

ORDINANCE NO. 879

AN ORDINANCE AMENDING THE SCAPPOOSE MUNICIPAL CODE TITLE 13, CHAPTERS 13.04, 13.08, 13.12, 13.16, 13.20, 13.28 and 13.32 (PUBLIC SERVICES)

WHEREAS, the City of Scappoose believes there should be consistency with the Public Services Sections of its City Code; and

WHEREAS, City Staff noted the need for amendments to the language in Title 13 of the SMC during various updates of the Public Works Design Standards and the water and sewer master plans updates; and

WHEREAS, City Staff finds that the amendments are in the public interest.

NOW THEREFORE, THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:


Section 1. The Code Sections have been updated as shown on the attached Exhibit A, with proposed changes underlined and omitted language struck through in accordance with changes from Staff and Council comments, along with a summary of the changes provided in Exhibit B.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3. This ordinance is effective 30 days after passage.

PASSED AND ADOPTED by the City Council this 6th day of May, 2019, and signed by the Mayor and City Recorder in authentication of its passage.

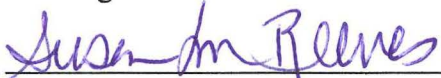
CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

First Reading: 4/15/2019

Second Reading: 5/6/19

Attest: 

Susan M. Reeves, MMC, City Recorder

CITY OF SCAPPOOSE

Title 13

Chapters:

- 13.04 Water Service System
- 13.08 Water Crises
- 13.12 Sewer Service System
- 13.16 Sewer System Industrial Users
- 13.20 Water and Sewer Hookup Charges
- 13.22 Stormwater Management
- 13.24 System Development Charges
- 13.28 Public Works Standards
- 13.32 Standard Specifications for Public Works Construction

Chapter 13.04WATER SERVICE SYSTEMSections:

- 13.04.010 Administration.
- 13.04.020 Water mains.
- 13.04.030 Expiration of water hookups.
- 13.04.040 Service pipes.
- 13.04.050 Meters.
- 13.04.060 Use of water.
- 13.04.070 Water rates.
- 13.04.080 Notification of shutoff.
- 13.04.090 Compliance with other regulations.
- 13.04.100 Obstruction or contamination of water supply system unlawful.
- 13.04.110 Cross-connection control and backflow prevention.
- 13.04.120 Violation--Penalty.

13.04.010 Administration. A. The operations and business of the water department of the city shall be directed by the city manager ~~and community development director or designee.~~

B. The water department shall have under its direction a water ~~superintendent supervisor who shall have been~~ employed by the city manager. ~~and community development director.~~

C. The ~~superintendent of the water department water~~ superintendent, hereinafter called "superintendent," shall have charge of the maintenance and operation of the water supply, treatment plant, pumping equipment, and all other appurtenances of the water treatment system under the supervision and direction of the city manager ~~and community development director or designee.~~ He is also authorized to employ the necessary labor for properly carrying out his duties and maintaining the water department facilities.

D. The city recorder-treasurer shall be responsible for the rendering and collection of bills for all rentals, fees, deposits and other charges made for water services. All revenues therefrom shall be accounted for in a manner satisfactory to the city manager ~~community development director or~~ designee and shall be deposited regularly in the city treasury in the same manner approved for other municipal deposits.

E. The city recorder-treasurer is authorized to issue warrants for payment and to issue checks for payment of all labor contracted for by this ~~superintendent supervisor~~ upon presentation of time records and bills properly countersigned by the ~~superintendent supervisor and community development director~~ without approval by the city manager or designee.

F. The city of Scappoose shall also employ a ~~field services~~ supervisor who shall have charge of the water distribution system, fire hydrants, meters, and all other appurtenances of the water distribution system under the supervision and direction of the city manager ~~community development director or designee.~~ He/she shall also be responsible for the reading of all water meters. He/she is also authorized to employ the necessary labor for properly carrying out his duties and maintaining the water distribution facilities.
(Ord. 724 \$1, 2002; Ord. 514 \$1, 1986; Ord. 500 \$1, 1985; Ord. 440 \$1, 1982; Ord. 417 \$1, 1981; Ord. 379 \$1, 1978)

13.04.020 Water mains. A. The water mains of the city shall be under the complete control of the field services supervisor city manager or designee, and no person or persons other than those authorized to do so by the field services supervisor city manager or designee shall tap, change, obstruct, interfere with, or in any way disturb the water system. The only exception shall be development reviewed and approved by the city engineer.

B. Extension of water mains within the corporate limits of the city may be made by the water department, but such extensions will be made only when, in the judgment of the city council, it is economically feasible. Outside users may be connected to the city water system upon a two-thirds affirmative vote of approval by the city council, it being the policy of the city that no outside users will be connected to city water.

1. Except for existing outside users, the City will not provide new water service to unincorporated areas. However, the City of Scappoose will provide water service to all existing properties, including any further properties created by partition or subdivision processes for the properties associated with Parish, et al v. City of Scappoose, and Alexander et al v. City of Scappoose. Other properties directly abutting the Dutch Canyon Water Line Extension may also be provided water service, at the density permitted by Columbia County zoning as of November 3, 2003 for properties without municipal water service. Future zone changes within Columbia County allowing for greater density of properties via partition or subdivision processes do not merit the provision of water service from the City of Scappoose, nor do properties not abutting the Dutch Canyon Water Line Extension but equipped with a private or public easement across an abutting property qualify for water service.

2. Allow the construction of certain public facilities, including water lines, sanitary sewer lines and storm sewer lines outside the Urban Growth Boundary when it is beneficial to the City from an engineering, or operational basis, and in regard to water line extension, in specific scenarios where such extension might provide the potential for recovery of required improvement costs. However, the City will not allow any connections to these facilities except for health and safety reasons, and only when alternative solutions have been proven unviable. This provision does not restrict the ability of the City of Scappoose to contract with a water district or water association to provide water. However, the City of Scappoose will provide water service to all existing properties, including any further properties created by partition or subdivision processes for the properties associated with Parish, et al v. City of Scappoose, and Alexander et al v. City of Scappoose. Other properties directly abutting the Dutch Canyon Water Line Extension may also be provided water service, per the density provisions of underlying zones present within Columbia County as of November 3, 2003. Future zone changes within Columbia County allowing for greater density of properties via partition or subdivision processes do not merit the provision of water service from the City of Scappoose, nor do properties not abutting the Dutch Canyon Water Line Extension but equipped with a private or public easement across an abutting property qualify for water service.

3. Allow the extension of water services, but not sewer services, beyond the Urban Growth Boundary to any water district or water association that wishes to contract with the City for water, and to properties directly abutting the Dutch Canyon Water Line

Extension, per the restrictions in Section 2, above.

C. Any person, firm or corporation installing water mains at their own expense shall first submit plans and specifications for such work to the ~~city engineer~~ city manager or designee for approval. After such plans and specifications have been approved by the city manager or designee, the work shall be done under the supervision of the city manager or designee, who shall require that such tests be made as may be considered necessary; and no water shall be admitted into such mains, except through an air-gap system or a double detector check assembly, until tests are accepted by the city manager or designee on behalf of the city.

D. Should the water department be hired to construct an extension to the water mains, before construction of such an extension to the water mains will be started, the property owners who signed the original agreement shall deposit with the city recorder-treasurer an amount equal to an estimate of cost of such construction. If the actual cost of construction is less than the estimate, the excess money collected shall be returned to the property owners on a prorated basis the same as was collected; and in the event the costs exceed the moneys deposited, the balance shall be paid by the developer or persons hooked to the system prior to the city turning on the water in the newly installed system. (Ord. 739 §1, 2003; Ord. 724 §1, 2002; Ord. 603 §1, 1993; Ord. 379 §2, 1978)

13.04.030 Expiration of water hookups. A. ~~All existing water hookups shall be utilized not later than June 30, 1990. These water hookups shall expire on July 1, 1990 and the city shall repay the holders of such hookups the amount that was originally paid for the hookups.~~

~~B. All future acquired water hookups shall expire three years after the date purchased if not used. and the city shall refund the purchase price.~~ (Ord. 530 §3, 1987; Ord. 379 §11, 1978)

13.04.040 Service pipes. A. All service pipe on either public or private property shall be laid on solid ground not less than thirty-six inches below the established grade of the street. Service pipe shall not be laid in the same trench with a sewer line. Service pipe shall be laid only in an approved trench as defined in the public works design standards or current building plumbing code of the city.

B. Service pipe and connections from the city mains to and including a stopcock and meter shall be placed by the water department or city permitted contractor within one foot of the property line, or where the main is in an alley, on the property line, and shall be installed and maintained by the city, and kept within its exclusive control.

C. From the water meter to a point inside the building, all service pipe shall be of galvanized pipe, copper or other materials approved by the building official, not less than three-fourths inch in diameter. The building official may require larger service pipe and fittings for large buildings. This portion is the responsibility of the property owner.

D. Service pipes must be so arranged that the supply to each house or premise may be controlled by the stopcock or gate valve.

E. All service pipe and all water piping in or on all premises shall be installed ~~by a~~ in accordance with Oregon Plumbing Specialty

Code plumber. No person shall interfere in any way with fixtures installed by the water department and shall not turn water on or off at the service cock except for the purpose of testing their work, in which case the service cock shall be left in the same condition and position it is found. Any plumber called upon to shut off water and drain pipes in any premises shall do so inside the building only, except as above provided.

F. Before any connection is made to any water main, application for a permit must be made in writing by the owner of the premises to be served, or by his/her authorized representative at ~~the public works office~~ City Hall. Such application shall be made on a form provided by ~~the public works department~~ City Hall, and shall contain such information as the city may require.

G. At the time a permit is issued, a deposit shall be made estimated to be sufficient to cover the costs of any street repairs made necessary by the installation of the water connection. ~~The public works department~~ City Hall shall refund any amounts deposited in excess of such street repair costs.

H. A contractor or other person or persons must apply to ~~the public works department~~ City Hall for water for building purposes and water shall be furnished to such contractor or persons at the rates then in effect for service. (Ord. 724 §1, 2002; Ord. 379 §3, 1978)

13.04.050 Meters. A. The public works department shall install meters on all service lines installed within city limits or ~~without the outside~~ city limits and shall charge for the quantity of water measured at meter rates, provided that the charge shall not be less than the minimum for the type of premise metered.

B. The occupant or owner shall be charged SDC's and installation at the current rate set by ordinance or resolution. Upon installation, all meters shall remain the property of the city and may be removed by the public works department in accordance with the provisions of this chapter.

C. For ordinary metered consumption of water, a three-fourths inch meter will be furnished. Where application for a meter connection larger than three-fourths inch is made, the SDC and rate charges shall be at the current rate set by ordinance or resolution.

D. Meters shall be placed in an accessible location and set in a manner satisfactory to the ~~field services supervisor~~ city manager or designee. Meters may be installed in a meter pit at or near the property line, which pit shall be located and constructed, at the owner's expense, as directed by the ~~field services supervisor~~ city manager or designee and to his/her satisfaction.

E. The owner of the premises where a meter and its enclosing structure is installed will be held responsible for its care and protection from freezing and from injury or interference by any person or persons. In case of injury to the meter, or in case of its stoppage or imperfect operation, the owner of the premises shall give immediate notice to the water department. All water furnished by the city must pass through the meter. No bypass or connection around the meter shall be permitted. If any meter becomes defective, or fails to register, the consumer will be charged at the average monthly consumption rate as shown by the meter over the period of the preceding ~~three~~ twelve months when the meter was accurately registering. The owner shall be solely responsible for damage or injury to persons or property in the event the meter or its enclosing structure shall become damaged or otherwise a hazard to third persons or property. It shall be owners' responsibility to repair or correct a meter installation

which becomes hazardous.

F. The accuracy of the meter on any premises will be tested by the water department upon written request of the owner or occupant, who shall pay in advance a fee, set by resolution or ordinance, to cover the cost of the test. If, on such test, the meter shall be found to register over ten percent error, another meter will be substituted therefor, the fee will be refunded to the owner, and the water bill may be adjusted in such manner as may be fair and proper.

G. All new services installed shall include a water meter.

H. After the meters are installed for the use of premises, it is unlawful for any householder or any other user of water supplied by the water department to cause or permit water to run or be discharged through pipes or faucets in any house, building or premise owned, controlled or operated by such householder or other water consumer, except water obtained through said meter. Any premises, lot, building, or structure where water derived from any other source other than a public water main (such as a well, cistern, rain barrel, pond, etc.) shall have a backflow prevention device installed at the meter to prevent any possible backflow into the public water system. Purchase, installation, and testing of such a device shall be at the expense of the property owner. (See also Section 13.04.110, Cross-connection control and backflow prevention.)

I. It is unlawful for any person to cut, alter, change, remove, disconnect or in any manner interfere, meddle or tamper with any pipes or meter in such a manner as to prevent said meter registering all water used upon said premises.

J. Upon failure of any water user to comply with the rules and regulations establishing use of water meters, or otherwise, or to pay water rates or installation charges, the water may be shut off to the offending premises and remain so shut off until all fines, penalties and service charges are paid. (Ord. 778, 2006; Ord. 724 \$1, 2002; Ord. 430 \$1, 1981; Ord. 400 \$1, 1980; Ord. 379 \$4, 1978)

13.04.060 Use of water. A.- When new service pipes are put into any premises, the service cock or gate valve shall be left closed and will thereafter be opened only by an authorized employee of the water department and only upon the request of the owner or his agent; provided, however, that a person authorized by the Oregon Plumbing Specialty Code licensed plumber may open and close a service cock to test his work, as provided in Section 13.04.040(E).

B. In case a permit is issued as provided in Section 13.04.040(F) and a water meter has been installed for the temporary use of water, the owner shall notify the water department upon the completion of his work so that the water meters may be read, and the connection shut off.

C. Where a building originally constructed as a single unit and fitted with one service pipe is thereafter subdivided, or when a parcel of property is so subdivided, by sale or otherwise, each parcel or premise as created must obtain a separate service pipe within thirty days or upon occupancy after such division; provided, however, one service may be permitted in the case of a fee simple tax lot containing multi-family dwellings, residential courts, combined office or business building, manufactured home parks, or trailer courts.

D. No person shall take or use city water from premises other than his own, and no person shall sell or give away water from his own premises for any purpose. No connection through which water may pass from one property to another shall be constructed, though the ownership of both properties may be the same.

E. Where the water has been turned off by the water department for any reason, no person or persons, except authorized employees or agents of the department, may turn it on again. Whenever this rule is violated, a penalty of three times the then-minimum monthly water charge shall be assessed and paid before service is restored. Each time the user turns on the water after being shut off by the department shall be deemed a separate violation and subject to the above penalty. Such penalty is in addition to any other penalty provided by law.

