

CHAPTER 27 – COMMUNITY SERVICES

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GENERAL PROVISIONS**§ 27.001 COMMUNITY SERVICES DEPARTMENT.**

The Department of Community Services is created. The head of the department is the Director of the Community Services Department (director). The department is assigned the following functions:

(A) Land use planning and development services prescribed by state law for planning, zoning, preservation of natural resources, including restoring water quality, promoting sustainable rural communities and related matters;

(B) Services and duties prescribed by state law relating to special district annexations and withdrawals, special district and city formations, dissolutions or mergers, and boundary changes within the metropolitan service district;

(C) Services relating to county service districts and other agencies relating to the natural environment;

(D) Services and duties prescribed by state law relating to the construction, maintenance and operation of county roads and bridges;

(E) Surveys, examinations, inspections, and issuance of permits relating to construction and occupancy of buildings and other facilities;

(F) Animal control programs and facilities; and

(G) County elections duties prescribed by state law.
(Ord. 1166, Amended, 07/08/2010; Ord. 1138, Amended, 06/18/2009; Ord. 1061, Added, 05/26/2005, eff. 7/1/2005)

§ 27.050- POLICY.

The Board declares it to be in the interests of the people of the county for the fees and charges established in this chapter to be assessed by the department, to the end that the services it provides and responsibilities it performs will continue to be delivered at optimum levels.

(Ord. 1061, Renum7.050-, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.050-, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 5.10.200(A), 07/01/1998; Ord. 126, passed, 05/27/1976)

§ 27.051 SUBSURFACE SEWAGE INSPECTIONS AND PERMITS.

The fees for subsurface sewage inspections and permits shall conform with ORS 454.605 through 454.755, as amended from time to time. (Ord. 1061, Renum7.051, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.051, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 5.10.205, 07/01/1998; Ord. 256, passed, 11/06/1980; Ord. 126, passed, 05/27/1976)

§ 27.052 MISCELLANEOUS PERMIT FEES.

(A) The following permit fees shall be charged, in amounts set by Board resolution:

(1) *Overweight moves.* For overweight or overdimensional moves, except for moves as specified in division (B) of this section, either single trip or annual permit, the fee shall be an amount set by Board resolution. Future fee increases by the state department of Transportation shall automatically increase the county's fee for this service to the same level, without action of the Board.

(2) *Structure moves.* For building and structure move permits issued under authority of ORS 483.502 to 483.536. All permittees shall post a deposit of \$1,000 prior to issuance of a permit. Non-refundable permit application, investigation and issuance fees for structures under 14 feet in width and 15 feet in height shall be as set by Board resolution.

For structures exceeding the above-dimensions the non-refundable permit fee shall be as set by Board resolution. Inspection fees shall be billed at the actual costs incurred by the county including overhead and equipment costs. For over-dimensional moves other than house moves the non-refundable permit fees for heights over 17 feet in width shall be amounts as set by Board resolution for normal workdays and for holidays and weekends.

(3) *Other permits.* Permit fees shall be charged for the following, in amounts set by Board resolution:

(a) Manholes for storm and sanitary sewers;

(b) Canopies, awnings and marquees;

(a) Construction or reconstruction of driveway approaches;

(a) Sewer connections;

(b) Drilling or boring test holes;

(c) Curb drain outlet construction or reconstruction, including drainage connections to catchbasins;

(d) Sidewalk construction or reconstruction, and curb construction or reconstruction;

(e) Release of advertising benches picked up within the right-of-way;

(f) Any excavation, construction, reconstruction, repair, removal, abandonment, placement or use within the right-of-way, except where otherwise provided in this subchapter;

(g) Material filling or excavating within the public right-of-way;

(k) Underground storm or sanitary sewer construction, including property service and laterals not maintained by the county; and

(l) Temporary closure of any street or any portion of a street.

(B) If work is commenced on a project requiring a permit without first securing the permit, the fee shall be double the fee established under this section. If the fee required by this section is not paid directly to the department by the owner of the property, the person paying the penalty shall be required to notify the owner that the penalty was imposed. Payment of the fee shall not relieve or excuse any person from penalties imposed for violation of any applicable statutes or ordinances.

(C) A permit deposit for each permit authorizing work under ORS 374.305 not covered in this section shall be 120% of estimated amount charges based on the estimated hours or part thereof for plan review and/or inspection. The final fee will be determined at completion of the project based on the actual costs incurred by the county including overhead and other related costs. The difference between the two amounts will be billed or refunded to the permit holder with the minimum fee being an amount set by Board resolution.

(D) Permits under this section shall be issued without charge when a permit is required as a direct result of a county public works improvement. (Ord. 1061, Renum7.052, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.052, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 5.10.215, 07/01/1998; Ord. 826, passed, 08/03/1995; Ord. 467, passed, 05/29/1985; Ord. 367, passed, 02/17/1983; Ord. 278, passed, 08/20/1981; Ord. 256, passed, 11/06/1980; Ord. 195, passed, 04/26/1979; Ord. 126, passed, 05/27/1976)

§ 27.053 PLAN REVIEW AND INSPECTION OF UNDERGROUND INSTALLATIONS AND STREET INTERSECTIONS.

(A) For plan review and inspection of any storm sewer line installation, when completed facilities are to be maintained by the county, the fee shall be as set by Board resolution.

(B) When submitting plans for review, the applicant shall submit a copy of the engineer's estimate or the bid construction cost. No plans will be reviewed without the required cost figures. If, in the opinion of the director, the cost figures appear unreasonable, the director shall establish the permit fee based upon the director's cost estimate of the work to be done. The director shall submit a report to the Chair whenever a cost estimate is adjusted, and shall state his reasons therefor.

(C) For utility lines, including storm and sanitary sewers, to be maintained by others, not connecting to a county-maintained system but located within county-controlled right-of-way or easements, the plan review and inspection fee will be as set by Board resolution.

(D) For storm or sanitary sewer line systems located on private land connecting to county-maintained systems the plan review and inspection fee will be as set by Board resolution. Developments requiring both storm and sanitary system review will be charged that rate for each.

(E) A **SEWER LINE SYSTEM**, for fee purposes, means a line with two or more connections including lateral lines, house branches, inlets or any other appurtenance contributing discharge.

(F) Plan review and inspection fees will be established by the director for connections to a county system where the development area is not discernable or applicable. A deposit shall be 120% of estimated amount of charges based on the estimated hours or parts thereof required for plan review and/or inspection. The final fee will be determined at completion of the project based on costs incurred by the county including overhead and other related costs. The difference between the actual costs and the deposit will be billed or refunded to the permit holder.

(G) For plan review and inspection of each street intersection or vehicle access, either public or private, other than a standard driveway approach, a fee in an amount set by Board resolution will be charged.

(H) Plans shall be reviewed by the county under this section for compatibility with the comprehensive plan, conformance to county design criteria, as applicable, and for general protection of county facilities as considered necessary.

(I) Inspection by the county under this section will be cursory only and will not relieve the owner, contractor or engineer of responsibility for the project being completed according to plans and specifications.

(Ord. 1061, Renum7.053, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.053, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 5.10.220, 07/01/1998; Ord. 826, passed, 08/03/1995; Ord. 126, passed, 05/27/1976)

§ 27.054 ROAD VACATION APPLICATION.

A request for a preliminary feasibility study for possible vacation of a county road shall require a non-refundable fee as set by Board resolution. Each filing of a county road vacation application shall be

accompanied by a deposit of 120% of estimated costs based on the estimated hours or parts thereof required to investigate and process the petition. The minimum fee shall be as set by Board resolution plus an additional fee for the county surveyor to post the street vacation as required by ORS 271.230(2). This does not include any recording fee collected by the county clerk. The final fee will be determined at completion of the project based on actual costs incurred by the county, including overhead and other related costs. The difference between the actual costs and the deposit, for deposits exceeding that amount established by Board resolution, will be billed or refunded to the applicant. An approved county road vacation shall not be recorded until any additional amounts are paid.

(Ord. 1061, Renum7.054, 05/26/2005, eff. 7/1/2005; Ord., Renum27.054, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 5.10.225, 07/01/1998; Ord. 826, passed, 08/03/1995; Ord. 195, passed, 04/26/1979; Ord. 126, passed, 05/27/1976)

§ 27.055 STREET AND ROAD WIDENING PERMITS.

(A) The county will prepare a preliminary engineer's estimate outlining the scope of the work to be performed and the estimated cost. The deposit schedule will be determined from the engineer's estimated construction cost.

(B) The construction permit deposit schedule for engineering, design, project management, and administration shall be as set by Board resolution.

(C) The resulting fees are intended to reflect reasonable costs incurred in designing, estimating, surveying, coordinating utility problems, inspecting, installing or relocating traffic controls and guides and normal administrative costs. The fee is a deposit

only. The actual charges will be based on actual costs including overhead and other related costs, final fee will be determined at the completion of the project. The difference between the actual costs and the deposit will either be billed or refunded to the permit holder.

(Ord. 1061, Renum7.055, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.055, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 5.10.230, 07/01/1998; Ord. 826, passed, 08/03/1995; Ord. 545, passed, 12/18/1986; Ord. 126, passed, 05/27/1976)

§ 27.056 MISCELLANEOUS PUBLIC WORKS FEES.

For services provided by the department in connection with design, plan review and inspection of items not set forth elsewhere, the department shall charge fees sufficient to cover the actual cost of services. The deposit amounts shall be as set by Board resolution. The actual charges will be based on actual costs including overhead and other related costs, determined at the completion of the project. The difference between the actual costs and the deposit will either be billed or refunded to the permit holder.

(Ord. 1061, Renum7.056, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.056, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 5.10.235, 07/01/1998; Ord. 826, passed, 08/03/1995; Ord. 126, passed, 05/27/1976)

§ 27.057 BONDING.

To the extent provided by law or where not prohibited by law, a bond shall be required for all work done within county road rights-of-way to meet such requirements and in such amounts as determined by the director.

(Ord. 1061, Renum7.057, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.057, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 5.10.240, 07/01/1998; Ord. 126, passed, 05/27/1976)

§ 27.058 RECIPROCAL AGREEMENTS.

Fees prescribed in this subchapter shall not be collected from governmental bodies having reciprocal agreements with the county, the provisions of which prohibit or permit waiver of the collecting of those fees.

(Ord. 1061, Renum7.058, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.058, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 5.10.245, 07/01/1998; Ord. 126, passed, 05/27/1976)

§ 27.059 ZONE REVIEW AND ZONING INSPECTIONS.

For conducting any zone review prior to the issuance of a building or mobile home permit, the department shall charge a fee as set by Board resolution. Zoning review fees are payable upon permit application. For conducting any zoning inspection during construction or after completion of construction, the department shall charge a fee as set by Board resolution, to be collected at the time the permit is issued. Zoning inspection fees are payable upon permit issuance.

(Ord. 1061, Renum7.059, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.059, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 5.10.255, 07/01/1998; Ord. 467, passed, 05/29/1985; Ord. 378, passed, 04/28/1983; Ord. 278, passed, 08/20/1981; Ord. 195, passed, 04/26/1979; Ord. 126, passed, 05/27/1976)

§ 27.060 FILING OF MAP SURVEYS.

Each filing of a map of survey shall be accompanied by a fee as set by Board resolution.

(Ord. 1061, Renum7.060, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.060, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 5.10.265, 07/01/1998; Ord. 826, passed, 08/03/1995; Ord. 680, passed, 05/23/1991; Ord. 467, passed, 05/29/1985; Ord. 378, passed, 04/28/1983; Ord. 290, passed, 12/29/1981)

§ 27.061 FEES FOR CERTAIN DOCUMENTS; PUBLIC LAND CORNER PRESERVATION ACCOUNT.

(A) *Findings.* The state legislature has authorized the creation of a public corner restoration fund.

(B) *Documents subject to fee.* In addition to any other fees required by law, there will be a fee in an amount set by Board resolution charged for all of the following instruments, however, the fee will not be imposed for the re-recording of any instruments specified in this section:

(1) Deeds and mortgages of real property, powers of attorney and contracts affecting the title to real property, authorized by law to be recorded, assignments thereof and of any interest therein when properly acknowledged or proved and other interests affecting the title to real property;

(2) Certificates of sale of real property under execution or order of court, or assignments thereof or of any interest therein when properly acknowledged or proved; and

(3) Certified copies of death certificates of any person appearing in the county records as owning or having a claim or interest in land in the county.

(C) *Document list and appeal.* The county surveyor shall prepare a list of documents which are subject to the fee. In addition, the county surveyor may review any document presented for recording to determine whether it properly comes within the terms of division (B) of this section. The decision of the county surveyor may be appealed in writing to the director. Such appeal must be filed within 14 days and state the grounds for appellant's position that the fee should not be charged. The decision of the director is final.

(D) *Public land corner preservation fund.* All fees collected pursuant to division (B) of this section will be deposited to the credit of the public land corner preservation fund for use only to pay expenses incurred or authorized by the county surveyor in the establishment, reestablishment and maintenance of the corners of government surveys under ORS 209.070(5) and (6).

