

ORDINANCE NO. 724

AN ORDINANCE RELATING TO PUBLIC SERVICES, AMENDING SCAPPOOSE CODE CHAPTERS 13.04, 13.08, 13.12, 13.16, 13.20, 13.24, 13.28 AND 13.32, AND DECLARING AN EMERGENCY.

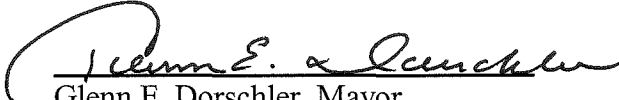
THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Scappoose Code Chapters 13.04, 13.08, 13.12, 13.16, 13.20, 13.24, 13.28 and 13.32 are amended as indicated in Exhibit A, which is attached hereto and incorporated herein by this reference. Additions in Exhibit A are in brackets and deletions in Exhibit A are stricken.

Section 2. The provisions of this ordinance being necessary to preserve the health, safety and general welfare of the people of the City, an emergency is declared to exist and this ordinance shall take effect upon adoption by the Council and approval by the Mayor.

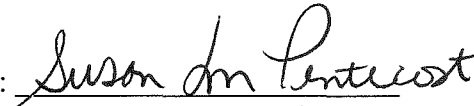
ADOPTED by the Council and approved by the Mayor this 5 day of August 2002.

CITY OF SCAPPOOSE, OREGON


Glenn E. Dorschler, Mayor

First Reading: July 15, 2002

Second Reading: August 5, 2002

Attest: 
Susan M Pentecost, City Recorder

Title 13

PUBLIC SERVICES

Chapters:

- 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
- 13.24 System Development Charges
- 13.28 Public Works Design Standards
- 13.32 Standard Specifications for Public Works Construction

Chapter 13.04

WATER SERVICE SYSTEM

Sections:

- 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 a ~~committee consisting of three members of the city council, appointed by the mayor. They shall serve at the pleasure of the mayor.~~ **[the City Manager and Community Development Director.]**

B. The water department shall have under its direction a water superintendent who shall have been employed by ~~approval of the city council.~~ **[the City Manager and Community Development Director.]**

C. The superintendent of the water department, here-in-after called "superintendent, " shall have charge of the maintenance and operation of the water supply, treatment plant, pumping equipment, ~~distributing system, fire hydrants, meters~~ and all other appurtenances of the water works **[treatment]** system under the supervision and direction of the ~~city council~~ **[City Manager and Community Development Director]**. He ~~shall also be responsible for the reading of all water meters.~~ 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 ~~[C]ity eeuneil~~ **[Manager and Community**

Development Director] 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 upon presentation of time records [and bills] properly countersigned by the superintendent [and Community Development Director] without approval by the [C]eity council [Manager]. (Ord. 514 \$1, 1986; Ord. 500 \$1, 1985; 440 \$1, 1982; Ord. 417 \$1, 1981; Ord. 379 \$1, 1978)

[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 and Community Development Director. He shall also be responsible for the reading of all water meters. He is also authorized to employ the necessary labor for properly carrying out his duties and maintaining the water distribution facilities.]

13.04.020 Water mains.

A. The water mains of the city shall be under the complete control of the superintendent [Field Services Supervisor] and no person or persons other than those authorized to do so by the superintendent ~~or the city council~~ [Field Services Supervisor] 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 ~~will~~ [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. ~~Where a person, firm or corporation is developing or desires to develop a parcel of land, if the city council deems it economically feasible to extend water mains, the water department may proceed to construct the necessary mains upon payment by the subdivider of the costs of such construction.~~ 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.

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 council~~ [City Engineer] for ~~its~~ approval. After such plans and specifications have been approved by the ~~council~~ [City

Engineer], the work shall be done under the supervision of the superintendent [City Engineer], who shall require that such tests be made as he may [be] consider[ed] necessary; and no water shall be admitted into such mains [, **except through an air-gap system or a double detector check assembly,**] until ~~he accepts~~ the installation tests are accepted by the City Engineer on behalf of the council [City of Scappoose].