F. No steam boiler or hot water heater shall be directly connected to the service pipe. The owner shall make such provisions, including safety valves, as may be required by the State of Oregon Uniform Plumbing Code and the building official before the water may be supplied to such an installation.

G. The ~~water superintendent, field services supervisor~~ city manager or designee, building official or any of their authorized agents shall have free access at all reasonable hours to inspect any premises supplied with water. No person shall refuse to admit authorized agents of the ~~public works department~~ City of Scappoose to any premises for such purpose. In case any authorized employee is refused admittance, or is, in any way, hindered in making the necessary inspection or examination, the water may be turned off from such premises after giving twenty-four hours' notice to the owner or occupant thereof.

H. Where pipes are provided for fire protection on any premise or where hose connections for fire apparatus are provided, each such connection or opening of the service pipes shall have not less than twenty-five feet of fire hose constantly attached thereto, and no water shall be taken through such opening or hose for any purpose other than for extinguishing fires, except for the purpose of testing such fire equipment. No such test of fire equipment may be conducted except by the fire department, unless a special permit is first secured from the public works department.

I. Fire hydrants may be opened and used only by the water and fire departments of the city or by such persons as may be specifically authorized by the water department. No person, firm or corporation shall in any manner obstruct or prevent free access to any fire hydrant by placing or storing temporarily or otherwise any object or material of any kind within ten feet of the same.

J. Water supplied through either water department or authorized private mains to consumers outside the corporate limits of the city shall be guaranteed on a day-to-day basis only. Such supply may be discontinued upon three days' notice. Any rates paid in advance or for unused water shall be equitably refunded in case the water supply is discontinued.

K. Where water service pressure exceeds levels permitted under the Oregon Plumbing Specialty Code, property owners shall install and maintain pressure reducing valves meeting the requirements of the Oregon Plumbing Specialty Code ~~State Plumbing Code~~. (Ord. 748 \$1, 2004; Ord. 724 \$1, 2002; Ord. 379 \$5, 1978)

13.04.070

13.04.070 Water rates. A. Establishment of Credit. At the time application for service is made, the applicant shall establish credit with the water department. The credit of the applicant will be deemed established:

1. If the applicant makes a cash deposit with the water department to secure payment of bills for service;
2. If the applicant has previously had water service in the city and the bills rendered for that service during the last twelve months it was provided were paid promptly, without additional collection efforts being required.

B. Deposits.

1. At the time the deposit is given to the water department, the applicant will be given a receipt for the deposit. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in excess will be refunded. The water department will not pay interest on any deposit;

2. The deposit or balance of deposit shall be refunded to applicant when water service to applicant is terminated;

3. At any time a customer becomes delinquent and his water is shut off for that reason, customer shall permanently reestablish his credit per subsection A of this section prior to resumption of water service after all delinquencies and penalties have been paid.

C. Deposit Refunds. Deposits will be refunded after twelve months without delinquent payments. The customer can request the refund to will be returned to the depositor on the anniversary date of the deposit following the twelve-month prompt payment period defined in subsection (A) (2) of this section. At any time, a customer becomes delinquent and his water is shut off for that reason, customer shall reestablish his credit per subsection A of this section prior to resumption of water service after all delinquencies and penalties have been paid.

D. Special Assessments. No provisions in this chapter shall be deemed to prevent city from collecting a special assessment against the property. All unpaid water bills, penalties and charges are declared to be a lien against the real property served and the lien shall be enforced and collected in accordance with the procedures for collecting any city assessments as are set forth in city ordinances or the statutes of the state then in effect for the enforcement and collection of city assessment liens.

E. Unclaimed Deposits. Any deposit shall be deemed security for the payment of any water charge of the depositor. In the event service is terminated, then the deposit or the balance thereof, after application to any unpaid water bill, shall be returned. Within sixty days after service is terminated for reasons other than a turn-off as a result of a delinquent bill and deposit has not been claimed, notice of deposit will be mailed to the depositor. In the event that the notice is returned after being addressed to the last known address, the city shall transfer the remaining balance to the water fund within sixty days.

F. Temporary Vacancies. In the case of temporary vacancy of any premises, water will be turned off at the service cock by the department upon written request of the owner of the premises addressed to the water department and will be turned on again when requested. The minimum charge shall be made for any period in which such vacancy occurs.

G. Interest on Unpaid Bills. Interest at the rate of one percent per month per annum shall be added to all delinquent water bills in excess of five hundred dollars, beginning the thirty-second day after the bill is due and payable. This also applies to water bills for customers where the city is unable for legal or health reasons to terminate the water service. (Ord. 724 §1, 2002; Ord. 603 §2, 1993; Ord. 593 §2(part), 1993; Ord. 532 §1, 1987; Ord. 508 §1, 1986; Ord. 483 §7(B), 1984; Ord. 472 §§1, 2, 1983; Ord. 379 §6, 1978)

13.04.080 Notification of shutoff. Should it become necessary to shut off the water from any section of the city because of any accident or for the purpose of making repairs or extensions, the water department will endeavor to give timely notice to the consumers affected thereby and will, so far as practical, use its best efforts to prevent inconvenience and damage arising from any such causes; but the failure to give such notice shall not render the city responsible or liable in damages for any inconvenience, injury, or loss which may result there from. (Ord. 724 §1, 2002; Ord. 379 §7 (part), 1978)

13.04.090 Compliance with other regulations. All rules, regulations, and requirements of the State Board of Health, of the State of Oregon State Plumbing Code and the United States Environmental Protection Agency shall apply to the water department of the city. (Ord. 379 §7 (part), 1978)

13.04.100 Obstruction or contamination of water supply system unlawful. It is unlawful for any person to do any act, or to throw, place, or deposit any article or substance in or near the city water supply system, whereby the water therein may be obstructed or rendered impure. (Ord. 379 §7(part), 1978)

13.04.110 Cross-connection control and backflow prevention.

A. Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. If a word or term used in this section is not contained in the following list, its definition, or other technical terms used, shall have the meanings or definitions listed in the Oregon Administrative Rules (OAR) 333-061-0070 to OAR 333-061-0074, or the current 9th Edition of the Manual of Cross Connection Control published by the Foundation for Cross Connection Control and Hydraulic Research, University of Southern California.

"Approved backflow prevention assembly" (or any abbreviated version thereof) means an assembly designed to counteract back-pressure and/or prevent back-siphonage as approved by the Oregon Department of Human Services-Health Services.

"Auxiliary supply" means any water source or system other than the city water system.

"Backflow" means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases or substances into the city's water system.

"Certified backflow assembly tester" means a person who has successfully completed all requirements as established by the Department of Human Services-Health Services to test backflow assemblies in the state of Oregon.

"Certified cross connection specialist" means a person who has successfully completed all requirements as established by the Department of Human Services-Health Services to survey and inspect cross connection devices in the state of Oregon.

"City water system" means the city of Scappoose water system, which shall include wells, treatment mechanisms or processes, pumping stations, reservoirs, supply trunk or feeder lines, service lines, meters and all other appurtenances, device lines and items necessary to the operation of the system and to supply water service to an individual property or premises and shall include the city's potable water with which the system is supplied.

"Contamination" means the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

"Cross connection" means any physical arrangement where a potable water supply is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers or any other device which contains, or may contain, contaminated water, sewage or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices or other temporary or permanent devices through which, or because of which, backflow may occur, are considered to be cross connections.

"Degree of hazard" means the non-health hazard, health hazard or high hazard classification that shall be assigned to all actual or potential cross connections.

"DOHS" means Oregon Department of Human Services-Health Services.

"Double check valve backflow prevention assembly" (or any abbreviated version thereof) means an assembly which consists of two independently-operating check valves which are spring-loaded or weighted. The assembly comes complete with a resilient seated shut-off valve on each side of the checks, as well as test cocks to test the checks for tightness.

"Health hazard" means an actual or potential threat of contamination of a physical, chemical or biological nature to the public potable water system or the consumer's potable water system that would be a danger to health.

"Mobile unit" means a temporary unit connected to the water system through a hydrant, hose bib or other permanent appurtenance that is part of the city water system or a permanent water service to a premises. Examples can include, but not be limited to the following-water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste or septage hauler's trucks or units, sewer cleaning equipment, carpet or steam cleaning equipment for other than homeowner use, rock quarry or asphalt/concrete batch plants or any other mobile equipment or vessel that poses a threat of backflow in the city water system. Uses that are excluded from this definition are recreational vehicles at assigned sites or parked in accordance with city regulations pertaining to recreational vehicles and homeowner devices that are used by the property owner in accordance with this section, or other city regulation pertaining to provision of water service to a premises.

"Non-health hazard" means the classification assigned to an actual or potential cross connection that could allow a substance that may be objectionable, but not hazardous to one's health, to backflow into the potable water supply.

"Point of use isolation" means the appropriate backflow prevention within the consumer's water system at or near the point at which the actual or potential cross connection exists.

"Pollution hazard" means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system, but which would not constitute a health or system hazard, as defined. The maximum intensity of pollution to which the potable water system could be degraded under this definition would cause minor damage to the system or its appurtenances.

"Premises" means any piece of property to which water service is provided, including but not limited to all improvements, mobile structures and other structures located upon it.

"Premises isolation" means the appropriate backflow prevention at the service connection between the public water system and the premises. This location will be at or near the property line and downstream from the service connection meter.

"Reduced pressure principle backflow prevention assembly" (or any abbreviated version thereof) means an assembly containing two independently-acting approved check valves together with a hydraulically-operated, mechanically-independent pressure differential relief valve located between the check valves, and at the same time, below the first check valve. The assembly shall include properly located test cocks and two tightly closing shut-off valves.

"Resident" means a person or persons living within the area(s) served by the city water system.

"Retrofitting" means to furnish a service connection with parts or equipment made available after the time of construction or assembly installation.

"Submerged heads" means irrigation sprinkling or delivery devices that are located below the surface of the landscaped area in which they are installed.

"Thermal expansion" means the pressure created by the expansion of heated water.

B. Purpose. The purpose of this section is to protect the city's water supply and distribution system from contamination or pollution due to any existing or potential cross connections and to comply with the Oregon Administrative Rules 333-061-0070 to 333-061-0074.

C. Application and Responsibilities. The regulations set forth in this section apply throughout the city to every owner, occupant or person in control of any premises or property served by the city water system, regardless of date of connection to the city water system.

D. Cross Connections Regulated.

1. No cross connection shall be created, installed, used or maintained within the area(s) served by the city water system, except in accordance with this section.

2. The ~~community development director~~ city manager or designee shall carry out or cause inspections to be carried out to determine if any actual or potential cross connection exists. If found necessary, an assembly commensurate with the degree of hazard will be installed at the service connection.

3. The owner, occupant or person in control of any given premises shall be responsible for all cross connection control within the premises.

4. All premises found on Table 42 32 of OAR 333-061-0070 shall install a reduced pressure assembly at the service connection.

E. Backflow Prevention Assembly Requirements. A certified cross connection inspector employed by or under contract with the city shall determine the type of backflow assembly to be installed within the city's water system. Every assembly shall be installed at the service connection unless it is determined by the inspector and approved by the ~~community development director~~ city manager or designee, that it should be installed at the point of use. An approved assembly shall be required in each of the following circumstances, but the inspector may require an assembly under other circumstances:

1. When the nature and extent of any activity at a premises, or the materials used in connection with any activity at a premises, or materials stored at a premises, could contaminate or pollute the potable water supply.

2. When internal cross connections are present that are not correctable.

3. When intricate plumbing arrangements are present making it impractical to ascertain whether cross connections exist.

4. When the premises has a repeated history of cross connections being established or re-established.

5. When entry to the premises is restricted so that surveys for cross connections cannot be made with sufficient frequency to assure cross connections do not exist.

6. When an appropriate cross connection inspection report form has not been filed with the city manager or designee ~~community development director~~ or designee.

7. If a point-of-use assembly has not been tested or repaired as required by this section, the installation of a reduced pressure principle assembly will be required at the service connection.

8. When there is a premises with an auxiliary water supply which is or can be connected to the city water service or supply system, a reduced pressure backflow assembly will be required. The city will immediately discontinue water service to any premises or customer where such a condition occurs until such time as the cross connection is eliminated or the required backflow prevention assembly is installed. Customers using the city's water supply and any other water supply at the same premises shall install and maintain a separate plumbing system for the city's water supply, which shall be separated by an air gap of not less than one foot from any other supply, unless such reduced pressure principle backflow assembly is installed and maintained at the meter for the premises.

9. The ~~community development director~~ city manager, or designee, shall make the final determination on the type of device needed when there is a disagreement between a cross connection specialist and the owner, occupant or person in control of the premises.

F. New Construction. Where possible, a plan check shall be made prior to construction to determine the degree of hazard and the class of backflow prevention device, if any, required at the point of delivery from the public water system to the premises. Where adequate plans and specifications are not available, and no realistic evaluation of the proposed water uses can be determined, the applicant, customer, architect, engineer or other authorized person shall be advised that eventually circumstances may require the installation of maximum backflow protection at the water service connection.

G. Retrofitting. Retrofitting shall be required at all service connections where an actual or potential cross connection exists, and wherever else the city deems retrofitting necessary to comply with state law and this section.

H. Landscape Irrigation Systems. All landscape irrigation systems shall be protected according to plumbing code regulations. In the event any system is equipped with an injector system, a reduced pressure principle assembly will be required.

I. Thermal Expansion. It is the responsibility of the property owner, the occupant or person in control of the property to eliminate the possibility of damage from thermal expansion, if a closed system has been created by the installation of a backflow prevention assembly, or other appurtenances.

J. Mobile Units. Any mobile unit or apparatus as defined in subsection A. of this section, which uses the water from any premises within the city water system shall first obtain a permit from the city and be inspected to assure an approved air gap or reduced pressure principle assembly is installed on the unit.

K. Installation Requirements and Pressure Loss. All backflow prevention assembly installations shall follow the requirements as stipulated by OAR 333-061-0070. The type of backflow prevention assembly required shall be commensurate with the degree of hazard that exists and must, at all times, meet the standards of the Department of Human Services-Health Services. All backflow prevention assemblies required under this section shall be of a type and model approved by the DOHS. Any decrease in water pressure caused by the installation of a backflow assembly shall not be the responsibility of the city.

L. Fire Systems. An approved double check detector assembly shall be the minimum protection on fire sprinkler systems using piping material that is not approved for potable water use and/or does not provide for periodic flow through during each 24 hour period. A reduced pressure principle detector assembly must be installed if any solution other than the potable water can be introduced into the fire sprinkler system.

