

**CITY OF PHILOMATH
Wastewater System Facilities Plan,
Philomath, Oregon**

**Philomath Sewer Ordinance No. 624
Philomath SDC Ordinance No. 601**

Appendix D

ORDINANCE NO. 624

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS FOR THE USE AND BENEFITS OF THE SEWERAGE FACILITY OF THE CITY; PROVIDING FOR THE METHODS OF CHARGES FOR SEWERAGE SERVICES; THE INSTALLATION AND CONNECTION OF SEWERS AND THE DISCHARGE OF WATER AND WASTE INTO THE PUBLIC SEWER SYSTEM; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; PROVIDING FOR THE DISPOSITION OF FUNDS COLLECTED FROM THE MONTHLY SEWER USE CHARGES; AND REPEALING ORDINANCES #500,540, AND 541, AS AMENDED.

THE CITY OF PHILOMATH ORDAINS AS FOLLOWS:

Section 1. COMPANION ORDINANCE. This ordinance is a companion ordinance to the City of Philomath ordinance(s) that provide for System Development Charges.

Section 2. DEFINITION OF TERMS. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

APPLICANT: A person, corporation, association or agency applying for sewer service.

BOD (Biochemical Oxygen Demand): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Celsius, expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes within or adjoining the building or structures, and conveys the same to the building sanitary sewer.

BUILDING SANITARY SEWER: That part of the horizontal piping of a wastewater drainage system beginning five (5) feet or more from any building or structure, and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal.

BUILDING STORM SEWER: That part of the piping of a stormwater drainage system which begins at the connection to the building storm drain at a point five feet outside the established line of the building or structure, and conveys stormwater, surface water, and other unpolluted water to the public storm sewer, street or other point of disposal.

CITY or CITY OF PHILOMATH: City of Philomath, a municipal corporation of the State of Oregon.

CITY ENGINEER: The City Engineer shall be the City's duly authorized agent as designated by the City Manager.

COLLECTION SYSTEM: Facilities maintained by the City of Philomath for collecting, pumping, conveying and controlling wastewater.

COMBINED SEWER: A sewer that is designed as both a sanitary sewer and a storm sewer.

COMMERCIAL SERVICE/USER: All buildings or premises used for any purpose other than a dwelling unit, having a sewage discharge of a kind, type and volume similar to a single-family dwelling unit or multi-unit residential structure, but not an industrial waste contributor.

COUNCIL: The City Council of the City of Philomath.

CUSTOMER: A property owner of record, agent of the owner, or tenant who receives service from the City is responsible for payment of charges/fees.

DOMESTIC SEWAGE: Wastewater of the type commonly introduced into a treatment works by residential users.

DWELLING UNIT: Includes each single-family dwelling unit used for human habitation.

GARBAGE: Solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

GRAB SAMPLE: A wastewater sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

INDUSTRIAL USER: Any customer who discharges industrial wastewaters directly or indirectly into the City sewer system or discharges a significantly larger volume of wastewater than a single-family residence as determined by the City.

INDUSTRIAL WASTEWATER: Any non-domestic liquid, gaseous substance or semi-solid from any producing, manufacturing business or trade, or processing operation of whatever nature (as distinct from sanitary sewage), and the contents of chemical toilets, septic tanks, and wasteholding tanks.

INFILTRATION: Water that enters the sewerage system from the surrounding soil. Although generally limited to sewers laid below the normal groundwater level, infiltration also occurs as a result of rain or irrigation water soaking into the ground and entering sewers with defective pipes or joints.

INFLOW: Stormwater runoff that enters the sewerage system only during or immediately after rainfall.

LATERAL SEWER: Any side lateral off a sewer main line which is in the public right-of-way or easement, operated and maintained by the City and to which a building sewer connects or may connect.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

OPERATION AND MAINTENANCE: Activities required to assure the dependable and economical function of treatment works.

1. Operation: Control of the unit processes and equipment which make up the treatment records, laboratory control, process control, safety and emergency operation planning.
2. Maintenance: Preservation of functional integrity and efficiency of equipment and structures. This includes preventive maintenance, corrective maintenance, and replacement of equipment.

PERSON: Any individual, company, enterprise, partnership, corporation, association, society or group; the singular term shall include the plural.

pH: The negative logarithm (base 10) of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in moles per liter of solution. It is a measure of the acidity or alkalinity of the wastewater. Neutral water, for example, has a pH of 7 and a hydrogen concentration of 10.

POLLUTANT: Any spoil, waste, residue, sewage, garbage, sludge, munitions, chemicals, biological materials, radioactive materials, heat, rock, sand, dirt, soil, agricultural municipal, or industrial material discharged into water.

POLLUTION: The degradation of the chemical, physical, biological or radiological quality of ground, surface, subsurface, or storm drainage waters by man, or the activities thereof.

PRIVATE COLLECTION SYSTEM: A privately owned and maintained lateral sewer system installed to serve multi-unit structures on single ownership properties which cannot legally be further divided, such as apartments, mobile home parks, and schools. A single family residence with a detached garage or shop with sanitary facilities is exempt from this definition.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWER: Any sewer in the public right-of-way or easement operated and maintained by the City.

