

Title 13

PUBLIC SERVICES

Chapters:

- 13.04 Water Service System**
- 13.06 Inflow and Infiltration Reduction Program**
- 13.08 Sewer Service System Generally**
- 13.12 Sewer Service Rates and Charges**
- 13.16 Sewage Pretreatment Program**
- 13.20 Senior Citizen Water and Sewer Rates**
- 13.24 Conveyance of Public Utility Easements**
- 13.26 Illicit Discharge and Connection**
- 13.30 Transportation and Stormwater Utility Fees**

Chapter 13.04

WATER SERVICE SYSTEM

Sections:

- 13.04.010 Definitions.
- 13.04.020 Water service/application for use, connection or disconnection of service.
- 13.04.030 Water service installations.
- 13.04.040 Fire protection and other special services.
- 13.04.050 Access to premises.
- 13.04.060 Connection of service.
- 13.04.070 Separate service to each house or premises.
- 13.04.080 Temporary service.
- 13.04.090 Cross-connections or physical connections with other water supplies or systems.
- 13.04.100 Plumbing – Back siphonage.
- 13.04.110 Turning on or off water service meters.
- 13.04.120 Maintenance and repair of customers lines.
- 13.04.130 Leakage within premises/damages thereto.
- 13.04.140 Pressure regulation.
- 13.04.150 Service interruptions.
- 13.04.160 Maintenance, repair and testing of meters.
- 13.04.170 Maintenance and repair of service lines – meter damage.
- 13.04.180 Use of fire hydrants.
- 13.04.190 Stop and waste cocks.
- 13.04.200 Services outside city limits.
- 13.04.210 Contracts/special use requirements.
- 13.04.220 Water rates and charges.
- 13.04.230 Meter reading and billing.

13.04.235 Limitation on Credit, Rebate or City Back Charges on Water Billing Omissions or Errors

13.04.240 Water account and charge delinquencies.

13.04.250 Water charges and user charges as liens.

13.04.260 Discontinuance of service or change of occupancy.

13.04.270 Miscellaneous rates and charges.

13.04.280 Violation-Penalty.

13.04.010 Definitions.

As used in this chapter:

“Council” means the Common Council of the City of Wood Village, Oregon.

“Cross-connection” means any connection or arrangement, physical or otherwise, between the City's water supply system and any other source, system or any plumbing fixture, tank, receptacle, equipment or device through which it may be possible for nonpotable, used, unclean, polluted or contaminated water, or other water or substance, to enter into any part of the city's water system under any condition.

“Customer” means any person granted water service by the City.

“Customer line” means the pipe, valves and fittings leading from the water meter into the premises served.

“Dwelling” means premises occupied or intended to be occupied by one family living unit.

“Main” or “water main” means the pipe in the street, alley, right-of-way or easement owned and maintained by the City for the purpose of distributing water to customers and servicing fire hydrants.

“Meter” means a device for measuring the flow of water to a particular service.

“Person” means and includes any natural person, firm, co-partnership, association or corporation.

“Premises” means any building, structure, land area or other place to which water service, temporary or permanent, is supplied by the City.

“Service line” or “service connection” means the pipe, valves, stops and fittings, from a main to and including the meter and meter box.

“System” means all or any part of the water system owned and operated by the city and shall include all service lines to and including all meters.

“Vault” means an enclosure used to protect meters, valves or similar devices.

“Water department” means the water department of the City of Wood Village, Oregon.

(Ord. 4-1982 § 1)

13.04.020 Water service/application for use, connection or disconnection of service

Application for water service, for permit to connect a premises to the City water system or to fully remove service capacity of the water service at any premises, shall be made in writing to the City Recorder by the owner of the concerned premises or the owner’s duly authorized agent, on regular application forms furnished by the city. No service shall be rendered with respect to such application until the same is fully completed and approved, and if required, payment received. The application will be dated, indicate the location of the premises, the date applicant desires service to begin or cease, if applicable, purpose for which service is to be used, class and size of meter service desired, together with such other information as the water department shall deem reasonably necessary. Each applicant for service from the city water department must agree to conform to all city ordinances, rules and regulations concerning the use of city water and the water system.

Application for service shall be considered merely as a request for service and shall not bind the city to provide such service. Charges for the installation of water services shall be paid in full and in advance of installation by the City.

Each dwelling or building or premises shall be provided with its own water service connection and meter. No person shall furnish water to any other building, property or premises without written approval of the City Council being first obtained, and then only in accordance with the specific terms of any such authorization which might be granted.

So-called “spider connections” which would provide service from one road or street to premises abutting or dwellings fronting on another road or street, shall not be permitted.

(Ord. 4-1982 § 2)

13.04.030 Water service installations

If the application for water service is for premises not previously served or for a new additional service, the following requirements shall be met:

A. Where water mains exist adjacent to the property or premises to be served, upon submission to the water department of information as to the location and nature of the premises to be served, applicant will be furnished with information as to the proposed location of the meter setting. If the customer service line has been installed prior to the application for service, it shall be the applicant’s responsibility to clearly mark the location thereof. However, the water department shall have sole jurisdiction to determine the location of the street service line and the feasibility of a connection to the customer’s service line. It shall be the applicant’s responsibility at his own expense, to run his service line from the premises being served to the meter setting at or near the curbline in a manner consistent with city regulations and the State Plumbing Code. Service pipes and connections from

the water main to and including the meter setting shall be installed at consumer's expense by the water department. No service connections less than three-quarter inch in size shall be installed. An advance payment of the estimated cost of the work by the City shall be made before a permit is granted for such installation; provided, however, if the estimated cost paid is not sufficient to cover the total expense for labor and material and overhead as established by the city's current charge schedule for such installation, the deficit shall be paid promptly upon billing and shall be a charge against the property for which such installation was made and the owner thereof until so paid; any excess estimate payment shall be returned to the person applying for the installation. Permanent water service shall not be furnished by the city until all charges as indicated have been fully paid.

B. Installation of Service Pipes. Pipes of all sizes, for all purposes, laid from the property line to the stop and waste cock in the building must in no case be less than three-quarter inch in diameter of galvanized steel, iron, Type K copper water tubing, or other material as approved by the State Plumbing Code, including approved plastic piping. Cast iron or steel pipes when properly dipped may, with the approval of the City water department be used for fire protection purposes. Services from the property line to the wall of the building to be served shall be laid with not less than thirty (30) inches of cover below the surface of the graded ground. No pipes shall be laid in sewer ditches or culverts. Service pipes shall be so connected and maintained as to provide electrical continuity from within the building to the main.

C. Unusual Conditions. When in the judgment of the city water department, unusual conditions exist which require greater attention, extra fittings, meter boxes, vaults, backflow preventers, or other safeguards to assure adequate volume and pressure of water to an individual service and/or to minimize repair and maintenance

problems inherent in the installation or to prevent cross-connections, the City may require the applicant to meet the cost of such additional fittings, meter vaults or other safeguards at customary city charges which will be taxed to the applicant and be in addition to the usual meter and service installation charges and considered a part thereof. Where meters are required to be installed in driveways or roadways or under other circumstances which in the opinion of the water department may give rise to unusual installation or maintenance problems, the city shall have the right in its discretion, to require concrete meter vaults or other devices to likewise be installed; the cost of such vault or other protective device shall be borne by the owner of the property requesting the service installation. Meters shall be set at property lines and the service pipe from the main to the meter, as well as the meter and meter box, shall be the property of the City and not the person owning the premises or paying for the installation.

D. Services larger than three-quarter inch may, in the discretion of the water department, be installed when requested in writing, provided the system is able to adequately serve such larger connections without interfering with the water service of others. The charges made for the installation of larger services shall be sufficient to cover all costs thereof, and the minimum or "ready to serve" charge shall be higher than for standard three-quarter inch service connections.

E. Installation, Connection, System Development Charges and Service Charges. The charges for installation of water service as hereinabove provided, connection fees therefor, and system development charges as provided in Ordinance 7-1998 and WVMC 13.16, shall be fixed by the City Council by resolution or ordinance, which charges or fees may be amended or altered from time to time in like manner. (Ord. 4-1982 § 3 and Ord. 9-1998 § 1 and Ord. 9-1998 § 1)

13.04.040 Fire protection and other special services

Applications for special services shall be made in writing in the same manner as required for a standard service and shall in addition, conform to all requirements of applicable state and city codes, including the Uniform Building Code, Electrical Code and Plumbing Code, and shall meet all requirements and regulations of the fire department; and it shall be applicant's responsibility to obtain written approval, as required, from the fire department. Application for private fire service and special service connections shall have attached a sketch showing sizing and material designations of all piping, valves, hydrants, standpipes, backflow prevention devices, tanks, openings and appurtenances contemplated. All private fire service connections may be metered at the city's discretion. All fire service lines shall be used exclusively for extinguishment of fires and no connection from or for any other use may be attached thereto. The size of fire service connections shall in no case be smaller than four inches and in no case, attached or tapped to a water main of less than six inches. In the event a main extension is required for a private fire service or a special connection, the cost of the same shall be borne by the applicant and shall be computed in accordance with the City's current installation service charge schedules. Any customer requiring pressures higher than normally maintained in the system or abnormal quantities of water for fire protection or other special purposes, may, in the discretion of the City water department, be required to provide additional pumping and storage facilities within its property and pay for the same. Services of a special nature will be rendered only at the option of the City and under conditions which will not interfere with normal, service to other customers. Special services provided by the city may, at the discretion of the city, be provided only under special contract

specifying conditions and requirements felt necessary by the City, and in all instances, are subject to the approval of the City Council. (Ord. 4-1982 § 4)

13.04.050 Access to premises

Employees and agents of the City water department shall have free access, at reasonable and proper times and upon due notice, to all parts of buildings and premises for the purposes of installing, inspecting, repairing, testing or removing any or all of its apparatus used in connection with the supply and metering of water, and for the purpose of inspecting the condition of the pipes and fixtures and the manner in which water is being used. By making application for water service or by using water service supplied by the city, every applicant, customer or user does grant and give to the City water department, its duly authorized agents and employees, the right to enter upon the concerned premises to which water is furnished, at all reasonable times for the purposes of inspection for compliance with the applicable city and state rules, regulations and codes. (Ord. 4-1982 § 5)

13.04.060 Connection of service

It shall be the expense of the customer to install and maintain connections to the city meter box. Installation shall be so constructed that all water used by the customer shall pass through the meter. It shall be required that the customer install a shutoff valve on his line somewhere outside the meter box. Under no circumstances will a customer be permitted to sell, trade, bargain or extend water service to any other person or premises. No plumber or other person shall make any connection with the mains or pipes of the City, make alterations in any conduit, pipe or fixture connected therewith, connect pipes when they have been disconnected therewith or turn on water from the city mains or pipes without

written permission from the City water superintendent. Plumbers doing any work by which water may be drawn from the city mains or pipes shall do so only after written permit is obtained from the city water superintendent. All water pipes must extend into the building; no faucets shall be allowed on the outside of any building except hose connections which must be controlled with a separate stop and waste cock. No hose connections for domestic use will be allowed. (Ord. 4-1982 § 6)

13.04.070 Separate service to each house or premises

Upon advance payment of the charges and fees herein prescribed, the city water department shall install a separate service from the city water main to the property or curblin of each house or other premises to be supplied with water. Each and every premises, business, or place of business shall be on a separate service and meter. Where water is now supplied through one service to several houses, stores, persons, or businesses, the City water department may, at its discretion, either decline to furnish water until separate services are provided or may continue the supply on the condition that water may be shut off from all in case of nonpayment of charges or the violation of the rules and regulations of the city water or sewer departments by any one thereof. No new joint services shall be allowed without specific written permission of the City Council. (Ord. 4-1982 § 7)

13.04.080 Temporary service

Application for temporary service shall be made in writing on forms furnished by the water department. Applicant shall pay the established charge for installation of the service connections requested, plus any additional charge that may be required by the water department for the removal or resetting of the service following the

termination of the temporary use. Applicant or customer shall also pay in advance, one month's anticipated or estimated water service charge and shall continue to do so each month thereafter so long as the temporary service is maintained.

No temporary service may be continued in excess of a six-month period of time without the consent of the City Council and may be terminated at any time upon thirty (30) days' written notice to the owner or occupant of the premises so served. Temporary service shall impart no special privilege or provide any vested right to water service to the premises receiving the same, and shall not under any circumstance, alleviate said premises and/or occupant or owner thereof, as the case may be, from being required to pay proper or proportionate share of any charges incurred for line or main extensions, or assessments otherwise rendered for the provision of permanent service or facilities for permanent service to the area of concern. (Ord. 4-1982 § 8)

13.04.090 Cross-connections or physical connections with other water supplies or systems

Cross-connections or physical connections of any kind to any other water supply, whether public or private, without the written approval and consent of the City Council and the written approval of the Oregon Board of Health or other appropriate agency, are prohibited. Included in this category are all pipelines, appurtenances, pumps, tanks, storage reservoirs, facilities, equipment, appliances, etc., of other systems, whether located within or on public or private property, or the premises of a water user. At all times, all pertinent requirements of the Plumbing Code of the state of Oregon will be followed with respect to any request for approval in the manner above indicated.

The water superintendent or other authorized representative of the city shall

have the right, without being guilty of trespassing or unlawful act, to check the premises of customers and users for physical connections with other water supplies at any reasonable time. Any such connection as set forth above shall be removed by the customer, user or premises owner immediately or the City water department will discontinue service without further notice. Service discontinued for such cause shall not be reestablished until satisfactory proof is furnished that the prohibited connection has been completely and permanently severed (Ord. 4-1982 § 9)

13.04.100 Plumbing-Back siphonage

All plumbing within buildings or to premises served by the City water system shall be so installed and all plumbing fixtures so constructed and maintained as to prevent pollution or contamination of the city's water supply, mains, lines and system by back siphonage or cross-connections. Water service to any premises or building known or found to have such defects and hazards shall be disconnected and not restored until such defects and hazards have been eliminated. (Ord. 4-1982 § 10)

13.04.110 Turning on or off water service or meters

No customer, user or person other than an employee of the water department shall turn on or off any of the services or meters. Customers or owners of premises desiring either discontinuance or restoration of service or a new or modified service, shall make written arrangements therefor with the city water department upon forms provided therefor. (Ord. 4-1982 § 11)

13.04.120 Maintenance and repair of customer lines

Customers shall install, maintain and repair an piping between meters and premises and buildings served thereby, and

shall install the same at a depth sufficient to protect the same from damage and freezing. (Ord. 4-1982 § 12)

13.04.130 Leakage within premises/damages thereto

The City shall not be liable for any damages or injury whatsoever for leaking or the running of water on premises or buildings from pipelines, plumbing fixtures, open faucets, valves, fixtures and hoses beyond the city's service meters, or for any damage or injury whatsoever for the malfunction or improper maintenance or installation of customer's system.

All leakage occurring beyond the meter installation shall be at the expense of the customer, who shall be responsible for the proper maintenance and repair of their own lines, stop and waste valves, gate valves, pressure regulators, plumbing fixtures, etc., within their own premises.

As previously indicated, customers shall install, maintain and repair all piping between meters and premises served in accordance with good engineering practice. Pipes must be laid not less than thirty (30) inches deep and provided with stop and waste drainage; all standpipes or fittings of any kind must be so located, anchored and installed as to not interfere with or endanger the meter. All pipe must be well protected from freezing. (Ord. 4-1982 § 13)

13.04.140 Pressure regulation

Insofar as is reasonably possible, feasible and economical, the city will furnish water at desirable pressures. In locations in which service pressures are higher than needed or desired by users, it shall be customer's responsibility to install and maintain within their premises, any pressure regulators as may be required.

