements must include current month billings PLUS amount to be determined and is intended to be no longer than three months in duration. Interest shall continue to accrue on all delinquent amounts.

~~It has been determined that these rates and/or fees are classified as not being subject to Oregon Constitution, Article XI, Section 11b limitations.~~

~~This resolution supersedes any/all prior resolutions setting delinquency notice and service interruption policy for water and/or wastewater utility accounts including Resolution 8 for 2006.~~

PASSED by the Council and approved by the Mayor this 14TH - ____ day of ~~March, 2006~~October, 2017.

ATTEST:

Mayor

City Manager – Ex Officio City Recorder

RESOLUTION NO. 22 FOR 2017

A RESOLUTION SETTING DELINQUENCY NOTICE AND SERVICE INTERRUPTION POLICY FOR WATER AND/OR WASTEWATER UTILITY ACCOUNTS

WHEREAS, the Sweet Home City Council has provided that “Rules” can be adopted as Resolutions to carry out provisions of Water and Wastewater (Sewer) Ordinances in accordance with Ordinance 1174 and 1175; and

WHEREAS, Sweet Home Municipal Code provides that “All bills (water and/or sewer) are due when mailed and shall be considered delinquent if not paid by the fifteenth (15th) of the month following the month in which the service was provided and/or charges incurred”; and

WHEREAS, City desires to establish a formal policy regarding the handling of delinquency notices, delinquent accounts, and/or interruption of service.

NOW, THEREFORE, BE IT RESOLVED BY THE SWEET HOME CITY COUNCIL that effective upon passage of this Resolution, the following shall be in effect:

Consumption (usage) is typically measured from mid-month to mid-month, i.e. February 20 – March 19, and bills are prepared for mailing approximately three business days before the end of the month to ensure bills are received by customer within first three business days of the following month, i.e. by April 3.

Each bill received shall have the “date due” listed and if payment is not received within office by the end of business on date due, a “delinquency notice” shall be generated and mailed. If the amount indicated on the delinquency notice is not paid by date and time indicated, service is subject to interruption and account shall be assessed a penalty fee as set by Resolution. In addition, delinquent amount (including fees and service charges) shall begin to accrue interest as set by Resolution until paid in full. If service is scheduled to be interrupted for non-payment according to the process established below, a service charge shall be applied as set by Resolution. Service shall not be restored until all charges, including interest accrued and the expense of removal, closing, and restoration shall have been paid.

Service may be interrupted according to the following process:

Residential, Commercial and Industrial Customers - Any customer with a delinquent amount owing (including interest, penalty fees, and/or service charges) shall be subject to service interruption. Interruption of service shall take place no later than the second Wednesday of the month following delinquency notice due date.

Payment Arrangements - Any customer that is unable to pay the entire amount due to unusual circumstances, to avoid service interruption, shall have the opportunity to request “payment arrangements”. In order to be considered, all payment arrangements must include current month billings PLUS amount to be determined and is intended to be no longer than three months in duration. Interest shall continue to accrue on all delinquent amounts.

This resolution supersedes any/all prior resolutions setting delinquency notice and service interruption policy for water and/or wastewater utility accounts including Resolution 8 for 2006.

PASSED by the Council and approved by the Mayor this 24th day of October, 2017.

ATTEST:

Mayor

City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: October 24, 2017	TITLE: Requesting updates in Utility Billing Resolutions	TYPE OF ACTION: <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Pat Gray Finance Director	ATTACHMENTS: <u>Resolution No. 23 for 2017- A</u> Resolution Setting Utility Account Deposit Policy for Water and Wastewater Accounts	
REVIEWED By: Ray Towry City Manager		

PURPOSE OF THIS RCA:

Resolutions have been adopted by City Council to provide rules for staff to follow in order to carry out the provisions of Water & Wastewater Ordinances. Several of these policies have not been updated since 2006. Practices have evolved over the years that require some changes and/or updates to the resolutions for consistency. Staff is asking City Council to review the proposed changes and adopt the updated resolution incorporating generally accepted best practices and to ensure congruity between resolutions, ordinances, and practice.

BACKGROUND/CONTEXT:

With the responsibility of Utility Billing back with the Finance Director, staff reviewed the current resolutions that give direction and authority to handle leak adjustments, interruption of services, resolving water/sewer bill issues and establishing deposit policies. Changes have occurred over the years since the resolutions were originally adopted that require the resolutions to be updated to reflect these changes and inconsistencies that have been discovered between the resolutions and the Water Ordinance.

THE CHALLENGE/PROBLEM:

How do we ensure congruency between our ordinances, resolutions, and current practices?

STAKEHOLDERS:

- City of Sweet Home Residents. Residents are assured that utility billing polices are current, consistent and follow ordinances as adopted by City Council.
- City Council Members. Council members rely on city staff to follow policies and procedures that align with ordinances adopted by Council. Adoption of current resolutions that align with ordinance language assure ordinances are meeting objectives, as intended by Council.
- City Staff. Finance staff have clear and consistent instructions when working with utility billing customers and their accounts.

ISSUES & FINANCIAL IMPACTS:**A Resolution Setting Utility Account Deposit Policy For Water and/or Wastewater Accounts**

- Staff recommends that any references to verifying good credit be removed due to concerns about identity theft, giving staff unneeded access to customers credit history and Equifax wanting to charge a monthly fee. Since we stopped doing credit checks and waiving fees several years ago, the resolution should reflect this change.
- Refunds are only applied to the accounts of property owners after 12 months of on-time payment history and waived in specific circumstances. Changes have been made to clarify this.
- Since there are no fees in this resolution, the Measure 5 Classification line was struck.

ELEMENTS OF A STABLE SOLUTION:

Updated ordinances would ensure issues are addressed that could impede the city from enacting fair and consistent policies.