PUBLIC WORKS DIRECTOR: The Public Works Director for the City of Philomath or the City's authorized representative.

RATE SCHEDULES: The entire body of effective rates, rentals, charges and fees as established by the City Council.

REPLACEMENT: Obtaining and installing equipment, accessories, or appurtenances which are necessary during the design or useful life of the treatment works, whichever is longer, to maintain the capacity and performance for which such works were designed and constructed.

RESIDENTIAL USER: The owner or leasee of a dwelling unit as defined in this ordinance. Said dwelling unit may be a single family dwelling, or a portion of a multi-family dwelling.

SANITARY SEWER: A conduit intended to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

SERVICE CHARGE (User Charge): A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance (including replacement) of such works.

SEWAGE: A combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

SEWER: A pipe or conduit for carrying either sewage and industrial wastewater, or storm and surface waters and drainage.

SEWERAGE SYSTEM: The entire sewage collection and treatment system, exclusive of building sewers. This includes all conduits, pumps, treatment equipment and any other components involved in the collection, transportation, treatment, and disposal of sanitary and industrial wastewater and sludge.

SHALL: is mandatory; **MAY** is permissive.

SIDE SEWERS: The City sewer between the property line and main or trunk sewer of the sewer system; also called a lateral sewer.

STORM DRAIN: That portion of the storm drainage system that is within the public right-of-way or easement operated and maintained by the City. This may include, but is not limited to pipes, culverts, ditches, waterways or any other appurtenances used for the removal or transportation of rainwater or other unpolluted water.

STORM SEWER: A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastewater.

SUSPENDED SOLIDS (SS): The total suspended matter that either floats on the surface or is in suspension in water or wastewater, and that is removable by laboratory filtering.

WASTEWATER: Liquid or water-carried pollutants including any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the publicly owned treatment works.

WATER USER: Any person using water through the facilities of the municipal water systems.

WATER COURSE: A channel in which a flow of water occurs, either continuously or intermittently.

Section 3. SERVICE AREA: The area in which service may be furnished at the City's option includes all that territory within the corporate limits of the City and certain areas adjacent to or in reasonable proximity thereto.

Section 4. DESCRIPTION OF SERVICE:

(A) CLASSES OF SERVICE: All services installed by the City will be classified as follows:

- (1) Residential - Single-family and multi-family units.
- (2) Commercial - Industrial
 - (a) Standard Discharge Strength - all non-residential users with discharge strengths (BOD or SS) not exceeding 240 mg/liter of discharge flow.
 - (b) Non-Standard Discharge Strength - All non-residential users with discharge strengths (BOD or SS) in excess of 240 mg/liter.
 - (c) Industrial - Establishments discharging industrial wastewater, as defined in this ordinance.

(B) SERVICE CHARGES: A service (user) charge shall be set by the City Council upon all customers using the City sewer system.

(C) FINANCIAL SELF-SUFFICIENCY: The user charges shall be fixed at such amounts to assure the financial self-sufficiency of the sewerage system, and thereafter amended as necessary by resolution of the City Council.

(D) RATE AND FEE STRUCTURE: Sewer service rates for each of the respective customer classifications enumerated in Subsection (D) of this section shall be derived and calculated in accordance with the following standards and fixed by resolution of the City Council:

- 1) Residential - A monthly base fee plus a use charge based upon residential water consumption during winter months; during the summer months, the average monthly winter water consumption.
- 2) Standard Discharge Strength - The monthly base fee plus a unit charge per 100 cubic feet (748 gallons) of estimated sewage contribution based upon water consumption. Where the customer in this class can demonstrate to the satisfaction of the City that the volume of sewer discharge does not equal the water volume use because some or all of the water used is not being discharged into the sewer system, the City may determine the appropriate amount of charges based upon the City's estimate or actual amount of sewer discharge.
- 3) Non-Standard Discharge Strength - A monthly charge calculated in the same manner as for users in the Standard Discharge Strength class, plus an extra strength fee per unit of discharge based on measured or estimated sewage parameters as established by the City.
- 4) Industrial - A monthly charge calculated in the same manner as for users in the Non-Standard Discharge Strength class.

(E) REVIEW AND REVISION OF RATES: The sewer user charges established in Section 4(B) of this ordinance shall, as a minimum, be reviewed annually by the City Council of the City of Philomath, and shall be revised periodically to reflect actual costs of operation, maintenance, and replacement of the treatment works, and to maintain the equitability of the user charge with respect to distribution of the costs of operation and maintenance proportional to each user's contribution to the total wastewater loading of the treatment works. In conjunction with annual review of sewer user charges, the Public Works Director shall review and revise as appropriate the schedule of measured or estimated sewage parameters applicable to the Non-Standard Discharge Strength customer class.

(F) NOTIFICATION: Every customer will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. On or before November 15th of each year, the City Manager shall post for public review at City Hall a listing of the sewage parameters and corresponding categories of business which serve as the basis for the derivation of extra strength fees for users in the Non-Standard Discharge Strength customer class as specified in Subsections (D) and (E) of this section.