The City shall not be responsible for damages or difficulties experienced by

reason of variations in pressure within the system. (Ord.4-1982 §14)

13.04.150 Service interruptions

The City, from time to time, must interrupt service for repairing mains, making extensions, repairing valves, pumps and control devices, etc., and for cleaning, maintaining and reconditioning reservoirs and storage tanks. The City shall not be responsible for any damages caused by such interruptions of service or fluctuations in pressure, but shall, whenever feasible to do so, give customers advance notice whenever it is known that service is to be interrupted for any appreciable length of time; however, failure to give such notice shall in no manner cause the city to become liable for loss or damage caused by service interruptions, such as bursting of boilers, the breakage of any pipes or fixtures, stoppage or interruption of water supply, water heater damage, or any other damage resulting from such service interruptions. (Ord. 4-1982 §15)

13.04.160 Maintenance, repair and testing of meters

Normal maintenance and repairs of meters shall be carried on by the City at its expense.

Should a customer wish to have his meter tested, the City will make such test, but should the meter so tested be found accurate within four percent of true delivery, the customer requesting such testing shall pay the cost thereof, provided, however, that should such meter be found to under-register in excess of four percent, the City shall bear the cost thereof.

Customer deposits required for meter testing shall be paid in advance and shall be as shown in the current city charge schedules. The deposit shall be refunded if such meter testing be found to over-register in excess of four percent of true flow.

Whenever a meter has been found to over-register more than four percent, an adjustment in reasonable amount may be made to the customer for past billings, but in no case shall such adjustment exceed a period of four months.

A customer may request of the water department that his meter be reread if he feels that his current billing is in error. (Ord. 4-1982 §16)

13.04.170 Maintenance and repair of service lines – meter damage

The City shall maintain or repair service piping between mains and meters at its expense. Service lines shall be installed at such depth that pipes shall be protected from traffic and other overhead uses, as well as freezing. Owners and customers shall take all reasonable precautions to protect service lines and meter installations from damage of any kind whatsoever. Failure of an owner or customer to take such precautions or make such repairs required by the City shall be cause for the City to stop or interrupt such service until said precautions or repairs are completed to the city's satisfaction.

Whenever a City-owned meter is burned out by hot water or damaged by carelessness or negligence or other improper practice or activity of the owner or occupant of the premises, the City will repair the meter and charge the billing against the property served. The cost of such repairs shall be as prescribed by applicable city charge schedules. (Ord. 4-1982 §17)

13.04.180 Use of fire hydrants

It is unlawful for any person to operate, alter, change, remove, disconnect, connect with, or interfere in any manner with any fire hydrant owned, operated or maintained by the city without first obtaining written permission from the city water department. The provisions of this section shall not apply to authorized fire departments operating within the City. (Ord. 4-1982 § 18)

13.04.190 Stop and waste cocks

A stop and waste cock of approved pattern, by means of which pipes in a building may be drained, must in all cases be placed just inside the basement wall in a convenient location. If the building or premises is not provided with a basement, such stop and waste cock must be placed near the outside wall thereof and protected by a suitable box. Variations to the above regulation will be permitted only when approved, in writing, by the city water department. (Ord. 4-1982 § 19)

13.04.200 Services outside city limits

Water services may be provided by the city to individual persons, firms, co-partnerships, associations, corporations or governmental agencies outside the city boundaries under such rates, charges and conditions as the City Council may from time to time prescribe, or as outlined under special contract approved by the Council. All regulations in effect for customers within the city shall apply to outside users and customers except as otherwise provided by the Council by resolution or contract. Service and water supply to customers outside the city shall at all times be subject to the prior and superior rights of the people of the city to said water, and all contracts with outside users shall so state that if the City does not have sufficient surplus water over and above the requirements of its customers, users, residents and properties within the city, such outside water service may be discontinued at any time if the interests and needs of the city so require. (Ord. 4-1982 § 20)

13.04.210 Contracts/special use requirements

Whenever an applicant or customer's requirements for water service are unusual, large or subject to rate fluctuation or variation, the City may require a special

contract and may require reasonable security satisfactory to the City, sufficient to protect the City against loss and to guarantee performance under the terms thereof. (Ord. 4-1982 § 21)

13.04.220 Water rates and charges

The City shall adopt and maintain appropriate rate charge schedules for water furnished and services rendered within and without the city. These schedules shall be reviewed and amended from time to time by the City Council as required. Rates charged may be fixed and classified according to the type of use and according to the amount of water used. In the event a particular service is not specified, a rate will be established upon request by the City Council.

Current rate and charge schedules of the city will be maintained on file by the city at the office of the city recorder and city water department, and will be available for viewing by the public.

Charges for installation of service pipe and meters from main to property line, various materials furnished by the city and such other services rendered shall likewise be set forth in the City's current rate and charge schedules, and may be amended from time to time to meet the needs of the city and current economic conditions. In determining appropriate service and installation schedules, the city shall consider and include therein appropriate charge for city overhead.

In addition to current rate and charge schedules, the City Council may from time to time by appropriate resolution or ordinance, adopt appropriate connection, system development and general surcharges as the needs of the city may require after due public hearing thereupon; provided that all such charges and schedules of the city presently in effect as of the date of adoption of these revised rules and regulations, shall remain in full force and effect until further amended or revised by the city. (Ord. 4-1982 § 22)

13.04.230 Meter reading and billing

All consumers of water and all water customers of the water system of the City shall pay a monthly charge for the service and water furnished as fixed by City Council resolution or ordinance, which resolution or ordinance may in like manner, be amended or altered from time to time as conditions require.

Billings for water used by a consumer or customer or water service furnished by the city water department shall be computed by a reading of the concerned meter on a regular periodic basis as established by the City Council.

All charges for water service shall be due and payable on the date of billing, usually the 1st of the month. Any water account shall become delinquent if not paid on or before the 15th of the month following billing. Water accounts of the City on special contract shall be due and payable as hereinabove provided unless otherwise stated in said contract.

The minimum rate for a monthly water service as fixed by the City Council for the use of water from the municipal water system, shall be charged any person, each family dwelling unit or group of individuals maintaining separate and distinct living quarters, whether located in an individual residence or multiple-dwelling facility or apartment, as well as any firm, association or corporation now using or making application in the future for use of such water. Each premises, business entity, group or organization not forming a living unit or family dwelling unit shall likewise be charged the minimum rate as fixed by the City for the type of service classification concerned, and in any event, where a present service connection exists for more than one dwelling, family living unit, premises or business, the water department may, at its discretion, decline to furnish water thereto unless the individual, firm or corporation upon whose premises the service connection is made from the city main, shall guarantee

the payment of all water used through said service connection. (Ord. 2-1989 § 2: Ord. 4-1982 § 23)

13.04.235 Limitation on Credit, Rebate or City Back Charges on Water Billing Omissions or Errors

A customer that has a billing error or incorrect billing may have that billing corrected to the date of occurrence with the maximum potential period for consideration being four (4) months. In the event a customer consuming water is under billed, the City may correct such billing and charge the customer to the date of occurrence, provided however, no billing will be made for a period of greater than 4 months. For all active accounts, credit will be applied to future billing amounts if due. For accounts that are closing, changing ownership, or for some good reason cannot benefit from a credit, a direct refund shall be provided.

For customers that have been under billed or not billed, the City Administrator shall offer a payment plan with a period of up to six months for the customer to become current with all amounts due, with the provision that all current charges in the months following any such payment plan shall be paid in full as provided in this code. (Ord. 2-2014)

13.04.240 Water account and charge delinquencies

All charges for water service furnished shall be due and payable when billed. The City Administrator, or designated representative, shall establish a billing calendar for each month, with said calendar including the billing date, due dates, delinquency date, and shut off. Payment in full for all services billed must be made by the delinquency date established in the billing calendar, such date to be not less than 20 days subsequent to the date of billing or a

late charge, as fixed by resolution of the City Council, shall be added to the delinquent account, thereby increasing the amount due and payable. The bill for water service shall clearly state the last date on which full payment may be made to avoid the late charge and shall also state the increased amount due and payable from assessing the late charge if the account becomes delinquent. When a water account becomes delinquent as above defined, a written turnoff notice shall be sent to each delinquent account on the day and date established in the billing calendar. In the event the customer and billing address is other than the premises address where the account has been incurred, a copy of such written notice shall also be furnished to the occupant of said premises.

The City water department's turnoff notice shall specifically advise that this is the final notice and that the concerned delinquent water service will be turned off by the city on the date identified in the billing calendar, which date shall be not less than five days subsequent to the date of said turnoff notice, and that a disconnect fee established by resolution of the City Council shall be added to the customer's account.

If the delinquent water account of concern is not paid in full or other satisfactory arrangement made specifically in writing with the water department of the City for payment thereof prior to the specific date set forth in the turnoff notice, an employee or agent of the City water department shall thereafter turn off the water service to the premises concerned at the earliest convenient time following the expiration of the time specified in said turnoff notice; provided, further, that the city water department employee or agent effecting the actual water turnoff shall immediately prior thereto, advise an occupant of the premises concerned, if any be present, that such turnoff is being made at that time.

However, in the event no occupant is present upon the premises or none responds

to the water department's notification of such turnoff, this shall not in any way cause the city to delay the premises water turnoff in accordance with notice previously given, but in such event, a notice shall be placed conspicuously upon the premises, advising that such turnoff has occurred.

In all instances where a water service has been turned off because of a delinquent account or charges, a service charge shall be made for the restoration thereof in accordance with the current city rate and charge schedule as established by resolution of the City Council. Whenever a water service charge, or portion thereof, remains unpaid on the forty-fifth day following the date of billing, the delinquent account shall bear interest at the legal rate or the rate established by resolution of the City Council.

A premises water service terminated or disconnected for lack of payment of water bills due the City and/or other water charges relating to the concerned premises, shall not be restored until all such delinquent water bills and charges are paid and this requirement shall not be avoided by change in user, customer or owner of said building or premises.

In addition to the City's right to discontinue or turn off water service for delinquencies in water service accounts and/or charges as hereinabove set forth, the city shall have the further right, upon due and reasonable notice, to discontinue or turn off a customer's premises water service in the event a delinquency occurs in the sewer account and/or the street utility fee to said premises and said delinquency is not corrected within the time set forth herein for delinquent water service accounts.

The failure of the City to discontinue water service for any reason, including the nonpayment of water service charges due, shall not relieve the owner of the premises or customer from the obligation and duty to pay for all of said services, whether said owner or customer does or does not have knowledge of any delinquencies for water

uses or charges. (Ord. 2-1989 § 3; Ord. 4-1982 § 24; Ord. 11-2010; Ord. 2-2013)

13.04.250 Water charges and user charges as liens

All water charges due the City by a customer or for services rendered any premises shall, when appropriate under Oregon law, be deemed a lien against the real property concerned, and be subject to foreclosure in the manner provided by Oregon Revised Statutes, particularly ORS 223.510-223.650, and such rights shall be in addition to any and all other methods by law available to the City to collect such accounts or water charges. When permitted by applicable Oregon law, said water charges shall become a lien upon and against the property where such water service is furnished and charges incurred from and after the date of billing and entry upon the ledger or other records of the city pertaining to its municipal water system, and such ledger record or other records shall be accessible for inspection by any interested person in accordance with Oregon public records law.

Whenever a charge for water service remains unpaid for more than sixty (60) days after it has been rendered, the lien thereby created, if any, may be foreclosed in the manner provided by Oregon law, and specifically ORS Chapter 223.505-223.650, or in any other manner provided by law or city ordinance for the collection of municipal and public liens upon properties within the corporate limits of the city. The city shall also have available as means of enforcement and collection of all water and user charges herein defined, any and all other methods provided by law, including the institution of civil suit, for payment thereof. (Ord. 4-1982 § 25)

13.04.260 Discontinuance of service or change of occupancy

A customer occupying premises served with water, may have the water service to such premises temporarily or indefinitely terminated by giving the City written notice four days in advance of the effective termination date. A customer who is about to vacate any premises supplied with water service by the City shall be required to give written notice four days in advance of the specified "move-out" date to the City water department. Water and sewer service charges will be calculated on the final date of use with a meter reading to verify water consumption and the base rates being prorated through the same date. Until the City shall have such notice, the customer or water user shall be held responsible for all services rendered at the location concerned.

Whenever a water service is discontinued for such reason as hereinabove defined, the City may require a payment for the particular service rendered in addition to a reconnection or turn on charge, as set forth in the City's rate and charge schedules. In the event water has been disconnected or shut off to a particular premises due to a delinquency in a premises account, the water shall not be turned on or reconnected until all past due charges against said premises have been duly paid and satisfied.

Should a water service be turned off or on by any water customer or user or other person without authority from the City water department, the water may then be shut off at the main or the meter removed, at the discretion of the water superintendent. The charge for shutting water off at the City main or removal of the meter shall be as set forth in applicable City rate schedules as adopted from time to time by the City Council. All such charges shall be billed to the premises where the water was supplied and water shall not again be furnished to such premises until said charges are paid. (Ord. 4-1982 § 26)

13.04.270 Miscellaneous rates and charges

Rates and charges for services performed by the City water department for water users, customers and other persons or incident thereto and not herein provided, shall be as established in appropriate rate and charge schedules adopted by resolution of the Wood Village City Council, which schedules may be amended by the Council in the same manner. (Ord. 4-1982 § 27)

13.04.280 Violation-Penalty

Any person violating any of the provisions of this chapter commits a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 10-2012; Ord. 4-2006 § 19; Ord. 4-1982 § 29)

Chapter 13.06

INFLOW AND INFILTRATION REDUCTION PROGRAM

Sections:

- 13.06.010 Definitions.**
- 13.06.020 Inflow and Infiltration Prohibited.**
- 13.06.030 System ownership.**
- 13.06.040 Access to premises.**
- 13.06.050 Notice to property owner**
- 13.06.060 Access to premises.**
- 13.06.070 Loan program.**
- 13.06.080 Document of certification.**
- 13.06.090 Document of certification application.**
- 13.06.100 Temporary document of certification.**
- 13.06.110 Enforcement.**
- 13.06.120 Violation-Penalty.**

13.06.010 Definitions.

As used in this chapter:

"Inflow and Infiltration" means the volume of both infiltration water and inflow water found in the sanitary sewer system.

"Infiltration" means the intrusion of groundwater into the sanitary sewerage system through defective pipes, pipe joints, connections or manholes in the sanitary sewerage system or building sewers.

"Inflow" means a direct flow of water other than wastewater that enters the sanitary sewerage system or building sewers from such sources as, but not limited to, roof leaders; cellar, yard, area, and foundation drains; uncontaminated or no-contact cooling water discharges; drains from springs and swampy areas; manhole covers; cross connections from storm drains; catch basins; stormwater; surface runoff; and street wash waters.

13.06.020 Inflow and Infiltration Prohibited.

No person may discharge or cause to be discharged, directly or indirectly, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated or non-contact cooling water, or unpolluted industrial process water, unless specifically authorized by the City Administrator.

13.06.030 System ownership.

Ownership of plumbing and building sewers including laterals begin and end at the property line.

13.06.040 Access to premises.

The Public Works Director or authorized representative shall be permitted to enter upon all properties and into all buildings for the purpose of determining if illegal, improperly constructed, failing plumbing or building sewers exist which could contribute to the infiltration or inflow into the sanitary sewerage system.

13.06.050 Notice to property owner.

Should the Director determine that infiltration or inflow into the sanitary sewerage system is being received or could be received into the system from any building drain or building sewer, the owner of the property on which the infiltration or inflow originates shall be notified by certified mail to:

- a. Eliminate the cause of the actual or potential infiltration or inflow within one year of the notice date;
- b. Show cause within 30 days why the elimination should not be required;
- c. Be subject to the penalty set forth in Section 13.06.100.

In the event the owner of the property fails to eliminate the cause or the actual or

potential infiltration or inflow within one year of the notice date, the property owner's non-compliance shall be deemed a public nuisance under WVMC Chapter 8.16.200 and is subject to enforcement and abatement as provided in WVMC Sections 8.16.220 to 8.16.250. (Ord. 12-2007 § 1)

13.06.070 Loan program.

The City will apply for any available grant funds for the purpose of establishing a low interest loan program to be available to low and moderate income households required by the City to repair I&I sources. If the City is successful in its grant application and the funds are available those eligible will apply in accordance with the ordinance establishing the fund.