(Ord. 1061, Renum7.061, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.061, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 5.10.270, 07/01/1998; Ord. 715, passed, 03/26/1992; Ord. 563, passed, 11/12/1987; Ord. 496, passed, 02/13/1986)

§ 27.062 COUNTY SURVEYOR FEES.

(A) Fees are based on the following procedures and requirements on partition, subdivision and condominium plats.

(1) Submit a boundary survey to the county surveyor a minimum of 30 days prior to the submission of the final subdivision or condominium plat. If warranted, the county surveyor may waive this requirement.

(2) In addition to the requirements of ORS 209.250, a survey, and a partition plat if a separate survey has not been filed, shall show all obvious encroachments or hiatus created by deeds, buildings, fences, cultivation, previous surveys and plats, or similar means and any other conditions that may indicate that the ownership lines as surveyed may be different than those shown on the survey.

(3) The county surveyor may refuse to approve a plat if the Surveyor finds an encroachment or hiatus. Evidence that the hiatus or encroachment has been eliminated may be required, or the county surveyor may require that it be shown on the plat if it cannot be eliminated.

(4) All partition, subdivision, and condominium final plats, including those inside city limits, shall be checked and approved by the county surveyor prior to recording. No plat shall be recorded without such approval. This approval by the county surveyor shall be valid for 30 days from the date of approval to the date submitted for recording. After 30 days the approval is withdrawn and must be resubmitted.

(5) All partition, subdivision, and condominium final plats submitted for approval shall be accompanied by a report, issued by a title insurance company, or authorized agent to perform such service in the state, setting forth ownership and all easements of record, together with a copy of the current deed and easements for the platted property, and copies of the deeds for all abutting properties and other documentation as required by the county surveyor. The report shall have been issued no more than 15 days prior to plat submittal to the county surveyor. A supplemental report may be required by the county surveyor.

(B) Deposit for other county surveyor functions, in amounts as set by Board resolution, shall be made with the submission of the material. The final fee will be determined at completion of the project based on actual costs incurred by the county, including overhead and other related costs. The difference between the actual costs and the deposit will be paid prior to approval of the final plat or refunded to the applicant, except for post-monumented plats, which will not be refunded until after completion of the interior monumentation. The survey filing fee is non-refundable.

(Ord. 1061, Renum7.062, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.062, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 5.10.275, 07/01/1998; Ord. 843, passed, 12/21/1995; Ord. 680, passed, 05/23/1991; Ord. 645, passed, 03/08/1990)

**§ 27.063 TRANSPORTATION SYSTEMS
DEVELOPMENT AND
IMPROVEMENT.**

(A) Findings.

(1) Traffic impact fees are a systems development charge as provided for in ORS 223.279 through 223.314 which fund new transportation system improvements in coordination with urban growth.

(2) The trafficway plan and impact fee study (DKS: November, 1993) establishes the basis for a traffic impact fee within the Urban Services Boundary of the cities of Gresham, Fairview, Wood Village, and Troutdale.

(3) The cities of Gresham, Fairview, Wood Village, and Troutdale are considering adopting a consistent traffic impact fee within their respective jurisdictions.

(4) Unincorporated properties are located within the urban services boundary which are subject to county land use and development control, and which may contribute additional traffic on the transportation system when developed, but which are not subject to traffic impact fees enacted by cities.

(5) New urban development can provide their proportionate share of revenue for future transportation improvement costs required to mitigate the impacts on the transportation system of additional traffic generated by such new development through a traffic impact fee.

(B) Definitions. For the purpose of this section, the following definitions shall apply unless the context requires a different meaning.

CAPITAL IMPROVEMENTS. Facilities and assets used for transportation.

DEVELOPMENT. Any changes to improved or unimproved property including, but not limited to construction, installation or alteration of a building or other structure; condominium conversion, land division or mining activity which increases the usage of any capital improvement, or creates the need for additional capital improvements.

DIRECTOR. The director of the county transportation division.

IMPROVEMENT FEE. A fee for costs associated with capital improvements to be constructed after the date this section becomes effective.

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.

OWNER. The legal owner of record as shown on the assessment and taxation records of the county, or where there is a recorded land sales contract in force, the purchaser thereunder.

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 another use, including the yards and other open spaces required under the zoning, subdivision or other development ordinances.

P.M. PEAK HOUR. The hour with the highest traffic count in the period from 4:00 p.m. to 6:00 p.m.

P.M. PEAK HOUR TRIP ENDS. The average vehicle trip ends on a weekday in the peak hour of adjacent street traffic for one hour between 4:00 p.m. and 6:00 p.m. as determined in the most recent edition of the Institute of Traffic Engineers *Trip Generation Manual*.

QUALIFIED PUBLIC IMPROVEMENTS. A capital improvement that is required as a condition of development approval, identified in the regional transportation capital improvements list, and either:

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

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

REIMBURSEMENT FEE. A fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted.

SYSTEMS DEVELOPMENT FEE. A reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit or at the time of connection to the capital improvement. Systems 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 decision.

TRANSPORTATION FACILITIES AND ASSETS. Public improvements on the transportation system which are capacity related.

(C) *Purpose.* The purpose of a systems development charge is to require that new developments of land which create the need for transportation facilities, or increase the demands on existing transportation facilities, pay a proportionate share of the capital improvement costs to improve the transportation system as identified in the regional transportation capital improvement list.

(D) *Improvement fees and credits.*

(1) *Establishing fees.* The methodology used to establish improvement fees shall consider the cost of projected capital improvements needed to increase the capacity of the transportation system, the number of vehicle trips generated by the development, and the impact of the development on the transportation system. The specific methodology for establishing the fee shall be adopted by resolution of the Board.

(2) *Use of fees.* Improvement fees shall be spent only on capacity enhancing capital improvements, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new or additional facilities. Improvements funded by traffic impact fees must be related to demands created by development.

(3) *Credits.* A credit shall be given for the cost of a qualified public improvement as identified on the Regional Transportation Capital Improvement List. The credit shall apply against the improvement fee charged for the type of improvement being constructed based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, latest edition. Credit for qualified public improvements under this section may be granted only for the cost of that portion of such improvement that exceeds county facility size or capacity standards needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under this section.

(E) *Methodology; deferred application of credits.* When the construction of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving development approval,

the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project or, if there are no subsequent phases, a credit reimbursement claim should be made to the county within ten years of the date of development permit approval. Credits shall be used not later than ten years from the date the credit is given.

(F) *Challenge to expenditure.*

(1) A person challenging the propriety of an expenditure of system development charge revenues may appeal the decisions or the expenditure by filing a written request with the director describing with particularity the expenditure from which the person appeals.

(2) An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure.

(3) The director shall determine whether the expenditure is in accordance with this section and the provisions of ORS 223.297 through 223.314, and may affirm, modify, or overrule the decisions. If a determination is made that there has been an improper expenditure of systems development charge revenues, a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent.

(G) *Payment of system development charges.*

(1) System development charges shall be paid prior to the issuance of a development building permit.

(2) Charges shall be based on the estimated average p.m. peak hour trips that will be generated by the development as identified in the *ITE Trip Generation Manual*, latest edition.

(3) Alterations of single family dwelling structures shall be exempt from the system development charge. Alterations of other residential structures shall be exempt from the system development charge unless the director determines the alteration creates a need for transportation facilities or increases the demands on existing transportation facilities based on the estimated average p.m. peak hour trips.

(4) Any applicant whose design review application or single family building permit application is accepted by the county or its agents as being complete prior to the effective date of this section shall be exempt from paying the charge.

(5) The amount of the charge shall be set by Board resolution.

(H) *Payment of additional system development charges.* Except as provided in division (G)(3) of this section, additional system development charges shall be payable if an alteration, expansion, improvement, conversion, or operation of a building or use causes a change in the estimated number of trips generated. The estimated number of trips generated shall be the estimated average p.m. peak hour trips as identified in the Institute of Transportation Engineers *Trips Generation Manual*, latest edition. The amount of the charge shall be the difference between the charge based on the new estimated number of trips and the charge already paid, or the charge resulting from the difference between the new estimated number of trips and the estimated number of trips at the date of enactment of Ord. 802.

(I) *Transportation account.* System development charges shall be placed in a transportation account and segregated by accounting practices from all other funds of the county.

(Ord. 1061, Renum7.063, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.063, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 5.10.280, 07/01/1998; Ord. 802, passed, 10/20/1994)

§ 27.064 BOOK OF RECORDS.

A fee shall be charged equal to the actual cost incurred by the department for preparing and providing diazo copies of the book of records as determined by the director. The minimum fee for such copies shall be set by Board resolution.

(Ord. 1061, Renum7.064, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.064, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ‘90 Code, § 5.10.120, 07/01/1998; Ord. 195, passed, 04/26/1979; Ord. 105, passed, 07/10/1975)

§ 27.065 MAP REPRODUCTIONS AND LOANS.

For the services of the department in reproducing and loaning maps, fees shall be set by Board resolution.

(Ord. 1061, Renum7.065, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.065, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ‘90 Code, § 5.10.140, 07/01/1998; Ord. 278, passed, 08/20/1981; Ord. 195, passed, 04/26/1979; Ord. 105, passed, 07/10/1975)

§ 27.067 BOUNDARY CHANGE APPLICATION.

(A) The Chair is authorized to adopt procedures as needed to meet due process requirements relating to boundary changes.

(B) For services provided by the department in connection with processing a boundary change petition, the department shall charge fees sufficient to cover the actual cost of services. The deposit amounts shall be set by Board resolution and shall be in addition to any other fees, deposits or charges authorized by law. The actual charges will be based on actual costs including overhead and other related costs, determined at the completion of the process. The difference between the actual costs and the deposit will be billed or refunded to the applicant.

(Ord. 1061, Renum7.067, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.067, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); Ord. 927, passed, 03/04/1999)

***SOLID WASTE AND RECYCLING
MANAGEMENT***

**§ 27.500 TITLE AND AREA OF
APPLICATION.**

This subchapter of the Multnomah County Code relating to residential and business solid waste and recycling regulation applies to the unincorporated areas of the county outside of urban service districts. This chapter will not apply to any Federal or State agencies.
(Ord. 1207, added, 4/10/14)

§ 27.501 DEFINITIONS.

For the purposes of this subchapter, the following definitions apply unless the context requires a different meaning.

- a. **Business Recycling Requirement.** Requirements defined by Metro and this subchapter, which do not apply to businesses whose primary office is located in a residence.
- b. **Business.** Any entity of one or more persons, corporate or otherwise, engaged in commercial, professional, charitable, political, industrial, educational, or other activity that is non-residential in nature, including public bodies.
- c. **Collection License.** A license issued by the Director which allows the holder to provide solid waste and recycling collection and dropbox service within the areas of Multnomah County that are covered by this subchapter.
- d. **Director.** Director of Department of Community Services or the Director's designee.
- e. **Dropbox.** A single receptacle used to store solid waste or recyclable materials that is designed to be removed from the customer's site on the back of an open truck for unloading at a disposal site, material recovery facility, or other storage or processing facility. The contents of the receptacle are not mixed with the contents of other similar receptacles until delivery to a disposal site.
- f. **Licensee.** The person to whom a collection license is granted by the County pursuant to this subchapter.

- g. **Residential Service Standard.** Requirements defined by Metro and this subchapter.

- h. **Regional Solid Waste Management Plan.** The regional solid waste and recycling management plan adopted by Metro and approved by the Oregon Department of Environmental Quality.

- i. **Solid Waste and Recycling Collection.** The collection of solid waste and recyclable materials from a customer.

- j. **Standard Recyclable Materials.** Any materials or group of materials that can be recycled, as defined in the Regional Solid Waste Management Plan and the administrative procedures.
(Ord. 1207, added, 4/10/14)

§ 27.502 POLICY.