(G) APPEALS: Any customer, regardless of customer classification, who believes their sewer user charge as applied to their premises is not within the intent of the foregoing provisions, may make written application to the Public Works Director within twenty (20) days of the date of billing requesting a review of their user charge. The written request shall, where necessary, show the actual or estimated average flow of the user's wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

Review of the request shall be made by the Public Works Director. The Public Works Director shall respond within forty-five (45) days of the receipt of the appeal. If the customer desires to appeal further, they shall request in writing that the City place their appeal on the agenda of the next regular City Council meeting. The decision of the City Council shall be final. If the City Council determines that the user's charges shall be recomputed, based on approved revised flow and/or strength data, the new charges thus recomputed may be applied retroactively for a period of up to six (6) months.

(J) ADJUSTMENTS OF SEWER CHARGES: In the event of an underground leak in the waterline during a time when sewer charges are based on water usage, the Public Works Director may remove the portion of sewer charges appropriate if the customer demonstrates some or all the excess charges resulted from water that did not enter the sewage system. In this circumstance, the winter average water usage shall be appropriately adjusted.

Section 5. APPLICATION FOR SERVICE:

(A) APPLICATION: Each applicant for sewer service shall be required to complete and sign a form provided by the City.

(B) **INDIVIDUAL LIABILITY FOR JOINT SERVICE:** Two or more Customers who join to make application for service shall be jointly and individually liable and shall be sent a single periodic bill.

(C) **SPECIAL CONTRACTS:** Contracts, other than applications, may be required prior to service where, in the opinion of the City, special circumstances warrant special consideration.

(D) **CHANGES IN CUSTOMER'S EQUIPMENT:** Customers making any material change in size, character or extent of the equipment or operation utilizing sewer service shall immediately give the City written notice of the nature of the change.

(E) **SECURITY DEPOSIT.** A deposit in an amount deemed sufficient by the City Manager may be required of any person desiring service. A security deposit need not be made if the applicant has promptly paid all accounts due the City for a reasonable time in the past.

(F) **SEWER SERVICE ACCOUNT FEE.** Any new application for a sewer service account shall be charged a nonrefundable new account fee in an amount specified in the Rate Schedule in effect at the time of the application for service.

(G) **SEWER PERMITS.**

- 1) Permit Required. Before commencement of construction of building a sanitary sewer, the sewer user shall first obtain a written permit issued by the City Manager. The application for such permit shall be made on a form furnished by the City which shall be supplemented by any plans, specifications and other information as are deemed necessary by the City. A permit and inspection fee as set forth in this section shall be paid to the City at the time the application is filed.
- 2) Fees Set by Council. The permit and inspection fees shall be just and equitable charges that are set by resolution of the City Council.
- 3) Issue Subject to Approval of City Manager. The issuance of sewer permits is subject to the approval of the City Manager or his authorized representatives. Sewer permits may not be issued if the City Manager has determined that the nature of the wastewater can have detrimental effects on the treatment works.

Section 6. PUBLIC POLICY.

(A) NO USE OUTSIDE CITY WITHOUT CONTRACT. No use or benefits of the sewer system or sewage treatment plant of the City shall be extended to or made available to any property not within the corporate limits of the City, except under a contractual agreement.

- 1) **Charges To Customers Outside The City:** Any person having connection to the City sewerage system for property which is outside the corporate boundaries of the City of Philomath shall, in addition to the fees and charges for service called for in Section 4(B) of this ordinance, be charged monthly fees derived and calculated in accordance with the following standard and fixed by resolution of the City Council:
 - **Fee In Lieu:** A fee in lieu of property tax payments supporting principle and interest for the retirement of indebtedness associated with investment in capital facilities necessary to the sewerage system.
- 2) **Application and Rates.** The City reserves the right to act on each application for outside-the-city services on its merits without regard to any other past or present application or service. No application for sewer service will be allowed unless the recipient property owner agrees in writing to the annexation of the subject property to the City at such time as the City shall determine that such annexation is in the best interest of the City, unless the applicant applies in writing to the City Council for a waiver of this requirement and the application is granted. Such consent to annex shall be an irrevocable covenant running with the title to the land and shall be binding upon all heirs and assigns. If service is approved, the charge for service connections will be in accordance with the rate schedule for service connections in effect at the time of the application for outside-the-city services.

(B) USE OF PUBLIC SEWERS REQUIRED.

- 1) It shall be unlawful to discharge to any natural outlet within the City of Philomath, or in any area under the jurisdiction of said City, any sanitary sewage, industrial wastes or other polluted waters.
- 2) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

- 3) The owner of all houses, buildings or properties used for human occupancy, employment, or other purposes situated within the City and abutting on any street, alley (easement), or right-of-way in which there is now located a sewer line of the City is hereby required to connect directly to the sewer line in accordance with the provisions of this ordinance at their expense within thirty (30) days after the date of official notice to do so, provided that said public sewer is within 170 feet of the property line.
- 4) Where a public sewer line is not available as specified in Section 6(B)3, a private sewage disposal system may be used if approved and installed in accordance with the State of Oregon Department of Environmental Quality or the authorized state department that has controlling jurisdiction. At such time as a public sewer becomes available, the private sewage disposal system shall be abandoned and filled in with fill material, and the sewer users sewer service connection shall be connected to the public sewer line.
- 5) All sewer lines, service laterals and Customer sewer service shall be installed in accordance with the provisions established by the Oregon State Department of Environmental Quality or the authorized state department that has controlling jurisdiction. In addition, all installations must be done in accordance with the City's standards.