13.06.080 Document of certification.

After the effective date of this Ordinance, it shall be unlawful for any person to sell real estate within the City of Wood Village on which a building or improvement exists, without first delivering to the purchaser a document certifying the lateral has been inspected, tested and found to be a legal, properly functioning lateral that neither contributes to nor carries water from an inflow or infiltration source.

13.06.090 Document of certification application.

Any person (hereinafter "Applicant") selling real estate located within the City of Wood Village shall make application on a form furnished by the City at least seven (7) working days prior to the date of sale. The Applicant shall then have a plumber who is registered and licensed by the State of Oregon perform a dye test and a smoke or air test of the sewer drainage system on the property to be sold. The smoke test is to be accomplished using nontoxic, nonstaining smoke, which is forced through the sewer system by the use of air blowers. The

plumber shall notify the City at least two (2) working days before the test is made so the City may witness the test. The City shall have the right to approve the test as performed and/or require additional tests be made. The City may also rely on the results of any internal televising of the main sewer completed by the City or its contractor. The plumber shall complete the appropriate portions on the forms and certify that the property has been dye tested, smoke tested or air tested and certify the results of such test. In the event there is no illegal storm or surface water connections and the existing drainage system is sound, the City Building Official or designee shall issue a Document of Certification upon the payment of any established fee. When an illegal storm or surface water connection or malfunctioning drainage system is discovered by the means of the above-mentioned testing, no Document of Certification will be issued until the illegal connections/malfunctioning drainage system are removed/repared, the system retested and certification of such removal/repair by a licensed plumber is received. The certificate shall be valid for three years and applicable to any real estate transaction within the three year period.

13.06.100 Temporary document of certification.

A Temporary Document of Certification may be issued at the City's sole discretion when either:

1. The Applicant proves that such testing cannot be performed because of weather conditions in which case the Applicant shall provide the City with security in the amount established by Resolution of the City Council to guarantee that the appropriate test will be performed. The Applicant will cause to have the appropriate test performed within fourteen (14) days of notification from the City given when the weather conditions make testing possible. In addition, the Applicant shall provide a

signed written acknowledgement from the purchaser of the real estate, agreeing to correct, at the purchaser's expense, any violations/defects that may be discovered as the result of subsequent tests. Nothing in this subsection shall prohibit the Applicant to reimburse the purchaser for any costs incurred; provided, nevertheless, the primary liability shall run with the land and no such agreement shall affect the City's enforcement powers or excuse the current owner from performance.

2. When an illegal storm or surface water connection or malfunctioning drainage system has been discovered and the necessary remedial activities to correct such connection would require a length of time such as to create a practical hardship for the Applicant, the Applicant may apply to the City's Building Official for a Temporary Document of Certification which may only be issued when the Applicant provides the City with all of the following:

- A bona fide executed contract between the Applicant and a registered, licensed plumber to complete the necessary remedial work with the City listed therein as a third party beneficiary
- Cash security in the amount of said contract as posted with the City and,
- An agreement by the purchaser to be responsible for all cost overruns related to the remedial work, together with a license to the City to enter upon the property to complete work in case of default by the contractor. The Building Official shall determine when the Temporary Document of Certification will expire, at which time the security shall be forfeited, and the City may use the security to have the necessary remedial work completed.

13.06.110 Enforcement.

The Building Official is hereby authorized, empowered and directed to make reasonable rules and regulations for the operation and enforcement of this Chapter as deemed necessary, which shall include but not be limited to:

- Establishing acceptable forms of security or guarantees;
- Acceptable testing methods
- Establishing the forms of applications, purchaser acknowledgements and plumber certifications;
- Limiting the times of year in which Temporary Documents of Certification are available for reasons of weather.

(New Ord. 11-2007 § 1)

13.06.120 Violation-Penalty

Violation of any provision of this chapter commits is a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code.

Chapter 13.08

**SEWER SERVICE SYSTEM
GENERALLY**

Sections:

- 13.08.010 Sewer connection permit required.**
- 13.08.020 Application – How made.**
- 13.08.030 Application and connection fees required.**
- 13.08.040 Issuance of permit.**
- 13.08.050 Special charges.**
- 13.08.060 Right to reject application.**
- 13.08.070 Applicant responsibilities.**
- 13.08.080 Street opening permit required.**
- 13.08.090 Applicant’s agreement with City.**
- 13.08.100 Requirements of other City ordinances.**
- 13.08.110 Notice for inspection and inspection fee.**
- 13.08.120 Prohibitions against septic tanks and dry wells.**
- 13.08.130 Regulation of drainage.**
- 13.08.140 Requirement of grease traps.**
- 13.08.150 Industrial wastes.**
- 13.08.160 Payment and disposition of fees.**
- 13.08.170 Protection from damage.**
- 13.08.180 The city engineer.**
- 13.08.190 Connection date requirements – New structures.**
- 13.08.200 Violation – Penalty.**

13.08.010 Sewer connection permit required

No person, firm, association, partnership or corporation shall make any sewer connection to any part of the sanitary sewer system or storm sewer system of the City without first making application and securing permit therefor. (Ord.6-1971 § 1)

13.08.020 Application-How made

Application for sewer connection permit shall be made in writing to the City in the form prescribed by the City and shall give the location of the property, street number of the building(s) to be connected, the kind and number of fixtures to be connected, the name of the owner of the property to be connected, the name of the person, firm, association, partnership or corporation engaged to make the connection and a statement as to whether or not the premises to be connected were in the past assessed for the construction of a sanitary sewer into which the applicant desires to connect, and such other information or plans as may be required by the City. (Ord. 6-1971 § 2)

13.08.030 Application and connection fees required

Application, system development charges and connection fees required: All applications be accompanied by an application fee in an amount fixed by the City Council by resolution for each unit to which service is desired; the number of units to be determined in the manner hereinafter set forth. If the City approves the application, the applicant for sewer connection and service shall then pay to the City system development charge as determined by reference to WVMC 3.16. (Ord. 10-1998 § 1)

A. First determine the number of units to be served by such service as indicated in the chart below, or if not so indicated therein by reference to Chapter 13.12 establishing unit categories for monthly service charges.

Single-family dwelling	1 unit per dwelling
Multifamily dwelling	1 unit per family living unit
Motor court or trailer	
park	1 unit per family living unit
Restaurants, taverns	
and nightclubs	6 seating spaces per unit
Commercial buildings	1 unit per 10 employees
Industrial and	
manufacturing	1 unit per 10 employees

Hospitals, nursing homes
and nurseries 1 unit per 6 beds
Elementary, nursery and
secondary schools1 unit per 15 students
Categories not
specifically listed Per Council resolution

The City Council shall have the right to enlarge or amend the number and classifications set forth above, provided that no billing shall be for less than one unit and that unit charges shall be uniform within a class.

13.08.040 Issuance of permit

If the City approves the application and the fee or fees are paid as herein provided, the City shall thereupon issue a sewer connection permit for the premises covered in said application, in the form prescribed by the City. A copy of said permit then issued shall also be provided the City building department. (Ord. 6-1971 § 4)

13.08.050 Special charges

Connection charges for industry and/or establishments producing industrial wastes and/or discharging other caustic effluents into the sanitary sewer system shall be individually determined by the City Council. Ord. 6-1971 § 5)

13.08.060 Right to reject application

The City shall have the right to reject any and all applications for sewer connections and service from an applicant desiring to service a building or premises if it be determined after proper investigation, that such service cannot be economically so provided or is not practical or feasible or consistent with the proper development or present capacity of the Wood Village sanitary sewer system. (Ord. 6-1971 § 6)

13.08.070 Applicant responsibilities

After a sewer connection permit is issued, it shall be the obligation and responsibility of the applicant to construct and lay the connection line from the applicable premises or building(s) to the city line indicated by the City; said applicant shall furnish the necessary materials and workers and save the City harmless from any and all costs for such construction, laying and connection. (Ord. 6-1971 § 7)

13.08.080 Street opening permit required

If in making connection to the Wood Village sewer system said applicant shall be required to cut into, open, or in any way remove the surface of any city street or roadway, said applicant shall apply in advance of undertaking such work to the City for a street opening permit and pay the necessary fee set therefor and abide by the regulations concerning the use of said permit. (Ord. 6-1971 § 8)

13.08.090 Applicant's agreement with City

Each applicant for a sewer connection as above defined shall agree with the City at such time as the application is granted and connection fee, if any, is paid and before actual construction of said connection is commenced, that the applicant will in all ways abide by the rules and regulations of the City relative to the construction and use of said sewer system lines and services and that title to all sewer lines not located upon applicant's property or upon other private property shall vest in the City after the construction and acceptance by the City thereof. (Ord. 6-1971 § 9)

13.08.100 Requirements of other City ordinances

In making connection, the applicant shall be bound by and subject to all provisions of pertinent City codes and ordinances, including the building code and the comprehensive zoning ordinances of the City, and shall agree to abide thereby without any reservations or qualifications. (Ord. 6-1971 § 10)

13.08.110 Notice for inspection and inspection fee

Reasonable notice shall be given to the City to inspect all sewer connections before their completion and while said connections are still uncovered. All work must be done in accordance with specifications prescribed by the City and subject to the approval of the city sewer inspector. There shall be collected at the time of application for sewer connection permit, a sewer inspection in an amount set by City Council by resolution for each physical connection made into a city sewer line. (Ord. 6-1971 § 11 and Ord. 10-1998 § 2)

13.08.120 Prohibitions against septic tanks and dry wells

It is unlawful to make alterations or repairs or to install new septic tanks, and/or dry wells for sanitary disposal purposes upon any premises in the city located within one hundred fifty (150) feet of an existing sewer line and owners of property upon which buildings are located within one hundred fifty (150) feet of an existing sewer line must connect their sanitary facilities to said sewer line, unless special permission is granted by the City Council through ordinance. (Ord. 6-1971 § 12)

13.08.130 Regulation of drainage

Neither temporary nor permanent drainage of excavations into the sanitary

sewer system shall be permitted. Drainage from roofs, storm sewers or storm drains shall not be permitted into the sanitary sewer system and no such connections shall be permitted. The following shall not be allowed to flow into or be disposed of in the City sanitary sewer system:

A. Greases, oils, sludge from service stations, garages, repair shops, machine shops, cleaning establishments or other industries or establishments;

B. Explosives, volatile or inflammable liquids or gases;

C. Acids, alkalis or other corrosive liquids or substances of sufficient strength to damage sewers, manholes, pumping stations or treatment plant equipment;

D. Paints or waste products from paint manufacture;

E. Cannery or industrial wastes;

F. Any substance which will form deposits or obstructions in the sewer system, or which when mixed with sewage will precipitate materials causing deposits in sewer lines;

G. Ashes, cinders, sand, earth, coal, rubbish or metals of any kind;

H. Live steam, exhaust steam or water having a temperature above one hundred forty (140) degrees;

I. Cull fruits and vegetables, and pits and seeds from peaches, apricots, cherries, prunes, pumpkins, squash and nuts of any kind;

J. Paunch, stable and barn manure;

K. Effluent from septic tanks or dry wells;

L. Offal from slaughterhouses;

M. Dead animals or fowl or fish;

N. Sulphate or sulphite liquor.

(Ord. 6-1971 § 13)

13.08.140 Requirement of grease traps

Garages, service stations, and/or washracks of any kind, shall be equipped with suitable grease traps, approved after inspection by the City, before the same may be connected to the sanitary sewer system;

such grease traps shall be maintained by the operator of any such establishment in a manner so as to prevent grease, oil or sludge from entering the City sanitary sewer system. (Ord. 6-1971 § 14)

13.08.150 Industrial wastes

No statements contained in this chapter shall be construed as preventing any special agreement or arrangements between the City and any industrial concern whereby an industrial waste of unusual strength or characteristic may be accepted by the City, subject to payment therefor by the industrial concern. (Ord. 6-1971 § 15)

13.08.160 Payment and disposition of fees

The fees hereinabove provided for to be paid by any person, firm or corporation shall be paid to the City Recorder of said City and shall be deposited to the appropriate sewer fund of the City, as determined by resolution of the City Council to be used expressly for sewer purposes. (Ord. 6-1971 § 16)

13.08.170 Protection from damage

It is unlawful for any person, firm or corporation to maliciously or wilfully break, damage, destroy, obstruct, remove or in any way interfere with any manhole, tank flush, pumping station or other appurtenance or equipment which is a part of the sewer system of the City, whether located on private ground or on or under any street, sidewalk or elsewhere in the city and violation hereof shall make such person, firm or corporation subject to the penalties hereinafter set forth. (Ord. 6-1971 § 17)

13.08.180 The city engineer

Plumbing inspector or other duly authorized employee of the City, bearing proper credential and identification shall have the right to enter upon all properties

and premises receiving sanitary sewer service, at reasonable hours, for the purpose of inspection, observation and regulation of such pertinent provisions of this chapter and in accordance therewith. (Ord. 6-1971 § 18)

13.08.190 Connection date requirements-New structures

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes which shall hereafter the effective date of the ordinance codified in this chapter be constructed, converted to use as above defined, or annexed to the city and which are located within one hundred fifty (150) feet of an existing sanitary sewer shall install suitable toilet facilities and connect such facilities with the proper sewer in accordance with the provisions of this chapter within ninety (90) days after date of official notice by the City Recorder to do so. (Ord. 6-1971 § 19)

13.08.200 Violation-Penalty

Any person, firm or corporation violating any of the terms or provisions of this chapter commits a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 10-2012; Ord. 4-2006 § 20; Ord. 6-1971 § 20)

Chapter 13.12

SEWER SERVICE RATES AND CHARGES

Sections:

- 13.12.010 Monthly sewer service charge – Generally.**
 - 13.12.020 Customer classification criteria.**
 - 13.12.030 City Council authorized to amend classifications.**
 - 13.12.040 Establishment – Amendment – Where on file.**
 - 13.12.050 Late charge.**
 - 13.12.060 Meter installation required when.**
 - 13.12.070 Billing – Sewer maintenance fund.**
 - 13.12.072 Consumption Credit for Water Consumed in Products**
 - 13.12.075 Limitation on Credit or Rebate for Water Not Returned to System**
 - 13.12.080 Delinquent charges.**
 - 13.12.090 Enforcement and collection.**
 - 13.12.100 Use date.**
 - 13.12.110 Users agree to regulations.**
 - 13.12.120 Violation – Penalty.**
- 13.12.010 Monthly sewer service charge--Generally.**

There shall be assessed against the occupant/user of all houses, buildings or other properties used for human occupancy, employment, education, recreation or other purpose located within the city which are connected, or by law should be connected, to the Wood Village sanitary sewer system, a monthly charge, to be known as the sewer service charge, which shall be for the purpose of providing funds to meet the expenses incurred by the City for the treatment and disposal of sewage, the operation, maintenance and repair and improvement of such facilities and

administrative costs attendant thereto. (Ord. 3-1991 § 1)

13.12.020 Customer classification criteria

The monthly charge to the occupant/user as above indicated shall be based on the customer classification criteria set forth below, said classification method being considered the most equitable manner by which to allocate said operation, maintenance and administrative costs.

Customer Classifications:

A. Single-family residential user: the occupant of a residential dwelling unit designed for permanent occupancy by an individual or a single-family unit, which unit includes kitchen and bathroom facilities;

B. Multiple residential user: the occupant of a residential dwelling unit which includes kitchen and bathroom facilities within a residential dwelling designed for permanent occupancy by more than one individual or more than one single family, a hotel/motel;

C. Nonresidential user: includes the occupant/user of all structures, buildings and properties not included in the above definitions, including but not limited to, industrial and commercial buildings, public and private institutions and facilities, and agricultural structures;

D. Contract/seasonal user: a non-residential user who, because of a use pattern deviate from the norm of the otherwise pertinent classification requires special or peculiar attention thereto as far as use, treatment and other factors concerned. (Ord. 3-1991 § 2)

13.12.030 City Council authorized to amend classifications

The City Council shall have the right, by appropriate resolution, to enlarge or amend the number and/or classifications, provided, however, no occupant in any classification listed shall be billed for less than the minimum sewer service charge within the

specific related classification and the method for determining such charge shall be uniform and consistent. (Ord. 3-1991 § 3)

**13.12.040 Establishment Amendment-
Where on file**

The service charges for the use of the city sanitary sewer system shall be completed on a monthly basis and established by Council resolution following public hearing thereupon.