M. Plumbing Code. As a condition of water service, customers shall install, maintain and operate their piping and plumbing systems in accordance with the Oregon Plumbing Specialty Code ("Plumbing Code"). If there is a conflict between this section and the Plumbing Code, the ~~community development director, city manager or designee, and the city engineer~~ will determine which shall provide the most appropriate protection of the city water system.

N. Access Allowed. Authorized personnel of the city, with proper identification and sufficient notice, shall have access during reasonable hours to all parts of a premises and within the structure to which water is supplied. However, if any owner, occupant or person in control refuses authorized personnel access to a premises, or to the interior of a structure, during these hours for inspection, a reduced pressure principle assembly must be installed at the service connection to that premises.

O. Assembly Permits. When it is found that a customer needs a backflow prevention assembly, the city will issue a permit for such an assembly. This permit will identify the type, size, model, etc., of the backflow prevention assembly and also assign each an assembly number. This number and permit will enable the city to ensure that testing and other requirements of this section are met. The permit number should be used in all correspondence in reference to each installation to eliminate confusion of devices.

P. Annual Testing and Repairs. All backflow assemblies installed within the area served by the city shall be tested immediately upon installation, and at least annually thereafter by a certified backflow assembly tester. All assemblies found not functioning properly shall be promptly repaired or replaced at the expense of the owner, occupant or person in control of the premises. In the event an assembly is moved, repaired or replaced, it must be retested immediately. If any such assembly is not promptly repaired or replaced, the city shall deny or discontinue water service to the premises. It is the responsibility of the persons who own the assembly to have the assembly tested by a certified backflow assembly tester as required.

Q. Responsibilities of Backflow Prevention Assembly Testers.

1. All backflow assembly testers operating within the city water system service area shall be certified in accordance with all applicable regulations of the DOHS.

2. Persons certified as backflow assembly testers shall agree to abide by all requirements of the United States Occupational Safety and Health Administration (OSHA) and the Oregon Occupational Safety and Health Administration (OR-OSHA); and have completed confined space entry training to enter any confined spaces within the city.

3. It is the responsibility of the backflow assembly tester to submit records of all backflow assembly test repairs to the city within ten days of completing the test.

R. Costs of Compliance. All costs associated with the purchase, installation, inspection, testing, replacement, maintenance, parts and repairs of backflow prevention assemblies, and all costs associated with enforcements of this section, are the financial responsibility of the owner, occupant or other person in control of the premises.

S. Termination of Service. Failure on the part of any owner, occupant or person in control of the premises to install a required assembly, have it tested annually and/or to discontinue the use of all cross connections and to physically separate cross connections in accordance with this section shall serve as sufficient cause for the discontinuance of city water service to the premises pursuant to Oregon Administrative Rule Chapter 333.061.0070. In the case of an extreme emergency or where an immediate threat to life or public

health is found to exist, discontinuance or termination of city water service to the premises shall cease immediately.

T. Appeal Process.

1. Any property owner or service customer who receives a notice of possible termination of water service due to noncompliance with cross-connection requirements may appeal the notice to the city manager. Such appeal must be filed in writing, fully explaining the basis for the appeal within thirty days after the date of such notice and be accompanied by an appeal filing and processing fee as set by council resolution. The appeal fee shall be refunded if the city manager revokes the notice.

2. The city manager shall fix the time and place of the hearing on a date no more than thirty days after the city manager's receipt of the written appeal. The city manager shall give the appellant, and any other persons requesting the same, at least five day's notice of the time and place of such hearing.

3. After reviewing the appeal, at the time and place set for the hearing, the city manager shall give the appellant, and any other interested party, a reasonable opportunity to be heard. In all such cases, the burden of proof shall be upon the appellant. During the hearing, new evidence may be presented to and considered by the city manager. The city manager may also receive such evidence from city staff as the city manager deems appropriate. The hearing shall be informal and follow such procedures as the city manager deems appropriate to resolve the questions presented by the appeal.

4. Within fifteen days of the date of the hearing, the city manager shall issue a written decision which contains findings of fact and a determination of the issues presented. The city manager shall uphold, or modify and uphold the notice as issued, or revoke the notice and render a new decision on the matter consistent with the requirements of this section. If the notice is upheld, the city shall not terminate the appellant's water service any sooner than fifteen calendar days following the city manager's decision. The city manager's decision shall be final.

U. Suspension of Service.

1. Emergency Suspension. The ~~community development director~~ city manager or designee, may, without prior notice, suspend water service to any premises when such suspension is necessary to stop the imminent threat of any actual or potential cross connections as defined in this section.

2. Non-Emergency Suspension. The ~~community development director~~ city manager or designee, may suspend, with thirty ~~sixty~~ days notice, the water supply to any premises where the conditions of this section have been violated. (Ord. 798 \$1, 2008; Ord. 724 \$1, 2002; Ord. 399, 1980)

13.04.120 Violation--Penalty. Each person convicted of a violation of this chapter shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars, or imprisonment in the county jail for not more than thirty days. (Ord. 379 \$10, 1978)

Chapter 13.08

WATER CRISES

Sections:

- 13.08.010 Water crisis emergency.
- 13.08.020 Water conservation measures during water crisis emergency.
- 13.08.030 Emergency power of mayor during water crisis emergency.
- 13.08.040 Termination or suspension of state of emergency.

13.08.010 Water crisis emergency. At any regular or special meeting of the city council, the mayor, with the consent of a majority of the council, may declare a water crisis state of emergency if, in the opinion of the mayor and a majority of the council, the adequacy of the water supply for the city is sufficiently endangered to create a risk of danger to the health, safety and welfare of the people of Scappoose. (Ord. 372 §1, 1977)

13.08.020 Water conservation measures during water crisis emergency. During a water crisis state of emergency, the following water conservation measures may be implemented by the mayor:

A. Voluntary Measures:

- ~~1. Restrict landscape watering to the hours between six p.m. and ten a.m. except new lawn, grass or turf that has been seeded within the ninety days prior to declaration of water shortage.~~
- ~~2. Alternate landscape watering depending on address.~~
- ~~3. Don't hose or wash sidewalks, driveways, streets, parking lots, etc., except where necessary for public health or safety.~~
- ~~4. Don't wash cars, boats, trailers, or other vehicles without using a shut-off nozzle.~~
- ~~5. Wash vehicles at commercial or fleet facilities using water-recycling equipment.~~
- ~~6. Provide drinking/serving water at restaurants, motels, cafeterias, or other public places where food is sold or served only when expressly requested.~~
- ~~7. Restrict cleaning buildings (walls or roof) to preparation for painting only.~~
- 1.-8. Use bottled water stored in the refrigerator instead of running the tap to obtain cold water.
- 2. 9. Consider installing more efficient appliances such as low water consumption stools and taking showers instead of tub baths.
- 3. Implement Curtailment Plan.
- 4. Public notification and awareness.
- 5. Personal water conservation measure education.
- 6. Voluntary irrigation reduction.

B. Mandatory Measures:

- 1. Tier 1 - Mild Serious. Flow reductions have taken place in city watersheds and the Dutch Canyon Well.
 - ~~a. Prohibit lawn watering between the hours of seven a.m. and eleven p.m.~~

- ~~b. Require compliance with alternate day system for landscape watering.~~
- ~~c. Restrict hydrant permit use to those already in effect.~~
- a. Continue all Voluntary measures.
- b. Stop system flushing except for essential needs.
- c. Reduce municipal irrigation and aesthetic uses and post information explaining reduction.
- d. Restrict landscape watering to evening hours.
- e. Restrict pavement washing to needs related to health.
- f. Prohibit un-valved vehicle washing.
- g. Prohibit building cleaning.
- h. Restrict landscape watering to the hours between six p.m. and ten a.m. except new lawn, grass or turf that has been seeded within the ninety days prior to declaration of water shortage.
- i. Don't hose or wash sidewalks, driveways, streets, parking lots, etc., except where necessary for public health or safety.
- j. Don't wash cars, boats, trailers, or other vehicles without using a shut-off nozzle.
- k. Restrict cleaning buildings (walls or roof) to preparation for painting only.

2. Tier 2 - Moderate ~~Critical~~. A declared water crisis emergency in accordance with Chapter 13.08 of the city municipal code.13.08.020--13.08.030

~~a. Prohibit watering, sprinkling, or irrigating lawns, grass, or turf unless it is a new lawn, grass or turf that has been seeded after March 1 of the calendar year in which any restrictions are implemented. In such cases, it may be watered until established.~~

~~b. Prohibit washing down, wetting down, or sweeping with water sidewalks, driveways, parking lots, open ground, or other hard surfaced areas unless:~~

~~(1) In the opinion of the city manager or delegate, there is a demonstrable need to meet public health or safety requirements including but not limited to alleviation of fire, sanitation hazards, or dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality; or~~

~~(2) Power washing of building, roofs, and homes prior to painting is for repair, remodeling or reconstruction and not solely for aesthetic purposes.~~

~~c. Prohibit washing cars, trucks, trailers, tractors, or other land vehicles or boats, or other water craft except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes, or by bucket and hose with a shut-off mechanism, unless the city manager or delegate finds that the public health, safety, and welfare is contingent upon frequent vehicle cleaning of solid waste transfer vehicles, vehicles that transport food and other perishables or otherwise required by law. (Ord. 724 §1, 2002; Ord. 372 §2, 1977)~~

a. Continue all Tier 1 measures.

b. Prohibit landscape watering between 7 am - 11pm.

c. Restrict landscape watering to every 5th day on an alternating schedule.

d. Cease municipal water uses such as street cleaning, flushing (unless health related), park and landscape irrigation.

e. Prohibit vehicle washing outside of commercial facilities.

f. Prohibit non-irrigation outdoor water use except when required for public health.

g. Request businesses reduce demand by 10%.

h. Wash vehicles at commercial or fleet facilities using water-recycling equipment.

3. Tier 3 - Critical. A declared water crisis emergency in accordance with Chapter 13.08 of the city municipal code.

a. Continue Tier 2 measures.

b. Prohibit landscape watering except for hand watering of new trees and shrubs.

c. Prohibit vehicle washing with City supplied water.

13.08.030 Emergency power of mayor during water crisis emergency.

A. During a water crisis state of emergency, the mayor may, with the consent of a majority of the city council:

1. Impose a rate schedule for the purchase of water supplied by the city with higher rates for higher use. Such rate schedule shall be in writing, subscribed by the mayor and city recorder-treasurer, and state the effective time and date of such rate schedule.

2. a. Impose such other water-saving measures upon the city as, in the opinion of the mayor and city council, are reasonable and necessary to protect the health, safety and welfare of the people of the city. Any such measures shall be in writing, subscribed by the mayor and city recorder-treasurer, and state the effective time and date of such measure.

b. The willful violation of any such measure shall be a misdemeanor punishable by a fine not to exceed five hundred dollars.

B. Enforcement procedures for the above water-saving measures are as follows.

1. For Tier 1-Mandatory Measures. The Scappoose city council, through ~~the public works department~~ City Hall, shall enforce any violation of the restrictions or prohibitions stated in the Tier 1- Mandatory Measures as follows:

a. Scappoose ~~public works department~~ City Hall shall deliver a notice of violation to the occupant at the premises. If the occupant is not present, notice may be posted on the premises advising occupant of violation and notifying the occupant that the violation shall cease.

b. The city shall also mail a notice of violation by regular mail to the occupant at the address of the premises where the violation has occurred.

13.08.030--13.08.040

2. For Tier 2 - Mandatory Measures. City council, through the city police department, shall enforce any violation of

restrictions or prohibitions stated in the Tier 2 - Mandatory Measures as follows:

a. Scappoose police department shall personally deliver a notice of violation to the occupant at the premises. If the occupant is not present, the officer may post the notice on the premises advising the occupant of the violation and warning that service may be discontinued if violations continue.

b. The city shall also mail notice of violation by regular mail to the occupant at the address of the premises where violation has occurred. If water service is discontinued, a fee may be charged to restore it.

c. If violation occurs after notice, water service may be discontinued.

d. If discontinuance of service will cause a health or safety situation to develop at the location where violation has occurred, a citation may be issued in accordance with Section 13.08.030(A) of the Scappoose Municipal Code. (Ord. 724 §1, 2002; Ord. 372 §3, 1977)

13.08.040 Termination or suspension of state of emergency. At any general or special meeting of the city council, the mayor, with the consent of a majority of the council, or a majority of the council, may declare the termination or suspension of a water crisis state of emergency. Any declaration of a termination or suspension of a water crisis state of emergency shall be in writing, subscribed by the mayor and the city recorder-treasurer, and shall state the effective date and time of such declaration. (Ord. 372 §4, 1977)

Chapter 13.12
SEWER SERVICE SYSTEM

Sections:

- 13.12.010 Definitions.
- 13.12.020 Use of public sewers required.
- 13.12.030 Private sewage disposal.
- 13.12.040 Building sewers and connections.
- 13.12.050 Use of public sewers.
- 13.12.060 Protection from damage.
- 13.12.070 Powers and authority of inspectors.
- 13.12.080 Privy regulations.
- 13.12.090 Revision and modification of rules, regulations and charges.
- 13.12.100 Limits of hookup--City limits.
- 13.12.110 Expiration of sewer hookups.
- 13.12.120 Violation--Penalty.

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

"BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees C., expressed in parts per million or milligrams per liter by weight.

"Building Sewer" means that part of the lowest horizontal piping of a plumbing system which receives the discharge from soil, waste, and other drainage pipes from inside the walls of the building and conveys it to the sewer main via the ~~sewer~~ service branch located in the abutting street, alley, or right of way. The City of Scappoose owns that portion of the Building Sewer which lies in the City right of way.

"Combined sewer" means a sewer receiving both surface runoff and sewage.

"Garbage" means solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

"Industrial wastes" means the liquid wastes from industrial or commercial processes as distinct from domestic sanitary sewage.

"Outlet" or "outfall" means any outlet or outfall which discharges into a watercourse, pond, ditch, lake or other body of surface or ground water.

"Person" means any individual, firm, company, association, society, corporation, or group.

"pH" means the logarithm of the reciprocal of the hydrogen ion concentration and which is a measure of the acidity or alkalinity of the sewage or industrial waste.

"Properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one-half inch in any direction.

13.12.010--13.12.020

"Public sewer" means a sewer in which owners within the city of abutting properties have equal rights and is owned and controlled by the city.

"City manager or designee" means the city manager will assign a director, manager, official, administrator or city employee as appropriate.