(C) WHEN USE IS NOT REQUIRED. When charges are made in those instances where sewer service is not in fact furnished, but the service is available or abutting the property charged, said charges may be waived by the City. Application for such a waiver shall be made by the property owner to the Public Works Director stating fully the grounds for the application. Before a waiver of the sewer charge may be granted, the Public Works Director shall first determine:

- 1) that special topographical conditions affecting the property exist that are not common to all property in the area;
- 2) that such special topographical conditions would necessitate the installation and maintenance of pumps or other special equipment which will thereby increase the cost to other property owners in the area.
- 3) that the waiver of the sewer service complies with the spirit of these regulations and will not be detrimental to the public health, safety or welfare, or injurious to other properties in the vicinity;

The City shall act upon the application for waiver of sewer service charges within thirty (30) days after the filing thereof. If the City disapproves the application, it shall mail a notice of its action to the applicant forthwith.

Any person aggrieved shall have the right to appeal the decision of the Public Works Director to the City Council. The appeal shall be filed within ten (10) days after the decision of the Public Works Director. The appeal shall be considered at the next regularly scheduled City Council meeting. The decision of the City Council shall be final.

-Section 7. BILLS AND PAYMENTS.

(A) RESPONSIBILITY FOR PAYMENT. The customer who signed the application for service shall be responsible for payment of all charges prescribed in this ordinance and set in the Rate Schedule. All sewer service charges shall be mailed to the premises where sewer service is furnished unless the customer requests, in writing, that the bill be submitted to another address.

(B) RENDERING OF BILLS.

1. Bills for sewer service will be rendered at the intervals provided in the Rate and Fee Schedule.

(C) PAYMENT OF BILLS.

1. All bills shall be due and payable on presentation. An account becomes delinquent if unpaid fifteen (15) days after date of billing. Payment may be made at the City's office or to an authorized collector. Interest may be charged and collected on delinquent accounts at a rate to be set by Council resolution.
2. Closing bills will be collected at the time of discontinuance of service.
3. When bills are delinquent, the City will follow the procedure outlined in Section 8 of this ordinance.
4. Any change in sewer user shall result in the new user paying the sewer use charges commencing from the date of change. Any new sewer service user shall commence paying the sewer use charges from the time of connection. The sewer base charges shall be pro-rated on a daily basis.

Section 8. DELINQUENT ACCOUNTS.

(A) NOTICES TO CUSTOMERS. All customer charges levied in accordance with this ordinance shall be a debt due the City. A notice of delinquent account shall be sent to each account which has not been paid by the 45th day after presentation of bill. All delinquent accounts may be collected in any lawful manner. Reasonable costs of collection may be added to the delinquent account.

(B) **DISPUTED BILLING.** If the customer disputes the accuracy of the billing, the customer shall present the objection within fifteen (15) days after the date of presentation of the bill. If the bill is found to be correct, payment must be made by the 15th day after notice to that effect is presented. Failure to file a notice of objection to the billing as specified above shall constitute a waiver of any defects in the bill and of the Customer's right to object.

Section 9. NOTICES.

(A) **NOTICES TO CUSTOMERS.** Notices required to be given by the City to a customer will be given in writing and may be either delivered or mailed to the customer personally, or delivered or mailed to the address at which service is rendered unless the customer has requested in writing that notices be mailed to a different address.

(B) **NOTICE FROM CUSTOMERS.** Notice from a customer to the City shall be given by the customer or their authorized representative in writing at the office of the City Finance Department.

Section 10. DISCONTINUANCE OF SERVICE.

(A) **NONPAYMENT OF BILLS.** A Customer's sewer service may be discontinued if the service bill is not paid in accordance with the procedures as listed in Section 8 of this ordinance.

(B) **FRAUD AND ABUSE.** The City shall have the right to refuse or to discontinue service to any premises to protect itself against fraud and abuse.

(C) **NONCOMPLIANCE.** The City may, unless otherwise provided, discontinue service to a customer for noncompliance with any of these regulations if the customer fails to comply with said regulations within seven (7) days after the City delivers written notice of the City's intention to discontinue service. If such noncompliance affects matters of health or safety or other conditions that warrant such action, the City may discontinue service immediately. The expense of such discontinuance, as well as the expense of restoring service, shall be a debt due the City and may be recovered by any lawful means.

(D) **CUSTOMER'S REQUEST FOR SERVICE DISCONTINUANCE.**

- 1) A customer may have the service discontinued by notifying the City at least five (5) days in advance of the desired date of discontinuance. The customer will be required to pay all sewer charges until the date of such discontinuance.
- 2) If notice is not given, the customer will be required to pay for service until the date the City has learned that the customer has vacated the premises or otherwise has discontinued service.