OPTIONS:

1. *Do Nothing*. Resolutions and ordinances can be left as currently written, however current resolutions do not reflect current ordinance language.
2. *Revise the Resolution*. Council can make changes to staff recommendations. Consideration will need to be given to what the ordinance says in relation to what is intended with the resolution.
3. *Adopt Resolution*. Adopt Resolution No. 23 for 2017 – A Resolution Setting Utility Account Deposit Policy for Water and Wastewater Accounts as presented.

RECOMMENDATION:

Staff recommends Option 3 – Motion to Adopt Resolution No. 23 for 2017 – “A Resolution Setting Utility Account Deposit Policy for Water and Wastewater Accounts,” as presented. The resolution, as presented, utilizes the same language found within the water and wastewater ordinances. The City Attorney has reviewed the resolution for consistency and legal interpretations. The revisions ensure consistency with rules and policies in regards to utility billing accounts. Customers will be notified of changes as soon as adopted by City Council with final implantation to occur depending upon the resolution.

Resolution Setting Utility Account Deposit Policy can begin immediately because staff has already been following the ordinance. Changes in this resolution are derived from language in the ordinance.

RESOLUTION NO. 9 23 FOR 2006 2017

A RESOLUTION SETTING UTILITY ACCOUNT DEPOSIT POLICY FOR WATER AND/OR WASTEWATER ACCOUNTS

WHEREAS, the Sweet Home City Council has provided that "Rules" can be adopted as Resolutions to carry out provisions of Water and Wastewater (Sewer) Ordinances to accordance with Ordinance 1174 and 1175; and

WHEREAS, Sweet Home Municipal Code ~~(SHMC) 13.04.060~~ provides for the establishment of account deposits in which deposits shall be required in advance on each NEW water and/or sewer account and for each customer whose service has been interrupted for non-payment BEFORE service is re-commenced. It also states that Deposits are available for refund, or may be waived to property owners, ~~upon showing of "good credit" based upon 12 months of good credit.~~

WHEREAS, City desires to establish a formal policy regarding water and/or wastewater account deposits.

NOW, THEREFORE, BE IT RESOLVED BY THE SWEET HOME CITY COUNCIL that effective upon passage of this Resolution, the following shall be in effect:

The following is an effort to clearly and consistently identify the circumstances in which *Account Deposits* are required and determination if customer has "good credit" to which account deposit can be refunded or waived.

"*New Account*" shall generally mean "Any customer desiring to submit application for water and/or sewer service at property served by such (or about to be) as in new construction."

A deposit is required in all circumstances unless:

Customer has existing account that is in good standing with the utility and can be transferred to new account seamlessly, and/or

Applicant requesting "*New Account*" has multiple existing accounts in good standing and/or;

~~Verification of "good credit" per established policy.~~

Account deposit(s) will be refunded and/or waived upon request according to the following guideline:

Upon customer request, the deposit can be refunded and/or waived if verified by the utility that the customer/applicant(s) most recent, previous account as a property owner was within six (6) months of application AND reflects at least twelve (12) consecutive months of on-time payment history and/or;

~~Applicant requests that a "credit check" be processed from an authorized agent of the City such as Equifax or equal (for a non-refundable fee of \$5.00) in which a report is received~~

~~indicating an excellent credit history. Types of accounts that may be reported include charge cards, bank loans, home mortgages, and car loans.~~

All deposits approved for refund will only be applied to the account(s) ~~in which they are assigned~~held by property owners without interest.

~~It has been determined that these rates and/or fees are classified as not being subject to Oregon Constitution, Article XI, Section 11b limitations.~~

This resolution supercedes any/all prior resolutions setting utility account deposit policy for water and/or wastewater accounts including Resolution No.9 for 2006.

PASSED by the City Council and approved by the Mayor this ~~14 day 24th~~ —, ~~day of March,~~ 2006~~October, 2017~~

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

RESOLUTION NO. 23 FOR 2017

A RESOLUTION SETTING UTILITY ACCOUNT DEPOSIT POLICY FOR WATER AND/OR WASTEWATER ACCOUNTS

WHEREAS, the Sweet Home City Council has provided that "Rules" can be adopted as Resolutions to carry out provisions of Water and Wastewater (Sewer) Ordinances to accordance with Ordinance 1174 and 1175; and

WHEREAS, Sweet Home Municipal Code provides for the establishment of account deposits in which deposits shall be required in advance on each NEW water and/or sewer account and for each customer whose service has been interrupted for non-payment BEFORE service is re-commenced. It also states that Deposits are available for refund, or may be waived to property owners, based upon 12 months of good credit.

WHEREAS, City desires to establish a formal policy regarding water and/or wastewater account deposits.

NOW, THEREFORE, BE IT RESOLVED BY THE SWEET HOME CITY COUNCIL that effective upon passage of this Resolution, the following shall be in effect:

The following is an effort to clearly and consistently identify the circumstances in which *Account Deposits* are required and determination if customer has "good credit" to which account deposit can be refunded or waived.

"*New Account*" shall generally mean "Any customer desiring to submit application for water and/or sewer service at property served by such (or about to be) as in new construction."

A deposit is required in all circumstances unless:

Customer has existing account that is in good standing with the utility and can be transferred to new account seamlessly, and/or

Applicant requesting "*New Account*" has multiple existing accounts in good standing and/or;

Account deposit(s) will be refunded and/or waived upon request according to the following guideline:

Upon customer request, the deposit can be refunded and/or waived if verified by the utility that the customer/applicant(s) most recent, previous account as a property owner was within six (6) months of application AND reflects at least twelve (12) consecutive months of on-time payment history and/or;

All deposits approved for refund will only be applied to the account(s) held by property owners without interest.

This resolution supersedes any/all prior resolutions setting utility account deposit policy for water and/or wastewater accounts including Resolution No.9 for 2006.