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. 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. Those 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 ~~eighteen~~ **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 ~~fill~~ [trench] as defined in the [Public Works Design Standards or] current building 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 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 ~~water department~~ [City of Scappoose], and kept within its exclusive control.

C. From the stopcock [water meter] to a point inside the building, all service pipe shall be of galvanized pipe, copper or other materials approved by the superintendent [Building Official], not less than three-fourths inch in diameter. The superintendent [Building Official] may require larger service pipe and fittings for large buildings.

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

E. All service pipe and all water piping in [or on] all premises shall be installed by a 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 authorized representative at the [Public Works Office] ~~office of the water department~~. Such application shall be made on a form provided by the water [Public Works D] department, and shall contain such information as the ~~city council~~ [City of Scappoose] 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 water [Public Works D] department ~~may collect any part of such costs in excess of the deposit,~~ and shall refund any amounts deposited in excess of such street repair costs.

H. A contractor or other person or persons must apply to the water [Public Works D] department for water for building purposes and water shall be furnished [to] such contractor or persons at the rates then in effect for service. (Ord. 379 §3, 1978)

13.04.050 Meters.

A. The water [Public Works D] department may, at any time, install meters to the services of such places as it may deem advisable and may 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 ~~one hundred five dollars minimum plus any additional actual costs plus~~

~~ten percent of the total actual costs exceeding the one hundred five dollars for the installation of the meter.~~
[SDCs 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 water [Public Works D] 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 service [meter] connection larger than three-fourths inch is made, the superintendent shall determine whether a service of such size is required. Where a meter larger than three-fourths inch is required, special arrangements must be made between the water department and the customer, and approved by the city council before becoming effective [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 superintendent [Field Services Supervisor]. 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 superintendent [Field Services Supervisor] and to his 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 will [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 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 more water that actually passed through it

[error], another meter will be substituted therefore, and 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 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 back flow 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, ~~except by consent first obtained from the city council.~~

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.' 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 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 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. ~~In the event the department must turn the water off at the main corporation cock because of a violation of this section by a user, the user shall pay the cost of turning the water off and on in addition to the penalty.~~ 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 water department [State of Oregon Uniform Plumbing Code and the Building Official] before the water may be supplied to such an installation,~~including safety valves.~~

G. The [W]water [S]superintendent[, Field Services Supervisor, Building Official] or any of his [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 water [Public Works D] department to any premises for such purpose. In case any authorized employee ~~be~~ [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 connection 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 ~~water~~ [Public Works D] 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. (Ord. 379 §5, 1978)

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 refund will be returned to the depositor on the anniversary date of the deposit following the twelve-month prompt payment [~~period~~] requirement 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 permanently 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. 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 as [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 therefrom. (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. It is unlawful for the owner of property or the user of city water to introduce or permit the introduction of pollution or contamination of any kind into the city water supply system. Whenever cross-connection to other water supply into the city system is found or whenever any other condition is found which presents the possibility of contamination or pollution, the water supply to such premises and/or other premises from which cross-connection is made shall be discontinued immediately until the cross-connection is eliminated or the condition remedied. The control or elimination of cross-connections shall be in accordance with any manuals of standard practice pertaining

to cross-connection control approved by the ~~public works superintendent~~ [City Engineer], and any requirements set forth by the U.S. Environmental Protection Agency as authorized by the Safe Drinking Water Act PL 93-523 and subsequent applicable legislation.

B. The water department shall require a backflow prevention device of pattern, design, and size which it approves as reasonably adequate to prevent contamination, if the water department determines that a complete physical separation from the city water system is not practicable or necessary, or that adequate inspection for cross-connection cannot readily be made, or that such backflow prevention device is necessary because of existing or possible backflow resulting from special conditions, use or equipment. The department shall also regulate the location, installation, and testing of such device.

C. Any corrective measure, disconnection or change on private property shall be at the sole expense of the person in control of such property. The cost of any change required in the city system outside the property or between the meter and the supply line or distribution system and any charges for cut-off or disconnection shall be added to the charges for water against the premises necessitating the expenditure. (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 Prohibited acts 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 Prohibited acts ~~[Water conservation measures]~~ during water crisis emergency.