The Board recognizes that regulation of solid waste and recycling collection within the unincorporated areas of the county is necessary to ensure a comprehensive and consistent level of recycling service for the region, and to assist the region in meeting state recovery and waste reduction goals, conservation of natural resources and reduction of greenhouse gas emissions. This ordinance will establish and implement regulations consistent with and in compliance with State law, the Regional Waste Management Plan, and the intergovernmental agreement with Metro, Contract Number 201439, executed September 26, 2013.
(Ord. 1207, added, 4/10/14)

**§ 27.503 ADMINISTRATION AND
DELEGATION OF
AUTHORITY.**

The Director shall issue administrative rules in compliance with state law to implement this chapter, including but not limited to license issuance, licensing requirements, collection and hauling standards, data collection from licensees, educational information, and enforcement.
(Ord. 1207, added, 4/10/14)

§ 27.504 ANNUAL LICENSE REQUIRED.

a. The County will issue licenses under this subchapter.

b. Only licensees may provide solid waste and recycling collection and drop box service within the areas of Multnomah County that are covered by this subchapter.

c. The Director may deny an application for a license if a license applicant does not meet application criteria.
(Ord. 1207, added, 4/10/14)

§ 27.505 RESPONSIBILITY OF LICENSEES.

a. Licensees and their subcontractors will provide solid waste and recycling collection and drop box service in compliance with license terms, applicable local, state, and federal laws, including the Residential Service Standard and the Business Recycling Requirement, and the rules adopted under this subchapter.

b. Licensees will provide recycling collection educational information as described in the administrative rules to every new customer within 14 days of customer sign up and annually to every existing customer.

c. Licensees must provide their current license upon request.

d. Licenses may be transferred with approval of the Director, which will not be unreasonably withheld.
(Ord. 1207, added, 4/10/14)

§ 27.506 RESIDENTIAL SERVICE STANDARD.

a. For single-family residences, including duplexes, triplexes, and fourplexes, the licensee will:

- i. Provide at least one durable recycling container to each residential customer; and

- ii. Provide weekly on-route collection of all standard recycling materials, unless granted an exception by the Director.

b. For multi-family residences, the licensee will provide regular collection of standard recyclable materials for each multi-family dwelling community having five or more units, unless granted an exception by the Director.

c. For businesses, the licensee will provide regular collection of standard recyclable materials, unless granted an exception by the Director.

d. The licensee will provide a recycling education and promotion program to all customers that supports solid waste management according to the waste reduction hierarchy described in the administrative rules.
(Ord. 1207, added, 4/10/14)

§ 27.507 BUSINESS RECYCLING REQUIREMENT.

a. Businesses must source separate all recyclable materials, provide recycling containers, post signs identifying materials the Business must source separate, and provide recycling instructions, in compliance with the administrative rules.

b. A Business may seek exemption from the Business Recycling Requirement.
(Ord. 1207, added, 4/10/14)

§ 27.508 ENFORCEMENT.

a. It is a violation to fail to comply with license terms, applicable local, state, and federal laws, including the Residential Service Standard, the Business Recycling Requirement, and the rules adopted under this subchapter.

b. It is the Director's responsibility to enforce the provisions of this subchapter.

c. The Director is authorized to issue a written notice of violation to any licensee or business that is not complying with this subchapter. The notice must conform with the administrative rules.

d. An uncorrected violation may result in civil penalty, license suspension, or license revocation, as described in the administrative rules.
(Ord. 1207, added, 4/10/14)

§ 27.509 APPEALS AND HEARING.

a. Any person receiving a written notice of violation of this subchapter may contest the notice in accordance with the administrative rules.

b. Failure of a party to file an appeal or unexcused failure of a party to appear at a duly scheduled hearing will constitute a waiver by the party of any further appeal under this chapter. Upon entry of a waiver in the record, the last decision issued by the Director will become final.
(Ord. 1207, added, 4/10/14)

§ 27.510 DETERMINATION OF FEES.

Fees will be imposed under this subchapter in amounts set by Board resolution.
(Ord. 1207, added, 4/10/14)

§ 27.511 PENALTY.

a. Any person subject to this subchapter who is found in violation may be subject to a civil penalty in an amount determined by the Director not to exceed \$500.

b. Civil penalties may be imposed on a per month, per day, per incident or such other basis as the Director may determine as appropriate.
(Ord. 1207, added, 4/10/14)

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AMMONIA EMISSIONS

(Ord. 1061, Renum7.600*, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.600*, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget))

§ 27.600- TITLE.

This subchapter shall be known as the Ammonia Emissions Law.

(Ord. 1061, Renum7.600-, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.600-, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.85.005, 07/01/1998; Ord. 366, passed, 02/17/1983)

§ 27.601 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

ENGINEER. The county engineer or the engineer's designee.

OVERFLOW PIPE or VALVE. An outlet from a storage tank through which ammonia which exceeds the tank's capacity is discharged.

STORAGE TANK. An aboveground storage facility for anhydrous ammonia which has a storage capacity of 15 tons or more.

(Ord. 1061, Renum7.601, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.601, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.85.010, 07/01/1998; Ord. 366, passed, 02/17/1983)

§ 27.602 PURPOSE AND SCOPE.

(A) The purpose of this subchapter is to protect the public from ammonia overflows from aboveground storage tanks, occurring during the off-loading of ammonia in quantities which exceed tank capacity.

(B) This subchapter shall apply to any person who maintains and operates, within the unincorporated areas of the county, one or more storage tanks.

(Ord. 1061, Renum7.602, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.602, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.85.020, 07/01/1998; Ord. 366, passed, 02/17/1983)

§ 27.603 FINDINGS.

(A) Anhydrous ammonia is a colorless gas or liquid chemical which is highly toxic to human beings. Exposure to gaseous ammonia emissions in air can cause irritation to eyes, skin or mucous membranes, or permanent physical injury or death, depending upon the volume of the emissions in air and length of exposure.

(B) The Board finds that gauges which measure the quantity of ammonia being off-loaded, and the assignment of one or more individuals at the overflow pipe or valve to observe whether the quantity being off-loaded is within the capacity of the tank, are not sufficient, separately or together, to avoid accidental overflows.

(Ord. 1061, Renum7.603, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.603, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.85.030, 07/01/1998; Ord. 366, passed, 02/17/1983)

§ 27.604 PRESCRIBED SAFEGUARDS.

In addition to those safeguards described in § 27.603(B), any person covered by this subchapter is required to operate at all storage tanks for anhydrous ammonia, a system which in case of overflows during off-loading, automatically closes the overflow pipe or valve, and disengages the pump which generates the flow.

(Ord. 1061, Renum7.604&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.604, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.85.040, 07/01/1998; Ord. 366, passed, 02/17/1983)

§ 27.605 PERMITS.

(A) A permit shall be required, upon payment of the prescribed fee, issued by the director, to maintain and operate any storage tank for anhydrous ammonia, whether in liquid or gaseous form. The fee for the permit shall be as set by Board resolution.

(B) Permits required under this section shall be obtained upon written application to the engineer, providing such information as may be required by the engineer to certify that the automatic shutoff system and other safeguards required by this subchapter have been installed and function according

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to the standards and specifications which the engineer may establish, as he deems reasonably necessary to carry out the purposes of this subchapter.

(C) The engineer may promulgate rules or regulations to carry out the purposes of this subchapter.

(D) No person shall operate a storage tank for anhydrous ammonia unless the person has obtained the permit required by this section.

(E) The director and the engineer shall have the authority to enter upon any premises where a storage tank is situated, for the purpose of testing and inspection, to determine whether there are safeguards against ammonia overflows which are prescribed by this subchapter and which meet the standards and specifications which the engineer may establish.

(F) Notwithstanding that the person has been issued a permit required by this subchapter, if the director or engineer finds, after inspection, that a storage tank operated and maintained by the person is without the safeguards prescribed by this subchapter or which does not meet the standards and specifications which the engineer may establish, the director shall give written notice of deficiencies and may direct such steps as are necessary to be done to secure conformance.

(G) A permit shall be effective for one year after issuance.

Penalty, see § 27.999

(Ord. 1061, Renum7.605&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.605, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.85.050, 07/01/1998; Ord. 366, passed, 02/17/1983)

§ 27.606 ADMINISTRATION AND ENFORCEMENT.

(A) Enforcement of this subchapter by the director may be by civil action, as provided in ORS 30.315, or by criminal prosecution, as provided in ORS 203.810, governing the prosecution of offenses under county law.

(B) The director may bring a civil action under ORS Chapter 30 to enjoin the operation of a storage tank which is without the safeguards prescribed by this chapter or which does not meet the standards and specifications which the engineer may establish.

(Ord. 1061, Renum7.606, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.606, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.85.090, 07/01/1998; Ord. 366, passed, 02/17/1983)

SEWERAGE

(Ord. 1061, Renum7.750*, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.750*, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget))

§ 27.750- TITLE.

This subchapter shall be known as the Sewerage Law.

(Ord. 1061, Renum7.750-, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.750-, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.010, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.751 SCOPE.

This subchapter shall apply to all public sewerage systems owned by any service district for which the Board acts as governing body under ORS 451.485. This subchapter shall apply to all commercial, industrial, residential, or other real property and any improvements, whether sewered or unsewered, which is located within the boundaries of one of the sewerage service districts or served by one of the sewerage service districts identified in § 27.754.

(Ord. 1061, Renum7.751&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.751, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.020, 07/01/1998; Ord.440, passed, 10/28/1984)

§ 27.752 RESPONSIBILITIES TO THE DISTRICT.

It shall be the responsibility of the property owner or discharger to comply with the following:

(A) Obtain all permits as required by this subchapter;

(B) Pay all fees as prescribed by this subchapter;

(C) Comply with all regulations set forth by this subchapter; and

(D) Notify the district of all changes in use and occupancy of the property and its improvements which will result in a change in the permitted discharge.

(Ord. 1061, Renum7.752, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.752, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.030, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.753 PERMITS REQUIRED.

(A) A permit shall be required, upon payment of the fees described in this subchapter, is- sued by the director, for the performance of any of the following:

(1) To dig up, break into, excavate, disturb, dig under or undermine any street for the purpose of laying or working upon any sewer pipe, culvert or sewer or drain appurtenance or facility of any kind;

(2) To make connection with, obstruct or interfere with any public sewer, drain pipe or culvert;

(3) To cut or break into any public sewer, drain or culvert, whether or not at a service branch of a facility provided for connection; or

(4) To connect the blowoff or exhaust pipe of any boiler, steam engine or other pressurized facility with any public sewer or drain.

(B) Emergency repairs involving leak- age or breakage in any pipe, sewer, drain or conduit, requiring immediate action, may be performed by any person licensed or certified to perform such work, without first obtaining a permit, provided appropriate permit applications, along with payment of prescribed fees are completed within 48 hours, excluding Sundays and holidays. All conditions which may be imposed by the permit, including correction of work already performed, shall be complied with.

(C) Any work performed without obtaining the required permit(s) and paying the pre- scribed fees must be an emergency which would constitute a hazard to humans, animals, or the environment, as determined by the engineer. Any person performing such work shall be required to obtain the appropriate permit applications and pay the pre- scribed fees within 48 hours, excluding Sundays and holidays. Work performed without permit shall be subject to the provisions of §§ 27.792 and 27.999.

Penalty, see § 27.999

(Ord. 1061, Renum7.753&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.753, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.040, 07/01/1998; Ord.440, passed, 10/28/1984)

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§ 27.754 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

BOD. The abbreviation for biochemical oxygen demand, which shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter over a period of five days at a temperature of 20 degrees Celsius (as described in the current editions of the American Public Health Association publication, *Standard Methods for the Examination of Water and Wastewaters*, or the *Guidelines Establishing Test Procedures for the Analysis of Pollutants*, contained in 40 CFR 136 and amendments thereto.

COMMERCIAL OR INDUSTRIAL OCCUPANCY. Use of any structure or facility, including unimproved land, for the preparation, processing, treating, making, compounding, assembling, mixing, improving or storing of any product or any solid, liquid or gaseous material for commercial or industrial purposes or for the cleaning, processing or treating of tanks, vats, drums, cylinders or other containers used in transportation or storage of any solid, liquid or gaseous material for commercial or industrial purposes and includes all public eating places.

CONNECTION. The initial connection of a structure which is to be connected to the sewer, or a change in occupancy of an existing structure which is previously connected to the sewer system, which results in an increase in equivalent dwelling units, as determined under § 27.783.

CONNECTION FEE. A fee or charge for connection, or increased usage, of sewers and sewage purification systems. The connection fee is the property owner's contribution to past capital costs borne by the district in relation to the design, construction, acquisition, operation, maintenance, and discharge of contract requirements of the district for sewage treatment, disposal and purification. An owner desiring to connect a building to a sewer, or to increase the sewer usage by alteration, expansion, improvement, or conversion of a building already

connected to the sewer causing an increase in equivalent dwelling units, as defined in § 27.783, shall pay the charges as outlined in § 27.788.

DEVELOPMENT.

(1) Construction of a building or an addition to a building, when the value of the construction work exceeds \$10,000. Value shall be the value appearing on the building permit or as otherwise determined by the engineer.

(2) Construction of a mobile home space in a mobile home park or a recreational vehicle space in a recreation vehicle park.

(3) Installation of a mobile home park, except on temporary permit.

(4) A change in occupancy that results in increased discharge based on effluent control and volume, which determination shall be made by the engineer of the Department of Community Services, or his or her designee.

(5) Installation of a subsurface sewage disposal system, including replacement of an existing system.

DISCHARGER. Any person who discharges wastes into the sewage treatment system.

DISTRICT. A sewerage service district governed by the county, consisting of the following sewerage service district: Dunthorpe Riverdale Service District No. 1.

DWELLING UNIT. Any housing unit with sanitary and kitchen facilities to accommodate one or more residents, including but not limited to detached residences, multiple housing units, condominiums, mobile homes and trailer spaces, but excluding any building containing six or more guestrooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests. For the purposes of this subchapter, equivalent dwelling units are defined in § 27.783.

ENGINEER. The county engineer or the engineer's agent.

EXTRATERRITORIAL. Areas beyond the district boundaries to which sewage treatment facilities are constructed by the district to serve the affected properties.

INDUSTRIAL WASTES. Wastes or wastewaters generated by industrial or commercial occupancy.

IN-LIEU USER CHARGE. A charge which is equivalent to the monthly sewer user charge.

MULTIPLE DWELLING UNIT. A building containing more than one dwelling unit where each unit is not served by a separate water account. This is intended to include one or more equivalent dwelling units in commercial buildings.