PASSED by the City Council and approved by the Mayor this 24th day of October, 2017

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: October 24, 2017	TITLE: Requesting updates in Utility Billing Resolutions	TYPE OF ACTION: <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Pat Gray Finance Director	ATTACHMENTS: <u>Resolution No. 24 for 2017 - A</u> Resolution Adopting Wastewater User Rates	
REVIEWED By: Ray Towry City Manager		

PURPOSE OF THIS RCA:

Resolutions have been adopted by City Council to provide rules for staff to follow in order to carry out the provisions of Water & Wastewater Ordinances. Several of these policies have not been updated since 2006. Practices have evolved over the years that require some changes and/or updates to the resolutions for consistency. Staff is asking City Council to review the proposed changes and adopt the updated resolution incorporating generally accepted best practices to ensure congruity between ordinances, resolutions, and practice.

BACKGROUND/CONTEXT:

With the responsibility of Utility Billing back with the Finance Director, staff reviewed the current resolutions that give direction and authority to handle leak adjustments, interruption of services, resolving water/sewer bill issues and establishing deposit policies. Changes have occurred over the years since the resolutions were originally adopted that require the resolutions to be updated to reflect these changes and inconsistencies that have been discovered between the resolutions and the Water Ordinance.

THE CHALLENGE/PROBLEM:

How do we update our Utility Billing policies to reflect current practices and to comply with City Ordinances?

STAKEHOLDERS:

- City of Sweet Home Residents. Residents are assured that utility billing polices are current, consistent and follow ordinances as adopted by City Council.
- City Council Members. Council members rely on city staff to follow policies and procedures that align with ordinances adopted by Council. Adoption of current resolutions that align with ordinance language assure ordinances are meeting objectives, as intended by Council.
- City Staff. Finance staff have clear and consistent instructions when working with utility billing customers and their accounts.

ISSUES & FINANCIAL IMPACTS:
A Resolution Adopting Wastewater User Rates

- Moved from ordinance:
 - Late Fee - \$2.00 per month delinquent bills
 - Interest Fee – 1-1/2% outstanding delinquent account balance including all interest, service charge, or other relevant fee/charges.

ELEMENTS OF A STABLE SOLUTION:

Updated ordinances would ensure issues are addressed that could impede the city from enacting fair and consistent policies.

OPTIONS:

1. Do Nothing. Resolutions and ordinances can be left as currently written, however current resolutions do not reflect current ordinance language.
2. Revise the Resolution. Council can make changes to staff recommendations. Consideration will need to be given to what the ordinance says in relation to what is intended with the resolution.
3. Adopt Resolution. Adopt Resolution No. 24 for 2017 – A Resolution Adopting Wastewater User Rates as presented.

RECOMMENDATION:

Staff recommends Option 3 – Motion to Adopt Resolution No. 24 for 2017 – “A Resolution Adopting Wastewater User Rates,” as presented. The resolution, as presented, utilizes the same language found within the water and wastewater ordinances. The City Attorney has reviewed the resolution for consistency and legal interpretations. The revisions ensure consistency with rules and policies in regards to utility billing accounts. Customers will be notified of changes as soon as adopted by City Council with final implantation to occur depending upon the resolution.

Resolution Adopting Wastewater User Rates can begin immediately as the fees have already been approved in the wastewater ordinance.

RESOLUTION NO. ~~25~~ 24 for ~~2016~~ 2017**A RESOLUTION ADOPTING WASTEWATER USER RATES.**

WHEREAS, the Sweet Home City Council has provided that Wastewater User Rates should be established by resolution, in accordance with Ordinance No. 1127 and 1175; and

WHEREAS, the Wastewater User Rates were last adjusted July 201~~6~~4 and need to be adjusted herein to ensure adequate funds are received to cover the annual cost of operation and maintenance, replacement, and other administrative costs of the Wastewater Utility.

NOW, THEREFORE, BE IT RESOLVED BY THE SWEET HOME CITY COUNCIL that effective ~~October 24~~ July 24, 201~~7~~6, the wastewater user fees shall be as follows:

For purposes of this resolution, the City Council shall annually review Wastewater Rates before May of each year and set the new monthly rate for bills sent out each July.

User Rates: (ccf = 100 cubic feet)

For each metered residential and commercial user, the monthly sewer Customer Charge is **\$40.87**.

Residential Sewer Customers without water meters shall pay a flat rate monthly Customer Charge of **\$53.11** based upon a citywide 600/cf average. This charge includes the "I & I" and Commodity Charge. However, any sewer customer without a water meter may, at their own expense and effort, install a City Approved water meter on their water source according to any/all applicable City, County and/or State requirements in order to pay the corresponding sewer use and commodity charge associated with their actual consumption as according to this resolution.

Therefore, **\$53.11** shall be consider one (1) ERU, a duplex shall be (2) ERUs, a triplex shall be three (3) ERUs, and a four-plex shall be four (4) ERUs, etc.

Any non-metered structure that is not a residence(s) shall be considered to be a Commercial or Industrial customer and charged a flat rate based upon the following formula:

$$\text{Customer Charge} + (\text{commodity charge} \times \text{citywide average}) = \text{Monthly Charge}$$

Commodity charges follow in the Resolution and shall be based upon the Classification Chart. Citywide Average shall be **600/cf**.

Commodity Charge:

Each metered Residential user, who exceeds a monthly use of 400/cf, is charged a Commodity Charge of **\$6.12/Ccf**.

Each metered Commercial & Industrial users, shall be charged a Commodity Charge according to the following "Strength Category" classification:

Strength Category – **Low** (<275 mg/1):

Volume Charge \$3.50/Ccf + BOD Loading Charge \$0.94Ccf + SS Loading \$0.84/Ccf = **\$5.28/Ccf**.

Strength Category – **Medium** (275mg/1 – 450g/1):

Volume Charge \$3.50/Ccf + BOD Loading Charge \$1.54Ccf + SS Loading \$1.38/Ccf = **\$6.42/Ccf**.

Strength Category – **High/Industrial** (over 450g/1 – 750mg/1 average):

Volume Charge \$3.50/Ccf + BOD Loading Charge \$2.57Ccf + SS Loading \$2.29/Ccf = **\$8.36/Ccf**.