(E) RECONNECTION CHARGE. In all instances where service has been discontinued because of a delinquent account, a reconnection fee shall be charged in accordance with the rate and fee schedule for the restoration of service. In cases of extreme hardship, the City Manager shall have the discretion of waiving the reconnection fee or renewing service to a delinquent account upon receipt of a plan for the payment of back-due amounts in installments, or both.

Section 11. SEWER CONNECTIONS.

(A) No customer shall uncover, make any connections with, use, alter or disturb any public sewer or appurtenances without first obtaining a written permit from the City Manager. The written permit will not be issued until the Systems Development Charge has been paid to the City in accordance with the ordinances relating to a Systems Development Charge.

(B) All costs and expenses incident to the installation and connection of the building sanitary sewer shall be borne by the applicant for sewer service. The applicant shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation.

(C) Existing building sanitary sewers that connect to a Customer's building drain may be used in connection with new buildings only when they are found to meet all the requirements of this ordinance, when tested and examined by the City or its representative. A Systems Development Charge shall be charged in accordance with the City ordinance(s) relating to Systems Development Charges.

(D) The size and scope of the building sanitary sewer shall be subject to the approval of the City or its representative, but in no event shall the diameter be less than 4 inches. The slope of such 4 inch pipe shall not be less than 1/8 inch per foot.

(E) The connection of the service lateral into the public sewer line shall be made at a "Y" branch, if such a branch is available at a suitable location. If a "Y" branch is unavailable, the sewer user shall, at his expense, install a "Y" branch in the public sewer at the location specified by the City. A section of the sewer line shall be removed and a new section shall be installed with a tight seal being made between the existing sewer lines and the new section with the use of Calder couplings. In lieu of a "Y" branch and Calder couplings, the connection may be made utilizing an approved type of saddle.

The saddle shall be a Geneco Saddle or an approved equivalent. If PVC or Truss pipe is present in the existing system, a neat hole may be cut into the sewer line and a "Y" branch attached with glue may be utilized. The invert of the Customer's sewer service connection at the point of connection shall be at a higher elevation than the invert of the public sewer.

(F) The sewer user shall notify the City when the building sanitary sewer is ready for inspection and connection to the public sewer. The connection and installation shall be made in accordance with the City's standards and shall be inspected and approved by a State certified plumbing inspector.

(G) Whenever possible, the building sanitary sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any Customer's building drain is too low to permit gravity flow to the sewer line, sanitary sewage carried by such building drain connection shall be lifted and discharged to the building sanitary sewer by a method approved by the City.

(H) All installations of sewer lines and service laterals shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(I) Once the sewer user is ready to discharge sewage into the sewer system, the sewer user shall pay all deposits and monthly sewer user fees as established by the City of Philomath resolution(s) that relate to monthly sewer user charges.

(J) All service lateral renovations or new installations shall be in accordance with City standards:

1) Utilize pipe and fittings meeting the following specifications:

Cast iron, Class 150, ANSI 21.1
 Ductile iron, Class 50, ANSI 21.51
 PVC, SDR 35, ASTM 3034
 PVC, SDR 41, ASTM F789/D3212

2) Have a 4 inch cleanout readily accessible to City crews and conforming to City standard service lateral cleanout details.

Utilize no bends greater than 1/16 bends (22 1/2 degrees), unless a cleanout is installed immediately upstream.

Section 12. SEWER RENOVATION. Any Customer's building sanitary sewer connected to the sewer system outside of the City's right-of-way and within the bounds of the Customer's property which may be determined by the City to be causing infiltration of surface, storm or groundwater into the sewer system shall be repaired within sixty (60) days after the date of official notice to the legal property owner to do so. All costs for said repair shall be borne by the customer.

Before being covered, each repair must be inspected and approved in writing by a State certified plumbing inspector and by the City.

All storm sewers, including building storm sewers, which are on private property that connect directly to the building sanitary sewer shall be disconnected and properly capped upon receiving a thirty (30) day notice from the City.

The City reserves the right to enter private property for the purpose of testing the building sanitary sewer and/or building drain outside of the City's right-of-way. Damage to landscaping, etc., that is caused during the testing of the building sanitary sewer and building drain shall be repaired by the City at the City's expense.

If the customer fails to correct such infiltration, be it surface, storm or groundwater, within the prescribed time limit, the building sanitary sewer and/or building drain pipe shall be declared non-conforming and five (5) times the monthly user charge shall be assessed until the building sanitary sewer and/or building drain piping is brought into compliance. The City may also elect to enter such property and make the necessary repair or correction and cause such expenses to become a lien upon the property, which lien shall become due and payable upon entry in the lien docket. It shall be the duty of the City to attempt to serve, by certified or registered mail, a written notice upon the owner of the property at the time said lien is entered on the City lien docket, which notice shall state the amount of the lien and give the property owner notice that said lien will be deemed delinquent if not paid within sixty (60) days after the date the lien was entered on the City lien docket. If the owner fails to pay the lien within sixty (60) days after entry of the lien on the lien docket, the City shall have the right to enforce or foreclose the lien in the manner prescribed for by ORS 223.510, ORS 223.610, or in any other manner provided by law or City ordinance.