NEW DISCHARGE. Any discharge which commences on or after the effective date of the ordinance comprising this subchapter. Any discharge that was commenced prior to the effective date of this ordinance, but has not discharged into the sewer within the two years previous to the effective date of this ordinance will be considered as a new discharge if it is resumed on or after the effective date of this ordinance.

OPERATION AND MAINTENANCE. Activities of the district required to be carried out for the operation and upkeep of the sewage system including collection, trunk, and interceptor sewer lines, pump stations, and the sewage treatment facility. This term includes district expenses related to administration, financial and audit activities, insurance premiums, claims, legal and engineering services relating to operation and maintenance, staff training and education, utilities, operating supplies, office and equipment leasing, minor equipment and tool purchases, and payments and reserves for salaries, pensions and retirements, health, hospitalization and sick leave benefits, and vacation.

RENEWAL AND REPLACEMENT. On-going upkeep and repair of district sewer facilities and scheduled replacement of equipment,

sewer facilities and sewer lines, as required to preserve the integrity of the existing capacity of the facility for the continued delivery of sewage services. Renewal and replacement includes emergency repairs and emergency facility replacement.

SENIOR CITIZEN RESIDENCE. Any dwelling unit occupied by a person or persons 65 years of age or over, whose annual income does not exceed those income levels set by Board resolution.

USER CHARGE. A monthly fee that is collected annually from properties connected to the district sewer system for the use of the sewer and sewage purification facilities. As such, user charges are established to cover expenses related to operations and maintenance, renewal and replacement, and may also include debt service payments on obligations of the district for the financing of capital improvements.

(Ord. 1061, Renum7.754&Amd, 05/26/2005, eff. 7/1/2005; Ord. 978, Amended, 03/07/2002; Ord. 971, Renum27.754, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); Ord. 971, Amended, 12/20/2001; Ord. 956, Amended, 01/18/2001; ' 90 Code, § 8.70.050, 07/01/1998; Ord. 469, passed, 06/26/1985; Ord. 440, passed, 10/28/1984)

§ 27.755 RECORDS RETENTION.

All users that are discharging matter which requires monitoring shall, as a condition of obtaining the permit, retain and preserve for no less than three years any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are subject to any enforcement or litigation activities brought by the district pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Penalty, see § 27.999

(Ord. 1061, Renum7.755&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.755, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.060, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.756 DISPOSITION OF FUNDS.

All moneys collected under the authority of this subchapter shall be credited to the service district (S-1 2007)

sewage fund, and any refunds shall be made from that fund.

(Ord. 1061, Renum7.756, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.756, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.070, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.757 REFUNDS.

In the event an error is found to have occurred in charging or billing sewer user service charges, refunds of sewer user service charges collected in error shall be authorized to persons (B) who have paid them, upon approval of the (C) engineer.

(Ord. 1061, Renum7.757, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.757, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.080, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.758 PROPERTY OUTSIDE THE DISTRICT; DETERMINATION.

In determining whether any residential or business, industrial, commercial, institutional or other or similar properties are to be considered within or without the district limits where the same are partially within and without, any property where 66 % or more of its assessed valuation is recorded in the records of the county assessor as lying beyond the district limits shall be considered (D) wholly without the district for the purpose of sewer (E) user charges. (Ord. 1061, Renum7.758, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.758, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.100, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.759 SEWER CONNECTION NOT A RIGHT; LATERAL CONNECTION CHARGES.

(A) Connection with a public sewer from property inside or outside the district limits under this subchapter shall be deemed temporary and to give no right to permanent connection regardless of lapse of time, and shall be subject to disconnection at the order of the engineer whenever the engineer finds that the property can be served by another sewer which has been designed or engineered to carry the sewer from the property. If a particular property is or has been directly assessed from an alternate sewer available to serve the property, and the property

has been connected to an existing sewer with payment of a connection charge, then the current owner of the property will be eligible for re- fund of the appropriate amount of the connection charge, not to exceed what has been paid previous to the charge, without interest, upon application there- for. No refund shall be made unless the property has been directly assessed or unless direct payment has otherwise been made for a sewer and such amount placed on the county open lien docket within three years of the date of first connecting to the sewer.

(B) Whenever the engineer determines that laterals should be extended from any public sewer during its construction, or after its completion, and the cost of the lateral shall be borne by the property owner, the engineer is authorized to compute the cost of each lateral when constructed, including all portions thereof, such as wyes, stubs and risers as determined by the authorized amounts paid for the construction, plus 15% for the cost of engineering services, administrative charges, and to establish the lateral charge therefrom. The charge so determined shall be collected when a connection to the lateral is made in addition to any other sewer connection charges which may be required by this subchapter. This charge shall be collected prior to issuance of the sewer connection permit.

(Ord. 1061, Renum7.759, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.759, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.110, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.760 SPECIAL PROVISIONS.

(A) Where there are several water supplies or various uses of water that would be eligible for credit under the various sections of this subchapter, upon approval of the engineer a discharge meter may be installed in lieu of several submeters. In all such cases, the owner or person in charge of the premises shall give the county inspectors the right of access at all reasonable times for the purpose of reading, inspecting or testing the meter or device and determining therefrom the amount of water reaching the sewer. Failure of the owner, a lessee, or others acting under the owner to maintain the meter in good working order constitutes a violation of this subchapter and during the period of the meter's non-operation and pending the proper repair and

reinstallation of the meter, or pending installation of a meter, the account may be billed on the basis of three times the normal water usage or in such an amount as deemed proper by the engineer.

(B) Sewer user service charges as provided in this subchapter shall be applicable to all wastewater discharges to the sewer system, regardless of the source. In unusual circumstances where the wastewater is not from a fixed location, such as ships, barges, houseboats and other moveable facilities or quarters, a method of determining the volume provided by the user shall be used if approved by the engineer. Otherwise, the engineer shall estimate the volume of water to which sewer user service charges shall apply and the engineer's determination shall be final. The rate of charge shall be the same as though the water originated from a local public or private source.

Penalty, see § 27.999

(Ord. 1061, Renum7.760&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.760, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.120, 07/01/1998; Ord.440, passed, 10/28/1984)

§ 27.761 METERS.

(A) Each and every meter that is used under provisions of this subchapter shall conform to this section, subject to the requirements of the water district involved. Any meters so used shall have the approval of the engineer as to type, size and location before installation. All meters shall register in cubic feet.

(B) Meters placed below the ground or pavement surface shall have the top of the meter not more than eight inches below the surface and shall be enclosed in a standard water meter box and cover. Meters located above the ground or floor level shall not be more than three and one-half feet above the ground or floor level.

(C) All meters shall be located in an area that is accessible at all times. The meter shall be so located that no locked door or gate shall be encountered by the engineer when inspecting the meter. No meter shall be located adjacent to dangerous machinery or structural hazard and the extent of the hazards shall be determined by the engineer.

(D) It is unlawful to install, change, bypass, adjust or alter any metering device or any piping arrangement connected therewith by which it would appear that the quantity of water reaching the public sewer is recorded as less than the actual quantity.

(E) Meters installed on water systems supplied from private or public sources and used to measure cooling, irrigation, evaporation or product water shall be connected in such a manner as to register only that portion of the water supply used for that purpose, and not used for sanitary purposes. In addition, a mechanical plan shall be submitted showing the location and capacity of the units served and location of all water supply piping and of discharges.

(F) Prior to installation of any meter, for the purpose of obtaining reduced sewer charges, the owner shall submit for approval by the engineer a mechanical plan showing the proposed meter location, access route to the meter, the water supply or source, the cooling or other water using equipment, and the discharge point. No reduced sewer user rate or charge shall be given until the engineer has approved the plans and the installation. When the cooling water or product water comes from a supply used for other purposes and a meter or other method of determining the volume so used is installed as above, the administrative or special meter charge for each such meter shall be determined by the engineer. All meters used to obtain a reduced sewer user charge shall conform to the provisions of § 27.760.

(G) The failure to repair a defective meter within 30 days after notice from the district that the meter is defective, revokes the applicability of the special rate provided in this section. A sewer user charge shall be made at the rate based on water passing through the meter or bypass during those 30 days. The charge shall continue in effect until such time as the owner or person in charge of the premises formally notifies the engineer that the meter has been repaired. The estimate of water consumption through the meter by the engineer shall be final.

(H) For commercial and industrial occupancies that are required by the district to meter their water use, and where water is supplied solely from private sources such as wells, springs, rivers or creeks, or forms a partial supply in addition to that furnished by public water systems, the private supply shall be

metered, and any meters so used shall conform to the provisions of this subchapter. The owner or person in charge of the premises shall give the engineer the right of access at all reasonable times for the purpose of reading, inspecting or testing the meter or device and determining the amount of water reaching the district sewer. Failure of the owner, lessee or others acting for the owner, to maintain the meter in good working order, constitutes a violation of this subchapter and during the period of the meter's non-operation and pending the proper repair and reinstallation of the meter, the account may be billed on the basis of three times the normal water usage or in such an amount as considered proper by the engineer.

Penalty, see § 27.999

(Ord. 1061, Renum7.761&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.761, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.130, 07/01/1998; Ord.440, passed, 10/28/1984)

§ 27.762 CRITERIA FOR EXTRATERRITORIAL SEWER MAIN EXTENSIONS.

(A) All extraterritorial extension sewers which do not flow into the district or basin by gravity are temporary.

(B) All mains, lateral sewers, pump stations and pressure lines shall be constructed to the county Plumbing Code, state Plumbing Code, and state Department of Environmental Quality standards. Plans and specifications shall be subject to their approval as well as those of the district designated to serve the basin where the lines are to be located. All related costs are the responsibility of the developer.

(C) Extraterritorial connections will be dedicated to the use of the public and be subject to standard district connection fees. If a portion of the connection fee is dedicated for line construction cost it may be waived by the engineer if the connection is made to a line or lines not financed by the district.

(D) Cost of operation and maintenance of pumping facilities and pressure lines necessary for the extraterritorial extension are the responsibility

of the developer and must be guaranteed by the developer.

(E) Sewer users connected to an extra- territorial extension shall pay the standard sewer user charge collected from users within the district, in addition to fees described in division (D) of this section.

(F) Upon construction of the main sewer system for the basin where a temporary system is located, any temporary connection shall be discontinued and the extraterritorial collection system shall become a part of the collection system of its own basin. No fees or charges made with respect to this sewer extension shall be refundable.

(G) Lines constructed within another district or city shall become the property of that entity.

Penalty, see § 27.999

Cross-reference:

County Plumbing Code, see Chapter 29

(Ord. 1061, Renum7.762&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.762, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.140, 07/01/1998; Ord.440, passed, 10/28/1984)

§ 27.763 SEWAGE DISPOSAL AGREEMENTS.

(A) The engineer shall have authority to enter into sewage disposal agreements for and on behalf of the district with any sanitary or sewage district or governmental agency authorized to contract on behalf of property outside the district, and to provide for payments to the district by the agencies instead of payments by individual property owners or occupants. Bonds or other securities may be waived by the engineer in agreements provided for in this section. All other provisions of this code applicable to sewer connections or sewer use or to agreements with individual property owners shall remain in full force and effect.

(B) The engineer shall have authority to enter into agreements for and on behalf of the district permitting connection and providing for sewer-age service when the engineer finds such service feasible and appropriate. The engineer shall have authority to conduct an investigation in connection with

the application of any business, industry, commercial plant, institution or similar use of property to connect with a public sewer under district control. The engineer shall have authority to require the construction of adequate pretreatment or other facility and pretreatment or handling of sewage before the same may be placed in the sewer. The engineer shall have authority to fix maximum strength and exclusionary requirements deemed necessary in order that the operation of the sanitary sewage disposal system may be adequately protected and pollution not increased. All lateral or lead sewers to be connected by authority of this division shall be first approved by the engineer as to design and location.

(C) Any person entering into an agreement with the district for sewage disposal under the authority of this subchapter shall, at the time of entering into such an agreement, post a cash or approved surety bond in a sum to be determined by the engineer, based upon the estimated amount of sewage to be placed in the sewer. The bond shall be deposited with the appropriate service district.

(Ord. 1061, Renum7.763, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.763, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.150, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.764 GENERAL DISCHARGE REGULATIONS AND LIMITATIONS.