A. During a water crisis state of emergency, ~~it shall be unlawful for any person to commit or engage in any of the following acts:~~

- ~~1. To use water for lawn watering;~~
- ~~2. To use water to wash any building, house, garage or other structure or part thereof;~~
- ~~3. To use water to wash any car, truck or other vehicle [except in a car or truck wash facility which recycles water];~~
- ~~4. To use water to moisten any roof, driveway, sidewalk, street, alley or other uncultivated surface of real property, except as required for new construction;~~
- ~~5. To add water to any swimming pool;~~
- ~~6. To use water in any air conditioner or air-cooling mechanism, except at commercial business establishments;~~
- ~~7. To use water for any other purpose deemed improper by a quorum [majority] of the city council.~~

B. ~~Violation of this section shall be a misdemeanor punishable by a fine not to exceed five hundred dollars[,] and/or imprisonment for a period not to exceed thirty days~~

the following water conservation measures may be implemented by the Mayor:

[1. Voluntary Measures:

- a. Restrict landscape watering to the hours between 6 PM and 10 AM except new lawn, grass or turf that has been seeded within the 90 days prior to declaration of water shortage.
- b. Alternate landscape-watering depending on address.
- c. Don't hose or wash sidewalks, driveways, streets, parking lots, etc. except where necessary for public health or safety.
- d. Don't wash cars, boats, trailers, or other vehicles without using a shut-off nozzle.
- e. Wash vehicles at commercial or fleet facilities using water-recycling equipment.
- f. Provide drinking/serving water at restaurants, motels, cafeterias, or other public places where food is sold or served only when expressly requested.
- g. Restrict cleaning buildings (walls or roofs) to preparation for painting only.
- h. Use bottled water stored in the refrigerator instead of running the tap to obtain cold water.
- i. Consider installing more efficient appliances such as low water consumption stools and taking showers instead of tub baths.

2. Mandatory Measures:

- a. Tier 1 -- Serious -- flow reductions have taken place in City of Scappoose watersheds and the Dutch Canyon Well.

1). Prohibit lawn watering between the hours of 7 AM and 11 PM.

2). Require compliance with alternate day system for landscape watering.

3). Restrict hydrant permit use to those already in effect.

b. Tier 2 – Critical – a declared water crisis emergency in accordance with Chapter 13.08 of the City of Scappoose Municipal Code.

1). 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.

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

a) 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

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

3). 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. 372 §2, 1977)

13.08.030 Emergency power of mayor during water crisis emergency. During a water crisis state of emergency, the mayor [may, with the consent of a majority of the City Council] shall:

A. 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.

B. 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. The willful violation of any such measure shall be a misdemeanor punishable by a fine not to exceed five hundred dollars ~~or imprisonment not to exceed thirty days.~~

[C. 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, shall enforce any violation of the restrictions or prohibitions stated in the Tier 1 – Mandatory Measures as follows:

a. Scappoose Public Works Department shall deliver a notice of violation to occupant at the premises. If occupant is not present, notice may be posted on the premises advising occupant of violation and notifying occupant that the violation shall cease.

b. City of Scappoose shall also mail notice of violation by regular mail to occupant at the address of the premises where violation has occurred.

2. Tier 2 - Mandatory Measures

Scappoose City Council, through the Scappoose 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 occupant at the premises. If occupant is not present, the Officer may post the notice on the premises advising occupant of the violation and warning that service may be discontinued if violations continue.

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

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 13.08.020 B of the Scappoose Municipal Code.]

(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 property line of the abutting street, alley, or 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.

"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.

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

"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.

"Side sewers" means the city sewer between the property line and the lateral, main, or trunk sewer of the city sewer system.