Summer Irrigation:

The monthly residential sewer charge for the billing cycles of May through October shall be based on the customer's average monthly water consumption for the prior winter month bills from November through April. Because non-metered residential sewer customers are already charged on an average, no additional allowance for summer irrigation will be granted on these accounts.

Summer Irrigation:

All wastewater users inside City limits shall be charged an "I & I" ~~c~~Charge per sewer connection of **\$0.00**

Outside City Limits Rates:

Customers outside the City limits shall be charged one and on-half (1.5 Xs) for sewer charges, "I & I" and Commodity Charges.

Misc. Fees:

Vacation sewer on or off verification fee for sewer accounts only is \$16 per visit.

Late Fee:

\$2.00 per month on delinquent bills

Interest Fee:

1-1/2% per month on outstanding delinquent account balance including all interest, service charges, or other relevant fees/charges.

Deposit:

An additional \$50.00 deposit will be required for each new water/sewer account and shall be administered in conjunction with Ordinance No. 1174 (Water Ordinance) or as updated.

Refunds:

Refunds will not be made for amounts less than \$10.

It has been determined that these rates and fees are classified as not being subject to Oregon Constitution, Article XI, Section 11b limitations.

This resolution supersedes all prior resolutions on wastewater rates including Resolution No. 25 for 2016

PASSED by the City Council and approved by the Mayor this ~~23rd~~ 24th day of ~~August,~~ 2016. October, 2017

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

RESOLUTION NO. 24 for 2017

A RESOLUTION ADOPTING WASTEWATER USER RATES.

WHEREAS, the Sweet Home City Council has provided that Wastewater User Rates should be established by resolution, in accordance with Ordinance No. 1127 and 1175; and

WHEREAS, the Wastewater User Rates were last adjusted July 2016 and need to be adjusted herein to ensure adequate funds are received to cover the annual cost of operation and maintenance, replacement, and other administrative costs of the Wastewater Utility.

NOW, THEREFORE, BE IT RESOLVED BY THE SWEET HOME CITY COUNCIL that effective October 24, 2017, the wastewater user fees shall be as follows:

For purposes of this resolution, the City Council shall annually review Wastewater Rates before May of each year and set the new monthly rate for bills sent out each July.

User Rates: (ccf = 100 cubic feet)

For each metered residential and commercial user, the monthly sewer Customer Charge is **\$40.87**.

Residential Sewer Customers without water meters shall pay a flat rate monthly Customer Charge of **\$53.11** based upon a citywide 600/cf average. This charge includes the "I & I" and Commodity Charge. However, any sewer customer without a water meter may, at their own expense and effort, install a City Approved water meter on their water source according to any/all applicable City, County and/or State requirements in order to pay the corresponding sewer use and commodity charge associated with their actual consumption as according to this resolution.

Therefore, **\$53.11** shall be consider one (1) ERU, a duplex shall be (2) ERUs, a triplex shall be three (3) ERUs, and a four-plex shall be four (4) ERUs, etc.

Any non-metered structure that is not a residence(s) shall be considered to be a Commercial or Industrial customer and charged a flat rate based upon the following formula:

$$\text{Customer Charge} + (\text{commodity charge} \times \text{citywide average}) = \text{Monthly Charge}$$

Commodity charges follow in the Resolution and shall be based upon the Classification Chart. Citywide Average shall be **600/cf**.

Commodity Charge:

Each metered Residential user, who exceeds a monthly use of 400/cf, is charged a Commodity Charge of **\$6.12/Ccf**.

Each metered Commercial & Industrial users, shall be charged a Commodity Charge according to the following "Strength Category" classification:

Strength Category – **Low** (<275 mg/1):

Volume Charge \$3.50/Ccf + BOD Loading Charge \$0.94Ccf + SS Loading \$0.84/Ccf = **\$5.28/Ccf**.

Strength Category – **Medium** (275mg/1 – 450g/1):

Volume Charge \$3.50/Ccf + BOD Loading Charge \$1.54Ccf + SS Loading \$1.38/Ccf = **\$6.42/Ccf**.

Strength Category – **High/Industrial** (over 450g/1 – 750mg/1 average):

Volume Charge \$3.50/Ccf + BOD Loading Charge \$2.57Ccf + SS Loading \$2.29/Ccf = **\$8.36/Ccf**.

Summer Irrigation:

The monthly residential sewer charge for the billing cycles of May through October shall be based on the customer's average monthly water consumption for the prior winter month bills from November through April. Because non-metered residential sewer customers are already charged on an average, no additional allowance for summer irrigation will be granted on these accounts.

Summer Irrigation:

All wastewater users inside City limits shall be charged an "I & I" charge per sewer connection of **\$0.00**

Outside City Limits Rates:

Customers outside the City limits shall be charged one and on-half (1.5 Xs) for sewer charges, "I & I" and Commodity Charges.

Misc. Fees:

Vacation sewer on or off verification fee for sewer accounts only is \$16 per visit.

Late Fee:

\$2.00 per month on delinquent bills

Interest Fee:

1-1/2% per month on outstanding delinquent account balance including all interest, service charges, or other relevant fees/charges.

Deposit:

An additional \$50.00 deposit will be required for each new water/sewer account and shall be administered in conjunction with Ordinance No. 1174 (Water Ordinance) or as updated.

Refunds:

Refunds will not be made for amounts less than \$10.

It has been determined that these rates and fees are classified as not being subject to Oregon Constitution, Article XI, Section 11b limitations.

This resolution supersedes all prior resolutions on wastewater rates including Resolution No 25 for 2016.