No person shall discharge, permit the discharge, or permit or authorize a connection which will result in the discharge of the following:

(A) Sanitary sewage into a public sewer which has been designated by the engineer exclusively for storm drainage;

(B) Storm drainage or uncontaminated water used for refrigeration or cooling purposes into a public sewer which has been designated by the engineer exclusively for sanitary sewage;

(C) Gasoline, benzene, naphtha, alcohols, fuel oil or other toxic, flammable or explosive liquid, solid or gas, into a public sewer, unless by emergency order of the engineer;

(D) Solid or viscous substances capable of obstructing sewage flow or interfering with the operation of the sewage works or treatment facilities, including but not limited to, ashes, cinders, sand, mud, straw, insoluble shavings, metal, glass, rags, feathers, tar, creosote, plastics, wood, animal paunch contents, offal, blood, bones, meat trimmings and wastes, fish or fowl heads, entrails, trimmings and wastes, lard, tallow, baking dough, chemical residues, paint residues, cannery waste bulk solids, hair or fleshings, plastic or paper dishes, cups or food or beverage containers, in any form;

(E) Any noxious, malodorous, toxic or poisonous substance, gas, liquid or solid, which by itself, or upon interaction with other wastes, may create a hazard to the public or to persons entering a sewer facility;

(F) Waters or wastes containing substances in sufficient quantity, as defined in the table set for in division (G) of this section, that they inhibit or interfere with the operation or performance of any sewage treatment process, are not amenable to treatment or reduction by the sewage treatment process employed, or are only partially amenable to treatment such that the sewage treatment plant effluent cannot meet the requirements of any agency having jurisdiction over its discharge to the receiving waters or that prevents the use or disposal of sewage treatment plant sludge in accordance with applicable state and federal regulations;

(G) Any water or waste containing a hazardous or toxic substance in sufficient quantity, as specified in the table set forth in this section, either singly or by interaction with other substances, to injure or interfere with any sewage treatment process; to constitute a hazard to humans, animals, or the environment; or to create a hazard in, or adversely affect the receiving waters; or result in unacceptable concentrations of these substances being discharged in combined sewer overflows or sewage treatment plant effluent. Liquids containing copper, zinc and similar toxic substances at the point of discharge to the sewer or in combination with the total sewage treatment plant flow, shall not exceed the limits in table 1 unless the discharger has an effective industrial waste discharge permit which establishes a different limitation for the specific pollutant.

Chemical	Entry to Sewer (mg/l)	Receipt at Plant (mg/l)
Ammonia	50.0	5.0
Arsenic	1.0	0.3
Cadmium	1.0	0.3
Chlorinated hydro-carbons	0.5	-
Chlorine demand not to exceed	20.0	5.0
Chromium (total)	5.0	1.0
Copper	2.0	0.3
Cyanide	1.0	0.2
Iron	10.0	2.0
Lead	2.0	0.2
Nickel	3.0	0.5
Phenols or cresols	1.0	0.3
Sulfate	500.0	-
Sulfide	50.0	-
Zinc	4.0	1.0
Total oil and grease	100.0	-

(H) Any wastes, wastewaters or substances having a pH less than 5.5 or more than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewer system. This includes, but is not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine;

(I) Any liquid or vapor having a temperature higher than 65 degrees Celsius (149 degrees Fahrenheit) or which contains heat in amounts which will inhibit biological activity, resulting in interference at the treatment plant. In no case shall there be heat in such quantities that the temperature of the treatment plant influent exceeds 27 degrees Celsius (80 degrees Fahrenheit);

(J) Any substance which may solidify or become discernibly viscous at temperatures above zero degrees Celsius (32 degrees Fahrenheit);

(K) Any garbage or waste that has not been properly commuted to 0.65 centimeters (¼ inch) or less in any dimension;

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(L) Any slugload, which means any pollutant, including oxygen-demanding pollutants (BOD, and the like), released in a single discharge episode of such volume or strength as to cause interference to the sewer system;

(M) Any substance with a color of undesirable intensity which is not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(N) Any substance which may cause the sewer treatment plant's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. (In no case shall a substance discharged to the sewer system cause the district to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Clean Water Act (33 USC 1345); any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (42 USC 6901), the Clean Air Act (42 USC 7401), the Toxic Substances Control Act (15 USC 2601), or state standards applicable to the sludge management method being used, or any amendments thereto);

(O) Radioactive wastes, except as may be discharged by permit issued by the State of Oregon department of environmental quality and approved by the engineer, and in compliance with the current Oregon Regulations for the Control of Radiation (OAR 333-22-150 or amendments thereto);

(P) Matter containing in excess of 100 milligrams per liter, or any lesser content as may be fixed by the engineer for particular occupancies, of fat waste, oil or grease, whether emulsified, ether soluble or n-hexane soluble matter;

(Q) Any matter which the engineer determines may impair the effective operation of the sewage treatment plant, including but not limited to the following causes:

(1) Concentrations of inert suspended or dissolved solids, including but not limited to fuller's

earth, lime slurries or residues, sodium chloride, calcium chloride or sodium sulfate;

(2) Unusual biochemical demand; or

(R) Any matter the engineer determines will, alone or in combination with other water or waste in the system, release obnoxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration, not be treatable or reducible by the sewage treatment processes available or not be sufficiently treatable to meet requirements of other agencies which have jurisdiction over waters to which treated sewage is discharged. The engineer shall make such a determination through the analysis of a waste sample provided by the discharger.

Penalty, see § 27.999

(Ord.1061, Renum7.764&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.764, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.160, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.765 NOTIFICATION OF DISCHARGE.

(A) Prior to beginning a new industrial waste discharge into the sewer system, the discharger shall notify the engineer of the discharge. The notification shall consist of the name and address of the discharger; the type of business or activity; and a brief description of the nature of the discharge, including an estimate of the flow and the type of pollutants in the waste.

(B) If an industrial waste discharge permit is required under § 27.771, the application for the permit shall serve as the required notification of discharge.

(C) It is unlawful for a person who has an effective industrial waste discharge permit pursuant to § 27.771 to discharge wastes to the sewer system in excess of the limitations established in the permit or in violation of the prohibited discharge limitations in § 27.764. The engineer shall establish industrial waste discharge permit limitations to the extent necessary to enable the district to comply with current national pollutant discharge elimination system categorical and general pretreatment standards and

waste discharge requirements as promulgated by the U.S. Environmental Protection Agency and the state Department of Environmental Quality; to protect the receiving water quality; to protect the sewer system; and to comply with all other applicable federal and state laws. Existing and future pretreatment standards for existing and new sources promulgated by the Environmental Protection Agency under the authority of the Clean Water Act (33 USC 1251) along with any future revisions or related legislative man- date, are incorporated herein by reference as a means of complying with federal and state pretreatment requirements and will be included as discharge limitations in industrial waste discharge permits is- sued to affected industries.

Penalty, see § 27.999

(Ord. 1061, Renum7.765&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.765, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.170, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.766 INDUSTRIAL WASTE RESTRICTIONS.

(A) No industrial wastes shall be discharged into a public sewer or into a sewer discharging into the district sewer system unless prior approval of the engineer is obtained pursuant to the permit process established in § 27.771, if the industrial wastes have any of the following characteristics:

(1) A maximum instantaneous rate of flow exceeding 10% of the capacity of the available lateral or appropriate trunk sewer.

(2) Characteristics or constituents exceeding the maximum fixed in § 27.764.

(B) If any industrial wastes are discharged or are proposed to be discharged to a public sewer, which wastes contain the substances or possess the characteristics enumerated in division (A) of this section, or exceed the maximums set forth in § 27.764, and which in the judgment of the engineer may have a hazardous effect upon the sewage works processes, equipment or receiving waters, or which otherwise create a hazard to life or create malodors, the engineer may:

(1) Reject the waste;

(2) Require regulation of the quantities and rates of discharge; or

(3) Require payment of the extra-strength sewage charge prescribed in § 27.790.

(Ord. 1061, Renum7.766&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.766, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.180, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.767 TESTING METHODS.

Methods to be used in determining the acceptability of sewage or wastewater, to meet the requirements of § 27.764(G) and (P) and § 27.766(A)(1) and (A)(2), and other provisions of this subchapter, shall be in accordance with the current edition of *Standard Methods for Examination of Water and Waste Water*, as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

(Ord. 1061, Renum7.767&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.767, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.190, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.768 PRETREATMENT FACILITIES.

(A) If, as determined by the engineer, treatment facilities, operation changes or process modifications at an industrial discharger's facility are needed to comply with any requirements under this subchapter or are necessary to meet any applicable state or federal requirements, the engineer may require, at the owner's expense, that such facilities be constructed or modifications or changes be made within the shortest reasonable time, taking into consideration construction time, impact of the untreated waste on the sewer system, economic impact on the facility, impact of the waste on the marketability of the plant sludge, and any other appropriate factor, as proposed in this section.

(B) Any requirement in this section may, at the engineer's discretion, be incorporated as part of an industrial waste discharge permit issued under § 27.771, and made a condition of issuance of such permit or made a condition of the acceptance of the waste from such facility.

(C) Plans, specifications and other information relating to construction or installation of preliminary treatment facilities required by the engineer under this subchapter shall be prepared and submitted by the discharger to the engineer and to the state Department of Environmental Quality as required by state law. No construction or installation shall commence until written approval of plans and specifications by the engineer and the state Department of Environmental Quality are obtained. No person, by virtue of that approval, shall be relieved of compliance with other laws or ordinances of the county and of the state relating to construction and to permits. Every facility for the preliminary treatment or handling of industrial wastes shall be constructed in accordance with the approved plans and specifications and shall be installed and maintained at the expense of the occupant of the property discharging the industrial wastes.

(D) Any occupant of property upon which a preliminary treatment facility is required, in accordance with divisions (A) and (C) of this section, shall comply with the installation requirement within six months from the date of written notice by the engineer. The engineer may extend the time for reasonable cause. If a preliminary treatment facility is not completed and placed in operation within the six months or period extended by the engineer, the engineer may order the operations to be terminated until the facility is placed into operation. During the period of construction of a preliminary treatment facility, no discharge in violation of §§ 27.764 and 27.766 shall be permitted.

(E) Every facility for preliminary treatment or handling of industrial wastes shall be subject to inspection by the engineer, without prior notice, who shall determine whether or not the facility is being maintained in effective operation. If the engineer finds that the occupant of property who controls a preliminary treatment facility fails to maintain that facility in effective operation, the discharger may be ordered to terminate operations until the facility is restored to effective operation or, in the discretion of the engineer, the untreated waste may be discharged into the system, provided, however, that a surcharge rate as provided in § 27.790 shall be imposed.

(F) Notwithstanding installation and operation of a preliminary treatment facility, no person shall discharge or permit the discharge into a public sewer of any waste prohibited under the provisions of this subchapter.

(G) Any person constructing a preliminary treatment facility, as required by the engineer, shall also install and maintain at his own expense a sampling manhole or other suitable monitoring access for checking and investigating the discharge from the preliminary treatment facility to the public sewer. The sampling manhole or monitoring access shall be placed in a location designated by the engineer and in accordance with specifications approved by the engineer.

(H) It is the responsibility of the owner or discharger to notify the district of any changes in occupancy or discharge which will result in a change of the matter to be treated by the sewage treatment facility.

(I) Any person operating a preliminary treatment facility as required by the engineer shall be responsible for sampling and testing of the discharge in order to ensure the required quality. This work shall be done by the person or organization, subject to approval of methods by the engineer, or it shall be performed by an approved testing company at the expense of the person or organization. Results of the testing shall be submitted at periods to be prescribed by the engineer, and copies of test results furnished to the engineer. This shall not preclude the engineer's right to take samples and to make tests without prior notice to the facility operation. Expenses for sampling and testing of discharge that the engineer considers necessary to make may be charged to the person or organization operating the facility.

(J) Any person operating a preliminary treatment facility who is found to be in noncompliance with this subchapter shall be subject to the penalties set forth in this chapter.

Penalty, see § 27.999

(Ord. 1061, Renum7.768&Amd, 05/26/2005, eff. 7/1/2005
Ord. 971, Renum27.768, 12/20/2001, eff. 1/1/2002 and
7/1/2002 (for budget); '90 Code, § 8.70.210, 07/01/1998; Ord.
440, passed, 10/28/1984)

§ 27.769 INSPECTION AND SAMPLING.

(A) *Inspection.*

(1) *Inspection authorized.* Authorized district representatives may, upon providing district identification, inspect the monitoring facilities of any industrial waste discharger to determine compliance with the requirements of this subchapter. The discharger shall allow the district or its authorized representatives to enter upon the premises of the discharger at all reasonable hours, as defined division (A)(2)(c) of this section, for the purpose of inspection, sampling, or records examination. The district shall also have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring or metering operations. The right of entry includes, but is not limited to, access to those portions of the premises that contain facilities for sampling, measuring, treating, transporting or otherwise handling wastes, and storing records, reports or documents relating to the treatment, sampling, or discharge of the wastes.

(2) *Conditions for entry.*

(a) The authorized district representative shall present district identification at the time of entry.

(b) The purpose of the entry shall be for inspection, observation, measurement, sampling, testing or records examination in accordance with the provisions of this subchapter.

(c) The entry shall be made at reasonable hours, which are defined as normal operating or business hours, unless an emergency situation exists as determined by the engineer.

(d) All regular safety and sanitary requirements of the facility to be inspected shall be complied with by the district representative(s) entering the premises.

(B) *Sampling.*

(1) The engineer may sample or require sampling of wastewater being discharged into the sewer system. Such samples shall be representative

of the discharge and shall be taken after treatment, if any, and before dilution by other water. The sampling method shall be one approved by the engineer and one in accordance with good engineering practice.

(2) Samples that are taken by district personnel for the purposes of determining compliance with the requirements of this subchapter shall be split with the discharger (or a duplicate sample provided in the instance of fats, oils and greases) if requested before or at the time of sampling.