"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. 319 Art. I §§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 State Plumbing 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 State Plumbing 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 commencement~~ [construction or use] of a private sewage disposal system, the owner shall first obtain a written permit signed by the superintendent. ~~The application for such permit shall be made on a form furnished by the city, which application shall be supplemented by any plans, specifications and other information as are deemed necessary by the superintendent. A permit and inspection fee shall be paid to the city at the time the application is filed.~~ [letter from the City Engineer stating that the City of Scappoose 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. ~~A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions of the work are covered. The inspection shall be made within forty-eight hours of the receipt of notice by the superintendent unless unforeseen circumstances prevent prompt and complete inspection.~~

D. ~~The type, capacity, location and layout of a private sewage treatment disposal system shall comply with the requirements of the State Division of Health and the State Department of Environmental Quality.~~

E[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 ~~unless the superintendent shall otherwise permit~~ [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.

F[D]. Owners shall operate and maintain private sewage disposal facilities in a safe and sanitary manner at all times, at no expense to the city.

G[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. 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.

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. 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 sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

F. Building sewers shall be ~~east iron~~, ductile iron, concrete, [or PVC] ~~asbestos-cement or vitrified clay sewer pipe~~ [conforming to ASTM D3034, SDR 35 Specifications], or equal suitable material approved by 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 ~~east iron or~~ ductile

iron pipe. If installed in unstable ground, the building sewer shall be of ~~cast iron or~~ ductile iron pipe.

G. The size and slope of the building sewer shall be subject to the approval of the superintendent, ~~but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall be not less than one-eighth inch per foot~~ [Building Official and shall conform to the requirements of the Oregon Uniform Plumbing 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 Uniform Plumbing 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. Pipe laying and backfill shall be performed in accordance with regulations of the State Division of Health and State Department of Environmental Quality.

K. 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 ~~cast and~~ ductile iron pipe;

2. All joints in ~~vitrified clay, concrete or asbestos-cement~~ pipe shall be made with rubber gaskets;

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

L. Building sewers shall be connected to city-owned and installed side sewers which extend from tees or wyes in lateral, main or trunk sewers to property line of the property to be served. Plugs shall be carefully removed from side sewers at the property and the building sewer connected watertight after testing and acceptance by the city's representative.

M. The applicant for the building sewer permit shall notify the superintendent 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 or his representative.

N. 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. 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 leaching sump [drywell or soakage trench], approved by the superintendent [Oregon Department of Environmental Quality or City Engineer as appropriate]. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the superintendent [City Engineer], into one of the foregoing places suitable for storm water provided there is no violation of county[,] and/or 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, 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.

Where necessary in the opinion of the ~~superintendent~~ [City 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 ~~superintendent~~ [City 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 ~~superintendent~~ [City Engineer], 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 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 therefore 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. 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 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 insure 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 insure 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. 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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- 13.16.020 Definitions.

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ARTICLE I. GENERAL PROVISIONS

13.16.010 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 streams [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. 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.

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

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

"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.

"State" means the state of Oregon.

"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 ~~through the effective date of the ordinance codified in this chapter.~~

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

"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

stormwater 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. 579 §1.2, 1991)

ARTICLE II. DISCHARGE PROHIBITIONS

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)

13.16.040 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 sewage 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. 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:

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

| | |
|---------|-----|
| 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. (Ord. 579 §2.5, 1991)

13.16.080 Accidental and unlawful discharges.

A. 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. The notification shall include as much information as possible on the location of the discharge, type, concentration and volume of pollutant and corrective actions proposed and/or taken.

B. 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.

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

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

E. 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. 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. 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)

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 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 agency;

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 pre-treatment 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.

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

13.16.230 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 services. 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.

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 svstem--Liabilitv. 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)

Chapter 13.20

WATER AND SEWER HOOKUP CHARGES

Sections:

- 13.20.010 Purpose.
- 13.20.020 Definitions.
- 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.

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. 585 §1, 1992)

13.20.020 Definitions. For purposes of this chapter, and the resolution provided by Section 13.20.030, the following definitions 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, and shall be the responsibility of the property owner only if not ~~timely~~ paid [on time] by the applicant or other responsible person.

B. Water and sewer hookup charge rates shall be established and revised by the city council from time to time by resolution. (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 Prohibited connection. No person may connect to the water or sewer systems of the city unless the appropriate hookup charges have been paid. 1992) (Ord 585 \$8,

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 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 timely paid [on time], the city manager 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 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 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;

3. 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 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. 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 monthly 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 subsections B and C within this section.