PASSED by the City Council and approved by the Mayor this 24th day of October, 2017

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



Sweet Home Tree Commission Minutes

Wednesday, October 18, 2017

Phone: 541-367-8113

Sweet Home City Hall

Conference Room

1140 12th Ave.,

Sweet Home, OR 97386

www.ci.sweet-home.or.us

9:00AM

- Call to Order
- Attendance: Chairperson Lena Tucker, Katie Kohl,
- Staff: Public Works Director Greg Springman, Community and Development Director Jerry Sorte, Planning Assistant Kathryn Wilcox
- Absent: Vice-Chairperson Alice Smith (excused)
- Visitors: None
- Time Reports: September 2017 and October 2017

ALICE	6	PW Crew	
LENA	2	Gina Riley	
KATIE K.	5.5	PW Crew	
KATIE W.	2		
JOE			
GREG			
		Bucket Truck	
		Tractor	

Number of Trees Planted this month= 0

Trees Removed= 0

Trimmed= 0

9:15AM Old Business

Approval of July 2017 Minutes

Discussion ensued about the Harvest Festival.

Ideas included; Selling or crediting extra trees back to Small Woodlands group. To have a child activity that is interactive, such as a "mystery box" and / or goodie bags at the festival booth. Have brochures and posters available to promote the celebration tree program. Concerns Included; Tree Climbers were missed. There is a need for a bigger booth space.

Discussion ensued about the Combination of the Park Board and Tree Committee.

Ideas included; Subcommittee meetings within the Committee, recruiting for one member. Concerns Included; Meeting times, maintaining quorums.

Decision was made; Katie W. to follow up with all members on accommodating meeting times.

9:30AM Project Updates

Discussion ensued about the Tree City USA application and Growth Award.

Concerns Included; May not meet eligibility for growth award.

Decision was made; Katie W. to follow up with application and send out for review.

Discussion ensued about Code Enforcement hazardous tree follow up.

Concerns Included; Code enforcement requesting analysis from the Tree Commission through proper channels, the new owner of the property with the hazardous tree may be unaware.

Ideas included; waiting for code enforcement follow up.

Discussion ensued about promotion of the Tree Commission.

Ideas Included: Adding Brochures and Tree Species list to website.

Discussion ensued about the Big Leaf Maple tree at Ames Creek and Main. Katie W.

contacted the Victors and asked if it is okay to put a stake in to protect it, since it is sprouting back. Alice had done so upon their approval. The Victors also said they would be interested in any of their properties being planting sites.

Ideas Included: The management at the Going Green store said they would love to replace it, water it, maintain it, and could possibly take up donations for its replacement.

Concerns Included; using tree protectors, mulch and circle barriers.

Discussion ensued about reviewing the Main Street Planting Plan.

Discussion ensued about reviewing the Main Street Planting Plan.

Discussion ensued about the Shea Point project. Katie W. contacted the county and they cannot maintain any trees planted by the Tree Commission.

Ideas Included: Tree Commissioners will monitor and maintain trees planted.

Concerns Included: Spending City tax funds and time on a county park.

Discussion ensued about replacing the Tree at Hoy's Hardware. Alice Grovum had requested to Alice S. that it be an action item.

Ideas Included: Looking at different species for placement. Use of heavy equipment for removal.

Discussion ensued about the RIO Theater planting. It was confirmed that the owners want four maple trees, two autumn blaze and two fall glory.

Ideas Included: Verifying planting location.

Concerns Included: Moving forward as quickly as possible.

Discussion ensued about the trees in the Evergreen Loop Pocket Park.

Ideas Included: Pruning the trees as recommended.

Concerns Included: Monitoring for root heaving.

Decision was made: Trees are not currently a hazard, if maintained.

Discussion ensued about the Carol Lewis Celebration Tree in Sankey Park.

Concerns Included: If there is enough water and sunlight in that area.

Decision was made: Replace the tree.

Discussion ensued about the watering schedule. Katie Wilcox explained that none of the trees on the schedule were consistently watered up on this year

Ideas Included: Reaching out to stores and property owners.

Concerns Included: Allocation of resources, use of watering tank.

Last Official Meeting of the Sweet Home Tree Commission

SWEET HOME MUNICIPAL COURT MONTHLY REPORT SEPTEMBER 2017

OFFENSE CLASS	FILED	TERMINATED	TRIALS
MISDEMEANORS	12	40	2
VIOLATIONS	13	25	
TOTALS	25	65	2

WARRANTS	51
SUSPENSIONS	12
SHOW CAUSE ORDERS	20
COURT ASSIGNED CASE	162
(only one court date)	

COURT REVENUE:

TOTAL DEPOSITS	+	11,781.24
TOTAL BAIL FORFEIT	+	100.00
TOTAL BAIL (CURRENT MONTH)	-	
TOTAL REFUNDS (NON-BAIL)	-	(100.00)
TOTAL COURT REVENUE		11,781.24

**TOTAL NON-REVENUE
CREDIT ALLOWED
AGAINST FINES:**

2,232.25

CASH PAYMENTS TO:

CITY	10,029.88
STATE	718.83
COUNTY	168.00
OTHER	864.53
TOTAL	11,781.24

COURT PAYMENTS:

CITY (FINES)	3,005.00
RESTITUTION & OTHER	864.53
UNITARY ASSESSMENT	718.83
COUNTY/JAIL ASSESSMENT (CA/CC)	168.00
LEMLA & SCFS	
DUII	
PAYMENTS TO OTHER AGENCIES	
CITY COSTS (FEES)	7,024.88
TOTAL COURT PAYMENTS	11,781.24

RECEIVED FROM COLLECTIONS THIS MO:	2,659.44
RECEIVED FROM COLLECTIONS TO DATE:	185,428.84
TURNED TO COLLECTIONS TO DATE:	2,041,653.91

BALANCE FORWARD: audited	1,123,820.97
NEW A/R IMPOSED BY JUDGE:	19,135.00
MINUS:	
PAYMENTS REC'D BY COURT:	(9,021.80)
NON-REVENUE CREDIT:	(2,232.25)
SENT TO COLLECTIONS:	
NET A/R	1,131,701.92