"Sanitary sewer" means a sewer which carries sanitary sewage and industrial waste and to which storm, surface and ground waters are not intentionally admitted.

"Service branch" means the City of Scappoose owned portion of the sewer pipe which is installed between the sewer main located in the abutting street, alley, or right of way and the "building sewer".

"Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, commercial enterprises, and industrial establishments.

"Sewage treatment plant" or "sewage treatment facilities" means any arrangement of devices, structures, and processes used for treating sewage.

"Sewage works" means all facilities for collecting, pumping, treating, and disposing of sewage.

"Sewer" means a pipe or conduit for carrying sewage and/or industrial waste.

"Shall" is mandatory; "may" is permissive.

"Storm sewer" or "storm drain" shall mean a sewer which carries storm, surface and ground waters and drainage, but excludes sewage and polluted industrial wastes.

~~"Superintendent" means the superintendent of public works of the city, the building official, or the city engineer, as appropriate, or his authorized deputy, agent, or representative.~~

"Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering and expressed in parts per million or milligrams per liter by weight.

"Wastewater treatment plant or facilities" is synonymous with sewage treatment plant or sewage treatment facilities.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 747 §§1 and 2, 2004; Ord. 724 §1, 2002; Ord. 319 Art. 1 §§101--122, 1972)

13.12.020 Use of public sewers required. A. It is unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable wastes or materials.

B. It is unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any sanitary sewage, industrial wastes, or other polluted waters or materials, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

C. Except as provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage or industrial wastes.

D. The owners of all houses, buildings or properties used for human occupancy, recreation or other purposes, 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, are required at their expense to install suitable toilet and plumbing facilities therein, in accordance with the provisions of this chapter, the State Department of Environmental Quality, the State Board of Health, Columbia County health department, the Oregon State Plumbing Specialty Code, and the laws and regulations of the state and county, within ninety days after date of official notice to do so; provided the nearest connection point to the public sanitary sewer is within three hundred feet from the property to be served. The owners shall connect to the public sewer line within the ninety day notice period provided above except and unless the city council by resolution exempts all or part of the area served by a sewer line and the sewer line from mandatory hookups. (Ord. 630 §1, 1995; Ord. 533 §1, 1988; Ord. 427 §1, 1981; Ord. 319 Art. II, 1972)

13.12.030 Private sewage disposal. A. Where a public sanitary sewer is not available under the provisions of Section 13.12.020(D), building sewers shall be connected to a private sewage treatment and disposal system complying with the provisions of this chapter and with requirements of the Oregon State Plumbing Specialty Code, the rules and regulations of the Columbia County health department, State Division of Health and of the State Department of Environmental Quality.

B. Before construction or use of a private sewage disposal system, the owner shall first obtain a written letter from the city manager or designee engineer stating that the city cannot provide sewer service. This letter shall be presented to the Columbia County sanitarian and a permit obtained from the county to install a private sewage disposal system. All state, federal, and local regulations shall be met before a private sewage disposal system shall be approved or put into use.

C. At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in Section 13.12.020(D), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be removed or abandoned and filled with suitable material as required under state and county rules and as directed by the Columbia County sanitarian. When public sewer service is obtained, the connection or connections to the premises being served shall be made ahead of the private disposal system and the latter removed or filled in and abandoned. No connections shall be made to the effluent side of existing septic tanks or cesspools.

D. Owners shall operate and maintain all portions of the building sewer, service branch and private sewage disposal facilities in a safe and sanitary manner at all times, at no expense to the city.

E. The provisions of this section shall be in addition to and not in derogation of or conflict with the requirements of pertinent chapters of the Oregon Revised Statutes. (Ord. 724 §1, 2002; Ord. 319 Art. III, 1972)

13.12.040 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 whereof without first obtaining a written permit from the superintendent City of Scappoose.

B. There shall be two classes of building sewer permits: (1) for residential and commercial service; and (2) for service to

establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent city manager or designee. Connection, permit and inspection fees for residential, commercial building, and industrial building sewer permits shall be paid to the city at the time the application is filed.

C. All costs and expenses incident to the installation and connection of building sewers shall be borne by owners. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by installation of a 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.

E. Old building sewer or service branches may be used in connection with new buildings only when they are found, on examination and test by the superintendent city manager or designee, to meet all requirements of this chapter.

F. Building sewers shall be PVC or other material in conformance with the requirements of the Oregon Plumbing Specialty Code, while sewer laterals shall be ductile iron, concrete, or PVC pipe conforming to ASTM D3034, SDR 35 Specifications, or equal suitable material. The service branch shall be PVC or other material in accordance with the Public Works Design Standards. The superintendent. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of ductile iron pipe. If installed in unstable ground, the building sewer shall be of ductile iron pipe.

G. The size and slope of the building sewer shall be subject to the approval of the building official and shall conform to the requirements of the Oregon Uniform Plumbing Specialty Code.

H. Whenever possible, the building sewer serving a building having a basement shall be brought to the building at an elevation below the basement floor. The depth of all building sewers shall be sufficient to afford protection from frost. Building sewers shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Cleanouts shall be provided to permit access for rodding and flushing in conformance with the Oregon Plumbing Specialty Code.

I. In all buildings which are too low to permit gravity flow to the public sewer, sanitary sewage carried shall be lifted by approved pumping or ejector equipment and discharged to a building sewer which will flow by gravity to the city sewer.

J. All excavations required for the installation of building sewers shall be open trench work unless otherwise approved by the superintendent city manager or designee. Pipe laying and backfill shall be performed in accordance with regulations of the Oregon State Plumbing Specialty Code and State Division of Health and State Department of Environmental Quality.

1. All joints and connections shall be made watertight and gastight, preferably with "O" ring rubber gaskets. Both "O" ring joints and mechanical joints with rubber gaskets may be used with ductile iron pipe;
2. All joints in concrete pipe shall be made with rubber

gaskets;

3. Other jointing materials and methods may be used only by approval of the superintendent city manager or designee.

K. Building sewers shall be connected to city-owned ~~and installed lateral, main or trunk sewers~~ sewer mains adjacent to the property to be served. Plugs shall be carefully removed from building sewers (where present) at the property line and the building sewer connected to the service branch shall be watertight after testing prior to acceptance by the city's representative. Maintenance, cleaning, and repair of building sewer and service branch to the ~~sewer lateral, sewer main, or trunk sewers,~~ shall be the responsibility of the owner of the property served by the building sewer.

L. The applicant for the building sewer permit shall notify the superintendent City of Scappoose when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made only under the supervision of the superintendent city manager or designee or his representative.

M. All excavations for building sewer installations 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. Trench excavation work and shoring shall conform to the safety requirements of the State Compensation Department. (Ord. 747 §3, 2004; Ord. 724 §1, 2002; Ord. 319 Art. III, 1972)

13.12.050 Use of public sewers. A. No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface discharge, cooling water, or unpolluted industrial process waters to any sanitary sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, to a natural drainage way, or into a drywell or soakage trench, approved by the Oregon Department of Environmental Quality or city engineer city manager or designee as appropriate. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the city engineer-city manager or designee, into one of the foregoing places suitable for storm water provided there is no violation of county, state, or federal requirements or standards pertaining to thermal pollution, and further that no damage to property or water supplies result therefrom.

C. Except as provided in this chapter, no person shall discharge or cause to be discharged any of the following described waters, wastes, or material, to any public sewer:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees F;

2. Any water or waste which may contain more than one hundred parts per million, by weight, of fat, oil or grease;

3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

4. Any household garbage that has not been properly shredded;

5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage collection facilities, pumping stations, pipelines and treatment works;

6. Any waters or wastes having a pH lower than 6.0 or higher than 8.5 or having any other corrosive property capable of causing damage or hazard to the sewerage system, pumping stations, treatment plant and facilities, structures, equipment, and personnel operating the system;

7. Any waters or wastes containing toxic or poisonous substances or metals in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans, animals, fish and aquatic life, and birds, whether by direct exposure or by way of food or drink, or create any hazard in waters receiving the effluent from the treatment works;

8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant;

9. Any wastes having unusual concentrations of dissolved solids such as sodium chloride, calcium chloride or sodium sulphate;

10. Any wastes having unusual biochemical and/or chemical oxygen demand;

11. Any noxious or malodorous gases or substances capable of creating a public nuisance.

D. Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent city manager or designee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and other harmful ingredients. Such interceptors and/or treatment devices shall be of the type and capacity which efficiently remove the objectionable materials, and they shall be so operated that they consistently operate efficiently. All such installations shall be so located and constructed that they may be readily and easily accessible for cleaning, checking and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

E. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

F. The admission into the public sewers of any waters or wastes having: (1) a five-day biochemical oxygen demand greater than three hundred parts per million or milligrams per liter by weight; or (2) containing any quantity of substances having the characteristics described in subsection C of this section; or (3) containing more than three hundred fifty parts per million or milligrams per liter by weight of suspended solids; or (4) having an average daily flow greater than two percent of the average daily sewage flow of the city, shall be subject to the review and approval of the superintendent city manager or designee. Where necessary in the opinion of the city manager or designee engineer, the owner shall provide, at his expense, such preliminary treatment as may be necessary to: (1) reduce the biochemical oxygen demand to three hundred parts per million and the suspended solids to three hundred fifty parts per million by weight; or (2) reduce objectionable characteristics or constituents to within the maximum limits provided for in subsection C of this section; or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city manager or designee engineer and of the Oregon

State Department of Environmental Quality, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

G. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner and at his expense.

H. 1. When required by the city-engineer city manager or designee, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole or flow measurement and/or treatment structures in the building sewer to facilitate observation, sampling and measurement of flow of the wastes. Flow measurement and recording equipment shall be required wherever water other than city water is used within the premises for any purpose other than sprinkling or irrigation;

2. Manholes, flow measurement devices and treatment facilities shall be accessibly and safely located. All such facilities shall be installed at the owner's expense and shall be operated efficiently, safely and be accessible at all times.

I. All flow measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in subsections C and F of this section shall be determined in accordance with Standard Methods for the Examination of Water and Sewage; samples shall be collected at the control manhole or flow measurement structure.

J. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern under which an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern and under such conditions and circumstances as the city may specify, and further subject to compliance and requirements of the State Department of Environmental Quality and the Environmental Protection Agency. (Ord. 724 §1, 2002; Ord. 319 Art. V, 1972)

13.12.060 Protection from damage. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewer system, treatment and disposal facilities. Any person violating this section shall be subject to immediate arrest. (Ord. 319 Art. VI, 1972)

13.12.070 Powers and authority of inspectors. The superintendent city manager or designee and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for purposes of inspection, observation, measurement, sampling, and testing, to ensure compliance with the provisions of this chapter. (Ord. 319 Art. VII, 1972)

13.12.080 Privy regulations. On all construction and/or building sites, carnivals, circuses, outdoor meetings and like recreational events where no adequate approved sanitary facility exists, the following shall apply:

A. Portable privies in a number adequate to take care of all persons on the site must be provided;

B. Privies must meet DEQ, county, and city standards;

C. The privies shall ensure the privacy of the user and be maintained in a sanitary condition and be reasonably free of noxious odors;

D. The privies shall be located in convenient places on or near

the sites and shall be removed within twenty-four hours after the event or construction terminates;

E. Construction sites must be provided privies within twenty-four hours of beginning of construction. Other events must be provided privies and in place prior to commencement of the event;

F. Penalties. The event shall not be permitted to commence, and a stop order will be issued on construction sites if proper facilities are not on site;

G. Violations. A fine of one hundred dollars shall be levied for each twenty-four hours after a privy is required. Each twenty-four-hour period shall constitute a separate violation. (Ord. 724 \$1, 2002; Ord. 404, 1980)

13.12.090 Revision and modification of rules, regulations and charges. The city council may from time to time as the occasion may demand or require, and in the council's sole discretion within the requirements of state statutes, and the city charter, make such modifications, revisions and additions to the rules and regulations as may be deemed necessary and in the interest of the city. Rates and charges for sewer service, connection charges, cost of side sewers, and extensions of sewers shall be revised as necessary and required in the general public interest and to meet financial obligations relating to the construction, maintenance, repair and efficient operation of the entire system. (Ord. 319 Art. X, 1972)

13.12.100 Limits of hookup--City limits. It is declared to be the policy of the city that there will be no sewerage hookups to property outside the city limits of the city. (Ord. 319 Art. XII, 1972)

13.12.110 Expiration of sewer hookups. A. All existing prepaid sewer hookups shall be utilized not later than June 30, 1990. Those sewer hookups shall expire on July 1, 1990 and the city shall repay the holders of such hookups the amount that was originally paid for the hook-ups.

B. All future acquired sewer hookups shall expire three years after the date purchased if not used and city shall refund the purchase price. (Ord. 530 \$2, 1987)

13.12.120 Violation--Penalty. A. Any person found to be violating any provisions of this chapter, except Section 13.12.060, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease any and all violations.

B. Any person who shall continue any violation beyond the time limit provided for in subsection A of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding two hundred dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (Ord. 319 Art. VIII, 1972)

Chapter 13.16

SEWER SYSTEM INDUSTRIAL USERS

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ARTICLE I. GENERAL PROVISIONS

13.16.10 Declaration of policy. A. This chapter sets requirements for the nonresidential discharge of pollutants into the city sewerage system. The objectives of this chapter are to:

1. Prevent the discharge of pollutants into the city sewerage system which will interfere with the operation of the system or contaminate the resulting sludge;

2. Prevent the discharge of pollutants into the city sewerage system which will pass through the system, inadequately treated, into receiving waters;

3. Maintain or improve the opportunity to recycle and reclaim wastewater and sludge from the city sewerage system.

B. In achieving the objectives of this chapter, it shall be the policy of the city to actively support the community's commerce and industry through accommodation, assistance and cooperation consistent with the city's responsibility to protect the waters of the state from pollution and to secure the health, safety and welfare of the residents of the metropolitan area.

C. Pollutants shall be accepted into the city sewerage system subject to regulations and requirements as may be promulgated by state and federal regulatory agencies or the city for the protection and safety of receiving water quality and avoidance of nuisance. As a minimum, nonresidential users of the city sewerage system shall comply with the applicable pretreatment standards developed under state (OAR 340-45-063) and federal (40 CFR 403) regulations. Pretreatment standards are established or referenced in this chapter to ensure that at a minimum, the city and nonresidential users comply with Sections 307(b) and 307(c) of the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 and the regulations promulgated pursuant to the Act.