Section 13. THE USE OF THE PUBLIC SEWERS.

(A) No sewer user shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, cooling water or unpolluted industrial process waters into any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City.

(C) Except as hereinafter provided, no customer shall discharge or cause to be discharged any of the following discharge waters or wastes into any public sewer:

- 1) Any liquid vapor having a temperature higher than 150 degrees F.
- 2) Any water or waste which may contain more than 200 parts per million, by weight, fat, oil, or grease.
- 3) Any gasoline, benzene, naphtha, fuel oil or other flammable or other explosive liquid, solid or gas.
- 4) Any garbage that has not been properly shredded.

- 5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- 6) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage system.
- 7) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- 8) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- 9) Any noxious or malodorous gas or substance capable of creating a public nuisance.
- 10) Any solids, liquids or ashes which may, by themselves, or by interaction with other substances, cause fire or explosive hazards, or in any other way be injurious to person, property or the operation of the plant sewage system or sewage disposal plant.
- 11) Any waters or wastes having a five day biochemical oxygen demand greater than 240 mg/l.

(D) To insure that industrial wastes are not discharged to the City's sewer system that may produce an unusual or deleterious effect on the sewer system or sewer treatment plant, review and approval by the City of Philomath shall be obtained prior to the discharge to the sewer system of said wastes by an industrial user.

(E) When required by the City, the sewer users served by the City's sewer system whose building sanitary sewer carries industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sanitary sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the sewer user at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(F) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole.

In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the service lateral is connected.

(G) If any waters or wastes are discharged, or are proposed to be discharged to the sewer system, which waters contain the substances or possess the characteristics enumerated in subsection (C) of this section and which in the judgment of the City may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

- 1) Reject the wastes;
- 2) Require pretreatment to an acceptable condition of discharge to the public sewers;
- 3) Require control over the quantities and rates of discharge; and/or,
- 4) Require additional sewer use charges to cover the added cost of handling and treating the wastes not covered by the sewer use charges established by the City.

If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City, and subject to the requirements of all applicable codes, ordinances and laws.

(H) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the sewer user at his expense.

(I) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.

Section 14. POWERS AND AUTHORITY OF INSPECTOR.

(A) Duly authorized employees of the City shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing and enforcement in accordance with the provisions of this ordinance.

(B) All entry and subsequent work, if any, shall be done observing all safety rules applicable to the individual situation and shall not infringe upon the rights or privileges of a person, corporation, firm, association, or partnership which owns the property which uses and receives the benefit of the City's sewer system.

Section 15. PENALTIES.

(A) Any person violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(B) Any customer who shall continue any violation beyond the time limit provided for in subsection (A) shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding \$2,500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(C) Any sewer user violating any of the provisions of this ordinance shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

Section 16. SEVERABILITY. It is hereby declared to be the legislative intent of the City Council that if any provision, sentence, clause, section or part of this ordinance is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance or their application to other persons and circumstances.

Section 17. REPEAL. Ordinances # 500, 540 and 541, as amended, are repealed.

Section 18. SAVINGS CLAUSE. The repeal of ordinances by Section 17 of this ordinance shall not preclude collection of costs or fees charged under those ordinances, nor shall it preclude any action against a person who violated those ordinances prior to the effective date of this ordinance.

PASSED by the City Council this 8th day of August, 1994.

APPROVED by the Mayor this 8th day of August, 1994.

Van O. Hunsaker
Van O. Hunsaker, Mayor

ATTEST: Terri J. Phillips
Terri J. Phillips, City Recorder

**ATTACHMENT B
City of Philomath
UTILITY FEES**

**Multi-Residential / Commercial / Industrial
Effective July 1, 2002**

Water Rates:

➤ <u>Base charge:</u>	
Multi-Residential	\$ 12.00 x # of units x 50% discount
Commercial / Industrial:	
5/8" / 3/4" meter	\$ 13.10
1" meter	\$ 18.65
1 1/2" meter	\$ 31.60
2" meter	\$ 50.65
3" meter	\$102.40
➤ <u>Volume charge per unit of water consumed:</u>	
Multi-Family	\$ 1.60
Commercial	\$ 2.12
Industrial	\$ 1.45

Sewer Rates:

➤ <u>Base charge:</u>	
Standard	\$ 10.00
Multi-unit residential	\$ 10.00 x # of units x 50% discount
➤ <u>Volume charge per unit of water consumed:</u>	
Multi-Residential	\$ 1.80
Commercial and Industrial	\$ 1.91
Customers without metered water	\$ 14.40

Sewer unit charges for commercial, industrial, and multi-residential customers are billed based on actual water usage. Customers who irrigate may request summer averaging.

Storm Drain Fee

All customers within the City limits are charged a monthly fee for maintenance and repair of storm sewer facilities. Commercial, industrial and multi-residential rates are calculated based on the square footage of impervious surface.