BUDGET OVERVIEW

July - September 2017

City of Sweet Home
1140 12th Avenue
(541) 367-5128
(541) 367-5113 Fax



Description	Period Amt	End Bal	Budget	Variance	% Expend/Collect
GENERAL FUND					
BEGINNING FUND BALANCE	\$ -	\$ (1,871,205.47)	\$ (1,593,315.00)	\$ 277,890.47	117.44%
Revenues	\$ (96,929.11)	\$ (226,975.42)	\$ (2,208,170.00)	\$ (1,981,194.58)	10.28%
GEN GOV'T LEGISLATIVE	\$ 1,051.81	\$ 12,628.04	\$ 24,530.00	\$ 11,901.96	51.48%
NON-DEPARTMENTAL	\$ 47,579.03	\$ 301,239.79	\$ 922,235.00	\$ 620,995.21	32.66%
EXECUTIVE	\$ 21,318.55	\$ 69,425.11	\$ 281,417.00	\$ 211,991.89	24.67%
FINANCE	\$ 31,809.02	\$ 107,323.17	\$ 389,569.00	\$ 282,245.83	27.55%
MUNICIPAL COURT	\$ 20,794.13	\$ 61,465.97	\$ 303,684.00	\$ 242,218.03	20.24%
COMMUNITY DEV. DEPARTMENT	\$ 18,686.22	\$ 34,438.12	\$ 302,029.00	\$ 267,590.88	11.40%
PARKS/FACILITIES MAINTENANCE	\$ 9,118.49	\$ 28,357.93	\$ 397,601.00	\$ 369,243.07	7.13%
BUILDING INSPECTION PROGRAM	\$ 15,176.49	\$ 43,679.91	\$ 185,989.00	\$ 142,309.09	23.49%
COMMUNITY SERVICE PROGRAMS	\$ -	\$ 500.00	\$ 28,410.00	\$ 27,910.00	1.76%
TRANSFERS	\$ 70,625.00	\$ 70,625.00	\$ 282,500.00	\$ 211,875.00	25.00%
ENDING FUND BALANCE	\$ -	\$ -	\$ 683,521.00	\$ 683,521.00	0.00%
GENERAL FUND	\$ 139,229.63	\$ (1,368,497.85)			
PUBLIC SAFETY					
BEGINNING FUND BALANCE	\$ -	\$ (1,213,098.78)	\$ (1,152,394.00)	\$ 60,704.78	105.27%
Revenues	\$ (20,600.31)	\$ (23,914.76)	\$ (2,249,075.00)	\$ (2,225,160.24)	1.06%
Expenses	\$ 193,912.88	\$ 610,246.85	\$ 2,654,461.00	\$ 2,044,214.15	22.99%
PUBLIC SAFETY	\$ 173,312.57	\$ (626,766.69)			
LIBRARY					
BEGINNING FUND BALANCE	\$ -	\$ (224,584.85)	\$ (192,611.00)	\$ 31,973.85	116.60%
Revenues	\$ (2,559.42)	\$ (16,533.55)	\$ (336,006.00)	\$ (319,472.45)	4.92%
Expenses	\$ 24,061.29	\$ 73,872.10	\$ 528,617.00	\$ 454,744.90	13.97%
LIBRARY	\$ 21,501.87	\$ (167,246.30)			
PROJECT/EQUIPMENT RESERVE					
BEGINNING FUND BALANCE	\$ -	\$ (541,300.86)	\$ (452,202.00)	\$ 89,098.86	119.70%
Revenues	\$ (35,127.60)	\$ (35,127.60)	\$ (147,560.00)	\$ (112,432.40)	23.81%
Expenses	\$ -	\$ -	\$ 434,762.00	\$ 434,762.00	0.00%

PROJECT/EQUIPMENT RESERVE \$ (35,127.60) \$ (576,428.46)

NARCOTIC ENFORCEMENT RESERVE

BEGINNING FUND BALANCE	\$	-	\$	(92,960.27)	\$	(92,843.00)	\$	117.27	100.13%
Revenues	\$	(307.27)	\$	(307.27)	\$	(405.00)	\$	(97.73)	75.87%
Expenses	\$	-	\$	-	\$	93,248.00	\$	93,248.00	0.00%
NARCOTIC ENFORCEMENT RESERVE	\$	(307.27)	\$	(93,267.54)					

COMMUNITY CENTER OPERATING FUN

BEGINNING FUND BALANCE	\$	-	\$	(8,869.08)	\$	(9,278.00)	\$	(408.92)	95.59%
Revenues	\$	(3,982.07)	\$	(296.68)	\$	(31,822.00)	\$	(31,525.32)	0.93%
Expenses	\$	2,525.84	\$	7,829.70	\$	41,100.00	\$	33,270.30	19.05%
COMMUNITY CENTER OPERATING FUND	\$	(1,456.23)	\$	(742.70)					

BUILDING RESERVE FUND

BEGINNING FUND BALANCE	\$	-	\$	(303,954.44)	\$	(308,152.00)	\$	(4,197.56)	98.64%
Revenues	\$	(21,027.32)	\$	(21,527.32)	\$	(83,212.00)	\$	(61,684.68)	25.87%
Expenses	\$	-	\$	-	\$	391,364.00	\$	391,364.00	0.00%
BUILDING RESERVE FUND	\$	(21,027.32)	\$	(325,481.76)					

BND DEBT/POLICE-DISPATCH FACIL

BEGINNING FUND BALANCE	\$	-	\$	(292.20)	\$	-	\$	292.20	0.00%
Revenues	\$	(0.96)	\$	(0.96)	\$	-	\$	0.96	#DIV/0!
Expenses	\$	-	\$	(291.24)	\$	-	\$	-	0.00%
BND DEBT/POLICE-DISPATCH FACILITY	\$	(0.96)	\$	(293.16)					

SPECIAL ASSESSMENT FUND

BEGINNING FUND BALANCE	\$	-	\$	(776.70)	\$	(776.00)	\$	0.70	100.09%
Revenues	\$	(2.36)	\$	(2.36)	\$	-	\$	2.36	#DIV/0!
Expenses	\$	194.00	\$	194.00	\$	776.00	\$	582.00	25.00%
SPECIAL ASSESSMENT FUND	\$	191.64	\$	(585.06)					