D. City-issued wastewater discharge permit conditions shall be predicated on federal, state and local regulations and requirements and on the results of analysis of the type, concentration, quantity and frequency of discharge including the geographical relationship of the point of discharge to sewerage and treatment facilities. These permit conditions shall be reevaluated upon expiration of the permit and may be revised from time to time as required to remain consistent with local, state or federal laws, regulations and requirements or to meet any emergency. Wastewater Discharge Permits may include, but shall not be limited to, conditions pertaining to discharge standards, self-monitoring requirements, treatment methods, housekeeping practices, inventory storage and manufacturing methods that are intended to protect the waters of the state.

E. Except as otherwise provided herein, the city manager shall administer, implement and enforce the provisions of this chapter. (Ord. 724 §1, 2002; Ord. 579 §1.1, 1991)

13.16.020 Definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the following meanings:

"Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended through the effective date of the ordinance codified in this chapter, 33 USC 1251, et seq.

"Authorized representative of nonresidential user" means: (1) a principal executive officer of at least the level of vice-president, if the nonresidential user is a corporation; (2) a general partner or proprietor if the nonresidential user is a partnership or proprietorship, respectively; (3) an agent of the nonresidential user who is responsible for the overall operation of the facilities from which the discharge originates; (4) an authorized agent of the nonresidential user.

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius, expressed in milligrams per liter.

"City" means the city of Scappoose.

"City manager" means the city manager of the city as defined by ordinance, or the city manager's designee.

"City sewerage system" means a treatment works as defined by Section 212 of the Act. This definition includes any publicly-owned sewers that convey wastewater, pumps, treatment plants, structures and appurtenances used to transport, store or treat sewage, storm or surface water of any type.

"Cooling water" means water discharged from any use to which the only pollutant added is heat.

"DEQ" means the Oregon Department of Environmental Quality.

"Discharge" means the deposit of pollutants into the city sewerage system.

"EPA" means the United States Environmental Protection Agency.

"Nonresidential user" or "industrial user" means a generator or contributor of solid or liquid waste material, as described in Section 13.16.030, which is placed in, or which is intended or attempted to be placed in the sewerage system of the city.

"Person" means any individual, partnership, joint venture, firm, company, cooperation, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity. The singular shall include the plural.

"pH" means the logarithm (base 10) of the reciprocal of the hydrogen ion activity expressed in moles per liter of solution.

"Pollutant" means any element or compound discharged into the city sewerage system, except water, unless the water has been heated, cooled or irradiated.

"Pollution" means the alteration of the chemical, physical, biological or radiological state of water.

"Pretreatment" means the reduction or elimination of pollutants in wastewater prior to discharging the wastewater into the city sewerage system.

"Restricted substance" means pollutants which may be discharged into the city sewerage system subject to Section 13.16.040 or as prescribed by the city manager pursuant to Section 13.16.030.

"Shall" is mandatory. "May" is permissive.

"SIC number" means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

"Standards" means the limitations and requirements established by federal, state and local laws and regulations for discharges to the city sewerage system.

"State" means the state of Oregon.

13.16.020--13.16.040

"Suspended solids" means the total elements and compounds which float on the surface of, or are suspended in, wastewater and which are removable by laboratory filtration.

"Toxic pollutant" means any pollutant or combination of pollutants identified pursuant to Section 307(a) of the Act or otherwise listed as toxic in regulations previously promulgated by the EPA, or as identified by the city manager.

"Wastewater" means liquid-carried pollutants including but not limited to any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is discharged, flows, or infiltrates into the city sewerage system.

"Wastewater discharge permit" means a permit issued pursuant to Article III of this chapter. (Ord. 724 §1, 2002; Ord. 579 §1.2, 1991)

ARTICLE II. DISCHARGE PROHIBITIONS

13.16.025 Purpose and Policy. Discharge prohibition requirements enables the City to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code ' 1251 et seq) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of discharge prohibitions are:

A. To prevent the introduction of pollutants into the municipality wastewater system that will interfere with the operation of the system or contaminate the resulting sludge;

B. To prevent the introduction of pollutants into the municipal wastewater system that will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

C. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Plant; and

D. 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.

13.16.030 General provisions. A. The city manager shall have the right to revise substance limitations, or to revise the list of substances to meet new city, state or federal standards, regulations or laws. Further, if substance limitations are not set for a particular substance, the city manager shall establish a limitation when the need arises. Substance limitations shall be at least as restrictive as defined in state and federal regulations.

B. Standards established in this chapter, defined by the state or federal regulations, and which are incorporated into a discharge permit shall remain in effect for that permit until it expires, except as modified as provided for in Article IV of this chapter.

C. When testing is performed to determine concentrations and quantities of pollutants, it shall be completed by a qualified firm using standard methods or as called for by regulatory agencies. A listing of acceptable testing laboratories can be obtained from the city manager. (Ord. 579 §2.1, 1991)

13.16.40 General discharge prohibitions. No nonresidential user shall discharge any pollutant which will interfere with the operation or performance of the city sewerage system, including but not limited to any of the following substances:

A. Any liquids, solids or gases, which either alone or in

combination with other pollutants, may support combustion or cause explosion, or fire, or be injurious in any other way to the city sewerage system or its operations, such as, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the city sewerage system (or at any point in the city sewerage system) be more than five percent nor any single reading be over ten percent of the lower explosive limit of the meter.

B. Solid or viscous substances, which either alone or in combination with other pollutants, may cause obstruction to the flow in a sewer or other interference with the operation of the city sewerage system such as, but not limited to: grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains or hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

C. Any wastewater having a pH less than 6.0 or greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the city sewerage system.

D. Any wastewater containing toxic pollutants, which either alone or in combination with other pollutants, may injure or interfere with any wastewater treatment process, constitutes a hazard to humans or animals, creates a toxic effect in the receiving waters of the city sewerage system, or exceeds any limitation set forth in a National Categorical Pretreatment Standard or any other pretreatment standard.

E. Any noxious or malodorous liquid, gas or solid, which, either alone or in combination with other pollutants, is sufficient to create a public nuisance or hazard to life, or is sufficient to prevent entry into the city sewerage system for maintenance or repair.

F. Any substance which may cause the city sewerage system's effluent or any other product of the city sewerage system such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

G. Any substance which will cause the city to violate its waste discharge permit issued by DEQ.

H. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

I. Any wastewater having a temperature which will inhibit biological activity in the treatment plant or stimulate excessive biological activity in the city sewerage system, but in no case wastewater with a temperature at the point of discharge into the city sewerage system which exceeds sixty-five degrees C (one hundred fifty degrees F) or with a temperature which exceeds forty degrees C (one hundred four degrees F) at the treatment works influent.

J. Any pollutants at a flow rate and/or pollutant discharge rate which are excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency. In no case shall a slug load have a flow rate or discharge quantities of pollutants that exceed for any time period longer than fifteen minutes more than three times the average flow rates or discharge quantities during normal operation.

K. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established

by the city manager or applicable state or federal standards.

L. Any wastewater containing oil and grease in excess of one hundred milligrams per liter of solution.

M. Any unpolluted water including, but not limited to, noncontact cooling water, storm water, groundwater, roof runoff, or subsurface drainage.

N. Any substance which exists in greater concentrations than is normally found in domestic wastewater, as defined by the city. (Ord. 724 §1, 2002; Ord. 579 §2.2, 1991)

13.16.050 Restricted substances. No nonresidential user shall discharge waste containing restricted substances into the city sewerage system, in excess of limitations specified by conditions of its wastewater discharge permit or this chapter. At all times these standards will cover and be at least as strict as those for pollutants as defined in state and federal regulations, discharge limits or standards in effect and incorporated regulations, discharge limits or standards in effect and incorporated into any issued wastewater discharge permit. These standards shall remain in effect for that permit until it expires, except as modified as provided in Article IV of this chapter. (Ord. 579 §2.3, 1991)

13.16.060 Specific restricted substance limitations. The following additional parameters or more restrictive maximum quantities may be required, and may be promulgated by the city manager, state or federal agencies:

<u>Parameter</u>	<u>Concentration (mg/l)</u>	
	<u>Daily Maximum</u>	
Cadmium	1.2	<u>1.0</u>
Chromium, total	9.0	
Copper	4.5	<u>2.5</u>
Cyanide	2.0	
Lead	3.0	
Mercury	0.1	
Nickel	5.0	<u>3.5</u>
Silver	4.0	<u>1.0</u>
Zinc	4.0	<u>3.0</u>
Phenol	3.0	
Arsenic	1.0	

(Ord. 579 §2.4, 1991)

13.16.070 Dilution. No nonresidential user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the standards contained in this chapter, unless expressly authorized by the City. The City Manager or designee may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements. (Ord. 579 §2.5, 1991)

13.16.080 Accidental and unlawful discharges. A. Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by 13.16. Facilities to prevent

accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction and operation of the facility.

BA. Telephone Notice. Any nonresidential user or employee thereof becoming aware of a discharge in violation of this chapter into the city sewerage system shall report such discharge immediately by telephone to the ~~public works superintendent and~~ city manager or designee. The notification shall include as much information as possible on the location of the discharge, type of waste, concentration and volume of pollutant and corrective actions proposed and/or taken.

CB. Written Notice. Within five days following such a discharge, the nonresidential user shall submit to the city manager a detailed written report on a standard city report form describing the cause and location of the discharge, the type, concentration and volume of pollutant discharged, and any hazards which may be posed to life or property and the measures taken or to be taken to prevent similar future occurrences.

D. Preventive Measures. Preventive measures to avoid future accidental discharges shall be reviewed by the city.

E. Responsibility. The nonresidential user shall be financially responsible for damages, violations or fines due to unlawful accidental discharges.

F. Notice to Employees. Each nonresidential user subject to Section 13.16.120 shall permanently post a notice, on its bulletin board or other prominent place, advising employees whom to call in the event of a discharge in violation of this chapter. Employers shall ensure that all employees who may witness, be made aware of, cause or suffer such a discharge to occur or who are likely to detect such discharge are advised of the emergency notification procedure. (Ord. 724 §1, 2002; Ord. 579 §2, 1991)

13.16.090 Domestic wastewater. Domestic wastewater produced by nonindustrial users shall not be mixed with industrial wastewater until the industrial wastewater has been pretreated and measured. (Ord. 579 §2.7, 1991)

ARTICLE III. ADMINISTRATION AND FEES

13.16.100 Fees--Purpose. It is the purpose of this section to establish a fee structure for implementation and operation of a pretreatment program through a system of equitable charges of fees to be paid by nonresidential users of the city sewerage system who are subject to Section 13.16.120. The applicable fees shall be set forth in a schedule of fees. (Ord. 579 §3.1, 1991)

13.16.110 Fee items. The city may adopt, by resolution, fees for providing the following services:

- A. Setting up a pretreatment program;
- B. Operating and maintaining a pretreatment facility;
- C. Sampling and monitoring discharge;
- D. City inspections;
- E. Reviewing accidental discharge preventive procedures and construction;
- F. Treating nonresidential wastewater;
- G. System development charge;
- H. Reviewing and acting upon appeals;
- I. Reviewing and acting upon permit applications;
- J. Violation of discharge permit;
- K. Other services the city manager may deem necessary to carry out the requirements of this chapter. (Ord. 724 §1, 2002; Ord. 579

§3.2, 1991)

13.16.120 Permit to discharge--When required. Each nonresidential user discharging, proposing to discharge or having the potential to discharge significant contributions of wastewater containing restricted substances into the city sewerage system shall secure a wastewater discharge permit from the city if the nonresidential user:

A. Is subject to national categorical pretreatment standards promulgated by EPA under Section 307(b) or (c) of the Act; or

B. Has in its waste toxic pollutants as defined pursuant to Section 307 and Section 502 of the Act; or

C. Has a nondomestic flow of twenty-five thousand gallons or more per average work day; or

D. Contributes more than five percent of the average dry weather hydraulic, organic or solids handling load to the city's wastewater treatment plant; or

E. Is determined by the state or city to have a significant impact or potential for significant impact which would adversely affect the city sewerage system by either upset, inhibition, pass through of pollutants, sludge contamination or other means. (Ord.579 §4.1.1, 1991)

13.16.130 Permit--Application. A. Existing nonresidential users shall apply for a wastewater discharge permit within ninety days after becoming subject to the requirements of Section 13.16.120. New nonresidential users subject to the requirements of Section 13.16.120 shall apply for and obtain a permit prior to connecting to or discharging to the city sewerage system.

B. Any nonresidential user with a valid permit and proposing to make a change in its existing discharge which will substantially change the volume of flow or the characteristics of the discharge or establish a new point of discharge, shall apply for and obtain an amended permit before making such change.

C. Applications shall be made to the city manager in writing on forms provided by the city and shall include the following information.

1. Name, address, telephone number and authorized representative of the applicant and service address;

2. SIC number;

3. A list of environmental control permits held by or for the applicant;

4. A list of wastewater pollutants and their characteristics actually or potentially discharged at the applicable site, including measured or estimated daily average and daily maximum concentrations of these pollutants. If concentrations are estimated, describe how the assessments were estimated;

5. A description of spill prevention measures or plans which are currently in place at the site;

6. Water use and wastewater flow rates, including maximum daily, average daily, average monthly and seasonal variations, if any;

7. A schematic diagram of applicant's industrial processes including a listing of estimated average water flow through each process and indicating point of discharge to city sewerage system. Also, a detailed site, floor, or plumbing plan showing the size and location of all sewers, sewer connections and appurtenances;

8. A description of activities, facilities and processes on the premises, including a description of types and quantities of products produced, manufacturing methods used, types and quantities of principal and minor materials used, and a work and production schedule for the site.