(3) All sample analyses shall be performed in accordance with the procedures set forth in 40 CFR, part 136 and any amendments thereto or with any other test procedures approved by the Administrator of the Environmental Protection Agency. If there are no approved test procedures for a particular pollutant, then analyses shall be performed using procedures approved by the engineer and, if the discharge is subject to a categorical pretreatment standard, by the Environmental Protection Agency Administrator.

(Ord. 1061, Renum7.769, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.769, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.220, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.770 REPORTING REQUIREMENTS.

(A) *Report on initial compliance with categorical pretreatment standards.*

(1) Within 180 days after the effective date of a categorical pretreatment standard issued by the Environmental Protection Agency or within 90 days after receiving notification from the engineer that such a standard has been issued, whichever is sooner, existing industrial waste dischargers subject to such standard shall submit to the engineer a report, as required by the Environmental Protection Agency general pretreatment regulations. The report shall be reviewed by an authorized representative of the discharger and certified to by a qualified professional. The report shall include the following:

- (a) The name and address of the facility

and the name of the owner and operator;

- (b) A list of any environmental control permits on the facility;

- (c) A description of the operation(s);

- (d) The average and maximum daily flow;

- (e) The levels of the particular pollutants that are regulated in the standard;

- (f) A statement as to whether the applicable standards are being consistently met and, if not, what additional measures are necessary to meet them; and

- (g) If additional pretreatment or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the needed pretreatment or operation and maintenance can be provided.

(2) New industrial waste dischargers subject to an effective categorical pre-treatment standard issued by Environmental Protection Agency shall submit to the engineer, following the commencement of their discharge into the sewer system, a report which contains the information listed in divisions A(2)(a) through (e) of this section.

(3) These reports shall be completed in compliance with the specific requirements of section 403.12 of the General Pretreatment Regulations for Existing and New Sources (40 CFR part 403) promulgated by the Environmental Protection Agency on January 28, 1981, or any subsequent revisions thereto.

(4) If the information required in division (A)(1) of this section has already been provided to the engineer and that information is still accurate, the discharger may reference this information instead of submitting it again.

(B) *Periodic compliance reports.*

(1) Any discharger that is required to have an industrial waste discharge permit pursuant to § 27.771 shall submit to the engineer during the

months of June and December, unless required on other dates or more frequently through written notification to the discharger by the engineer, a report indicating the nature of the effluent over the previous six-month period. The report shall include, but is not limited to, a record of the concentrations (and mass if limited in the permit) of the limited pollutants that were measured, and a record of all flow measurements that were taken. Additional reports shall be required only upon written notice from the engineer indicating the required reporting frequency.

(2) The frequency of the monitoring shall be determined by the engineer and specified in the industrial waste discharge permit. If there is an applicable effective federal categorical pretreatment standard, the frequency shall not be less than that prescribed in the standard.

(3) Flows shall be reported on the basis of actual measurement; provided, however, where cost or feasibility considerations justify, the engineer may accept reports of average and maximum flows estimated by verifiable techniques.

(4) The engineer may require reporting by industrial dischargers that are not required to have an industrial waste discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent or determine any other factor which is related to the operation and maintenance of the sewer system.

(5) The engineer may require self-monitoring by the discharger or, if requested by the discharger, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section.

(a) If the engineer agrees to perform such periodic compliance monitoring, the engineer shall charge the discharger for the monitoring, based upon the costs incurred by the county for the sampling and analyses. Any such charges shall be individually billed by the Department of Community Services,

Accounting Division, upon notification from the engineer.

(b) The engineer is under no obligation to perform the periodic compliance monitoring for a discharger.

(c) **PERIODIC COMPLIANCE MONITORING** is that monitoring which is necessary to provide the information on discharge quantity and quality required for the periodic compliance reports.

(6) Any discharger who fails to perform compliance monitoring or submit compliance reports as required by the engineer shall be subject to the penalties set forth in this chapter. Additionally, the engineer may perform periodic compliance monitoring at the discharger's expense.

(C) *Confidential information.*

(1) Any records, reports or information obtained under this subchapter shall be available to the public or any governmental agency without restriction, unless classified by the engineer as confidential. In order to obtain a classification of confidential on all or part of any record, reports or information submitted, the discharger shall:

(a) Submit a written request to the engineer identifying the material that is desired to be classified as confidential; and

(b) Demonstrate to the satisfaction of the engineer that records, reports or information, or particular parts thereof, if made public, would divulge a secret process, device or method of manufacturing or production entitled to protection as trade secrets of the discharger.

(2) Effluent data, as defined in 40 CFR 2.302, submitted pursuant to this subchapter shall not be classified as confidential.

(3) Records, reports or information or parts thereof classified as confidential by the engineer shall not be released or made part of any public record or hearing unless such release is ordered by a court of competent jurisdiction. However, such confidential information shall, upon written request, be made available to state or federal agencies having jurisdiction, duties or responsibilities relating to this subchapter, the national pollutant discharge elimina-

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tion system or state waste disposal laws and regulations. Confidential information shall not be transmitted to any governmental agency by the engineer until and unless a ten-day written notification is given to the discharger and unless the governmental agency receiving the confidential information has procedures for safeguarding the information.

Penalty, see § 27.999

(Ord. 1061, Renum7.770&Amd, 05/26/2005, eff. 7/1/2005; Ord. 978, Amended, 03/07/2002; Ord. 971, Renum27.770, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); Ord. 971, Amended, 12/20/2001; Ord. 956, Amended, 01/18/2001; '90 Code, § 8.70.230, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.771 INDUSTRIAL WASTE DISCHARGE PERMITS.

(A) Requirement for a permit.

(1) *Conditions requiring a permit.* Except as provided in division (A)(2) of this section, an industrial waste discharger must obtain an industrial waste discharge permit prior to discharging into the sewer system if:

(a) The discharge is subject to promulgated national categorical pre-treatment standards;

(b) The discharge, as determined by the engineer, contains pollutants in concentrations or quantities that interfere or have the potential to interfere with the operation of the sewer system; has a significant impact or potential for a significant impact on the sewer system, either singly or in combination with other contributing industries; or increases the cost of operation of the system;

(c) The discharge requires pretreatment in order to comply with the discharge limitations in this subchapter; or

(d) The discharge has a maximum instantaneous flow which exceeds 10% of the capacity of the available lateral or appropriate trunk sewer.

(2) Existing discharges.

(a) Persons who have discharges that are in existence prior to the date that an industrial waste discharge permit is required shall be notified in writing by the engineer that such a permit is required. Such existing dischargers shall be allowed to continue discharging into the sewer system without an industrial waste discharge permit until a permit is issued or denied, provided the discharger files a completed application for an industrial waste discharge permit within 90 days of the receipt of the notice.

(b) Dischargers that require an industrial waste discharge permit and are allowed to continue discharging without such a permit under division (A)(2)(a) of this section shall comply with §§ 27.764, 27.765, 27.769, and 27.772.

(B) Application for an industrial waste discharge permit.

(1) Application for an industrial waste discharge permit shall be made to the engineer on forms provided by the Department of Community Services of the county. The application shall not be considered as complete until all information identified on the form is provided, unless specific exemptions are granted by the engineer.

(2) Completed applications shall be made within 90 days of the date requested by the engineer or, for new discharges, at least 90 days prior to the date that discharge is to begin. The required 90-day lead time for making application for a new discharge may be decreased by the engineer if requested by the applicant for good and valid cause.

(C) Issuance of industrial waste discharge permits.

(1) Industrial waste discharge permits will be issued or denied by the engineer within 90 days after a completed application is received.

(2) Industrial waste discharge permits shall contain conditions which meet the requirements of

this subchapter as well as those of applicable state and federal laws and regulations.

(3) As provided in § 27.768, if pretreatment facilities are needed to meet the discharge requirements in the discharge permit, the permit shall require the installation of such facilities.

(4) Whenever a discharge permit requires installation or modification of pretreatment facilities or a process change necessary to meet discharge standards or spill control requirements, the discharger shall include a compliance schedule which establishes the date for completion of the pretreatment facilities or process changes and any appropriate interim dates to be approved by the engineer. Interim dates shall be no more than 180 days apart.

(5) Discharge permits shall expire no later than five years after the effective date of the permit.

(6) The engineer may deny the issuance of a discharge permit if, as determined by the engineer, the discharge will result in violations of local, state or federal laws or regulations; will overload or cause damage to any portion of the sewer system; or will create an imminent or potential hazard to humans, animals, or the environment.

(D) Modification of permits.

(1) An industrial waste discharge permit may be modified at the written request of the permittee and at the discretion of the engineer, for good cause.

(2) Permittee modification requests shall be submitted to the engineer and shall contain a detailed description of all proposed changes in the discharge. The engineer may request any additional information needed to adequately prepare the modification or assess its impact.

(3) The engineer may deny a request for modification if, as determined by the engineer, the change will result in violations of local, state or federal laws or regulations; will overload or cause damage to any portion of the sewer system; or will create a potential hazard to humans, animals, or the

environment.

(4) If a permit modification is made at the direction of the engineer, the permittee shall be notified in writing of the proposed modification at least 30 days prior to its effective date and informed of the reasons for the changes. Any request for reconsideration shall be made before the effective date of the changes.

(E) *Change in a permitted discharge.* A modification to the permittee's discharge permit must be issued by the engineer before any increase is made in the volume or level of pollutants in an existing permitted discharge to the sewer system. Changes in the discharge involving the introduction of waste stream(s) not previously included in the industrial waste discharge permit application or involving the addition of new pollutants shall be considered as new discharges, requiring application under division (B) of this section. It is the responsibility of the owner or discharger to notify the county of any changes in a permitted discharge.

Penalty, see § 27.999

(Ord. 1061, Renum7.771&Amd, 05/26/2005, eff. 7/1/2005; Ord. 978, Amended, 03/07/2002; Ord. 971, Renum27.771, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); Ord. 971, Amended, 12/20/2001; Ord. 956, Amended, 01/18/2001; '90 Code, § 8.70.240, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.772 SPILL PREVENTION AND CONTROL.

(A) *Notification.* Any person becoming aware of spills or uncontrolled discharges of hazardous or toxic substances or substances prohibited under § 27.764 directly or indirectly into the sewer system, shall immediately report such discharge by telephone to the engineer.

(B) *Posted notice.* A notice informing employees of the notification requirement and containing a telephone number or individual to contact in the event of such a discharge as noted in division (A) above shall be posted in a conspicuous place, visible to all employees that may reasonably be expected to observe such a discharge. It is the responsibility of the discharger to post such notice.

(C) *Preventative measures.* Direct or indirect connections or entry points which could allow spills or uncontrolled discharges of hazardous or toxic substances or substances prohibited under § 27.764 to enter the sewer system shall be eliminated, labeled or controlled so as to prevent the entry of wastes in violation of this subchapter. The engineer may require the industrial user to install or modify equipment or make other changes necessary to prevent such discharges as a condition of issuance of an industrial waste discharge permit or as a condition of continued discharge into the sewer system. A schedule of compliance shall be established by the engineer which requires completion of the required actions within the shortest reasonable period of time. Violation of the schedule without an extension of time by the engineer is a violation of this subchapter.

(D) *Operating upsets.* Any discharger which experiences an upset in operations which places the discharger in a temporary state of non-compliance with this subchapter or an industrial wastewater discharge permit issued pursuant to § 27.771 shall inform the engineer of the upset within 24 hours after the discharger knew or should have known or received constructive notice of the upset. Where such information is given orally, a written follow-up report shall be filed by the discharger with the engineer within five days. The report shall specify:

(1) Description of the upset, the cause thereof and the upset's impact on the discharger's compliance status.

(2) 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.

(3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

(E) *Spill prevention and control plans.*

(1) Industrial users that handle, store or use hazardous or toxic substances or substances prohibited under § 27.764 on their site shall prepare and submit to the engineer a spill prevention plan within 90 days of the effective date of this subchapter. The engineer may require periodic revision of the spill prevention and control plan as deemed necessary. The plan shall be directed at preventing the entrance of such substances, directly or indirectly, into the sewer system. It shall be available to the engineer upon request for inspection at the facility during normal business hours and shall include, but not be limited to, the following elements:

(a) A description of the hazardous substances handled and their potential points of entry into the sewer system;

(b) A description of the measures to be taken to prevent entry at the described points before a spill occurs;

(c) Measures to be taken to contain a spill if one occurs; and

(d) A description of employee training in the prevention and control of spills.

(2) A valid spill prevention plan required under the Federal Clean Water Act may be acceptable in lieu of developing a new spill prevention plan, provided the plan addresses adequately the elements required.

(3) The engineer may require revisions to an industrial waste discharger's spill prevention plan if the plan contains elements that are inadequate as determined by the engineer, or if the discharger has a spill or uncontrolled discharge of a hazardous or toxic substance or substance prohibited under § 27.764 into the sewer system.

Penalty, see § 27.999

(Ord. 1061, Renum7.772&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.772, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.250, 07/01/1998; Ord. 440, passed, 10/28/1984)

**§ 27.773 TERMINATION OR
PREVENTION OF A
DISCHARGE.**

(A) *Conditions warranting termination or prevention.* The engineer may prevent a discharge or order the termination of a discharge into the sewer system if:

(1) The discharge or threatened discharge presents or may present a potential hazard to the health or welfare of humans, animals, or the environment, or threatens to interfere with the operation of the sewer system;

(2) The permit to discharge into the sewer system was obtained by misrepresentation of any material fact or by lack of full disclosure;

(3) The discharger violates any requirement of this subchapter or of an industrial waste discharge permit; or

(4) Such action is directed by a court of competent jurisdiction.