The monthly sewer service charges adopted by resolution of the City Council, may be increased or decreased from time to time, conditioned upon the amount of revenue necessary to maintain the Wood Village sanitary sewer system and the operation and administration thereof. The monthly charge may be based upon a fixed figure or a volume rate or a combination of the two. Any increase or decrease of said charge in any classification must be by resolution of the City Council following a public hearing. Current rate and charge schedules of the city sanitary sewer system shall be maintained on file at City Hall, and are available for inspection and review by any interested person. (Ord. 3-1991 § 4 (part)).

13.12.050 Late charge

The customer and owner of the property served shall each be responsible for payment of the service charges provided for by this section. A late charge as established by resolution of the City Council shall be added on all charges that are delinquent as outlined in section 13.04.240. (Ord. 3-1991 § 4(b))

**13.12.060 Meter installation required
when**

In the event any nonresidential user connected to the city's sanitary sewer system does not obtain the entire amount of water used upon the premises from the city, then and in that event, said user shall be required

to install a meter at their expense and make the same available to the City for reading to determine the amount of water actually used upon the premises in the event a portion of the monthly service charge is based upon a volume usage. In the event that water, of whatever origin, is used for the manufacture of commodities for sale, and said water does not reach the sewage system of the City at the point of manufacture, then and in that event, the flow into the sewer from the said point of manufacture shall be metered at the expense of the user, and the rate shall be based upon the applicable schedule as set forth herein. (Ord. 3-1991 § 4(c))

**13.12.070 Billing- Sewer maintenance
fund**

Sewer service charges shall be billed monthly, and are due upon receipt and such funds when collected, shall be placed in a separate fund known as the sewer maintenance fund or other appropriate title. Payment of the cost of sewage collection, treatment, maintenance of sewage facilities, repairs and administrative costs related thereto shall be made from said fund; capital expenses may also be paid from said fund. (Ord. 3-1991 § 4(d))

**13.12.072 Consumption Credit for
Water Consumed in
Products**

For all customer classifications where sanitary sewer billing is established based on water consumption, a consumption credit may be offered for water that is consumed as an integral part of a product sold or produced from the customer's location. Any customer seeking a consumption credit must establish that water is consumed in the product produced, is not returned to the sanitary sewer system and can be effectively measured. Credit may also be offered for water utilized for other processing uses, provided that any such water must have a method of measurement,

and it must be proven that such water does not return to the sanitary sewer system. The City Administrator, or his/her designated representative, may establish the method used to determine the quantity adjustments for water not returned to the sanitary sewer system. Once established, the credit method shall be provided continuously to the customer, provided however; should the customer fail to provide sufficient information, information in a timely manner, or change business practices in the use of water for processing purposes, the City Administrator or his/her designated representative may determine to limit or eliminate any such consumption credit for a period, or entirely. Decisions made by the City Administrator may be appealed to the City Council as provided in this code. (Ord. 11-2011)

13.12.075 Limitation on Credit or Rebate for Water Not Returned to System

A customer in a classification where sanitary sewer billing is established based on water consumption who has a leak or similar unusual water consumption for water and can demonstrate that the water has not been returned to the sanitary sewer system may request the City Administrator provide a credit or rebate of sanitary sewer fees to the customer as follows:

- A. The City Administrator will determine the amount of the credit or rebate based on the following considerations:
 - 1. Historic consumption for prior periods as compared to consumption during the period when the leak or unusual consumption occurred;
 - 2. Specific evidence of the leak or the cause of the unusual consumption;
 - 3. The sanitary sewer fee credit or rebate will be calculated

by subtracting the average water consumption during the prior period from the actual water consumption during the period of the leak or unusual consumption and then applying the volumetric portion of the applicable sanitary sewer rate to the difference in volume.

- B. The credit or rebate may be offered from the time of the leak or other cause for unusual consumption; however, in no event will the total credit or rebate be for a period greater than four (4) months.

For all active accounts, credit will be applied to future billing amounts. For accounts that are closing, changing ownership, or for some good reason cannot benefit from a credit, a direct refund shall be provided. (Ord. 11-2011)

13.12.080 Delinquent charges

A. Any charge not paid by the day and date established in the monthly billing calendar as adopted by the City Administrator or designated representative shall be delinquent. Delinquent accounts may be collected, water and sewage service discontinued, property liens as appropriate and late penalties imposed in the manner set forth in the City's water regulation ordinances. All billings for sanitary sewer service shall be made in conjunction with billings for water service and shall be due and payable and become delinquent in the same manner as the water service charges.

B. All monthly service charges not paid in accord with the monthly billing calendar and determined to be delinquent may draw interest as provided by law, or as established by resolution of the City Council. (Ordinance 3-1991 Section 4(e), 5; Ord 2-2013)

sewer system without reservation or qualification. (Ord. 3-1991 § 8)

13.12.090 Enforcement and collection

The City may enforce and collect delinquent sewer service charges, in addition to the manner provided by the City water ordinances, in any manner provided by Oregon law or the City Charter and may, with permission of the City Council, when appropriate, file a lien against the premises served as provided by law, the City Charter or City ordinances appertaining thereto. In addition, any delinquency may be certified to the tax assessor of Multnomah County for collection in the manner provided by law or may be recovered in an action at law by the City. (Ord. 3-1991 § 6)

13.12.100 Use date

When sewage disposal service has not been previously provided to a residence or other building or user within the city, the use date shall be considered to have commenced five days following the final inspection for connection of sewer made by the City or its agent, unless good cause be shown why this should not be the case. In all other cases, use shall be deemed to have commenced upon the date when water service is commenced, when applicable, or if not applicable, then in the discretion of the City Administrator or City employee assigned the task of determining the same. The decision of the City Administrator regarding use or commencement date shall be final, provided however, the City Council may at its option, review such determination and if so reviewed, its decision shall be final. (Ord. 3-1991 § 7)

13.12.110 Users agree to regulations

All applicants and users of the Wood Village sanitary sewer system shall by such application and/or use agree to be bound by the rules and regulations governing connections to and the use of the sanitary

13.12.120 Violation-Penalty

Violation of any provision of this chapter is a civil infraction subject to enforcement pursuant to Chapter 1.06 of the Code. (Ord. 10-2012; Ord. 4-2006 § 21; Ord. 3-1991 § 9)

Chapter 13.16

SEWAGE PRETREATMENT PROGRAM

Sections:

- 13.16.010 Definitions
- 13.16.020 Limitations on Waste Discharge Characteristics
- 13.16.030 Categorical Standards Compliance Deadline
- 13.16.040 Industrial Pretreatment Program Implementation Manual
- 13.16.050 Accidental discharges
- 13.16.060 Installation of Pretreatment Technology
- 13.16.070 Industrial user
- 13.16.080 Charges and fees
- 13.16.090 Industrial Wastewater Discharge Permits
- 13.16.100 Permit Application
- 13.16.110 Permit Conditions
- 13.16.120 Permit Modifications
- 13.16.130 Baseline Reports and Final Compliance Reports
- 13.16.140 Reports on Continued Compliance
- 13.16.150 Signatory and Certification of Reports
- 13.16.160 Monitoring Facilities
- 13.16.170 Right of Entry: Inspection and Sampling
- 13.16.180 Confidential Information
- 13.16.190 Emergency Suspension of Sanitary Sewerage Service and the Industrial Waste Discharge Permit
- 13.16.200 Revocation of Industrial Waste Discharge Permit and Termination of Wastewater Treatment Service
- 13.16.210 Remedies for Industrial User Noncompliance
- 13.16.220 Notice and Appeal for Denial, Suspension or Revocation of a Permit
- 13.16.230 Enforcement

- 13.16.240 Civil Administrative Penalties
- 13.16.250 Industrial Pretreatment Enforcement Response Plan
- 13.16.260 Levels of Civil Administrative Enforcement
- 13.16.270 Operating Upsets
- 13.16.280 Bypass
- 13.16.290 Prohibited Conduct
- 13.16.300 Records Retention
- 13.16.310 City Recovery of Costs
- 13.16.010 Definitions

In addition to the definitions set forth in Wood Village Municipal Code (WVMC)1.04.010, as used in this chapter, sanitary sewer, sewer, and wastewater have the same meaning. Unless the context requires otherwise, for purposes of Chapter 13.16 the following mean:

Act. The Clean Water Act (33 USC 1251 et seq.), as amended.

Actual Cost. Labor, materials, equipment, construction services, and administrative overhead.

Applicable Pretreatment Standards. Any federal, state or City discharge prohibition or standard, whichever is most stringent.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the limitations listed in the WVMC 13.16.040. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

Biochemical Oxygen Demand(BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty (20) degrees Centigrade, expressed in milligrams per liter. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".

Building Drain. That part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning five feet outside the building wall.

Building Service Lateral. A public sanitary sewer beginning at the property line or public easement line, and extending to the sanitary sewer main.

Building Sewer. A private sanitary sewer beginning five feet outside the building and extending to the property line or public easement line, connecting to the building service lateral.

Capital Improvements. Facilities or assets used for wastewater collection, transmission, treatment, and disposal.

Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users and which appears in 40 CFR Chapter I, Subchapter N, Parts 405-471, incorporated herein by reference.

Collector Sewer. The portion of the public sewerage system that is primarily installed to receive wastewater directly from individual residences and other individual public or private structures.

Combined Sewer. A sewer that is designed as both a sanitary and a stormwater sewer.

Customer/User. The owner, renter or lessee of property served by the sanitary sewerage system.

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Development. Any man-made change to improved or unimproved real property, including but not limited to construction, installation, or alteration of a building or other structure; condominium conversion; land division; establishment or termination of a right of access; storage on real property; tree cutting; drilling; and site alteration such as that due to land surface mining, dredging, grading, paving, excavation, or clearing.

Garbage. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Improvement Fee. A fee for costs associated with capital improvements to be constructed after the date the fee is adopted.

Industrial User. Any user of the sanitary sewerage system who is the source of a nondomestic discharge.

Industrial Wastes. Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.

Infiltration. The intrusion of groundwater into the sanitary sewerage system through defective pipes, pipe joints, connections or manholes in the sanitary sewerage system or building sewers.

Inflow. A direct flow of water other than wastewater that enters the sanitary sewerage system or building sewers from such sources as, but not limited to, roof leaders; cellar, yard, area, and foundation drains; uncontaminated or non-contact cooling water discharges; drains from springs and swampy areas; manhole covers; cross-connections from storm drains; catch basins; stormwaters; surface runoff; and street wash waters.

Interceptor (Trunk) sSewer. A sanitary sewer primarily intended to receive wastewater from a collector sewer, another interceptor sewer, an existing major discharge of raw or inadequately treated wastewater, or a water pollution control facility.

Interference. Discharge by an industrial discharger which, alone or in conjunction with discharges by other sources, inhibits or disrupts the wastewater treatment plant; its treatment processes or operations; or its sludge processes, use or disposal; and

(1) causes a violation of any requirement of the NPDES permit including an increase in the magnitude or duration of a violation; or

(2) causes the sludge or sludge disposal to violate any of the following requirements:

(a) state or local regulations,

(b) permits, or

(c) the following statutory provisions and regulations or permits issued thereunder:

(i) Section 405 of the Clean Water Act,

(ii) the Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), or

(iii) state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA, the Clean Air Act, the Toxic Substance Control Act and the Marine Protection, Research and Sanctuaries Act.

Land Area. 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.

Milligram per liter (mg/L). A weight-to-volume ratio. The milligram per liter value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water. "Milligram per liter" shall be considered as equivalent to parts per million (ppm).

Multi-family. Any building, group of buildings, housing complex or manufactured home park that contains four or more dwelling units.

National Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by EPA under Section 307(b) and (c) of the Act applicable to industrial users, including the general and specific prohibitions found in 40 CFR 403.5.

Natural Waters. Any watercourse, stream, creek, pond, ditch, lake, or other body of surface water or groundwater that supports wildlife or serves as a source of drinking water for humans or animals, or any water that may be hydrologically connected to such waters.

New Source.

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act. The Pretreatment Standards will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(a) the building, structure, facility or installation is constructed at a site at which no other source is located, or

(b) the building, structure, facility or installation completely replaces the process or production equipment that causes the discharge of pollutants at an existing source, or

(c) the production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1)(b) and (1)(c) of this section but otherwise alters, replaces or

adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) begun, or caused to begin as part of a continuous on-site construction program;

(i) any placement assembly or installation of facilities or equipment, or

(ii) significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly, installation of new source facilities or equipment, or

(b) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Nondomestic Discharge. The discharge or the introduction of pollutants into the sanitary sewerage system from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

Non-Significant Industrial User. Any user which provides a service or one connected with commerce which is not classified as a Significant Industrial User.

NPDES. National Pollutant Discharge Elimination System permit program of the U.S. Environmental Protection Agency.

O & M (Operation and maintenance). Activities required to ensure the dependable

and economical functioning of the sanitary sewerage system.

(1) Maintenance. The preservation of the functional integrity and efficiency of the sanitary sewerage system. This includes preventive maintenance, corrective maintenance, and the replacement of any portion of the sanitary sewerage system.

2. Operation. The control of the unit processes and equipment that make up the sanitary sewerage system. This includes keeping financial and personal management records, laboratory control, process control, safety and emergency operation planning, employment of attorneys and consultants, payment of court costs, and payment of any costs or fees reasonably associated with any of the above.

Oils and Grease. Any oil and/or greases of mineral or petroleum origin.

Other Wastes. Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and other substances except sewage and industrial wastes.

Parcel of Land. 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 ordinance.

Pass Through. Discharge that exits the Gresham wastewater treatment plant into the waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Gresham's NPDES permit (including an increase in the magnitude or duration of a violation).

pH. The logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pollutant. Any substance discharged into the sanitary sewerage system, except water, including any items identified in a resolution adopted by Council.

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants properties in wastewater to a less harmful state prior to or instead of discharging or otherwise introducing such pollutants into the sanitary sewerage system.

Pretreatment Requirement. Any substantive or procedural requirements related to pretreatment, other than categorical standards and prohibitive discharge standards, imposed on an Industrial User.

Private Wastewater Disposal System. A privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Properly Shredded Garbage. The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the sanitary sewer, with no particle being greater than one-half inch in any dimension.

Public Sanitary Sewer. Any sanitary sewer owned, operated and maintained by the public.

Qualified Public Improvements. A capital improvement that is required as a condition of development approval, identified in the plan adopted pursuant to WVMC 13.16.250, and either:

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

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

Reimbursement Fee. A fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted for which capacity exists.

Renewal. Any application to validate an expired or voided permit.

Replacement. Obtaining and installing equipment accessories or appurtenances that are necessary during the design or useful life, whichever is longer, of the sanitary sewerage system to maintain the capacity and performance for which the system is designed and constructed.

Sanitary Sewer. A pipe or conduit for carrying sewage and industrial wastes.

Sanitary Sewer Connection. A connection of the building service lateral to the sewer main or a connection of the building sewer to the building service lateral.

Sanitary Sewer Connection Charges. All charges required for the right to connect to the sanitary sewerage system including sanitary sewer inspection fees, system development charges, and public wastewater facility charges.

Sanitary Sewer Main. A public sanitary sewer that collects all of the building service laterals and transmits wastewater.

Sanitary Sewerage System. All publicly owned facilities for collecting, pumping, treating, and disposing of wastewater.

Sewage. Water-carried wastes from residences, business buildings, institutions, and industrial establishments, except industrial wastes.