D. The city manager will evaluate the data furnished by the nonresidential user and may require additional information or sampling of wastewater characteristics. If the proposed discharge meets the requirements of this chapter and the sewer system has the capacity, the city will issue a wastewater discharge permit subject to appropriate terms and conditions. (Ord. 579 §4.1.2, 1991)

13.16.140 Modification of Permit. Discharge conditions included in a wastewater discharge permit shall remain in effect for that permit until it expires, except that they may be revised from time to time as the city manager deems necessary to effectively manage industrial waste discharge. The nonresidential user shall be informed of any proposed changes in its permit at least forty-five days prior to the effective date of change except in the event of an emergency. (Ord. 579 §4.1.3, 1991)

13.16.150 Duration of Permit. Permits shall be issued for a specified time period, not to exceed three years. The industrial user shall apply for permit reissuance a minimum of ninety days prior to the expiration of the existing permit if it desires to continue the uninterrupted discharge of restricted substances. (Ord. 579 §4.1.4, 1991)

13.16.160 Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this chapter. Permits may contain the following conditions:

- A. Payment of applicable fees;
- B. Limits on the average and maximum discharge of restricted substances;
- C. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- D. Requirements for installation and maintenance of pretreatment, inspection or monitoring sampling facilities;
- E. Specifications for monitoring and sampling programs which may include monitoring sampling locations, frequency of monitoring sampling, number, types and standards for tests and reporting schedules;
- F. Compliance schedules;
- G. Requirements for submission of technical reports or discharge reports;
- H. Requirements for maintaining and retaining records relating to wastewater discharge as specified by the city manager, and affording the city manager access thereto;
- I. Requirements for notification of the city of any new introduction of restricted substances or any substantial change in the volume or character of the wastewater or restricted substances being discharged into the city sewerage system;
- J. Requirements for notification of sludge discharges;
- K. Other conditions as deemed appropriate by the city manager to achieve compliance with this chapter. (Ord. 579 §4.1.5, 1991)

13.16.170--13.16.190

13.16.170 Transfer of permit. A wastewater discharge permit will be issued only to a specific nonresidential user for a specific operation and specific wastewater. A wastewater discharge permit shall not be assigned, transferred or sold, including by operation of law, without the approval of the city manager. Any succeeding nonresidential user shall agree to comply with the terms and conditions of the existing permit as a condition precedent to the approval by the city manager of a transfer, sale or assignment of the permit. (Ord. 579 §4.1.6, 1991)

13.16.180 Analysis and reporting requirements. A. Permit holders will be required to submit information, certifications, compliance schedules and samples of discharge or perform such tests and report such test results to the city manager as follows:

1. When required by the terms and provisions of 40 CFR 403.12, as amended through the effective date of the ordinance codified in this chapter;
2. As required by the discharge permit;
3. When requested by state or local public agencies; or
4. When deemed necessary by the city manager for the proper treatment, analysis or control of discharges.

B. All such tests and reports shall be at the cost of the permit holder.

C. The city shall have the right to implement and enforce the requirements of 40 CFR 403.12 by order of the city manager. When deemed necessary by the city manager, a permit holder may be required, at the permit holder's cost, to obtain, install, operate and maintain an automatic sampler, analyzer or flow measuring device to monitor its discharges in the manner directed by the city.

D. All sampling and analysis shall be done in a manner and by a laboratory previously approved by the city manager. The city manager shall require all analysis to be performed in accordance with the procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136 or other applicable analytical procedures approved by the EPA.

E. To the degree practicable, the city manager will provide each permit holder or applicant with information on applicable local, state and federal wastewater analysis and reporting requirements; provided, however, that any failure to do so shall not excuse the permit holder from compliance with said requirements. (Ord. 579 §4.2, 1991).

13.16.190 Monitoring facilities. When required by the city manager, a permit holder shall install and maintain, at its expense, a suitable control manhole to facilitate observation, sampling, and measurement of wastewater being discharged into the city sewerage system. Such manhole shall be located, if feasible, where it is accessible from a public road or street. It shall be constructed in accordance with plans and at a location approved by the city manager and shall be arranged so that flow measuring and sampling equipment and a shutoff gate or a screen may be conveniently installed by the city. (Ord. 579 §4.3, 1991)

13.16.200 Inspection and sampling. A. Right of Access. The city shall have the right to inspect the facilities of any nonresidential user subject to Section 13.16.120 as necessary to determine compliance with pretreatment standards. The owner, operator or agent in charge of premises where wastewater is created or discharged shall allow authorized representatives of the city, state and EPA, upon presentation of their credentials, access at all reasonable times to all parts of the premises for the purpose of the performance of any of their duties, including but not limited to, inspection, observation, sampling, and/or records copying and examination. The city, state and EPA shall have the right to set up on the nonresidential user's property such devices as may be necessary or proper to conduct sampling, observation, inspection, compliance monitoring and/or metering operations.

B. City Inspections. The city will conduct at least one inspection of pretreatment facilities each year and will perform at least two independent samplings (tests) of the discharge each year. (Ord. 579 §4.4, 1991)

13.16.210 Pretreatment facilities. A. As a condition of the granting of a wastewater discharge permit, the permit holder may be required to install pretreatment facilities or make plant or process modifications as deemed necessary by the city manager to meet the requirements of this chapter.

B. Whenever such facilities or modifications are required, they shall be constructed, installed, operated and maintained at the expense of the permit holder and in a manner and within the time prescribed by the city manager. The permit holder shall maintain records indicating routine maintenance check dates, cleaning and waste removal dates and means of disposal of accumulated wastes. Such records shall be retained for a minimum of three years and shall be subject to review in accordance with Section 13.16.200. Approval of proposed facilities or modifications by the city manager will not in any way guarantee that these facilities or modifications will function in the required manner or attain the required results, nor shall it relieve a permit holder of the responsibility of enlarging or otherwise modifying or replacing such facilities to accomplish the intended purpose and to meet the applicable standards, limitations and conditions of a wastewater discharge permit.

C. The nonresidential user may contract with the city, contract with outside operators or hire personnel to operate and maintain the pretreatment facility. (Ord. 579 §4.5, 1991)

13.16.220 Confidential information. A. Information and data obtained by the city for reports, questionnaires, permit applications, permits and monitoring programs shall be available to the public and other governmental agencies without restriction unless the permit holder requests in writing that it be confidential and demonstrates to the satisfaction of the city manager that such records are exempt from disclosure under ORS 192.500. Notwithstanding anything herein to the contrary, all such data shall be available to the city manager at least to the extent necessary so that the city manager can ensure compliance with the requirements of 40 CFR 2.302, and to state and federal agencies as required during judicial or enforcement proceedings involving the nonresidential user.

13.16.220--13.16.260

B. When confidentiality is requested and the right thereto is established by the permit holder, the confidential information shall not be made available for inspection by the public but may be made available upon written request to governmental agencies for uses related to this chapter, the waste discharge permit, or pretreatment programs. However, all portions of a report shall be available for use by the city, state or any state agency in judicial or enforcement proceedings involving the person furnishing the report. (Ord. 579 §4.6, 1991)

ARTICLE IV. ENFORCEMENT

13.16.225 Right of Entry: Inspection and Sampling. The city manager or designee shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of Chapter 13.16 and any wastewater discharge permit or issued hereunder. Users shall allow representative Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

13.16.230 Public nuisance. Any discharge in violation of this chapter, the conditions of the wastewater discharge permit, or any other violation of this chapter is declared to be a public nuisance. Such nuisance may be abated or enjoined and damages assessed in accordance with other provisions in the city code or in any other manner provided by law. (Ord. 579 §5.1, 1991)

13.16.240 Cease and desist order. A. In the event of any actual or threatened discharge into the city sewerage system in violation of this chapter or the conditions of a wastewater discharge permit, which discharge presents an imminent or existing danger to the health or welfare of persons, property or the environment or which has caused or will cause damage to or interference with the operation of the city sewerage system, the city manager may issue an order to cease and desist and direct that those nonresidential users responsible for such violation:

1. Comply forthwith;
2. Comply in accordance with the time schedule set forth by the city manager; and
3. Take appropriate remedial or preventive action.

B. If the nonresidential user in noncompliance fails to comply with the order, the city shall take such steps as are deemed necessary or proper including immediate severance of the sewer connection. The city shall reinstate the wastewater treatment service upon proof of the elimination of the actual or threatened violation. The filing of an appeal pursuant to Article V shall not stay enforcement by the city manager. (Ord. 579 §5.2, 1991)

13.16.250 Submission of time schedule. If the city manager finds that a discharge has taken or is likely to take place in violation of this chapter or the conditions of a wastewater discharge permit, the city manager may require the nonresidential user to submit for approval, within such time and with such modifications as the city manager deems necessary, a detailed time schedule or specific actions which the nonresidential user shall take in order to prevent or correct the violation. (Ord. 579 §5.3, 1991)

13.16.260 Revoking a permit and terminating service. A. Any nonresidential user who violates any of the provisions of Articles II or III of this chapter or the conditions of its wastewater discharge permit may have its wastewater discharge permit revoked and sewer

connection severed by order of the city manager.

B. The order shall be signed by the city manager and shall specify the nature and source of the violations. The order shall be delivered or sent by regular mail to the address of the nonresidential user as shown on the permit. The order may specify the corrective actions to be taken and shall allow reasonable time for satisfactory correction. If the permit holder does not correct the violation within the time specified, or such additional time as may be allowed in writing by the city manager, then the wastewater discharge permit shall be revoked and the sewer connection severed as provided in the order.

C. The filing of an appeal pursuant to Article V shall not stay enforcement of the action by the city manager under this subsection. (Ord. 579 §5.4, 1991)

13.16.270 Public notification of violations. The city will publish in a newspaper of general circulation in the metropolitan area, not less than annually, a list of those nonresidential users which during the previous twelve months, were determined to be in violation of their discharge permits. Such notification will summarize enforcement action by the city during the same twelve months. (Ord. 579 §5.5, 1991)

13.16.280 Implementation. The city manager is authorized and directed to promulgate such rules and regulations as may be deemed necessary or proper to carry out the purposes or provisions of this chapter. Nothing in this chapter shall prevent the city manager from seeking judicial or governmental agency assistance to implement the purposes and provisions of this chapter. (Ord. 579 §5.6, 1991)

ARTICLE V. APPEALS

13.16.290 Reconsideration. Any person aggrieved by any decision or action of the city manager may file a written request with the city manager for reconsideration. The request is due within ten days of such decision or action. The notice of appeal shall be on a form provided by the city manager and shall set forth in reasonable detail the decision or action being appealed and the facts and arguments supporting the appellant's request for reconsideration. The city manager shall render a final written determination within ten days of the receipt of such request for reconsideration. The city manager may establish such procedures as may be deemed necessary or proper to conduct the reconsideration process. The filing of a request for reconsideration shall be a condition precedent to the right to appeal to the city pursuant to Section 13.16.300. (Ord. 579 §6.1, 1991)

13.16.300 Appeals to the city. A. Any person aggrieved by the final determination of the city manager may appeal such determination to the city council within ten days of notification by the city manager of the final determination. The notice of appeal shall be on a form provided by the city and shall set forth in reasonable detail the decision or action being appealed and the facts and arguments supporting the appellant's request for reversal or modification of the city manager's determination. Appeals to the city council must be accompanied by an appropriate fee in order to be considered as set out in the fee schedule.

13.16.300--13.16.320

B. A hearing shall be conducted in the appeal according to procedures to be established by the city council. The city manager shall submit proposed findings and recommendations regarding the appeal to the city council at least ten days before the hearing. The city council shall hold a hearing on the recommendations and, in any event, shall take action on the recommendations within twenty days after their filing. (Ord. 579 §6.2, 1991)

ARTICLE VI. COLLECTION OF COSTS AND PENALTIES

13.16.310 Damage to sewerage system--Liability. Any person who violates this chapter or a condition of a wastewater discharge permit, as a result of which the city performs or causes to be performed preventive or corrective work or which results in damage to the city sewerage system, shall be liable to the city for such damage and the cost of such corrective work, additional treatment and for any penalties, including withholding of any grant money levied against the city for violation of state or federal permits resulting from said violation. The city may collect such charges, including reasonable attorney's fees and costs incurred in collection, in the manner provided in the city code for the collection of sewer user charges, in accordance with any other provisions of the code, or in any other manner provided by law. (Ord. 579 §7.1, 1991)

13.16.320 Violation--Penalty. A. Civil penalties. Any person who violates any provision of this chapter or any provision of a wastewater discharge permit shall be liable civilly to the city in a sum not to exceed five hundred dollars for each day in which such violation occurs or continues.

B. Criminal penalties. Any person who knowingly (1) violates this chapter or any provision of a wastewater discharge permit; or (2) makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a wastewater discharge permit or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required under this chapter or a wastewater discharge permit, shall, upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one hundred days, or by both.

C. Remedies. The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the city. (Ord. 579 §§7.2--7.4, 1991)
(Scappoose 8/99)

Chapter 13.20WATER AND SEWER HOOKUP CHARGESSections:

13.20.010	Purpose.
13.20.020	Definition.
13.20.030	Water and sewer hookup charges.
13.20.040	Exemptions.
13.20.050	Prohibited connection.
13.20.060	Violation of Section 13.20.050--Penalty.
13.20.070	Collection of hookup charges.
13.20.080	Payment of monthly water and sewer rates.
<u>13.20.090</u>	<u>Billing errors</u>

13.20.010 Purpose. The purposes of this chapter are as follows:

A. To establish water and sewer system hookup fees to reimburse the city for the cost of installing and inspecting connections.

B. To establish monthly water and sewer service charges. (Ord. 724 \$1, 2002; Ord. 585 \$1, 1992)

13.20.020 Definition. For purposes of this chapter, and the resolution provided by Section 13.20.030, the following definition shall apply:

"Hookup fee" means a one-time charge upon a connection to the water or sewer system of the city which is based upon the average cost to the city of inspecting and installing connections to water and sewer facilities. (Ord. 585 \$2, 1992)

13.20.030 Water and sewer hookup charges. A. Water and sewer hookup charges are imposed upon each connection to the water and sewer system of the city. The charges shall be paid by the applicant for connection to each system, or by another person responsible for the development. If the applicant for connection is a tenant, any unpaid charges shall be the responsibility of the property owner when the city provides notice of the delinquent status to the tenant and mails a copy of the notice of delinquency by first class mail to the last address of the owner or owner's agent that is on file with the city, within 30 days from the time the payment is due on the account.

B. Water and sewer hookup charge rates shall be established and revised by the city council from time to time by resolution. (Ord. 724 \$1, 2002; Ord. 585 \$3, 1992)

13.20.040 Exemptions. A project financed by city revenues is exempt from all portions of the hookup charge. (Ord. 585 \$7, 1992)

13.20.050--13.20.070

13.20.050 Prohibited connection. No person may connect to the water or sewer systems of the city unless the appropriate hookup charges have been paid. (Ord. 585 §8, 1992)

13.20.060 Violation of Section 13.20.050--Penalty. Violation of Section 13.20.050 is punishable by a fine not to exceed five hundred dollars for each day of violation. This penalty is in addition to, and not in lieu of any other remedy. (Ord. 585 §9, 1992)

13.20.070 Collection of hookup charges. A. Water and sewer hookup charges are payable upon the earlier of:

1. Application for connection to the sewer or water system; or
2. Actual connection to the sewer or water system.

B. If no building or connection permit is required, hookup charges are payable at the time of the initial usage.

C. If development is commenced or connection is made to the water or sewer systems without appropriate permit, the hookup charges are immediately payable upon the earliest date that a permit was required.