PARKS & RECREATION

BEGINNING FUND BALANCE	\$	-	\$	(51,304.05)	\$	(51,351.00)	\$	(46.95)	99.91%
Revenues	\$	(402.15)	\$	(889.63)	\$	(3,276.00)	\$	(2,386.37)	27.16%
Expenses	\$	-	\$	-	\$	54,627.00	\$	54,627.00	0.00%
PARKS & RECREATION	\$	(402.15)	\$	(52,193.68)					

WATER FUND

BEG. WORKING CAPITAL	\$ -	\$ (200,149.04)	\$ (179,018.00)	\$ 21,131.04	111.80%
Revenues	\$ (232,983.66)	\$ (730,960.99)	\$ (2,200,020.00)	\$ (1,469,059.01)	33.23%
WATER TREATMENT PLANT	\$ 109,069.89	\$ 251,801.83	\$ 1,350,624.00	\$ 1,098,822.17	18.64%
WTR.DIST.SYS.MAINT.-WTR.	\$ 134,151.74	\$ 197,502.02	\$ 1,028,414.00	\$ 830,911.98	19.20%
WATER FUND	\$ 10,237.97	\$ (481,806.18)			

WATER DEV. RESERVE FUND

BEG. WORKING CAPITAL	\$ -	\$ (415,056.62)	\$ (412,665.00)	\$ 2,391.62	100.58%
Revenues	\$ (3,832.43)	\$ (14,767.43)	\$ (3,167.00)	\$ 11,600.43	466.29%
Expenses	\$ -	\$ -	\$ 415,832.00	\$ 415,832.00	0.00%
WATER DEV. RESERVE FUND	\$ (3,832.43)	\$ (429,824.05)			

WATER CAPITAL FUND

BEG. WORKING CAPITAL	\$ -	\$ (96,901.52)	\$ (96,780.00)	\$ 121.52	100.13%
Revenues	\$ (19,090.99)	\$ (19,092.03)	\$ (75,422.00)	\$ (56,329.97)	25.31%
Expenses	\$ -	\$ -	\$ 172,202.00	\$ 172,202.00	0.00%
WATER CAPITAL FUND	\$ (19,090.99)	\$ (115,993.55)			

WATER DEPRECIATION FUND

BEG. WORKING CAPITAL	\$ -	\$ (552,900.27)	\$ (651,775.00)	\$ (98,874.73)	84.83%
Revenues	\$ (86,186.29)	\$ (86,186.29)	\$ (340,389.00)	\$ (254,202.71)	25.32%
Expenses	\$ 440.00	\$ 36,229.17	\$ 992,164.00	\$ 955,934.83	3.65%
WATER DEPRECIATION FUND	\$ (85,746.29)	\$ (602,857.39)			

WASTEWATER FUND

BEG. WORKING CAPITAL	\$ -	\$ 37,068.83	\$ -	\$ (37,068.83)	0.00%
Revenues	\$ (190,156.58)	\$ (577,998.04)	\$ (2,707,776.00)	\$ (2,129,777.96)	21.35%
WASTEWATER TREATMENT	\$ 76,163.56	\$ 218,612.58	\$ 1,043,473.00	\$ 824,860.42	20.95%
COLLECTION SYSTEM MAINT.	\$ 301,189.60	\$ 373,994.07	\$ 1,664,303.00	\$ 1,290,308.93	22.47%
WASTEWATER FUND	\$ 187,196.58	\$ 51,677.44			

WASTEWATER DEV. RES. FUND

BEG. WORKING CAPITAL	\$ -	\$ (447,323.69)	\$ (447,935.00)	\$ (611.31)	99.86%
Revenues	\$ (2,122.32)	\$ 8,953.32	\$ 2,877.00	\$ (6,076.32)	311.20%
Expenses	\$ -	\$ -	\$ 450,812.00	\$ 450,812.00	0.00%

WASTEWATER DEV. RES. FUND \$ (2,122.32) \$ (456,277.01)

WASTEWATER CAPITAL FUND

BEG. WORKING CAPITAL	\$ -	\$ (526,192.90)	\$ (525,526.00)	\$ 666.90	100.13%
Revenues	\$ (1,739.33)	\$ (1,739.33)	\$ (2,295.00)	\$ (555.67)	75.79%
Expenses	\$ -	\$ -	\$ 527,821.00	\$ 527,821.00	0.00%
WASTEWATER CAPITAL FUND	\$ (1,739.33)	\$ (527,932.23)			

WASTEWATER DEPRECIATION

BEG. WORKING CAPITAL	\$ -	\$ (1,264,340.43)	\$ (1,261,715.00)	\$ 2,625.43	100.21%
Revenues	\$ (4,174.94)	\$ (4,174.94)	\$ (2,291,789.00)	\$ (2,287,614.06)	0.18%
Expenses	\$ 1,013.10	\$ 2,513.10	\$ 3,553,504.00	\$ 3,550,990.90	0.07%
WASTEWATER DEPRECIATION	\$ (3,161.84)	\$ (1,266,002.27)			

STORM WATER DRAINAGE

BEGINNING FUND BALANCE	\$ -	\$ (25,372.32)	\$ (25,847.00)	\$ (474.68)	98.16%
Revenues	\$ (5,258.31)	\$ (15,607.07)	\$ (60,529.00)	\$ (44,921.93)	25.78%
Expenses	\$ 6,042.95	\$ 18,130.75	\$ 86,376.00	\$ 68,245.25	20.99%
STORM WATER DRAINAGE	\$ 784.64	\$ (22,848.64)			

STORM WATER DEV. RESERVE FUND

BEG. WORKING CAPITAL	\$ -	\$ (10,983.38)	\$ (10,970.00)	\$ 13.38	100.12%
Revenues	\$ (36.30)	\$ (36.30)	\$ (47.00)	\$ (10.70)	77.23%
Expenses	\$ -	\$ -	\$ 11,017.00	\$ 11,017.00	0.00%
STORM WATER DEV. RESERVE FUND	\$ (36.30)	\$ (11,019.68)			