<u>Square feet of impervious surface</u>	<u>Monthly Fee</u>
0-3000	\$ 1.50
3,001-6,000	\$ 3.00
6001-9,000 or Triplex	\$ 4.50
9,001-12,000	\$ 6.00
12,001-15,000	\$ 7.50
15,001-18,000	\$ 9.00
18,001-28,000	\$ 10.50
28,001-38,000	\$ 12.00
38,001-48,000	\$ 13.50
48,001-70,000	\$ 15.00
70,001-100,000	\$ 16.50
100,001-200,000	\$ 25.00
200,001-500,000	\$ 48.00
500,001-1,000,000	\$ 75.00
1,000,001-2,000,000	\$100.00

One (1) unit = 100 cubic feet = 748 gallon

misc.wssched

SCHEDULE A

8003

Water Meter Size	Sewer SDC		Water SDC	
	Improvement	Reimbursement	Improvement	Reimbursement
	3/4"	\$942	\$404	\$1,224
1"	\$1,338	\$574	\$1,737	\$744
1 1/2"	\$2,270	\$973	\$2,949	\$1,282
2"	\$3,636	\$1,558	\$4,723	\$2,024
3"	\$7,348	\$3,149	\$9,542	\$4,090

Street SDC		Storm SDC	Park SDC
Improvement	Reimbursement	\$902	\$571
\$1,503	\$741		

ORDINANCE #601

AN ORDINANCE ESTABLISHING SYSTEMS DEVELOPMENT CHARGES, REPEALING ORDINANCES #556 AND #570, AND DECLARING AN EMERGENCY.

THE CITY OF PHILOMATH ORDAINS AS FOLLOWS:

Section 1. Findings. The Council hereby finds:

A. The Systems Development Charge established herein is intended to be a charge upon the act of development by whomever seeks the development. It is a fee for service because it contemplates the development will receive essential municipal services based upon the nature of the development. It is within the control and discretion of the developer to determine the extent of the development and when it occurs.

B. The Systems Development Charge imposed by this ordinance is not intended to be a tax on property or on a property owner as a direct consequence of ownership of property within the meaning of Section 11b, Article XI of the Oregon Constitution or the legislation implementing that section.

C. Even if the Systems Development Charge herein imposed is viewed under Section 11b, Article XI of the Oregon Constitution as a tax against property or against a property owner as a direct consequence of ownership of that property, it is an incurred charge within the meaning of that section and the statutes implementing it because:

1. It allows the owner to control the quantity of the service by determining the extent of development to occur upon the property.

2. It allows the owner to determine when the service is to be initiated or increased by controlling when the development occurs.

3. State law and the ordinances of this city require the owner to provide certain basic utility services to the property when it is developed for human occupancy. The provision of these basic utility services are a routine obligation of the owner of the affected property and essential to the health and safety of the community.

4. Among the basic utility services required of every property with a structure designed for human occupancy, except ancillary buildings, are water and sanitary sewer services.

5. The Systems Development Charge imposed by this ordinance is based upon the actual costs of providing existing or planned-for capital improvements and does not impose charges on persons not receiving a service and imposing a burden upon the city's existing capital improvements.

D. The size and geography of the city are such that the community is to be considered as an integrated whole. Improvements to the sewer, water, drainage and parks systems will benefit new development wherever it occurs. Development is not limited to one section of town, but may occur anywhere. Improvements are best dealt with on a priority basis, rather than regionally.

Section 2. Definitions. As used in this ordinance, except where the context otherwise requires, the words and phrases have the following meaning:

Capital Improvements: Facilities or assets used for any of the following:

1. Water supply, treatment, and distribution, including storage;
2. Sanitary sewers, including collection, transmission, treatment and disposal;
3. Storm sewers, including drainage and flood control;
4. Transportation, including, but not limited to, streets, sidewalks, bike paths, street lights, traffic control devices, street trees, public transportation, vehicle parking, and bridges;
5. Parks and recreation, including, but not limited to, mini-neighborhood parks, neighborhood parks, community parks, metropolitan parks, and other recreational facilities.

Development: The act of conducting a building or mining operation, or making a physical change in the use or appearance of a structure or land, which increases the usage of any capital improvements or which creates the need for additional capital improvements.

Improvement Fee: A fee for costs associated with capital improvements to be constructed after the date this ordinance becomes effective.

Qualified Public Improvements: A capital improvement that is:

1. Required as a condition of residential development approval;
2. Identified in the plan adopted pursuant to subsection 6.2; and
3. Not located on or contiguous to a parcel of land that is the subject of the development approval. As used in this definition, "contiguous" means in a public way which abuts.

Reimbursement Fee: A fee for costs associated with capital improvements constructed or under construction on the effective date of this ordinance.

Systems Development Charge: A reimbursement fee, an improvement fee, or a combination thereof assessed or collected at any of the times specified in Section 7 hereof. It shall also include that portion of a water or sanitary sewer connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections with the water system or the sanitary sewer system. "Systems Development Charge" does not include:

1. any fees assessed or collected as part of a local improvement district;
2. a charge in lieu of a local improvement district assessment; or
3. the cost of complying with requirements or conditions imposed upon a land use decision.

Section 3. Purpose. The purpose of the Systems Development Charge is to impose a portion of the public cost of capital improvements upon those developments that create the need for or increase the demands on capital improvements.