D. The city manager or designee shall collect the applicable hookup charges when a permit that allows building or development of a parcel is issued or when a connection to the water or sewer system of the city is made.

E. Nonpayment Procedures.

1. When, for any reason, a hookup charge has not been paid on time, the city manager or designee shall prepare a report to the council giving the amount of the uncollected charge, the description of the real property to which the charge is attributable, the date upon which the charge was due, and the name of the applicant or owner(s);

2. The city council shall schedule a public hearing on the matter and direct that notice of the hearing be given to each applicant or owner involved, together with a copy of the city manager's report concerning the unpaid charge. Notice of the hearing shall be given either personally or by certified mail, return receipt requested, or by both personal and mailed notice, and by posting notice on the parcel at least ten days before the date set for the hearing. When the applicant is a tenant, notice of the hearing, along with the notice of delinquency, shall also be provided to the property owner by first class mail to the last address of the owner or owner's agent that is on file with the city. The city shall provide notice of delinquency to the property owner within 30 days from the time the payment is due on the account;

1. At the hearing, the council may accept, reject, or modify the determination of the city manager as set forth in the report. If the council finds that a hookup charge is unpaid and uncollected, it shall direct the city recorder-treasurer to docket the unpaid and uncollected charge in the city lien docket. Upon completion of the docketing, the city shall have a lien against the described land for the full amount of the unpaid fee or charge, together with interest at the rate of ten percent per annum and the city's actual cost of serving notice of the hearing on the owners. The lien shall be enforceable in the manner provided in ORS Chapter 223. (Ord. 843, 2015; Ord. 724 §1, 2002; Ord. 609, 1993; Ord. 585 §6, 1992)

13.20.080 Payment of monthly water and sewer rates.

A. Monthly charges for water and sewer service are imposed upon the consumption of water and use of sewer facilities. Such charges shall be paid by the owner, occupant or other responsible person of property connected to the water and/or sewer system according to subsection E of this section.

B. All water and sewer bills are due and payable not later than the fifteenth (15th) day of the month for the prior month's service and shall be subject to a rebilling charge if not paid within that time.

C. Payment is delinquent and a late fee assessed if the account balance is not paid in full by the twenty-fifth (25th) day of the month for the prior month's service. Water service may be shut off if the account balance is not paid in full by the fifth (5th) of the month following the delinquency notice. The account balance must be paid in full prior to reestablishing service.

D. Bills and charges will be billed to the owner or occupant of the premises and mailed to any address designated by the owner.

E. The city's claim against a tenant is transferred to the owner of the property when the city provides notice of the delinquent status to the tenant and mails a copy of the notice of delinquency by first class mail to the last address of the owner or owner's agent that is on file with the city, within 30 days from the time payment is due on the account. The transfer does not relieve the tenant of the obligation to pay the claim.

F. A cash deposit shall be paid to restore service, pursuant to SMC 13.04.070.B.

G. A fee for checking the accuracy of water meters shall be charged. This fee shall be set and revised by the city council from time to time by resolution. Water used in testing shall be charged at the current user rate. If the inaccuracy of any meter exceeds five percent, the city will provide meter test and repairs at no charge to the customer.

H. All monthly water/sewer rates, and other fees and charges as set forth in this section shall be established and revised by city council from time to time by resolution. (Ord. 849, 2015; Ord. 843, 2015; Ord. 724 §1, 2002; Ord. 625 §§1, 2, 1994; Ord. 612 §§1--3, 1993; Ord. 585 §5, 1992)

13.20.080--13.20.090

I. Refund Policy. Refunds given by the City give must be greater than a dollar amount set by fee resolution, or no refund can be issued.

13.20.090 Billing errors. A. When the city manager or designee determines that a billing error has occurred, the city manager or designee may authorize an adjustment of the ratepayer's utility account for the period of the error, not to exceed 2 years from the date the error is identified.

B. Except as set forth in this subsection, a ratepayer's eligibility for an adjustment will end 6 months after the date a final bill was issued for the subject account. The city manager or designee may authorize an adjustment to the outstanding balance of a closed utility account more than 6 months after the issuance of the account's final bill if:

1. The ratepayer was billed for services for a property that was not connected to the City's system;

2. The error is discovered after the 6 month deadline for adjustments to a final bill;

3. The request is made in writing by the ratepayer of record at the time the billing error occurred; and

4. The adjustment is limited to the base user fees and consumption usage. No late fees will be refunded.

C. Adjustments will be in the form of credits or additional charges to active utility accounts. The City may not issue refunds for billing adjustments unless approved by the city manager or designee. Refunds are chargeable to water, wastewater, stormwater, streets, parks or general fund.

Chapter 13.22

Stormwater Management

Sections:

13.22.010	Purpose.
13.22.020	Definitions.
13.22.030	Stormwater Management Utility created.
13.22.040	Incurred Charge Imposed.
13.22.050	Property Subject to Utility Control.
13.22.060	Utility Administrator.
13.22.070	System of Charges.
13.22.080	Billing and Collection.
13.22.090	Penalties for Nonpayment of Charges
13.22.100	Stormwater Utility Account.
13.22.110	Appeal of Charges.
13.22.120	Classification.
13.22.130	Severability.

13.22.010 Purpose. Absent effective maintenance, operation, regulation and control, existing stormwater drainage conditions in all drainage basins and sub-basins within the City constitute a potential hazard to the health, safety and general welfare of the City. Natural and man-made stormwater facilities and conveyances together constitute a stormwater system and effective regulation and control of stormwater requires formation, by the City, of a Stormwater Management Utility. (Ord. 806 §1, 2009)

13.22.020 Definitions. The following terms used in this Chapter shall be defined as follows:

"City" means the City of Scappoose.

"City Council" means the City Council of the City.

"Customer" means the person in whose name service is rendered as evidenced by the signature on the application/contract for stormwater, sanitary sewer or water service or, in the absence of a signed instrument, by the receipt of such services and payment of bills for such service regularly issued in his/her/its name.

"Equivalent Service Unit (ESU)" means a configuration of development or impervious surface estimated to contribute an amount of runoff to the City's stormwater system which is approximately equal to that created by the average developed single family residence within the City. One ESU is equal to 2,750 square feet of impervious surface area.

"Impervious Surface" means that hard surface area which either prevents or retards the entry of water into the soil mantle on real property and/or causes water to run off the property surface in

greater quantities or at an increased rate of flow from that present under natural conditions. Impervious surfaces may include, but are not limited to, rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

"Developed" means an area which has been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area, which affects the hydraulic properties of the location.

"Single Family Residential" means property which is improved with a dwelling unit for occupancy by a single family or a similar group of people. A single family residence also may be an individual dwelling, manufactured home, flat or unit in a multi-family building, with the exception of multi-story buildings providing adult care accommodations with full-time, on-site staff.

"Undeveloped" means any area which has not been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface area, which affects the hydraulic properties of the location. (Ord. 845 §1, 2015; Ord. 806 §2, 2009)

13.22.030 Stormwater Management Utility created. A. There is hereby established in the City a Stormwater Management Utility and incurred charge rate structure to fund such Utility.

B. All references to "the Utility" in this chapter refer to the Stormwater Management Utility.

C. The Utility will have regulatory authority and responsibility for planning, design, construction, maintenance, administration and operation of all City stormwater conveyances and facilities. (Ord. 806 §3, 2009)

13.22.040 Incurred Charge Imposed. A. All customers of the City's water utility and those persons otherwise responsible for impervious surfaces within the City which contribute runoff into the stormwater system or who otherwise use or benefit from the stormwater system of the City shall pay to the City a Stormwater Utility charge as provided herein. Charge amounts shall be set and amended from time to time by resolution of the City Council. (Ord. 806 §4, 2009)

13.22.050 Property Subject to Utility Control. A. The following assets of the City shall hereafter be the responsibility of the Utility: all properties, interests and physical and intangible rights of every nature owned or held by the City, however acquired, insofar as they relate to or concern stormwater; further including, without limitation, all properties, interests, and rights acquired by adverse possession or by prescription, directly or through another, in and to

13.22.050--13.22.070

the drainage or storage, or both, of stormwater, through, under, into or over lands, watercourses, drywells, pipes, channels, detention/retention facilities, sloughs, streams, ponds, lakes, and swamps, all beginning in each instance at a point where stormwater first enters the stormwater system and ending in each instance at a point where the stormwater exits from the system, and in width to the full extent of inundation caused by storm or flood conditions. (Ord. 806 §5, 2009)

13.22.060 Utility Administrator. A. The Stormwater Management Utility shall be managed by the a Utility Administrator designated by the City Manager. (Ord. 806 §6, 2009)

13.22.070 System of Charges. A. There is hereby imposed a system of fees on customers within the City served by, or to which is available for service, the Utility established by this Chapter.

B. Such fees are to be reasonable and necessary as a means for funding stormwater management within the City, and shall be sufficient to fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of the stormwater system, facilities, underground injection controls (UICs), conveyances and program.

C. The following rate structure is hereby established for all Utility customers in the City:

1. **Single Family Residential:** A monthly single family residential customer fee shall be set by resolution of the City Council for each residential dwelling. This uniform rate is based on each single family residence being equal to one equivalent service unit (ESU).

2. **Undeveloped:** Undeveloped areas shall not be charged under this structure of charges.

3. **Other Customers:** The monthly charge for all other customers shall be based upon the total amount of measured impervious surface on the property divided by one ESU, and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the measured ESU's for the area by the monthly rate per ESU. The monthly rate shall be set by resolution of the City Council.

4. **Certain Areas Exempted:** The Utility shall apply its charge to all publicly owned impervious surfaces except streets and public rights of way.

5. **Special Programs:** Rate adjustments for special programs may be determined by the Utility Administrator on a case by case basis through individual contracts that delineate in-kind contribution by the customer to management of the City's stormwater management system. (Ord. 845 §1, 2015; Ord. 806 §7, 2009)

13.22.080 Billing and Collection. A. Stormwater Utility charges for each Utility customer within the City shall be computed on a monthly basis. The amount to be billed shall be included on existing utilities billed as a separate line item.

B. A "stormwater only" billing shall be sent to those customers who are not currently receiving a Utility bill upon receipt of written request for stormwater service.

C. The City shall bill the occupier of the location being served by the Utility consistent with the City's water utility billing system. (Ord. 806 §8, 2009)

13.22.090 Penalties for Nonpayment of Charges. A. In the event that any Utility account shall become delinquent, water service may be terminated by the City and discontinued until all delinquent fees for the use of the stormwater system, sanitary sewer service, and water service shall have been paid in full. The provisions for collection provided herein shall be in addition to any rights or remedies which the City may have under the laws of the State of Oregon. The Stormwater Management Utility fee shall not become a lien against a customer's property. (Ord. 806 §9, 2009)

13.22.100 Stormwater Utility Account. A. All money collected as Stormwater Utility charges shall be deposited in the Stormwater Utility Account. (Ord. 806 §10, 2009)

13.22.110 Appeal of Charges. A. Any customer making a timely payment of the City's total utilities bill who considers the City's stormwater charge incorrect as applied to their impervious surface area or who otherwise disagrees with the Utility's rate determination, may apply to the Utility Administrator for a service charge adjustment, stating in writing the grounds for such an adjustment. The Utility Administrator will determine whether an adjustment to the charge is necessary to provide for reasonable and equitable application of the Utility service charge.

B. Appeals of decisions made by the Utility Administrator may be brought before the City Manager who may evaluate the determination of the Utility Administrator.

C. Any appeal under this chapter shall be filed with the Utility Administrator no later than twenty (20) days after initial billing. Any subsequent appeal to the City Manager shall be filed with the City within twenty (20) days of the decision of the Utility Administrator. (Ord. 806 §11, 2009)

13.22.120--13.22.130

13.22.120 Classification. A. The City Council determines that the fees imposed by this Chapter are not taxes subject to the property tax limitations of Article XI, Section 11b of the Oregon Constitution. (Ord. 806 §12, 2009)

13.22.130 Severability. A. If any section, sentence, clause or phrase of this Chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Chapter. (Ord. 806 §13, 2009)

Chapter 13.24

SYSTEM DEVELOPMENT CHARGES

Sections:

- 13.24.010 Purpose.
- 13.24.020 Definitions.
- 13.24.030 System development charges.
- 13.24.040 System development charge methodology.
- 13.24.050 Authorized expenditures.
- 13.24.060 Expenditure restrictions.
- 13.24.070 Improvement plan.
- 13.24.080 Collection of system development charges.
- 13.24.090 Delinquent charges--Hearings.
- 13.24.100 Exemptions.
- 13.24.110 Credit.
- 13.24.120 Segregation and use of revenue.
- 13.24.130 Appeal procedure.
- 13.24.140 Prohibited connection.
- 13.24.150 Violation of Section
- 13.24.140 Penalty.
- 13.24.160 Construction.

13.24.010 Purpose. The purposes of this chapter are as follows:

- A. To establish a methodology to determine system development charges (SDCs).
- B. To establish system development charges to impose a portion of the cost of capital improvements upon those developments that create the need for, or increase the demands on such capital improvements. (Ord. 724 §1, 2002; Ord. 584 §1, 1992)

13.24.020 Definitions. For purposes of this chapter, and the resolution provided for by Section 13.24.030, the following definitions shall apply:

"Capital improvement" means facilities or assets used for the following:

1. Water supply, treatment and distribution;
2. Wastewater collection, transmission, treatment and disposal;
3. Drainage and flood control;
4. Transportation; or
5. Parks and recreation.

"Development" means conducting a building or mining operation, making a physical change in the use or appearance of a structure or land, dividing land into two or more parcels (including partitions and subdivisions) and creating or terminating a right of access.

"Improvement fee" means a fee for costs associated with capital improvements to be constructed after the date the fee is adopted.

"Land area" means the area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a portion of the parcel within a recorded right-of-way or easement subject to a servitude for a public street or scenic or preservation purpose.

13.24.020--13.24.030

"Owner" means the owner or owners of record title or the purchaser or purchasers of a recorded sales agreement, and other persons having an interest of record, other than a security interest, in the described real property.

"Parcel of land" means a lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision or other development ordinances of the city.

"Qualified public improvements" means a capital improvement that is required as a condition of development approval, identified in the plan adopted pursuant to ORS 223.309 and either:

1. Is not located on or contiguous to property that is the subject of development approval; or

2. Is located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

"Reimbursement fee" means a fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted.