Significant Industrial User. Any Industrial User of the sanitary sewerage system who:

(1) Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N, except as provided in (1)(a) of this definition.

(a) The City Administrator may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and CFR Chapter 1, Subchapter N, is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(i) the Industrial User, prior to the City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(ii) the Industrial User annually submits the certification statement required in 40 CFR 403.12(a) together with any additional information necessary to support the certification statement; and

(iii) the Industrial User never discharges any untreated concentrated wastewater.

(2) has a non-domestic flow of 25,000 gallons or more per average workday;

(3) contributes more than five percent of the average dry weather hydraulic, organic, or solids handling load to the sanitary sewerage system; or

(4) is determined by the City Administrator to have a reasonable potential for adversely affecting the wastewater treatment facility's operation by either upset, inhibition, pass through of pollutants, sludge contamination, or other means, or for violating a pretreatment standard or requirement.

Significant Noncompliance (SNC).

(1) A Significant Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

(a) chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a 6 month period exceed (by any magnitude) numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1);

(b) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a 6 month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(c) any other violation of a pretreatment Standard or Requirement, as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the City Administrator believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of

sanitary sewerage system personnel or the general public);

(d) any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City Administrator's exercise of their emergency authority to halt or prevent such a discharge;

(e) failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) failure to accurately report noncompliance; or

(h) any other violation or group of violations, including a violation of Best Management Practices, that the City Administrator determines will adversely affect the operation or implementation of its pretreatment program.

(2) An Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

(a) any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit or narrative standard) that the City Administrator determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of sanitary sewerage system personnel of the general public);

(b) any discharge of a pollutant that had caused imminent endangerment to human health, welfare or to the environment or has resulted in the City Administrator's exercise of their emergency authority to halt or prevent such a discharge; or

(c) any other violation or group of violations, including a violation of Best Management Practices, that the City Administrator determines will adversely affect the operation or implementation of its pretreatment program.

Slug Discharge. Any discharge to the sanitary sewerage system of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the City's regulations, local limitations, or Permit conditions.

Standard Methods". The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Association.

Storm Drain. A pipe or conduit which carries storm and surface waters, but excludes sewage and industrial wastes, other than unpolluted water.

Surcharge. The charge in addition to the user charge which is charged to those customers whose wastes are greater in strength than the concentration values established by the City.

Suspended Solids. Solids that either float on the surface of or are suspended in wastewater which are removable by laboratory filtering. Quantitative determination of suspended solids is made in

accordance with procedures set forth in "Standard Methods".

System Development Charge. A reimbursement fee, an improvement fee or a combination of fees 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 connection to the capital improvement. System development charge includes that portion of a sewer system connection charge that is greater than the amount necessary to reimburse the City for its average cost of inspecting and installing connections with water and sewer facilities. System development charge does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.

Toxic Pollutants. Those pollutants, or combination of pollutants, including disease-causing agents, that after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the City Administrator, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), or physical deformations, in such organisms or their offspring. "Toxic pollutants" include those substances listed in the federal priority pollutant list and any other pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to Section 307 of the Act (33 USC 1317).

Unpolluted Water or Liquids. Any water or liquid containing none of the following: free or emulsified grease or oil; acids or alkalis; substances that may impart taste, odor or color characteristics; toxic or poisonous substances in suspension, colloidal state, or solution; odorous or otherwise obnoxious gases. It shall contain no more than 1.0 milligrams per liter each of suspended solids or biochemical oxygen demand. Analytical determinations shall be made in accordance with procedures set forth in Standard Methods.

Upset. An exceptional incident in which a discharge unintentionally and temporarily is in a state of noncompliance with Categorical Pretreatment Standards due to the factors beyond the reasonable control of the industrial user, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

User Charge. A charge paid by a customer of the sanitary sewerage system for the customer's proportionate share of the cost of operation and maintenance, including replacement, of the system.

Wastewater. Water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

Wastewater Treatment Plant. The arrangement of devices and structures used for treating wastewater.

Watercourse. A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 3-2009; Ord. 4-2003)

13.16.020 Limitations on Wastewater Discharge Characteristics

(1) Categorical Standards.

All dischargers shall meet the supplementary limitations (Subsection E) and where applicable, Categorical Standards.

(2) State Requirements.

State requirements and limitations on discharges into the sanitary sewer system apply in any case where they are more stringent than federal requirements and limitations or those in this code.

(3) Right of Revision.

The City reserves the right to amend this chapter to provide for more stringent limitations or requirements on discharges to the sanitary sewerage system if necessary to comply with the objectives of the federal general pretreatment regulations.

(4) Dilution.

No Industrial User may increase the use of potable or process water in any way, for the purpose of diluting wastewater to achieve compliance with the standards set forth in this code.

(5) Local Limitations.

No Industrial User may discharge wastewater containing concentrations of the following materials, exceeding the follow

Pollutant¹ **Maximum
Daily Maximum
Limit**

	(Mg/L)
Arsenic (As)	.48
Cadmium (Cd)	.50
Chromium (Cr)	1.58
Copper (Cu)	2.00
Cyanide (CN)	1.00
Lead (Pb)	1.00
Mercury (Hg)	0.10
Molybdenum (MO)	6.58
Oil and Grease	100
Nickel (Ni)	3.00
Selenium (Se)	4.48
Silver (Ag)	1.00
Zinc (Zn)	4.00

¹ Limits established for total metals and total cyanide.

² Oil and Grease limit is for total non-polar oils; petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin.

(6) Additional Limitations.

The City Administrator may apply best professional judgment (BPJ) and impose technical or performance based pollutant concentrations and Best Management Practices, in addition to limits specified in subsection E of this section above, on Industrial Users. The City Administrator may impose flow (gallons per day), mass (pounds per day), pH, and/or temperature limitations on Industrial Users. The City Administrator may impose categorical equivalent mass or equivalent concentration limits pursuant to 40 CFR 403.6(c).

(7) The prohibitions of Section 13.16.030 are incorporated into Chapter 13.16 by this reference and may be enforced, pursuant to this Chapter, against users subject to Chapter 13.16. (Ord. 3-2009; Ord. 2-2003)

**13.16.030 Categorical Standards
Compliance Deadline**

(1) Existing Sources.

Compliance by existing sources with Categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR chapter 1, subchapter N. Existing sources which become Industrial Users subsequent to promulgation of an applicable Categorical Pretreatment Standard shall be considered existing Industrial Users except where such sources meet the definition of a New Source.

(2) New Sources.

New Sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Within the shortest feasible time (not to exceed 90 days), New Sources shall meet all applicable Pretreatment Standards.

**13.16.040 Industrial Pretreatment
Program Implementation Manual**

The City Administrator may adopt an "Industrial Pretreatment Program Implementation Manual" to carry out the provisions of Chapter 13.16 and all aspects of the industrial pretreatment program. (Ord. 2-2003)

13.16.050 Accidental Discharges

(1) Each Industrial User shall provide protection from accidental discharge of prohibited or regulated materials or other substances as established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the

Industrial User's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City Administrator for review, and shall be approved by the City Administrator before construction of the facility. Industrial Users shall complete the accidental discharge plan meeting the requirements of 40 CFR 403.8(f)(2)(vi) and submit the plan to the City Administrator within ninety (90) days of being notified. Review and approval of such plans and operating procedures by the City Administrator shall not relieve the Industrial User from the responsibility to modify its facility as necessary to meet the requirements of the chapter.

(2) Industrial Users shall notify the City Administrator immediately upon the occurrence of a slug or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date and time of the discharge, description of the waste, concentration and volume, and corrective actions. Within five days following an accidental discharge the user shall submit to the City Administrator a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the sanitary sewerage system, fish kills, or any other damage to person or property; nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(3) Signs shall be permanently posted in conspicuous places on the Industrial User's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such

a discharge with respect to emergency notification procedures.

13.16.060 Installation of Pretreatment Technology

(1) Industrial Users shall provide wastewater treatment, including pretreatment technology, devices and facilities, as necessary to comply with this chapter and shall achieve compliance within the time limitations specified by EPA, DEQ, or the City Administrator, whichever is more stringent, to meet requirements of this chapter, including:

(a) limitations on wastewater discharge characteristics;

(b) general discharge prohibitions into the sanitary sewerage system;

(c) industrial waste discharge permit requirements, where applicable;

(d) all categorical pretreatment standards.

(2) Any pretreatment devices and facilities necessary for compliance shall be provided, operated and maintained at the user's expense.

(3) Detailed plans describing such devices and facilities and the operating procedures for such shall be submitted to the City Administrator for review and shall be acceptable to the City Administrator before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities or devices as necessary to produce a discharge acceptable to the City under the provisions of this chapter.

(4) Pretreatment devices and facilities shall be located so as to be readily and easily

accessible for cleaning, maintenance, and inspection.

13.16.070 Industrial User

(1) If any sampling by an Industrial User indicates a violation of its industrial waste discharge permit or any provision of this chapter, the Industrial User shall notify the City Administrator within twenty-four (24) hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit results of the repeat analysis and corrective actions required to prevent recurrence of the violation to the City Administrator within 30 days.

(2) All Industrial Users shall notify the City Administrator prior to any substantial changes in volume or character of pollutants in their discharges, including hazardous wastes.

C. All Industrial Users shall notify the City Administrator, the EPA Regional Waste Management Division Director, and the Oregon Department of Environmental Quality in writing of a substance, which if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

13.16.080 Charges and Fees

The Council shall adopt by resolution charges and fees to compensate the City for the cost of administration of the pretreatment program. These charges and fees may include:

(1) Fees for monitoring, inspections and surveillance procedures.

(2) Fees for Industrial Waste Discharge Permits, including:

(a) new permit;

(b) permit renewal;

(c) annual permit; and

(d) permit modification (where requested by the Significant Industrial User).

(3) Fees for filing appeals.

(4) Fees for non-return of preliminary reports required by Chapter 13.16.090(2) (Ord. 2-2003)

13.16.090 Industrial Waste Discharge Permits

(1) Significant Industrial User Permits.

All Significant Industrial Users proposing to connect to or to discharge wastewater to the sanitary sewerage system shall obtain an industrial waste discharge permit before connecting to or discharging to the sanitary sewerage system.

(2) Non-Significant Industrial User Permits

The City Administrator may issue a Non-Significant Industrial Waste Discharge Permit for users that meet the definition of a Non-Significant Industrial User. A permit may include but not be limited to self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements may include an identification of pollutants monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law.

(3) Non-Significant Categorical Industrial Permits

The City Administrator may issue a Non-Significant Categorical Industrial Waste Discharge Permit for users meeting the definition of a Non-Significant Categorical User when deemed such level of control is protective of the public sanitary sewer system. A permit may include but not

be limited to self-monitoring, sampling, reporting, notification, and record keeping requirements.

(4) Preliminary Report.

The City Administrator may request information from all Industrial Users to determine if the Industrial User is a Significant Industrial User, Non-Significant Industrial User, Non-Significant Categorical Industrial User. The Industrial Users shall provide the information within 60 days of the date the City Administrator requests the information.

13.16.100 Permit Application

(1) Industrial Users shall file with the City Administrator an Industrial Waste Discharge permit application in the form prescribed by the City Administrator.

(2) Non-permitted, existing Industrial Users shall apply for an Industrial Waste Discharge permit within 60 days after being notified by the City Administrator.

(3) Renewals.

Existing permitted Industrial Users shall reapply at least 90 days before the expiration date of their Industrial Waste Discharge Permit.

(4) Modifications

(a) Existing permitted Industrial Users proposing facility expansion, production increase or process modification which may result in a change in the character of pollutants to be discharged or which may result in new or increased discharge which may exceed the condition of their permit, shall apply for a new permit at least 90 days prior to changing the discharge to the sanitary sewerage system.

(5) Proposed new Industrial Users shall apply at least 90 days prior to connecting to the sanitary sewerage system.

(6) The applicant for a permit shall provide the following information:

(a) Name, address and location of the Industrial User.

(b) Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Office of Management and Budget, 1987, as amended and the North American Industry Classification System (NAICS) number according to the NAICS Manual.

(c) Wastewater constituents and characteristics including but not limited to those mentioned in this chapter. Sampling and analysis shall be performed in accordance with Section 13.16.140.

(d) Time and duration of discharges.

(e) Average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations. All flows shall be measured unless other verifiable techniques are approved by the City Administrator due to cost or non-feasibility.

(f) Site plans, floor plans, mechanical and plumbing plans and details to show all building sewers, sanitary sewer connections, inspection manholes, sampling chambers, and appurtenances by size, location and elevation.

(g) Description of activities, facilities, and plant processes on the premises including all materials that are or may be discharged to the sanitary sewerage system.

(h) For existing plants at time of adoption of ordinance codified in this chapter, the nature and concentration of any pollutants or materials prohibited by this

chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis and if not, whether additional operation and maintenance activities and additional pretreatment is required for the Industrial User to comply with this chapter.

(i) Where additional pretreatment and operation and maintenance activities will be required to comply with this chapter, the Industrial User shall provide a declaration of the shortest schedule by which the Industrial User will provide such additional pretreatment and implementation of additional operational and maintenance activities. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and others).

(2) No increment referred to in paragraph (i)(1.) may exceed nine months,

(3) Not later than 14 days following each date in the schedule and the final date for compliance the Industrial User shall submit a progress report to the City Administrator, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken

by the Industrial User to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the City Administrator.

(j) Disclosure of the type and amount of raw materials utilized by the Industrial User (average and maximum per day).

(k) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on WVMC 13.16.140 (k).

(l) Permit applications shall be signed by a principal executive officer of the Industrial User or per WVMC 13.16.150(2), and a qualified engineer where required.

(m) The permit application shall include the certification statement of WVMC 13.16150(1)

(7) The City Administrator will evaluate the complete application and data furnished by the Industrial User and may require additional information prior to granting or denying an Industrial Waste Discharge Permit. (Ord. 2-2003)

13.16.110 Permit Conditions

(1) Industrial Users shall be subject to the terms and conditions of their Industrial Waste Discharge Permit.

(2) Industrial Waste Discharge Permits shall contain the following terms and conditions:

(a) limits, including Best Management Practices, on the average and maximum wastewater constituents and characteristics;

(b) limits on average rate, maximum rate, and time of discharge or requirements for flow regulations and equalization. The

Industrial User shall notify the City Administrator within two business days after the Industrial User has a reasonable basis to know that the equivalent mass or concentration limits will significantly change within the next calendar month;

(c) requirements for installation and maintenance of inspection and sampling facilities;

(d) specifications for monitoring programs which may include sampling locations; frequency of sampling; number, types and standards for tests; and reporting schedule;

(e) compliance schedules, including effective date and final compliance date;

(f) requirements for reports on continued compliance as provided in Section 13.16.140, and submission of special technical reports or discharge reports;

(g) a statement that the Industrial User shall notify the City if the Industrial User discovers, through its own sampling, violations of limitations on the wastewater strength or permit standards; and

(h) a requirement to control Slug Discharges, to notify the City Administrator immediately of any changes at its facility affecting potential for a Slug Discharge and to develop a slug control plan or other action, if the City Administrator determines that such a plan or action is necessary as required by 40 CFR 403.8(f)(2)(vi).

(i) Permit Duration. Industrial Waste Discharge Permits shall be issued for a period not to exceed five years, subject to amendment or revocation as provided in this chapter, except that the City Administrator may administratively extend an existing permit during the permit renewal process.

(j) Limitations on Permit Transfer. Industrial Waste Discharge Permits are issued to a specific Industrial User for a specific operation and are non-transferable without, at a minimum, prior notification to the City Administrator and prior written approval of the City Administrator.

(i) If prior written approval for permit transfer is granted, a copy of the existing permit or a new permit, if required, will be issued to the new owner or operator.

(ii) Industrial Waste Discharge Permits are issued for a specific location and are not transferable to any other location.