(B) *Notice.* Written notice of prevention of discharge or order of the termination of a discharge shall be provided to the discharger by the engineer prior to preventing or ordering the termination of the discharge.

(1) In situations that do not represent an imminent hazard to humans, animals, or the environment, or threaten to interfere with the sewer system, the notice shall be in writing; shall contain the reasons for the termination or prevention of the discharge, the effective date, the duration, and the name, address and telephone number of a district; shall be signed by the engineer; and shall be received at the business address of the discharger no less than 30 days prior to the effective date of termination.

(2) In situations where there is an imminent hazard to humans, animals, or the environment, or threatened interference with the operation of the sewer system, the engineer may immediately terminate an existing discharge or prevent a new discharge from commencing after providing informal notice to the discharger. Informal notice may be

verbal or written and shall include the effective date and time and a brief description of the reason. Within three working days following the informal notice, a written formal notice as described in division (B)(1) of this section shall be provided to the discharger.

(C) *Cost recovery.*

(1) The engineer may recover all reasonable costs which result from enforcement of this subchapter.

(2) Notice and demand of such costs shall be by letter to the discharger; sent certified or registered mail, return receipt requested, which states the specific violation(s), the cost of damages and penalties sustained by the district, as determined by the engineer.

(3) The costs are due and payable by the discharger upon receipt of the letter. Nonpayment or disputes regarding the amount shall be referred for appropriate legal action to County Attorney.

(4) In addition to any other remedies authorized by law, the engineer may order the termination of a discharge for nonpayment of costs after 30 days to the discharger.

(Ord. 1061, Renum7.773, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.773, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.260, 07/01/1998; Ord. 440, passed, 10/28/1984)

**§ 27.774 APPLICATION FOR
CONNECTION WORK PERMIT.**

(A) Permits required by § 27.753 shall be obtained upon written application to the engineer, providing such information as may be required, including but not limited to the name of the applicant, date, name of the street in which work is to be performed, the purpose of the work, location of the pipe, main, sewer or conduit to be laid, examined, repaired or worked upon, as well as the location of the building or lot, if any, to be connected with the water, gas, steam or sewer pipe or conduit, and the number of days required for taking up and replacing the pavement or street surface.

(B) Connection applications for occupancy by other than commercial or industrial uses shall, in addition to information required under division (A) of this section, include the location and area to be drained.

(C) Applications to connect commercial or industrial occupancies shall, in addition to information required under division (A) of this section, include a description of the business, plat of the property, plans and specifications for any special installations and a description and time schedule of the character and quantity of waters and wastes to be discharged. (Ord. 1061, Renum7.774&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.774, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.270, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.775 CONNECTION TO EXISTING SYSTEMS.

Existing sanitary mains or systems to which any new connection is to be made shall be in a condition satisfactory to the engineer before connection approval and a permit shall be given. The engineer may require television recordings demonstrating the condition of the pipes before granting approval. Any additional mechanical equipment required to operate such system shall be in a condition satisfactory to the engineer.

(Ord. 1061, Renum7.775, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.775, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.280, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.776 ISSUANCE OF CONNECTION WORK PERMITS.

Upon receipt of an application, payment of fees, posting of applicable bond which conforms to the bond requirements set forth in § 27.780, and review and approval by the engineer, a permit shall be issued to perform such work, subject to a determination that the public interest will not be impaired, and upon such restrictions and conditions as the engineer considers appropriate to protect the public safety, health and welfare.

(Ord. 1061, Renum7.776&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.776, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.290, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.777 WORK REQUIREMENTS UNDER CONNECTION WORK PERMIT.

(A) *Conditions.* All work to be performed under a connection work permit shall be supervised by the engineer and shall comply with all applicable codes and regulations and with the following requirements:

(1) Work shall commence no later than 48 hours after issuance of the permit unless otherwise approved by the engineer, and shall be performed diligently and continuously to completion, with excavation refilled and pavement replaced as provided in this subchapter;

(2) Pipes, mains and sewers which are to run lengthwise in any street shall be located as prescribed by the engineer and all pipes and sewers for a house or lot connection shall lay at right angles to the curb, unless otherwise approved by the engineer;

(3) Construction within public rights-of-way shall conform to street standards and operational standards set forth in Chapter 29 of this code;

(4) Adequate barricades shall be installed and maintained around work and shall include OSHA approved lights and warning devices as may be required by the engineer;

(5) Commercial or industrial occupancy connections shall include installation of an eight-inch test and sampling manhole located just outside the property line, unless otherwise required to be located by this subchapter; and

(6) All other requirements as may be reasonably imposed by the engineer.

(B) Expiration of permit.

(1) Every permit issued under the provisions of this subchapter shall expire by limitation and become null and void if the work authorized by such permit is not completed within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time

after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefor shall be ½ the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year.

(1) Any permittee holding an unexpired permit may apply for an extension of the time within which the work may be commenced under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons.

(2) The engineer may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

(C) *Suspension or revocation of permit.* The engineer may, in writing, suspend or revoke a permit issued under the provisions of this subchapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this subchapter.

Penalty, see § 27.999

(Ord. 1061, Renum7.777&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.777, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.300, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.778 RESTORATION OF WORK AREA AND MAINTENANCE OF STREET REQUIRED.

Any person to whom a permit has been issued, notwithstanding posting of any bond, shall immediately remove all surplus sand, earth, rubbish and other material and immediately restore to a condition satisfactory to the engineer, the portion of the street so disturbed, dug up or undermined, and shall keep the street in good repair at the person's

own expense for a period of two years from the date the work is completed. Failure to do so shall constitute a violation of this subchapter and shall be subject to the penalties provided under this chapter.

Penalty, see § 27.999

(Ord. 1061, Renum7.778&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.778, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.310, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.779 CONNECTION REQUIRED; IN-LIEU USER CHARGE.

An in-lieu user charge and mandatory sewer connection requirement shall be imposed for the purpose of ensuring repayment of costs resulting from construction of sanitary sewer facilities to the unsewered areas of the district, and to provide a guarantee that the necessary revenues will be collected by the district to meet its financial obligations for repayment of sewer construction costs.

(Ord. 1061, Renum7.779, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.779, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.320, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.780 BOND REQUIREMENTS.

(A) Except as provided in division (B) of this section, applications for a connection work permit shall include an approved corporate surety bond of not less than \$1,000, conditioned upon the immediate removal of all surplus sand, earth rubbish and other forms of material and immediate replacement, to a condition satisfactory to the engineer, of that portion of any street so disturbed, dug up or undermined and the requirement that the permittee maintain that portion of a street in good repair at the permittee's own expense for a period of two years from the completion date of the work. A permittee may file annually a bond in the penal sum of \$2,000 in place of a separate bond for each part of a street on which work is to be performed.

(B) Except as provided below, no bond shall be required for work to be performed by a person or firm licensed under ORS 454.695 who has on file with the Department of Environmental Quality a current bond as required under ORS 454.705. A bond will be required for any work, the value of

which exceeds \$2,500. The bond requirement shall apply only to work performed in the public right-of-way.

(Ord. 1061, Renum7.780, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.780, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.330, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.781 STORM AND SANITARY SEWAGE SEPARATION REQUIRED.

Drainage from sanitary and storm sewers shall be separately conveyed and discharged into respective sanitary or storm systems. Where storm sewers are not available, storm waste shall be disposed of in a manner prescribed by the engineer which may include on-site disposal. At no time shall the storm drainage system be connected to the sanitary sewer system.

Penalty, see § 27.999

(Ord. 1061, Renum7.781&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.781, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.340, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.782 BASIS FOR CHARGES.

The following charges for connection and use of a public sewer under district control, from properties either inside or outside the district, shall be based on front footage, lot area, or equivalent dwelling units.

(Ord. 1061, Renum7.782, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.782, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.350, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.783 SEWER USER SERVICE CHARGES.

Sewer user service charges are established and made effective as follows:

(A) *Flat rate.* Except as otherwise provided in this subchapter, the rate of sewer user service charges against each and every lot, tract, or parcel of land using a public sanitary sewer, shall be according to the type of occupancy and except as otherwise provided in this subchapter shall be established for all dwelling units or equivalent dwelling units at a uniform flat rate.

(B) *In-lieu service charge.* An in-lieu user charge will be assessed pursuant to § 27.779, based on equivalent dwelling units as defined in the table in this section.

(C) *Rate set by resolution.* The rate of sewer user service charge against each and every equivalent dwelling unit, defined as follows in this section, shall be as set by Board resolution.

(D) *Pumps.* Where it is necessary for residential property owners to install a pump to transport the effluent from their property to the sewer line, the district shall, upon the property owner's request, credit the applicable connection fee in the amount of the cost of the pump. The owner must provide proof of payment for such pump at the time of application for the sewer connection permit in order to receive such credit. The owner shall be fully responsible for any expenses associated with pumping, pump maintenance, or pump repair or replacement.

(E) *Computing and billing of service charges.* The sewer user service charges provided in this subchapter shall be computed annually. The charges shall be certified annually, by the Department of Community Services for inclusion with the annual individual property tax statements. Annual charges shall be based on the determination by the engineer of equivalent dwelling units, as defined in the table in this section. They shall be due and payable on the dates and at the places provided on the statement of property taxes. The monthly sewer service charge for existing occupancies will commence on the first of the month following date of connection. For new construction, charges will commence on the first day of the third month following date permit is issued. The sewer user charges for new construction shall be computed and billed for the remainder of the fiscal year in which the sewer user charges commenced. Any uncollected charges shall be collected as described in § 27.785. The annual charge for any user shall be equal to the monthly rate per equivalent dwelling unit multiplied by 12, then multiplied by the number of equivalent dwelling units.

(F) *Industrial wastes.* Industrial wastes, as defined in § 27.754, and wastes from other occupan

cies not defined in the table in this section, shall be computed on the average monthly water consumption with allowance for usage not subject to a sewer charge, as determined by the engineer. However, where the equivalent dwelling units based on employee count would be higher, the employee count shall be used.

(G) *Charges for pumping.* Where it is necessary for sewage to be pumped to the treatment plant, as opposed to gravity flow, additional service charges may be assessed to cover the cost of pumping and maintenance of pump stations. In the absence of an agreement or contract, this charge shall be determined by the engineer, and shall be within a rate span established by Board resolution, depending upon the quantity and expenses involved. These charges shall apply only to nonresidential proper-ties.

Table of Equivalent Dwelling Units		
Occupancy	Unit Measure	Equiva- lent Dwelling Units
Single-family home	Each	1
Multiple-family dwell- ings	2 living units	1.6
Motels and transient hotels	2 rental units	1
Trailer and mobile home parks	2 rental spaces	1.6
Schools:		
Middle, high, college	10 students	1
Elementary (grades 1- 6)	15 students	1
Restaurants (full ser- vice)	6 seats	1
Hospitals, convales- cence homes, and other institutions	2 beds	1
Sleeping accommoda- tion without kitchens	2 sleeping rooms	1
Laundromats	3 washers	2
Buildings with industrial or other wastes not covered above (average monthly volume)	750 cubic feet per month	1

Industrial and commer- cial buildings without industrial waste	9 full-time employees or the equivalent	1
Churches without day care, preschools	Entire building	1
Churches with day care, preschools	Schools equivalent plus 1 EDU	-
Fast food restaurants without seating spaces	1,000 cubic feet per month	1
Houseboat moorages	2 spaces	1.6
Libraries	1,000 cubic feet per month	1

The minimum evaluation for any sewer connection shall be one equivalent dwelling unit. Any portion of an equivalent dwelling unit shall constitute a full unit.

(Ord. 1061, Renum7.783&Amd, 05/26/2005, eff. 7/1/2005; Ord. 978, Amended, 03/07/2002; Ord. 971, Renum27.783, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); Ord. 971, Amended, 12/20/2001; * 90 Code, § 8.70.360, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.784 SENIOR CITIZENS RATE.

(A) *Qualifications.* Any single-family unit occupied by a person or persons presenting satisfactory evidence of the head of the household being at least 65 years of age having an annual income not exceeding those income limits set by Board resolution, shall be charged an amount set by Board resolution per month for sewer use, based on the costs of serving this class. Applications shall be obtained from the Department of Community Services and must be submitted annually.

(B) *Applications.*

(1) Applications for reduced sewer user service charges shall be on forms sup-plied by the district, filed with or mailed to the Department of Community Services. All information required to be given on such form shall be supplied and verified by the applicant. Reduced sewer user service charges shall be granted qualifying applicants who file their applications prior to the certification of user charges to the property tax accounts. All qualifying senior citizens must submit new applications annually during the months of May and June in order for eligibility to be continued through the next fiscal year from July 1 through the following June 30. A change of (S-1 2014)

address of a qualifying senior citizen terminates the special rate, but a new application by the qualifying senior citizen at his new address may be made and when approved, the reduced rate shall be allowed.