"System development charge" means a reimbursement fee, an improvement fee, or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit, or at the time of hookup to the capital improvement. System development charge includes that portion of a charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections. System development charge does not include fees assessed or collected as part of a local improvement district or charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision. (Ord. 724 \$1, 2002; Ord. 584 \$2, 1992)

13.24.030 System development charges. A. A system development charge is imposed upon the development of land. Except as provided in Section 13.24.100, a system development charge is also imposed upon the expansion or any change of use of any existing structure or property within the city which increases the capacity demand on capital improvements. The charge shall be paid by the applicant or other person responsible for the development, and shall be the responsibility of the property owner and, if not paid in a timely fashion, by such applicant or other responsible person.

B. System development charges shall be established and may be revised from time to time by resolution of the council unless otherwise exempted by the provisions of this chapter or other ordinance or state law.

C. The system development charge imposed by this chapter is separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development. (Ord. 724 \$1, 2002; Ord. 584 \$3, 1992)

13.24.040 System development charge methodology. A. The methodology used to establish the reimbursement fee portion of the system development charge shall take into account the cost of then-existing facilities, prior contributions by then-existing users, the value of unused capacity, generally accepted rate-making principles employed to finance publicly owned capital improvements, and other relevant factors identified by state law and the council. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities.

B. The methodology used to establish the improvement fee portion of the system development charge shall take into account the cost of projected capital improvements, and other relevant factors identified by state law and the council, needed to increase the capacity of the systems to which the fee is related.

C. The actual methodology used to establish the improvement fee and the reimbursement fee shall be contained in a resolution adopted by the council. (Ord. 724 §1, 2002; Ord. 584 §4, 1992)

13.24.050 Authorized expenditures. A. Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.

B. Improvement fees shall be spent only on capacity-increasing capital improvements, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the capital improvements funded by improvement fees shall be related to demands created by development. A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the city pursuant to Section 13.24.070.

C. Notwithstanding subsections A and B of this section, system development charge revenues may also be expended on the direct costs of complying with the provisions of this chapter, including, but not limited to, the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures. (Ord. 724 §1, 2002; Ord. 584 §5, 1992)

13.24.060 Expenditure restrictions. A. System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of the other capital improvements.

B. System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements. (Ord. 584 §6, 1992)

13.24.070 Improvement plan. The council shall adopt a plan that:

A. Lists the capital improvements that may be funded with improvement fee revenues;

B. Lists the estimated cost and time of construction of each improvement; and

C. Describes the process for modifying the plan. (Ord. 584 §7, 1992)

13.24.080--13.24.100

13.24.080 Collection of system development charges.

A. System development charges are payable upon the earlier of issuance of:

1. A building permit;
2. A permit to connect to the water system;
3. A permit to connect to the sewer system; or
4. A permit for change in land use.

B. If no building or connection permit is required, system development charges are payable at the time the usage of the capital improvement is increased or changed.

C. If development is commenced or connection is made to the water or sewer systems without an appropriate permit, system development charges are immediately payable upon the earliest date that a permit was required.

D. The city manager shall collect the applicable system development charges when a permit that allows building or development of a parcel is issued or when a connection to the water or sewer system of the city is made.

E. The city shall not issue such permit or allow such connection until the charges have been paid in full or unless an exemption is granted pursuant to Section 13.24.110. (Ord. 584 §8, 1992)

13.24.090 Delinquent charges--Hearings. A. When, for any reason, a system development charge has not been paid in a timely fashion, the city manager shall provide a written report to the council including the amount of the uncollected charge, the description of the real property to which the charge is attributable, the date upon which the charge was due, and the name of the owner.

B. The city council shall schedule a public hearing on the matter and direct that notice of the hearing be given to each owner involved, together with a copy of the city manager's report concerning the unpaid charge. Notice of the hearing shall be given either personally or by certified mail, return receipt requested, or by both personal and mailed notice, and by posting notice on the parcel at least ten days before the date set for the hearing.

C. At the hearing, the council may accept, reject, or modify the determination of the city manager as set forth in the report. If the council finds that a system development charge is unpaid and uncollected, it shall direct the city recorder-treasurer to docket the unpaid and uncollected system development charge in the city lien docket. Upon completion of the docketing, the city shall have a lien against the described land for the full amount of the unpaid fee or charge, together with interest at the rate of ten percent per annum and the city's actual cost of serving notice of the hearing on the owners. The lien shall be enforceable in the manner provided in ORS Chapter 223. (Ord. 724 §1, 2002; Ord. 584 §9, 1992)

13.24.100 Exemptions. A. Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the State Uniform Building Code, are exempt from all portions of the system development charge.

B. An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the public improvement facility are exempt from all portions of the system development charge.

C. A project financed by city revenues is exempt from all portions of the system development charge. (Ord. 584 §10, 1992)

13.24.110 Credit. A. A credit against an improvement fee may be given for the cost of a qualified public improvement associated with a development. If a qualified public improvement is located partially on and partially off the parcel that is the subject of the development approval, the credit shall be given only for the cost of the portion of the improvement not located on or wholly contiguous to the property, except that credit may be given for "upsizing" of facilities as described in Section 13.24.020. The credit provided for by this subsection shall be only for the improvement fee charged for the type of improvement being constructed and shall not exceed the improvement fee even if the cost of the capital improvement exceeds the applicable improvement fee. No refund shall be made on account of such credit.

B. A change in use results whenever a building permit is issued to expand an existing structure or construct a new structure on a parcel of land which had an established use of all facilities upon the effective date of the ordinance codified in this chapter. When such a change of use occurs, a systems development charge is imposed, but credit shall be given for all systems charge portions of the computed systems development charge in an amount equal to what would otherwise be the charge for the existing structure and use. The credit so computed shall not exceed the calculated systems development charge. No refund shall be made on account of such credit.

C. Credit shall not be transferable from one development to another, but may be transferred from one phase of a development to another phase of the same development. Credits shall be used within a period of ten years from the date the credit is given.

D. Credit shall not be transferable from one type of capital improvement to another. (Ord. 724 §1, 2002; Ord. 584 §11, 1992)

13.24.120 Segregation and use of revenue. A. All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the city. That portion of a system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in Section 13.24.050.

B. The city manager shall provide the city council with an annual accounting, based on the city's fiscal year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account. (Ord. 584 §12, 1992)

13.24.130 Appeal procedure. A. A person challenging the propriety of a decision to expend system development charges or an expenditure of system development charge revenues may appeal the decision or the expenditure to the city council by filing a written request with the city recorder-treasurer describing with particularity the decision being appealed and the expenditure from which the person appeals. An appeal of an expenditure must be filed within one year of the date of the alleged improper expenditure.

B. Appeals of any other decision required or permitted to be made under this chapter must be filed within fifteen days of the decision. (Ord. 584 §13, 1992)

Chapter 13.28

PUBLIC WORKS STANDARDS

Sections:

- 13.28.010 Public works design standards.
- 13.28.020 Public tree standards.

13.28.010 Public Works Design Standards. A. The city adopts the "City of Scappoose Public Works Design Standards" and "Standard Detail Drawings" ~~dated July 1, 2002~~, a copy of which is on file with the city recorder-treasurer, for public works infrastructure projects, both public and privately financed, within the jurisdiction of the city.

B. These standards will need to be changed in time to reflect new technology, methods, and materials as they are developed for use in public works construction. (Ord. 721 §1, 2002; Ord. 724 §1, 2002)

13.28.020 Public Tree Standards. A. Purpose. It is the purpose of this subsection to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting and maintenance of public trees in the city and to ensure quality planting materials are established in their new environment in a manner that minimizes the potential for future maintenance problems.

B. Definitions. As used in this chapter:

"Public trees" are defined as trees located on property designated as public land in the Scappoose comprehensive plan.

"Street trees" are defined as trees lying between property lines on either side of all streets, avenues, or public rights-of-way within the city or within easements defined on a recorded plat as street tree easements.

C. Planting of Public Trees and Street Trees.

1. Plant materials shall conform to the latest version of the American Standard for Nursery Stock (ANSI Z60.1-1990). Plant materials shall be of standard quality or better, true to name and type of their species or cultivar.

2. Plants shall have normal, well-developed branches and root systems. They shall be healthy, vigorous plants free from decay, defects, sunscald injuries, abrasions of the bark, insect pests and all forms of infestations or objectionable disfigurements.

3. Balled and burlapped plants shall have solid balls of size at least meeting the American standard, the balls securely wrapped with burlap or canvas, tightly bound with rope or twine. Plastic twine or wrapping material is not permitted.

4. A minimum of two inches caliper measured six inches above ground (root ball) is required of all stock planted.

5. The city manager shall be notified and have the right to inspect any trees or shrubs before they are planted on public property. The city reserves the right to reject any materials at any time.

6. The Planning Department, with advice from the Parks and Recreation Committee, shall maintain a list of approved varieties of trees that may be planted on any street within the City. In preparing the list, mature height and spread, susceptibility to disease or pests, drought resistance, reasonable expected freedom from nuisance characteristics and general suitability for particular locations shall be considered. All street trees shall be of an approved species and variety identified in the approved street tree list. Street tree spacing must conform to the minimum street tree planting distances based on mature heights indicated in Scappoose Municipal Code Section 17.104.040(C) except in special plantings designed or approved by a landscape architect or urban forester and approved by the Scappoose planning commission, or when retention of significant trees has been approved to satisfy the requirement for street trees.

7. Plant materials pruned at, or directly before, the time of planting shall be rejected.

8. All planting work shall be performed using sound horticultural practices approved by the National Arborist Association and/or the International Society of Arboriculture.

9. Plants shall be set plumb. All plants shall be set so that, after settlement, they are at the same level as when growing in the nursery. Plants shall be watered at the time of planting to eliminate air pockets. Excess soil shall be removed.

10. Balled and burlapped plants may be placed with the wrapping in place if all materials are untreated and biodegradable. When burlap is left around plants, any string shall be removed and the burlap folded down from the top half of the root ball.

11. No plant pit shall be dug or approved until all underground utilities have been marked.

12. Every planting pit shall be at least fifty percent wider and at least the depth of the soil ball or the full extent of the root system of bare-rooted trees. In the process of digging the hole, "glazing" of the sides of the hole will not be acceptable.

13. Excavated plant pits that will be left open when work is not in progress (nights, holidays and weekends) or which pose hazards at any time to pedestrians or vehicles shall be adequately marked with qualified warning devices in accordance with Oregon Department of Transportation and Oregon OSHA standards.

14. A watering berm shall be constructed around every tree.

15. Root barriers approved by the city manager or designee are required for all street trees.

16. Planting sites will be mulched with neither more nor less than four inches of wood chips, fibrous bark or composted wood debris after planting is completed. The mulch will be extended beyond the drip zone of the tree and cover an area no less than the width of the planting hole.

17. No public tree or street tree shall be planted within twenty-~~five~~ feet of any street corner, measured from the point of curvature (PC) or point of tangency (PT) of the curb return. No public tree or street tree shall be planted within ten feet of any fireplug.

D. Public Tree Maintenance and Care. 1. The city shall have the right to plant, prune, and otherwise maintain trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. All public trees must be pruned to National Arborist Association Pruning Standards for Shade Trees included as Appendix B of the Scappoose Comprehensive Urban Forestry Plan.

2. Every owner of any tree overhanging any street or right of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be a clear space of thirteen feet above street surface or eight feet above the sidewalk surface. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic-control device or sign or sight triangle at intersections as defined in Scappoose Municipal Code Chapter 17.102, Visual Clearance Areas. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements.

3. It is unlawful as a normal practice for any person, firm or city department to top any public tree or street tree. Topping is defined as the severe cutting back of limbs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. 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 provision at the determination of the city manager after consultation with a registered arborist or certified forester. (Ord. 875, 2018; Ord. 724 §1, 2002; Ord. 659 §4, 1997; Ord. 658 §3(part), 1997; Ord. 615 §§1, 2, 1994)

Chapter 13.32

STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

Sections:

13.32.010 Adopted by reference.

13.32.010 Adopted by reference. The city adopts, by reference, the current ODOT/APWA "2002 Oregon Standard Specifications for Construction" and the current "2002 Oregon Standard Drawings." (Ord. 724 §1, 2002; Ord. 620 §§1, 2, 1994)

Exhibit B

Code update summary for Title 13 PUBLIC SERVICES Chapters including;

13.04 Water Service System

13.08 Water Crisis

13.12 Sewer Service System

13.16 Sewer System Industrial Users

13.20 Water and Sewer Hookup Charges

13.22 Stormwater Management (no proposed changes)

13.24 System Development Charges (no proposed changes)

13.28 Public Works Standards

13.32 Standard Specifications for Public Works Construction

Changes include:

1. Added language to clarify responsibility to the City Manager or designee vs. Public Works Director, Field Services supervisor, City Engineer, Community Development Director, Building official, etc.
2. Clarified language regarding water supervisor employed by the City.
3. Updated reference to allow onsite piping to be installed and/or operated by those allowed by the Oregon Plumbing Specialty Code.
4. Updated reference to contact City Hall vs. Public Works office, Community Development Center
5. Updated reference to use Oregon Plumbing Specialty Code (OPSC) vs Oregon Plumbing Code.
6. Various updates to use current manual vs. specific year manual, i.e. for ODOT specs, ANSI standards for trees and landscaping, USC cross connection standards, etc.
7. Created definition for "Sewer branch" to describe the City of Scappoose owned portion of the sewer pipe which is installed between the sewer main located in the abutting street, alley, or right of way and the "building sewer" line from the building to the property line.
8. Additional language to clarify that property owners will be responsible to maintain all portions of the building sewer, sewer branch and private sewage disposal facilities in a safe and sanitary manner at all times, at no expense to the city.
9. Additional language to clarify use of existing building sewer or service branches may be used in connection with new buildings only when they are found, on examination and test by the City Manager or designee, to meet all requirements of this chapter.
10. Added language to clarify type of material allowed for sewer branch in accordance with Public Works Design Standards.
11. Additional language to clarify that the maintenance, cleaning, and repair of the building sewer and service branch is the responsibility of the owner of the property served by the building sewer.
12. Added language regarding discharge prohibition requirements which enables the City to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code ' 1251 et. Seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).
13. Updated Specific restricted substance limitations, i.e., copper limit reduced from 4.5 to 2.5 ppm.
14. Added language regarding; Accidental and unlawful discharges.
15. Added language regarding; Right of Entry: Inspection and Sampling.
16. Added language regarding; Refund policy for billing errors.
17. Added language to clarify tree location within the vision clearance area to more closely match SMC. 12.10; No public tree or street tree shall be planted within twenty-five feet of any street corner, measured from the point of curvature (PC) or point of tangency (PT) of the curb return.