(k) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, Gresham Revised Code, or the Industrial Waste Discharge Permit requirements;

(l) Recordkeeping requirements;

(m) Other conditions necessary to achieve the requirements of this chapter, as determined by the City Administrator. (Ord. 3-2009)

13.16.120 Permit Modifications

(1) Permit conditions included in an Industrial Waste Discharge Permit shall remain in effect for the permit until it expires, except that the permit conditions may be revised from time to time as the City Administrator deems necessary to effectively manage industrial waste discharges. If the permittee wishes to exceed any conditions of its permit, the permittee shall apply for a new permit.

(2) After the promulgation of the Categorical Pretreatment Standards, the Industrial Waste Discharge Permit of each Industrial User subject to the standards shall be revised to require compliance with the standards. The City Administrator may

amend the Industrial Waste Discharge Permit to assure compliance with applicable laws and regulations.

13.16.130 Baseline Reports and Final Compliance Reports

Baseline reports and Final Compliance reports, where required, shall be submitted to the City Administrator in a form prescribed by the City Administrator. Baseline reports and Final Compliance reports shall be submitted within the time limitations and shall contain, at a minimum, information and certifications, as required under 40 CFR 403.12.

13.16.140 Reports on Continued Compliance

(1) Industrial Users shall submit to the City Administrator periodic reports on continued compliance. Monitoring, Sampling Information, and Reporting Requirements shall be reported, as specified by the City Administrator. Reports shall be made on a form approved by the City Administrator.

(2) Industrial Users subject to an applicable pretreatment standard set forth in this Chapter, after the compliance date of that pretreatment standard, or, in the case of a new Industrial User, after commencement of the discharge to the city, shall submit to the City Administrator, monthly (or other frequency as specified by the City Administrator), a report indicating the nature and concentration of prohibited or regulated substances in the wastewater which are limited by the pretreatment standards, this Chapter, or the user's wastewater discharge permit. In addition, this report shall include a record of all measured average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement. In cases where the pretreatment standard or local limitation

requires compliance with a Best Management Practice (or pollution prevention alternative), the Industrial User shall submit documentation required by the City Administrator of the pretreatment standard necessary to determine the compliance status of the Industrial User.

(3) Reports of Industrial Users shall contain all results of sampling and analysis of the discharge, including the flow, description, nature and concentration of pollutants, or mass where required by the City Administrator. The frequency of monitoring by the Industrial User shall be as prescribed in the Industrial Waste Discharge Permit. If an Industrial User monitors more frequently than required by its Industrial Waste Discharge Permit, the Industrial User shall notify the City Administrator of the results of all such monitoring according to the reporting requirements of the user's Industrial Waste Discharge Permit.

(4) Samples collected to satisfy reporting requirements shall be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in Section (b) and (c) below, the Industrial User shall collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City Manager. Where time-proportional composite sampling or grab sampling is authorized by the City Administrator, the samples shall be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total

phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City Administrator, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in WVMC 13.16.130, a minimum of four (4) grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City Administrator may authorize a lower minimum. For the reports required by WVMC 13.16.140(1), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

(d) All effluent analysis conducted for reports required by this chapter, except pH, shall be performed by an accredited environmental laboratory.

(5) Significant industrial users shall submit to the City Administrator reports on continued compliance no less than once each six months. Categorical SIUs shall submit to the City Administrator reports on continued compliance in the months of June and December, unless required more frequently in the pretreatment standard or by EPA, DEQ, or the user's Industrial Waste

Discharge Permit. The City Administrator may alter the months for which CIUs continued compliance reports are to be submitted.

(6) Annual certification by the Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User pursuant to 40 CFR 403.3(v)(2) shall annually submit the certification statement in 40 CFR 403.12(q) signed in accordance with the signatory requirements in WVMC 13.16.150. This certification shall accompany any alternative report required by the City Administrator. (Ord. 3-2009)

(7) An Industrial User subject to a Categorical Pretreatment Standard may apply for and obtain a waiver to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

(a) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process wastewater.

(b) The monitoring waiver is valid only for the effective period of the Industrial Waste Discharge Permits, but in no case longer than 5 years. The Industrial User shall submit a new request for the waiver before the waiver can be granted for each

subsequent Industrial Waste Discharge Permit.

(c) In making a demonstration that a pollutant is not present, the Industrial User shall provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(d) The request for a monitoring waiver shall be signed in accordance with WVMC 13.16.150 (2) and include the following certification statement:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR___(specify applicable National Pretreatment Standard part(s)). I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since the filing of the last periodic report under WVMC 13.16.140(7)(d).

(e) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(f) Any grant of the monitoring waiver by the City Administrator shall be included as a condition in the Industrial User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver shall be maintained by the City for 3 years after expiration of the waiver.

(g) Upon approval of the monitoring waiver and revision of the Industrial User's permit

by the City Administrator, the Industrial User shall certify on each report with the statement in WVMC 13.16.140(7)(d), that there has been no increase in the pollutant in its waste stream due to activities of the Industrial User.

(h) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the Industrial User's operations, the User shall immediately: comply with the monitoring requirements of WVMC 13.16.140(1), or other more frequent monitoring requirements imposed by the City Administrator, and notify the City Administrator.

(i) This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

13.16.150 Signatory and Certification of Reports

Industrial Waste Discharge Permit Applications, Baseline reports, Final Compliance reports (90-Day Compliance Reports), Continued Compliance reports, and other required reports shall:

(1) Contain the following certification statement:

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

penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations; and

(2) Be signed by a responsible corporate officer, by a general partner or proprietor, or by a duly authorized representative of the Industrial User, as defined under 40 CFR 403.12(1).

13.16.160 Monitoring Facilities

(1) Each Industrial User shall provide and operate at the Industrial User's own expense a monitoring facility to allow inspection, sampling, and flow measurement of each pipe or conduit which discharges to the sanitary sewerage system. Each monitoring facility shall be situated on the Industrial User's premises. When such a location would be impractical or cause undue hardship on the Industrial User, the City Administrator may allow the facility to be constructed in the public right-of-way if the facility is located so that it will not be obstructed by landscaping or parked vehicles. The Industrial User shall pay all costs associated with such alternate location.

(2) There shall be ample room in or near the sampling facility to allow accurate sampling and preparation of samples for analysis. The sampling facility, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Industrial User.

(2) All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed no later than 120 days of the Industrial User being notified by the City Administrator.

13.16.170 Right of Entry: Inspection and Sampling

(1) The City Administrator shall have the right to enter the premises of any Industrial User to determine whether the Industrial User is complying with all requirements of this chapter and any Industrial Waste Discharge Permits or order issued hereunder. Users shall allow the City Administrator ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where an Industrial User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The City Administrator shall have the right to set up on the Industrial User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

(c) The City Administrator may require the Industrial User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated per manufacturer's recommendations or more frequently as required to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly

removed by the Industrial User at the written or verbal request of the City Administrator and shall not be replaced. The costs of clearing such access shall be borne by the User.

(e) The Industrial User shall not cause unreasonable delays in allowing the City Administrator access to the User's premises.

(2) If the Industrial User refuses to provide the City Administrator access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the City Administrator is authorized to obtain an administrative inspection warrant and enter the premises in accordance with WVMC 13.16.230-260.

13.16.180 Confidential Information

(1) Information and data on a user obtained by the City Administrator from reports, questionnaires, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the City Administrator's inspection and sampling activities, shall be available to the public without restriction, unless the Industrial User specifically requests in writing that it be confidential and demonstrates to the satisfaction of the manager that the release of such information would divulge information, processes, or methods of production entitled to protection as provided by federal or state law. Any such request shall be asserted at the time of submission of the information or data in accordance with the City's established confidentiality procedures. Wastewater constituents and characteristics and other

"effluent data" as defined by federal law will not be recognized as confidential information and will be available to the public without restriction.

(2) When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the NPDES permit, or pretreatment programs and in enforcement proceedings involving the person furnishing the report. (Ord. 3-2009)

13.16.190 Emergency Suspension of Sanitary Sewerage Service and the Industrial Wastewater Discharge Permit

(1) The City Administrator may suspend an Industrial User's sanitary sewerage service or suspend an Industrial User's Industrial Waste Discharge Permit when it appears to the City Administrator that an actual or threatened discharge:

(a) presents or may present an imminent or substantial danger to public health and safety,

(b) presents or may present substantial danger to the environment,

(c) interferes or may interfere with the operation of the sanitary sewerage system, or

(d) violates or may violate any pretreatment limits imposed by this chapter or any Industrial Waste Discharge Permit issued under this chapter.

(2) Any Industrial User notified of the suspension of sanitary sewerage service or the Industrial User's Industrial Waste Discharge Permit shall within a reasonable period of time, as determined by the City

Administrator, cease all discharges. If the Industrial User to comply voluntarily with the suspension order within the specified time, the City Administrator shall take such steps necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sanitary sewerage system or danger to any individuals. The City Administrator shall reinstate the Industrial Waste Discharge Permit and the wastewater treatment service upon proof by the Industrial User of the elimination of the non-complying discharge.

13.16.200 Revocation of Industrial Waste Discharge Permit and Termination of Wastewater Treatment Service

The City Administrator may revoke the Industrial Waste Discharge Permit of any Industrial User for any of the following reasons:

- (1) failure to factually report the wastewater constituents and characteristics of its discharge;
- (2) failure to report significant changes in operations, or wastewater constituents and characteristics;
- (3) refusal of reasonable access to the industrial user's premises for the purpose of inspection or monitoring; or
- (4) violation of conditions of its permit.

13.16.210 Remedies for Industrial User Noncompliance

Whenever the City Administrator finds that any Industrial User has engaged in conduct which justifies revocation of an Industrial Waste Discharge Permit, pursuant to Section 13.16.220, the City Administrator may obtain remedies for noncompliance by any Industrial User as described in the

Industrial Pretreatment Enforcement Response Plan.

13.16.220 Notice and Appeal for Denial, Suspension or Revocation of a Permit

(1) Upon denial, suspension or revocation of an Industrial Waste Discharge Permit, the City Administrator shall give notice of such action to the permit holder in writing. Such notice shall include the following:

- (a) a statement explaining the action taken,
- (b) the reasons for the action,
- (c) the date the decision becomes effective, and
- (d) the opportunity to protest the decision as set forth in WVMC 1.06.035(D.-H.).

(2) Notice of denial, revocation or suspension of any permit issued pursuant to this chapter, shall be sent by regular and certified mail, return receipt requested. In the event the suspension or revocation is effective immediately, notice shall also be delivered by posting it on the property at the location listed on the permit application.

(3) Unless otherwise provided the action shall be effective 10 days after the date of the notice.

(4) Any permit applicant or holder aggrieved by a denial, suspension, revocation, or non-renewal of a license or permit regulated under this section, may protest such action to a hearings officer pursuant to WVMC 1.06.035(D.-H.).

(5) Unless otherwise provided, submitting a protest of a revocation or suspension of a permit shall stay the effectiveness of the suspension or revocation until the protest hearing is held and the hearings officer issues a decision.

(6) A permit may be suspended in the event of an imminent threat to public health and safety and in circumstances in which it is necessary to take immediate action in order to prevent serious harm. Suspension under this section is effective upon the date the notice is posted on the property. Subsection (5), above, does not apply to suspensions under this section.

13.16.230 Enforcement

(1) When the City Administrator finds that an Industrial User has violated, or continues to violate, any provision of this chapter, rules adopted hereunder, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City Administrator may:

(a) take civil administrative actions, as set out in the Industrial Pretreatment Enforcement Response Plan, adopted under the authority of Section 13.16.250;

(b) issue compliance orders;

(c) cause a petition to be filed in the appropriate state or federal court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance or any rule adopted hereunder on activities of the user. The City Administrator may also seek other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user;

(d) cause an appropriate action to be instituted in a court of competent jurisdiction; or

(e) suspend or revoke a permit in accordance with WVMC 13.16.190 and 13.16.200.

(f) Take other action the City Administrator deems appropriate.

(2) Annual Publication. A list of all Industrial Users that were in significant noncompliance of applicable pretreatment standards or pretreatment requirements during the 12 previous months shall be annually published by the City Administrator in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the City Administrator.

(3) Reports. If any Industrial User fails, upon demand by the City Administrator, to supply up-to-date, accurate and complete self-monitoring reports and records as required in Section 13.16.140, the City Administrator, at their discretion, may consider the Industrial User's monthly discharge to be the Industrial User's water consumption. (Ord. 3-2009)

13.16.240 Civil Administrative Penalties

Violations of this chapter, the requirements of a wastewater discharge permit, or the requirements of a wastewater discharge permit, or the requirements of an order issued under this chapter, may result in assessment of civil administrative penalties subject to enforcement pursuant to Chapter 1.06 of the Code or the City Administrator may initiate any other enforcement action as outlined in this chapter and in the Enforcement Response Plan. Failure to pay a civil administrative penalty within 30 days following a final determination regarding the penalty is grounds for permit revocation or termination of an Industrial User's discharge. In addition to the civil administrative penalties, the City Administrator may recover other costs

associated with the enforcement activities, including sampling and monitoring expenses. (Ord. 4-2006 § 22)

13.16.250 Industrial Pretreatment Enforcement Response Plan

(1) The Council may adopt by resolution an “Industrial Pretreatment Enforcement Response Plan” (Enforcement Response Plan) which shall describe the enforcement procedures that may be used to carry out the provisions of this chapter. The City Administrator may approve an “Enforcement Response Guide” to carry out the provisions of the Enforcement Response Plan.

(2) The Enforcement Response Plan shall describe in detail the system of escalating levels of civil administrative penalties described in Section 13.16.180. (Ord. 2-1996 § 7; Ord. 3-1993 § 13; Ord. 3-1987 § 15)

(3) A person challenging an enforcement decision pursuant to WVMC 13.16.230-250 may protest the enforcement decision to a hearing officer pursuant to WVMC 1.06.035(D.-H.).

13.16.260 Levels of Civil Administrative Enforcement

(1) There are three levels of civil administrative enforcement.

(a) Level I Procedures. This level of civil administrative enforcement applies to Industrial Users in violation of this chapter or their discharge permits, but not in significant noncompliance (SNC).

(b) Level II Procedures. This level of civil administrative enforcement applies to Industrial Users in significant noncompliance (SNC) and may apply to Industrial Users with repeated or intentional

violations of this chapter or their discharge permits.

(c) Level III Procedures. This level of civil administrative enforcement applies to Industrial Users that have not responded to previous enforcement action or to severe or willful violations of the requirements of this chapter.

(2) Alternative Enforcement. This section does not limit the City Administrator’s authority to take any other enforcement action against an Industrial User as provided by the Code. The City Administrator may follow the provisions of this section and at any time abandon these provisions and proceed with any other enforcement actions provided in the code.

13.16.270 Operating Upsets

(1) Any Industrial User which experiences an upset in operations which places the Industrial User in a temporary state of noncompliance with the requirements of this chapter or an Industrial Waste Discharge Permit shall inform the City Administrator as soon as possible, but no later than 24 hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the Industrial User with the City Administrator within five days. The report shall specify:

(a) description of the upset, the cause of the upset and the upset’s impact on an Industrial User’s compliance status;

(b) duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur;

(c) all steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance; And

(d) provide evidence that the facility was at the time of the upset being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

(2) A documented and verified operating upset shall be an affirmative defense to any enforcement action brought by the City Administrator against an Industrial User for noncompliance with Categorical Pretreatment Standards, which arises out of violations alleged to have occurred during the period of the upset. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards only if all requirements of paragraph (1) above are met.

13.16.280 Bypass

(1) For the purpose of this section,

(a) "Bypass" means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

(b) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) An Industrial User may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (3) and (4) of this section.

(3) Prohibition of Bypass:

(a) Bypass is prohibited, and the City Administrator may take enforcement action against an Industrial User for bypass, unless;

(i) the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(ii) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(iii) the Industrial User submitted notices as required under paragraph (4), below.

(b) The Industrial User may approve an anticipated bypass, after considering its adverse effects, if the City Administrator determines that it will meet the three conditions listed above in paragraph (3)(a) of this section.