STORM WATER CAPITAL CONST FUND

BEG. WORKING CAPITAL	\$ -	\$ (73,058.46)	\$ (72,873.00)	\$ 185.46	100.25%
Revenues	\$ (241.50)	\$ (241.50)	\$ (164.00)	\$ 77.50	147.26%
Expenses	\$ -	\$ -	\$ 73,037.00	\$ 73,037.00	0.00%
STORM WATER CAPITAL CONST FUND	\$ (241.50)	\$ (73,299.96)			

STORM WATER DEPRECIATION

BEG. WORKING CAPITAL	\$ -	\$ (132,505.43)	\$ (132,244.00)	\$ 261.43	100.20%
Revenues	\$ (438.00)	\$ (438.00)	\$ (423.00)	\$ 15.00	103.55%
Expenses	\$ -	\$ -	\$ 132,667.00	\$ 132,667.00	0.00%
STORM WATER DEPRECIATION	\$ (438.00)	\$ (132,943.43)			

ST. MAINT IMPROV. CAPITAL

BEG. FUND BAL.	\$ -	\$ (1,274,942.43)	\$ (1,300,949.00)	\$ (26,006.57)	98.00%
Revenues	\$ (14,190.52)	\$ (14,190.52)	\$ (350,129.00)	\$ (335,938.48)	4.05%
Expenses	\$ 32,130.40	\$ 32,130.40	\$ 1,651,078.00	\$ 1,618,947.60	1.95%
ST. MAINT IMPROV. CAPITAL	\$ 17,939.88	\$ (1,257,002.55)			

STATE GAS TAX STREET FUND

BEG. FUND BAL.	\$ -	\$ (229,132.51)	\$ (245,769.00)	\$ (16,636.49)	93.23%
Revenues	\$ (49,650.91)	\$ (94,153.71)	\$ (524,769.00)	\$ (430,615.29)	17.94%
Expenses	\$ 82,121.01	\$ 143,367.89	\$ 770,538.00	\$ 627,170.11	18.61%
STATE GAS TAX STREET FUND	\$ 32,470.10	\$ (179,918.33)			

PATH PROGRAM

BEG. FUND BALANCE	\$ -	\$ (239,180.49)	\$ (182,248.00)	\$ 56,932.49	131.24%
Revenues	\$ (19,544.26)	\$ (19,544.26)	\$ (75,943.00)	\$ (56,398.74)	25.74%
Expenses	\$ -	\$ 5,000.00	\$ 258,191.00	\$ 253,191.00	1.94%
PATH PROGRAM	\$ (19,544.26)	\$ (253,724.75)	\$ -	\$ 253,724.75	0.00%

WEDDLE BRIDGE

BEG. FUND BALANCE	\$ -	\$ (4,700.00)	\$ (4,694.00)	\$ 6.00	100.13%
Revenues	\$ (15.53)	\$ (15.53)	\$ (21.00)	\$ (5.47)	73.95%
Expenses	\$ -	\$ -	\$ 4,715.00	\$ 4,715.00	0.00%
WEDDLE BRIDGE	\$ (15.53)	\$ (4,715.53)	\$ -	\$ 4,715.53	0.00%

SPECIAL EVENTS

BEG. FUND BAL.	\$ -	\$ (7,418.09)	\$ (4,464.00)	\$ 2,954.09	166.18%
Revenues	\$ (1,145.68)	\$ (3,258.18)	\$ (14,477.00)	\$ (11,218.82)	22.51%
Expenses	\$ 2,018.50	\$ 3,160.55	\$ 14,477.00	\$ 11,316.45	21.83%
SPECIAL EVENTS	\$ 872.82	\$ (7,515.72)			

PUBLIC TRANSIT GRANT

BEG. FUND BALANCE	\$ -	\$ -	\$ -	\$ -	0.00%
Revenues	\$ -	\$ -	\$ (104,515.00)	\$ (104,515.00)	0.00%
Expenses	\$ -	\$ -	\$ 104,515.00	\$ 104,515.00	0.00%
PUBLIC TRANSIT GRANT	\$ -	\$ -			

ECONOMIC & COMMUNITY DEVELOP.

BEGINNING FUND BALANCE	\$	-	\$	(270,206.06)	\$	(215,575.00)	\$	54,631.06	125.34%
Revenues	\$	(50,946.98)	\$	(50,946.98)	\$	(200,972.00)	\$	(150,025.02)	25.35%
Expenses	\$	-	\$	-	\$	416,547.00	\$	416,547.00	0.00%
ECONOMIC & COMMUNITY DEVELOP.	\$	(50,946.98)	\$	(321,153.04)					



SWEET HOME PUBLIC LIBRARY

A snapshot of activities at the Library --

Circulation (number of items checked out)

July	August	September
3884	3570	3331

Renewals by Staff

July	August	September
107	138	135

New Library Cards Issued

July	August	September
Resident	Resident	Resident
66	36	33
Nonresident	Nonresident	Nonresident
4	4	12

Library Programs

- **We began offering preschool and toddler storytimes in September.
- **The Library celebrated 75 years of library service!
- **The Lego "Simple Machines", where children learn about advanced mechanics and physics, began in September.
- **The Library hosted a Rotary event for the Dolly Parton's Imagination Library. (Dolly Patron's Imagination Library is a nonprofit organization that promotes early childhood literacy by giving free age-appropriate books to children from birth to age 5.) Children entering kindergarten were invited to attend a celebration at the Library and receive their last free book and a certificate.
- **Rose attended the State Library Director's meeting and training for Project Outcome.
- **Rose attended the Friends of the Sweet Home Library meeting and assisted in writing a grant to the Siletz tribe for shelving at the Community Bookstore.
- **Rose submitted a grant to the State Library for the Ready to Read grant which provides funding for the summer reading program. A grant to the Spirit Mountain Community fund was submitted to purchase books for the "Free Little Libraries".