(2) Any unit of government or administrative agency thereof maintaining on a regular basis data covering the qualifications required by the district for reduced sewer user service charge for senior citizens 65 years of age and over pertaining to tenants of its property, is permitted to apply for reduced sewer user service charges on behalf of its tenants meeting such requirements, and to set forth the qualifications of those tenants without separate verifications.

(Ord. 1061, Renum7.784&Amd, 05/26/2005, eff. 7/1/2005; Ord. 978, Amended, 03/07/2002; Ord. 971, Renum27.784, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); Ord. 971, Amended, 12/20/2001; '90 Code, § 8.70.365, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.785 COLLECTION OF CHARGES.

Not later than 60 days, and not earlier than 90 days from the time for making the annual tax levy by the county, the Department of Community Services, shall certify a statement of all unpaid fees and charges and all unpaid interest, specifying the appropriate levy code and property tax account number. The director of assessment and taxation shall extend on the assessment roll the unpaid charges which shall be collected in the manner provided by statute.

(Ord. 1061, Renum7.785&Amd, 05/26/2005, eff. 7/1/2005; Ord. 978, Amended, 03/07/2002; Ord. 975, Renum27.785, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); Ord. 971, Amended, 12/20/2001; '90 Code, § 8.70.370, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.786 SEWAGE REGULATION AUDIT.

If at any time it is determined, by the engineer, that the appropriate connection fees or sewer user charges have not been applied to a property connected to the sewer, a sewage regulation audit shall be conducted and any amounts due from or payable to the district shall be computed. An audit may be requested by the property owner. The audit shall be conducted for all years subsequent to the initial connection of the property to the sewer. Upon completion of the audit, the property owner shall be advised of any action

required for collection or reimbursement. The property owner of record at the date of the audit shall be responsible for payment of fees and charges for all years covered by the audit. In the event of nonpayment by the property owner, the unpaid balance(s) shall become a lien against the property and shall be certified to the property tax account at the time of certification of the annual sewer user service charges, as described in § 27.783. (Ord. 1061, Renum7.786&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.786, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.380, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.787 RECORD OF CHARGES.

Sewer user service charges shall be a charge against the property served from and after the date of billing and entry on the ledger records of the Department of Community Services. The ledger records shall be made accessible for inspection by anyone interested in ascertaining the amount of the charges against the property.

(Ord. 1061, Renum7.787&Amd, 05/26/2005, eff. 7/1/2005; Ord. 978, Amended, 03/07/2002; Ord. 971, Renum27.787, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); Ord. 971, Amended, 12/20/2001; Ord. 956, Amended, 01/18/2001; '90 Code, § 8.70.390, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.788 CONNECTION FEES FOR EQUIVALENT DWELLING UNITS.

(A) Fees for connection with a public sewer inside or outside the district shall be as set by Board resolution.

(B) Where the equivalent dwelling units for a proposed connection (or change) cannot be determined in advance, or where the owner or applicant does not agree with the engineer's determination, where the occupancy is not adequately defined above, the owner shall post a cash or an approved surety bond in the amount required by the engineer Within 2½ years after the new venture is in operation, the engineer shall determine the exact number of equivalent dwelling units, and shall determine the amount of the connection charges payable. Upon written notification from the engineer, the owner shall pay the connection charges required. If the owner does not pay charges within 60 days, the bond shall be declared forfeited upon certificate by

the engineer. Forfeiture of the bond shall not relieve the owner from payments due.

(Ord. 1061, Renum7.788, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.788, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.400, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.789 WASTEWATER SUBJECT TO SEWAGE CHARGES.

Sewer user service charges as provided in this subchapter shall be applicable to all wastewater discharged to the district sewer system regardless of the source. In unusual circumstances where the wastewater is not from a land location, such as ships, barges, houseboats and other movable facilities or quarters, a method of determining the volume provided by the user shall be used if approved by the engineer. Otherwise, the engineer shall estimate the volume of water to which sewer user service charges shall apply, and the engineer's determination shall be final. The rate of charge shall be the same as though the water originated from a local public or private source.

(Ord. 1061, Renum7.789, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.789, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.410, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.790 EXTRA-STRENGTH INDUSTRIAL WASTE.

(A) *Limitations.* Industrial waste is subject to the extra-strength sewer charge if it has a biochemical oxygen demand (BOD) in excess of 300 milligrams per liter or a suspended solids concentration in excess of 350 milligrams per liter. The engineer may establish levels of other pollutants which are to be subject to extra-strength charges, the amount of the charges to be determined by the engineer. Payment of the extra-strength sewage charge does not relieve the discharger of responsibility for all other applicable provisions of this subchapter.

(B) *Basis of extra-strength sewage charge rates.*

(1) *Determination.* In the event that the concentration limits set forth in division (A) of this section are exceeded, the engineer may declare a violation of this subchapter or may impose additional extra-strength sewage charges, based on volume, as described below. To determine

the charge rate, the engineer shall first assess the level of concentration of the extra-strength sewage in accordance with division (B)(2) of this section. The charge shall then be determined based upon the volume of the extra-strength sewage as set out in division (B)(3) of this section and established under division (D) of this section.

(2) *Concentration.* The concentration of each pollutant in excess of the limits specified in § 27.790 shall be used to determine the extra-strength sewage charge rate (dollars per 100 cubic feet) throughout the time interval between sample periods. The concentration shall be the average value of daily composite samples taken over a period of five days, except when another period is specified by the engineer. Samples shall be taken at an approved sampling manhole or other location adjudged by the engineer to be suitable so that samples will be representative. The rate of charge for each pollutant shall be as set by Board resolution.

(3) *Volume.* The volume used to bill the extra-strength sewage charge shall be the total metered water supply to the premises. However, where the industrial waste is discharged separately from domestic, product, or cooling waters, and the industrial user provides a meter or other acceptable method of determining the quantity of water not subject to the extra-strength sewage charge, then an appropriate allowance for such other uses shall be made. The allowance for domestic sewage shall be 1,000 cubic feet per nine employees, unless this allowance is included in another measurement.

(C) *Other charge computations.* If effluent conditions make calculations by the composite method impossible or unrealistic, another method of sampling and computation acceptable to the engineer and based on the rates set by Board resolution may be implemented.

(D) *Extra-strength rates.* The rates shall be as established by Board resolution.

(E) *Industrial waste discharge permit fees.*

(1) The engineer shall determine the effective period for the permit, based upon such factors as concentration, volume, and origin of the dis

charge. In no case shall an industrial waste permit be effective for a period exceeding five years.

(2) Permit fees for industrial waste discharge shall be as set by Board resolution. Fees are payable to the county as part of the application for the permit or permit renewal.

(3) Where the owner of a property is discharging industrial wastes prior to the effective date of the ordinance comprising this sub- chapter, the owner shall be issued an industrial waste discharge permit at no charge, but will then be subject to the renewal fees and requirements of this section.

(F) *Minimal charges suspension.* The engineer may establish a minimum limit for monthly extra strength charges. The billing for all accounts whose monthly extra-strength charges are below this minimum limit will be suspended until such time as they are found to be higher.

(G) *Adjustments.* The engineer may check sewage strength as outlined in this section and adjust charges where applicable at any time in accordance with the most recent analysis.

(H) *Resampling request; fees.* Any discharger may request the district to resample wastewater at no charge if 18 months or more have elapsed since the last such sampling. If less than 18 months have elapsed since the last sampling, then requests for the district to resample wastes shall be submitted in writing and accompanied by full payment for the resampling fee, in an amount set by Board resolution.

(I) *Termination or limitation.* Notwithstanding prior acceptance into the sewer system of industrial wastes under this section, if the engineer finds that industrial wastes from a particular commercial or industrial occupancy or a class of wastes from similar commercial or industrial occupancies cause or may cause damage to the sewer

system; interference with the operation of the sewer system; or a nuisance or hazard to the sewer system, district personnel or the receiving waters; then the engineer may limit the characteristics or volume of the industrial wastes accepted under this section, or may terminate the acceptance. Notice of the limitation or termination shall be given in writing to the owner and to the occupant of the property involved and shall specify the date when the limitations or termination is to be effective. It is unlawful for any person to discharge or permit the discharge of industrial wastes in violations of this subchapter.

Penalty, see § 27.999

(Ord. 1061, Renum7.790&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.790, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.420, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.791 LINE CHARGE.

(A) An owner desiring sewer connection and service by a private line or house branch directly to an existing public sewer of any size under district control, when the cost of such public sewer was not contributed to on behalf of applicant's property by assessment for direct service or its equivalent, shall pay a line charge. The line charge shall be a flat rate per front footage of property, or lot area, when the engineer determines that area is the more appropriate figure. If the property to be served is connected to the sewer more than three years after the sewer construction project was completed, the cost to connect shall be based on the average of sewer project cost over the three most recent construction years.

(B) Lots up to 50 feet of frontage shall be charged as 50-foot lots. Lots over 50 feet shall be charged as 50 feet plus 10% for each whole five feet additional frontage up to a maximum of 100 feet per equivalent dwelling unit. Front footage shall be considered equal to 1% of the lot area within 100 feet of the street or easement line of the sewer. Such street or easement line shall be considered as continuing 100 feet beyond the end of the sewer or beyond where the sewer turns away from the property.

(Ord. 1061, Renum7.791, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.791, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); ' 90 Code, § 8.70.430, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.792 ENFORCEMENT; VIOLATIONS.**(A) Violations.**

(1) A violation shall have occurred when any requirement of this subchapter has not been met; when a written request of the engineer, made under the authority of this subchapter, is not met within the specified time; when a condition of a permit or contract issued under the authority of this subchapter is not met within the specified time; when effluent limitations are exceeded, regardless of intent or accident; or when false information has been provided by the discharger.

(2) Each day a violation occurs shall be considered as a separate violation.

(B) *Notice of violation.* Upon determination by the engineer that a violation has occurred or is occurring, the engineer shall issue a written notice of violation to the discharger which outlines the violation and the potential penalty. The notice shall further request correction of the violation within a specified time or require written confirmation of the correction or efforts being made to correct the violation by a specified date. The notice shall be personally delivered to the discharger's premises or be sent certified or registered mail, return receipt requested.

(C) *Remedies under state law.* In the event that a person served with notice as provided by division (B) of this section fails to timely comply with it, the conduct in violation shall constitute a county offense under ORS 203.810.

(D) *Other legal action authorized.* To enforce any of the requirements of this subchapter, the director may, by first providing written notice of violation in accordance with division (B) of this section, gain compliance by:

(1) Causing appropriate action to be instituted in a court of competent jurisdiction; or

(2) Taking such other action lawfully available.

Penalty, see § 27.999

(Ord. 1061, Renum7.792&Amd, 05/26/2005, eff. 7/1/2005;

Ord. 971, Renum27.792, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.450, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.793 APPEALS.

(A) *Reconsideration by engineer.* A person aggrieved by any decision or determination of the engineer other than an estimate made final by the provisions of this subchapter, relating to charges for use of sewers or connections thereto, may appeal to the engineer, within ten days of notification of the determination, for reconsideration of such determination if there is reason to believe that sufficient data or information is available to support a different determination. The appeal shall be accompanied by the data or information the discharger used as a basis for the request. The engineer may then revise the initial determination or retain the original determination based upon the submitted appeal. The engineer shall notify the appellant of his decision within 30 days of receipt of the appeal.

(B) *Appeal to the director.* The aggrieved person may appeal the engineer's decision to the director within 30 days upon notification of the engineer's determination of the submitted appeal. The director shall review the data and information used by the discharger to support a different determination and shall respond to the appellant with a decision within ten days.

(C) *Appeal to governing body of the district.* If the discharger continues to disagree with the determination of the director, the discharger may present an appeal to the governing body of the district.

(Ord. 1061, Renum7.793, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.793, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.460, 07/01/1998; Ord. 440, passed, 10/28/1984)

§ 27.794 OTHER LAWS APPLY.

This subchapter shall not be considered to eliminate the necessity of conforming to any and all federal, state, county and municipal laws, ordinances, rules and regulations, which now or in the future relate to the activities regulated by this subchapter.

(Ord. 1061, Renum7.794, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.794, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); '90 Code, § 8.70.480, 07/01/1998; Ord. 440, passed, 10/28/1984)

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§ 27.999 PENALTY.**(A) *Ammonia emissions violations.***

The operation of a storage tank without the permit required by §§ 27.600 through 27.606 shall constitute a violation of this chapter, punishable in a civil action, or criminal prosecution upon conviction, by a fine not exceeding \$10,000 for each day of operation without a permit ('90 Code; § 8.85.090) (Ord. 366, passed 1983)

(B) *Sewerage violations.*

Violations of the sewerage subchapter, §§ 27.750 through 27.794, may result in assessment of a civil penalty in an amount up to \$500 per day violation. (Ord. 1061, Renum7.999&Amd, 05/26/2005, eff. 7/1/2005; Ord. 971, Renum27.999, 12/20/2001, eff. 1/1/2002 and 7/1/2002 (for budget); 937, Amended, 12/16/1999, sec. 3 effective 7/1/2000; '90 Code, § 8.70.450, 07/01/1998; Ord. 440, passed, 10/28/1984)