B. All water and sewer bills are due and payable not later than thirty days after the billing date on the statement, and shall be subject to a rebilling charge if not paid within that time.

C. Payment is delinquent forty-five days after the billing date on the statement. Water service may be shut off when a billing is delinquent. If water service is shut off for delinquency, a service charge will be added; and all billings, service charges, deposits and interest 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. A cash deposit to being service shall be paid. Upon water shut-off due to delinquency, if there is no record of deposit, one shall be paid.

F. A fee for checking the accuracy of water meters shall be charged. **[This fee shall be set and revised 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.

G. 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. 625 §§1, 2, 1994; Ord. 612 §§1--3, 1993; Ord. 585 §5, 1992)

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. 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.

"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.]

- ~~1. Required as a condition of development approval~~
- ~~2. Identified in the plan adopted pursuant to Section 13.24.070; and~~
- ~~3. Not located on or contiguous to a parcel of land that is the subject of development approval.~~

"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. 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 ~~timely~~ 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. 584 §3, 1992)

13.24.040 System development charges 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. 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. 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 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 timely 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 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. 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 structures'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 transfered from one phase of a development to another phase of the same development. Credits shall be used within a period of 10 years from the date the credit is given].

D. Credit shall not be transferable from one type of capital improvement to another. (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 describing with particularity the decision being appealed and the expenditure from which the person appeals. An appeal of 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.

Chapter 13.28
PUBLIC WORKS DESIGN 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 Oregon Public Works Design [S]standards["] and Standard Specifications [Detail Drawings"] dated ~~January 24, 1994~~ [July 1, 2002], a copy of which is attached to the ordinance codified in this section or on file with the [C]eity [R]ecord[er], including the Standard Construction drawings 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.

[13.28.020] ~~C. Public Tree Standards.~~ [Public Tree Standards.]

[A.]~~1-~~ 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 insure quality planting materials are established in their new environment in a manner that minimizes the potential for future maintenance problems.

[B.]~~2-~~ Definitions. "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.]~~3-~~ Planting of Public Trees and Street Trees.

[1.]~~a-~~ Plant materials shall conform to the latest version of the American Standard for Nursery Stock (ANSI 260.1-1990). Plant materials shall be of standard quality or better, true to name and type of their species or cultivar.

~~[2.]b-~~ 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.]e-~~ 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.]d-~~ A minimum of two inches caliper measured six inches above ground is required of all stock planted.

~~[5.]e-~~ 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.]f-~~ All street trees shall be of an approved species and variety identified in the approved street tree list included as Appendix A of the Scappoose Comprehensive Urban Forestry Plan. 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.]g-~~ Plant materials pruned at, or directly before, the time of planting shall be rejected.

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

~~[9.]i-~~ 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.]j-~~ 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.]k-~~ No plant pit shall be dug or approved until all underground utilities have been marked.

~~[12.]l-~~ 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] ~~or~~ the sides of the hole will not be acceptable.

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

[14.]~~n-~~ A watering berm shall be constructed around every tree.

[15.]~~o-~~ Root barriers approved by the public works director are required for all street trees.

[16.]~~p-~~ 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.]~~q-~~ No public tree or street tree shall be planted within twenty-five feet of any street corner, measured from the curb return. No public tree or street tree shall be planted within ten feet of any fireplug.

[D.]~~4-~~ Public Tree Maintenance and Care.

[1.]~~a-~~ 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 insure 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.]~~b-~~ 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.]e. 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. 659 §4, 1997; Ord. 658 §3(part), 1997; Ord. 615 §§1, 2, 1994)

Chapter 13.32

STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION

Sections:

13.32.10 Adopted by reference.

13.32.010 Adopted by reference. ~~The city desires to assure the correct and consistent construction of infrastructure which will ultimately become the property and financial responsibility of the city; The city adopts[, by reference,] the [ODOT/APWA "2002 Oregon Standard Specifications for Construction" and the "2002 Oregon Standard Drawings."]~~ 1994 Standard Specifications for Public Works by reference. (Ord. 620 §§1, 2, 1994)