(4) Notification of bypass:

(a) Anticipated bypass: If the Industrial User knows in advance of the need for a bypass, it shall submit prior written notice, at least ten days before the date of the bypass, to the City Administrator.

(b) Unanticipated bypass: The Industrial User shall immediately submit oral notice of unanticipated bypass that exceeds applicable pretreatment standards to the City Administrator within 24 hours from the time the user becomes aware of the bypass. A

written submission shall also be provided to the City Administrator within five days of the time the user becomes aware of the bypass. The written notice shall specify:

- (i) A description of the bypass and its cause; including its duration, exact dates and time;
- (ii) Whether the bypass has been corrected; and
- (iii) The anticipated time it is expected to continue; and steps being taken or planned to reduce, eliminate, and prevent a recurrence of the bypass.

13.16.290 Prohibited Conduct

(1) No person may knowingly make any false statements, representations, or certifications in any application, record, plan, or other document filed or required to be maintained pursuant to this chapter.

(2) No person may falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this chapter.

13.16.300 Records Retention

All Industrial Users subject to this chapter shall retain and preserve for no less than three years, any records, books, documents, (including documentation associated with Best Management Practices), memoranda, reports, correspondence and summaries relating to monitoring, sampling and chemical analyses made by or in behalf of an Industrial User in connection with its discharge. All such records shall be made available for inspection and copying by the City Administrator, DEQ, or EPA. The period of records retention shall be extended when requested by the City Administrator, DEQ,

or EPA. All records subject to administrative adjustment or any other enforcement or litigation activities shall be retained by the Industrial User until all enforcement activities have concluded and all appeals have expired. (Ord. 3-2009)

13.16.310 City Recovery of Costs

Any Industrial User who violates any of the provisions of this chapter, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the City's sanitary sewerage system shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City Administrator shall bill the Industrial User for the actual costs incurred by the City, including but not limited to any administrative costs, cleaning, repair, or replacement work caused by the violation or discharge.

(Ord. 12-2012 Readopted w/amendments; Ord. 3-2009 Readopted w/amendments; Ord. 4-2003 Readopted w/amendments; Ord. 9-2001 Readopted w/amendments; Ord. 3-1987 Repealed)

Chapter 13.20

RETIRED CITIZEN UTILITY RATES

Sections:

- 13.20.010 Definition of retired citizen.**
- 13.20.020 Eligibility.**
- 13.20.030 Application.**
- 13.20.040 Retired citizen discount rate.**
- 13.20.050 Those not eligible.**
- 13.20.060 Exemptions from other rules not granted.**
- 13.20.070 Section 13.12.030 inapplicable.**
- 13.20.080 Section 13.04.230 inapplicable.**
- 13.20.090 Section 13.30.040 inapplicable**

13.20.010 Definition of retired citizen

For the purposes of this chapter, "retired citizen" shall be defined as any person, resident of the City of Wood Village for a period of at least six months, who is collecting retirement income due to age or disability. (Ord. 4-2005 § 1; Ord. 3-1973 § 1)

13.20.020 Eligibility

Any retired citizen of this city who, meeting the qualifications set forth in Section 13.20.010, who maintains for their personal use a separate living unit in which all adult persons residing are retired, is entitled to make application to the City Recorder for classification as such with respect to the payment of the monthly minimum charges of the City levied upon utility users. (Ord. 4-2005 § 1; Ord. 3-1973 § 2)

13.20.030 Application

Application shall be in writing, upon form furnished by the City and shall set

forth the name of the applicant; list all occupants of the living unit, together with proof of retirement, and shall state whether said applicant is presently making direct payment to the City of the monthly utility user charges. The application shall be sworn by applicant, and shall contain such additional information as the City shall deem pertinent. (Ord. 4-2005 § 1; Ord. 3-1973 § 3)

13.20.040 Retired citizen discount rate

Upon receipt of such application, if applicant shall qualify for Retired citizen classification as defined herein, one-quarter (twenty-five (25) percent) of the monthly minimum charge for water, sewer and the transportation and drainage utility service provided by the City shall be forgiven of said applicant, commencing with the billing period following such qualification and continuing so long as applicant remains so qualified. (Ord. 4-2005 § 1; Ord. 7-1992 § 1 (part)) Ord. 11-2012 § 1)

13.20.050 Those not eligible

The classification here defined shall not be available to anyone, who has not been a continuous resident of the City for at least six months; or who does not maintain a separate living unit in which all adults residing are retired. This classification shall not be available unless the applicant is regularly billed directly for his or her utility user service by the City. Inclusion of a charge for utility services of the City by a landlord, whether stated separately or included in a monthly rental or lease fee, shall not be considered to be a direct billing by the City as herein defined. (Ord. 4-2005 § 1; Ord. 3-1973 § 5)

13.20.060 Exemptions from other rules not granted

Classification of retired citizen as herein defined shall not entitle said party to any

exemption whatsoever from any and all other pertinent regulations, rules and ordinances of the City or otherwise with respect to water and/or sewer use, maintenance, assessment or construction of such facilities, and shall not extend to any charges levied by the City for water and/or sewer volume use in excess of the monthly single-family residential minimum. (Ord. 4-2005 § 1; Ord. 3-1973 § 6)

same is declared to be inapplicable in that the policy of the City as stated in this chapter is to allow the City to forbear the collection of one-quarter (twenty-five (25) percent) of the minimum monthly charge to be made to those who qualify hereunder for the classification of retired citizen. (Ord. 11-2012 § 1)

**13.20.070 Section 13.12.030
inapplicable**

To the extent that Section 13.12.030 relating to minimum unit billing charges for monthly sewer use is pertinent hereto, the same is decided to be inapplicable in that the policy of the City is stated to be to allow the City to forbear the collection of one-quarter (twenty-five (25) percent) of the monthly minimum charge for single-family or individual dwelling units to those qualifying under the retired citizen classification stated in this chapter. (Ord. 4-2005 § 1; Ord. 7-1992 § I (part))

**13.20.080 Section 13.04.230
inapplicable**

To the extent that Section 13.04.230, relating to a minimum monthly water rate charge for single-family dwelling units, is pertinent hereto, the same is declared to be inapplicable in that the policy of the City as stated in this chapter is to allow the City to forbear the collection of one-quarter (twenty-five (25) percent) of the minimum monthly charge to be made to those who qualify hereunder for the classification of retired citizen. (Ord. 4-2005 § 1; Ord. 7-1992 § 1 (part))

13.20.090 Section 13.30.040 inapplicable

To the extent that section 13.30.040, relating to a minimum monthly transportation and stormwater fee for single family dwelling units, is pertinent hereto, the

Chapter 13.24

CONVEYANCE OF PUBLIC UTILITY EASEMENTS

Sections:

13.24.010 Purpose, Definitions.

13.24.020 Request for Transfer or Modification.

13.24.030 Evaluation of Request

13.24.040 Recommendation by the City Administrator.

13.24.050 Approval by the City Council.

13.24.010 Purpose, Definitions

1. Pursuant to the provisions of ORS 221.725, prior to the sale of any interest in real property the City is required to hold a public hearing and consider various aspects of the sale. ORS 221.727 alternatively permits the establishment of a procedure for the sale or transfer of any interests in real property of an identified class instead of holding a public hearing on each individual transaction. It is the purpose of Chapter 13.24 to establish the process allowed by ORS 221.727 and to vest in the City Administrator the authority to transfer the City's interests in certain classes of City owned property or property interests.

2. For purposes of Chapter 13.24, the following definitions apply:

Public Utility Easement is an interest in real property which is held by or granted to the City or the public for the limited purpose of allowing installation, construction, and/or maintenance of public utility facilities.

Public Utility Facilities include water, sewer, stormwater, cable, telecommunication, fiber optic, gas, and electric transmission facilities, and similar facilities.

13.24.020 Request for Transfer or Modification

1. Any person or persons holding fee title to real property which is subject to a public utility easement may request the transfer of or modification of the easement by the City. The City Administrator will rely on the records of the County Assessor's Office to determine the holder of fee title. Notwithstanding the Assessor's records, the City Administrator may rely on competent evidence that some other person or persons hold fee title. A contract purchaser or someone with equitable interest alone in the property may not request the transfer or modification.

2. The City Administrator may establish a fee to be charged for the processing of the application.

3. The applicant shall submit information requested by the City Administrator that the Administrator finds necessary or helpful in making a recommendation regarding the application.

13.24.030 Evaluation of Request

The City Administrator shall consider whether granting the request is in the best interests of the City. Relevant factors to be considered include, but are not limited to:

1. The need of the City or a utility provider for the public utility easement or any portion of the easement.

2. Existing utility facilities within or near the easement.

3. Future plans for development or for extension of utility services within or near the easement.

4. Topography and lateral support of the easement and of surrounding area.

5. Development proposals for the applicant's property or any nearby property.

6. Appropriate consideration to be provided in exchange for the transfer.

13.24.040 Recommendation by the City Administrator

If the City Administrator is satisfied after consideration of relevant factors and the best interests of the public that there is no need to retain all or a portion of the public utility easement, the City Administrator may recommend the City Council transfer the easement, or a portion of the easement, by quitclaim deed only. The City Administrator may transfer the property interest conditioned upon the satisfaction of conditions under which the public interest may be better served.

13.24.050 Approval by the City Council.

1. The City Administrator's recommendation shall be considered by the City Council at a regular or a special meeting. If the City Administrator recommends denial or recommends approval with conditions, the applicant shall be notified of the City Council meeting and given the opportunity to testify.

2. The City Council shall consider the recommendation of the City Administrator and any new information supplied by the applicant and the Administrator and shall be guided by the factors set forth in Section 13.24.030 in reaching its decision. The Council may approve, deny, or modify the request or continue the matter for additional consideration..

3. The Council shall within a reasonable time after the hearing make a final decision which shall be set forth in a written order which contains the basis for the decision.

4. If the Council approves the transfer, the City Administrator is authorized to execute the documents to convey the easement by quitclaim deed.

(New, Ord. 1-2000 § 1)

CHAPTER 13.26

ILLICIT DISCHARGE AND CONNECTION

Sections:

- 13.26.010** Purpose/Intent
- 13.26.020** Definitions
- 13.26.030** Applicability
- 13.26.040** Responsibility for Administration
- 13.26.050** Severability
- 13.26.060** Ultimate Responsibility
- 13.26.070** Discharge Prohibitions
- 13.26.080** Suspension of MS4 Access
- 13.26.090** Industrial or Construction Activity Discharges
- 13.26.100** Monitoring of Discharges
- 13.26.110** Requirement to Prevent, Control and Reduce Stormwater Pollutants by the Use of Best Management Practices
- 13.26.120** Watercourse Protection
- 13.26.130** Notification of Spills
- 13.26.140** Enforcement
- 13.26.150** Appeal of Notice of Violation
- 13.26.160** Enforcement Measures After Appeal
- 13.26.170** Cost of Abatement of the Violation
- 13.26.180** Injunctive Relief
- 13.26.190** Compensatory Action
- 13.26.200** Violations Deemed a Public Nuisance
- 13.26.210** Civil Penalty
- 13.26.220** Remedies Not Exclusive

13.26.010 PURPOSE/INTENT

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Wood Village through the regulation of non-stormwater discharges to the stormdrainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the

introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user;

(2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system;

(3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

13.26.020 DEFINITIONS

For the purposes of this ordinance, the following shall mean:

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City. The City of Wood Village, Oregon.

City Administrator. The City Administrator of the City of Wood Village or the City Administrator's designee.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 5 acres or more. Beginning in March 2003, NPDES Stormwater Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include, but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-stormwater discharge to the stormdrain system, except as exempted in Section 7A.(a) through (d) of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following: any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the stormdrain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater and wash water to enter the stormdrain system and any connections to the stormdrain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by the City or, any drain or conveyance connected from a commercial or industrial land use to the stormdrain system which has not been documented in plans, maps, or equivalent records and approved by the City.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. Means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

Non-Stormwater Discharge. Any discharge to the stormdrain system that is not composed entirely of stormwater.

Person. Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Stormdrainage System. Publicly owned facilities by which stormwater is collected

and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped stormdrains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater. Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater. Means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

13.26.030 APPLICABILITY

This ordinance shall apply to all water entering the stormdrain system generated on any developed and undeveloped lands unless explicitly exempted by the City of Wood Village.

13.26.040 RESPONSIBILITY FOR ADMINISTRATION

The City Administrator shall administer, implement and enforce the provisions of this ordinance.

13.26.050 SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of

this Ordinance or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

13.26.060 ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution nor unauthorized discharge of pollutants.

13.26.070 DISCHARGE PROHIBITIONS

A. Prohibition of Illegal Discharges

No person shall discharge or cause to be discharged into the municipal stormdrain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the stormdrain system is prohibited except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to stormdrains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows,

swimming pools (if dechlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

(b) Discharges specified in writing by the City as being necessary to protect public health and safety.

(c) Dye testing is an allowable discharge, but requires a verbal notification to the City prior to the time of the test.

(d) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full

(c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the

13.26.080 SUSPENSION OF MS4 ACCESS

Suspension due to Illicit Discharges in Emergency Situations.

The City of Wood Village may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge.

compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the stormdrain system.

B. Prohibition of Illicit Connections

(a) The construction, use, maintenance or continued existence of illicit connections to the stormdrain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

MS4, or allows such a connection to continue.

The City will notify a violator of the proposed termination of its MS4 access. The violator may petition the City for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City.

13.26.090 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Wood Village prior to the allowing of discharges to the MS4.

13.26.100 MONITORING OF DISCHARGES

A. Applicability.

This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

(b) Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(c) The City shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's stormwater discharge.

(d) The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(f) Unreasonable delays in allowing the City access to a permitted facility is a
The City will adopt requirements identifying Best Management Practices

(a) The City shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City.

violation of a stormwater discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(g) If the City has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

13.26.110 REQUIREMENT TO PREVENT, CONTROL AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

(BMPs) for any activity, operation or facility which may cause or contribute to pollution

or contamination of stormwater, the stormdrain system or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal stormdrain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPP) as necessary for compliance with requirements of the NPDES permit. Such SWPP shall be adopted by the City of Wood Village by the City Administrator.

13.26.120 WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

13.26.130 NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the stormdrain system, or water of the U.S., said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Wood Village within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

13.26.140 ENFORCEMENT

A. Notice of Violation

Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses and reporting;

- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices or operations shall cease and desist;
- (d) The abatement or remediation of stormwater pollution or contamination

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

13.26.150 APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received within 15 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

13.26.160 ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the City, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or

- hazards and the restoration of any affected property; and
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

13.26.170 COST OF ABATEMENT OF THE VIOLATION

Within 10 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the City by reason of such violation. After proper notice, the City may assess the owner of the facility the total of repair work and penalties. The cost shall be a lien on the property, or prorated against the benefited users of the property, and may be placed on the tax bill and collected as ordinary taxes.

13.26.180 INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further

violations or compelling the person to perform abatement or remediation of the violation.

In lieu of enforcement proceedings, penalties and remedies authorized by this Ordinance, the City may impose upon a violator alternative compensatory actions, such as attendance at compliance workshops, creek cleanup, etc.

13.26.190 COMPENSATORY ACTION

13.26.200 VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken, as provided in Wood Village Municipal Code Chapter 8.16.

13.26.210 CIVIL PENALTY

Any person that has violated or continues to violate this ordinance shall be subject to a civil penalty of up to \$1,000 dollars per violation per day as provided in Wood Village Municipal Code Chapter 1.06.

The City may recover all attorney fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

13.26.220 REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies. (Ord 2-2011)

Chapter 13.30

TRANSPORTATION AND STORMWATER UTILITY FEES

Sections:

- 13.30.010 Purpose
- 13.30.020 Applicability
- 13.30.030 Definitions
- 13.30.040 Rate Structure
- 13.30.050 Unit Rate Established
- 13.30.060 Principals of Categorization
- 13.30.070 Vacancy Credit
- 13.30.080 Falsification of Vacancies
- 13.30.090 Cessation of Fee with
Cessation of Other Utilities
- 13.30.100 Cessation of Fee for
Properties not on Municipal
Utilities
- 13.30.110 Service Charge Adjustment
and Appeals
- 13.30.115 Limitation on Credit, Rebate
or City Back Charges on
Street and Stormwater Billing
Omissions or Errors
- 13.30.120 Use of Funds
- 13.30.130 Commencement of Charges
- 13.30.140 Charges Retroactive
- 13.30.150 Delinquent Charges

13.30.010 Purpose.

The purpose of this Code is to provide for the recovery of the costs of maintaining and operating the City of Wood Village transportation and storm water systems. All fees and charges imposed herein shall be placed in the Street Fund for the purpose of paying expenses related to the replacement, repair, maintenance, operation, or administration of the transportation and storm water systems.

13.30.020 Applicability.

The requirements of this Chapter shall apply to all parcels of real property in the City of Wood Village, including publicly and privately owned property.

13.30.030 Definitions.

Billing Period shall consist of 30 days beginning at the first of each month, equivalent to a 360 day calendar year. For the one month with fewer than thirty days, adjustments in the billing cycle, prorates, and similar matters shall be based on a thirty (30) day equivalent, with monthly fees divided by 30 to achieve daily rates for billing purposes as well as for proration of credits or benefits provided in this code.

City means the City of Wood Village, Oregon, or as indicated by the context, may mean any official, officer, employee or agency representing the City in the discharge of his or her duties.

City Administrator means the City Administrator or his or her designee.

City Roads means all public roads, excluding State and County roads, in the City of Wood Village.

Developed Parcel means a parcel of real property which has been altered by development coverage.

Gross Square Footage means the calculated area of all structures, located on a site, measured along the exterior walls of such structures, including but not limited to enclosed courtyards, stairwells, and square footage on each level of multi-story structures, but not including fences and parking areas which are not enclosed within a building.

ITE Manual means *Trip Generation*, published by the Institute of Transportation Engineers.

Multi-Family Residence means a residential structure accommodating two or more dwelling units as contained in Appendix A.

Parcel shall mean the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which constitutes a separate lot or tract capable of being conveyed without further subdivision.

Residential Land Uses shall mean the 200 series of land uses from the ITE Manual.

Service Charges shall mean the amount owed after applying the appropriate rate to a particular parcel of real property based upon factors established by this ordinance.

Single Family Residence shall mean a residential structure accommodating one dwelling unit.

Unit Rate means the dollar amount charged per adjusted average daily trip. There shall be a Unit Rate applied to residential land uses, identified as the Residential Unit Rate, and a Unit Rate applied to all other land uses, identified as the Commercial Unit Rate.

13.30.040 Rate Structure.

A. Service Charges for the transportation utility are hereby authorized and imposed, in amounts and on terms consistent with this Chapter.

B. Service Charges shall be based on the service provided and the relative usage of the City transportation system for a given Parcel. The estimated or measured trip ends will be used to determine the relative usage of the Parcel. The rate shall be calculated by multiplying the Unit Rate by the assigned average daily trip estimate, provided however, that a minimum commercial rate shall be established for all occupied commercial properties.

Undeveloped Parcels shall not be charged. City Roads shall not be charged. The monthly Service Charge for all Developed Parcels, including publicly-owned properties, shall be computed by multiplying the Unit

Rate times the number of average daily trips applicable to the Parcel, as delineated in Appendix A, except as provided in item B of this section. For all customer classes not identified in Appendix A, Average Daily Trips shall be applied as specified in the ITE Manual.

13.30.050 Unit Rate Established.

The Residential Unit Rate and the Commercial Unit Rate may be established and revised by resolution of the City Council. Rates may not exceed \$1.50 per unit for residential or \$.50 per unit for commercial without first providing a direct mail notice to all potentially billed users in the system and conducting a public hearing thereon, and re-establishing maximum limits for the fees associated with the transportation and storm water utility.

13.30.060 Principals of Categorization.

A. Each building is categorized based on the primary activity of the establishment that occupies the building or site. The primary activity will be established by the relative number of transactions or visits from the general public rather than the volume of sales or dollars.

B. Where distinct and separate businesses are located within a single building and share a **common entrance** from the parking area, the businesses shall be categorized and charged as a single business using the category which fits a majority of the businesses within the building.

C. Where distinct and separate businesses in any commercial zoned area are located within a single building and each has a **separate entrance** from the parking area, the businesses shall be categorized and charged as separate businesses, with a single billing

provided to the responsible person for other municipal utilities for that building, except in manufacturing zones as provided in item G of this section.

D. The gross square footage for any incidental use within a building shall be included in the total gross square footage for the building. Example: an office in a retail store shall all be classified retail; the shipping and receiving area of a retail outlet that is predominantly retail shall all be classified retail.

E. Where categories are not clear, the City shall identify the most similar category and the rationale for such a determination. Any aggrieved party may utilize the appeal procedures of this Code to seek adjustments or change as identified in this Code.

F. Where two potential trip generation rates may be applied to a single category such as elderly care facilities, the calculations shall be made utilizing both methods, and the lesser of the two fees established as the applicable fee for the development.

G. Manufacturing Zoned Properties and Industrial Lease Space buildings shall be billed based on the total gross square footage of the entire building, with the ITE Code 140 Manufacturing assigned for all areas. Vacancy credit shall be available for any unoccupied leasable areas.

H. Public Utility or private utility occupancies that do not have active structures shall be classified as Public Service and shall receive the commercial minimum billing as provided in this chapter.

I. Where multiple buildings in single ownership occur on a single parcel, the billing for transportation and storm water will be based on the individual occupancies of the

structures, their respective ITE categories and average trip generation, and billed to the responsible person as a single composite billing.

J. Condominiums in place in Wood Village at the time of the adoption of this code in May of 2012 shall all be treated as multifamily for purposes of this section. Any new condominium construction shall be classified and billed in accord with the appropriate categories of the ITE.

13.30.070 Vacancy Credit.

The billing for the transportation and storm water utility will be credited for any property unoccupied throughout the monthly billing cycle when the individual responsible for all utility bills for the property makes application to the City of Wood Village on the prescribed forms to credit the transportation and storm water utility fee in accord with the following:

A. Residential and Multifamily customers will receive billing for transportation and drainage services for each month. Residential and Multifamily customers that are absent from the community for 7 or more consecutive days, can apply for a vacancy credit. A separate written application must be made to the City for each billing period or portion of a period the customer claims they are absent from the community, or their property is vacant. Vacancy credit application for extended planned absences may be made in advance for owner occupied residential properties. Credit is prorated based on the billing period definition.

B. Residential Properties for Sale or Rent may make application for

vacancy credit. Application must be made for each 7 or more consecutive day period of vacancy. An individual credit application may be made for an entire billing period, defined as 30 consecutive days beginning on the first day of the month, provided however, proof of vacancy status must be provided in the form of other utility bills identifying no consumption, or vacant status, or an affidavit signed by the owner or responsible person that the property is unoccupied for the period.

C. Commercial, Manufacturing, and Industrial customers may make application for vacancy credit for an entire building or any separate business or leasable space within the building. An application must be made to the City for each 7 or more consecutive day period the premise is vacant. An individual credit application may be made for an entire billing period, defined as 30 consecutive days beginning on the first day of the month. During the vacancy, there can be no use of the property, buildings or portion of the buildings on the property for which the vacancy credit is applied. Proof of vacancy status for the claimed period must be provided in the form of other utility bills identifying no consumption, or vacant status, or an affidavit signed by the owner or responsible person that the building or leasable space within the building is unoccupied for the period. The City reserves the right to inspect the premises or verify the customer is entitled to the credit.

D. Motels, Assisted Living facilities, Nursing Homes and similar facilities are not eligible for vacancy credits.

E. All Vacancy Credits may be applied retroactively, however, they are limited to a retroactive period of no more than four (4) billing periods if proof of vacancy during this period is provided in writing with the application.

F. Proration of Vacancy Credits may occur based on the billing cycle defined in this code for each period of vacancy, provided however, the minimum time for vacancy credit is 7 consecutive days.

13.30.080 Falsification of Vacancies.

Any person falsifying or providing inaccurate information to achieve a vacancy credit shall be assessed a civil penalty equal to one month of transportation and storm water utility fees for the occupancy, in addition to the requirement to pay for the period falsely claimed.

13.30.090 Cessation of Fee with Cessation of Other Utilities.

The fee for transportation and storm water utilities as provided in this chapter shall not be levied on properties where the water and sewer services to the property are terminated or suspended unless the services are terminated or suspended due to non-payment.

13.30.100 Cessation of Fee for Properties not on Municipal Utilities.

For those properties within the City that are not connected to municipal water or sewer, the fee may be suspended or stopped by providing proof that the improvements or uses on the property have been eliminated. If such proof cannot be established, the users in

this class may apply for and receive vacancy credits as prescribed in this chapter.

13.30.110 Service Charge Adjustments and Appeals.

A. Any person billed for Service Charges may file a “Request for Service Charge Adjustment” with the City Administrator within thirty (30) days of the date of the bill. However, submittal of such a request does not extend the period of payment for the charge.

B. A request for Service Charge adjustment may be granted or approved by the City Administrator only when one or more of the following conditions exist:

- (1) The amount charged is in error; or
- (2) The Parcel is nonresidential and the actual trips generated by that parcel, as established by a licensed surveyor or engineer at the expense of the owner, would result in a trip generation total that is greater than or less than the applied average daily trip estimate used in determining the charge; or
- (3) The Parcel exists in its natural unimproved condition and will remain in its natural unimproved condition with no allowable human activities or manmade improvements that would generate trips to or from the Parcel.

C. Service Charge adjustments will only apply to the bill then due and payable, and bills subsequently issued. The property owner shall have the burden of proving that the Service Charge adjustment should be granted.

D. Decisions on requests for service charge adjustment shall be made by the City

Administrator based on information submitted by the applicant and by the City within thirty (30) days of the adjustment request, except when additional information is needed. The applicant shall be notified in writing of the City Administrator’s decision.

E. Decisions of the City Administrator on requests for service charge adjustments shall be final unless appealed to City Council within thirty (30) days of the date the decision.

13.30.115 Limitation on Credit, Rebate or City Back Charges on Street and Stormwater Billing Omissions or Errors

A customer that has a billing error or incorrect billing may have that billing corrected to the date of occurrence with the maximum potential period for consideration being four (4) months. In the event a customer is under billed, the City may correct such billing and charge the customer to the date of occurrence, provided however that no billing shall be for a period greater than 4 months. For all active accounts, credit will be applied to future billing amounts if due. For accounts that are closing, changing ownership, or for some good reason cannot benefit from a credit, a direct refund shall be provided.

For customers that have been under billed or not billed, the City Administrator shall offer a payment plan with a period of up to six months for the customer to become current with all amounts due, with the provision that all current charges in the months following any such payment plan shall be paid in full as provided in this code. (Ord. 2-2014)

13.30.120 Use of Funds.

Service Charges collected under this Chapter shall be deposited into the City of Wood Village Street Fund or funds to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating the transportation and stormwater systems, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing, maintaining and improving the transportation and stormwater systems.

13.30.130 Commencement of Charges.

- A. For new construction, Service Charges will commence with the occupancy of the structure constructed.
- B. For existing structures, Service Charges will commence on the effective date of the ordinance establishing this Chapter.
- C. For changes in occupancy, renovations, modifications or new tenants, the effective date of occupancy, meaning the time at which materials are moved into the space, tenant improvements are underway, or the space is occupied for its intended purpose.

Should properties be occupied without notice to the City, retroactive billing for transportation and storm water utility fees will be made to the date of the building permit, or the installation of the water meter, whichever is earlier, for all new construction. Changes in tenancy will incur fees to the occupancy of the space, up to four billing periods.

13.30.140 Charges Retroactive.

All fees and charges created by sections 13.30.010 to 13.30.150 are retroactive fees, with the charges billed in the ensuing billing period for services provided in the prior period. Proration of all incurred charges shall be based on the billing period as defined in this section of the code, and shall be due and payable in the ensuing billing period as provided in the Wood Village Municipal Code for the provision of water or sewer services.

13.30.150 Delinquent Charges.

Delinquent accounts shall be treated in the same manner as delinquent water service accounts under Wood Village Municipal Code 13.04.240. However, delinquent Service Charges shall not become a lien on real property. In the event that the City receives partial payment on a bill that includes Service Charges and charges from other utilities, the City shall apply the payment first to any penalties or fees, then to balance due for the transportation and stormwater utility, then to any balance due for the sewer utility, and then to any balance due for the water utility.

Section 2. Effective Date. This ordinance shall become effective July 1, 2012.

Section 3. Severability. If any provision of this ordinance or its application to any person or circumstances is held to be unconstitutional or invalid for any reason, the remainder of this ordinance or the application of the provisions to other persons or circumstances shall not be affected.

Section 4. Classification of Charges. For purposes of ORS 310.145 (Classification of Taxes and Fees for Purposes of Measure 5 Limits), the Service Charges described in this

Chapter are hereby classified as a fee or charge not subject to the limits of Section 11(b), Article XI, of the Oregon Constitution.

Section 5: Codification. The section above noted shall be made a part of the Wood Village Municipal Code in the manner identified in the text of this ordinance. (Ord. 9-2012)

ITE Code	Land Use	Rate Basis Unit	Daily Trips per Rate Basis Unit				Pass-by & Diverted Linked Adjustment	Average Day
			Weekday	Saturday	Sunday			
110	General Light Industrial	1,000 Sq. Ft	6.97	1.32	0.68	100.00%	5.26	
140	Manufacturing	1,000 Sq. Ft	3.82	1.49	0.62	100.00%	3.03	
151	Mini-Warehouse	1,000 Sq. Ft	2.50	2.33	1.78	100.00%	2.37	
210	Single Family Residence	Dwelling Unit	9.57	10.08	8.77	100.00%	9.53	
220	Apartment/ Multi-Family/ Condominiums	Dwelling Unit	6.65	6.39	5.86	100.00%	6.5	
240	Mobile Home Park	Dwelling Unit	4.99	5.00	4.36	100.00%	4.9	
251	Senior Adult Housing	Dwelling Unit	3.71	2.77	2.33	100.00%	3.38	
320	Motel	Room	5.63	5.63	5.63	100.00%	5.63	
495	Recreational Community Center	1,000 Sq. Ft	22.88	9.10	13.60	100.00%	19.59	
460	Church	1,000 Sq. Ft	9.11	10.37	36.63	100.00%	13.22	
565	Day Care Center	1,000 Sq. Ft	79.26	6.21	5.83	100.00%	58.33	

710	General Office Building	1,000 Sq. Ft	11.01	2.37	0.98	100.00%	8.34
720	Medical-Dental Office	1,000 Sq. Ft	36.13	8.96	1.55	100.00%	27.31
813	Free Standing Discount Superstore	1,000 Sq. Ft	53.13	64.07	56.12	72.00%	39.69
814	Specialty Retail Center	1,000 Sq. Ft	44.32	42.04	20.43	100.00%	40.58
848	Tire Store	1,000 Sq. Ft	24.87	40.80	19.83	72.00%	19.03
851	Convenience Market	1,000 Sq. Ft	737.99	863.10	758.45	27.00%	204.87
862	Home Improvement Superstore	1,000 Sq. Ft	29.80	56.72	55.80	52.00%	19.43
875	Department Store	1,000 Sq. Ft	22.88	25.40	12.34	100.00%	21.73
932	High-turnover Restaurant	1,000 Sq. Ft	127.15	158.37	131.84	57.00%	75.4
934	Fast Food Restaurant	1,000 Sq. Ft	496.12	722.03	542.72	50.00%	267.53
945	Gasoline Station with Convenience Market	Fueling Position	162.78	190.38	167.29	41.00%	68.62