Section 4. Scope. The Systems Development Charge imposed by this ordinance is separate from and in addition to any applicable tax, assessment, charge, fee in lieu of assessment, or fee otherwise provided by law or imposed as a condition of development. A Systems Development Charge is to be considered in the nature of a charge for service to be rendered or a service hookup charge.

Section 5. Systems Development Charge Established.

A. Unless otherwise exempted by the provisions of this ordinance or other local or state law, effective July 1, 1991, a Systems Development Charge is hereby imposed upon all new development within the city, and all development outside the boundary of the city that connects to or otherwise uses the water or sanitary sewer systems of the city.

B. When the Council determines to establish a Systems Development Charge for any capital improvements, it shall do so by Council resolution.

Section 6. Compliance with State Law.

A. The revenues received from the Systems Development Charges shall be deposited to the Systems Development Fund, budgeted and expended as provided by State law. The accounting of such revenues and expenditures required by State law shall be included in the City's annual financial audit required by ORS Chapter 294.

B. The capital improvement plans required by State law as the basis for expending revenues from the improvement fee of the Systems Development Charge shall be the Plan for Capital Improvements to the Sanitary Sewer System of the City of Philomath; the Plan for Capital Improvements to the Water System of the City of Philomath; the Plan for Capital Improvements to the Parks and Recreation System of the City of Philomath; the Plan for Capital Improvements to the Surface Water Drainage System of the City of Philomath; and the Plan for Capital Improvements to the Transportation System of the City of Philomath.

Section 7. Collection of Charge.

A. The Systems Development Charge is payable upon issuance of a permit which allows connection to the water or sanitary sewer systems or which will cause or allow increased usage of any capital improvements.

B. If development is commenced or connection is made to the water system or sanitary sewer system without an appropriate permit, the Systems Development Charge is immediately payable upon the earliest date that a permit was required.

C. The City Manager or the City Manager's designee shall collect the Systems Development Charge from the person responsible for or receiving the benefit of the development. The City Manager or the City Manager's designee shall not issue any permit or allow connection described in subsection 7.A until the charge has been paid in full or until provision for installment payments has been made within the limits prescribed in subsection 7.D.

D. The unpaid Systems Development Charge and interest thereon shall constitute a lien against the parcel of land with the same priority as a local improvement lien and subject to collection and foreclosure as a local improvement lien. An applicant for installment payments as provided for by Council resolution shall have the burden of demonstrating the applicant's authority to assent to the imposition of the lien on the parcel of land.

Section 8. Credits.

A. When development occurs that must pay a Systems Development Charge under Section 5 herein, the Systems Development Charge for the existing use shall be calculated and if it is less than the Systems Development Charge for the proposed use, the difference between the Systems Development Charge for the existing use and the Systems Development Charge for the proposed use shall be the Systems Development Charge required under Section 5. If the change in use results in the Systems Development Charge for the proposed use being less than the Systems Development Charge for the existing use, no Systems Development Charge shall be required; however, no refund or credit shall be given.

B. The limitations on the use of credits contained in this subsection shall not apply when credits are given under subsection (C) of this section. A credit shall be given for the cost of a qualified public improvement associated with a residential development. If a qualified public improvement is located partially on and partially off the parcel of land that is the subject of the approval, the credit shall be given only for the cost of the portion of the improvement not located on or wholly contiguous to the parcel of land. The credit provided for by this subsection shall be only for the improvement fee charged for the type of improvement being constructed and shall not exceed the improvement fee even if the cost of the capital improvement exceeds the applicable improvement fee.

C. When establishing the methodology, the Council may provide for a credit against the improvement fee, the reimbursement fee, or both, for a capital improvement constructed as part of the development that reduces the development's demand upon existing public capital improvements or the need for future public capital improvements or that would otherwise have to be constructed at City expense under the then-existing Council policies.

D. Credit shall not be transferable from one type of capital improvement to another.

Section 9. Appeal Procedures.

A. A person aggrieved by a decision made by the City Manager or the City Manager's designee under Sections 5 through 8 or a person challenging the propriety of an expenditure of Systems Development Charge revenues may appeal the decision or the expenditure by filing a written request with the City Recorder's office for consideration by the City Council. Such appeal shall describe with particularity the decision or the expenditure from which the person appeals and shall comply with subsection (C) of this section.

B. An appeal of an expenditure must be filed within two years of the date of alleged improper expenditure. Appeals of any other decision must be filed within fifteen (15) days of the date of the decision.

C. The appeal shall state:

- (a) the name and address of the appellant;
- (b) the nature of the determination being appealed;
- (c) the reason the determination is incorrect; and
- (d) what the correct determination of the appeal should be.

An appellant who fails to file such a statement within the time permitted waives his/her objections, and his/her appeal shall be dismissed.

D. Unless the appellant and the City agree to a longer period, an appeal shall be heard within twenty-one (21) days of the receipt of the notice of intent to appeal. At least seven (7) days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.

E. The City Council shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the Council deems appropriate. At the hearing the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply.

F. The appellant shall carry the burden of proving that the determination being appealed is incorrect and what the correct determination should be.

G. The City Council shall issue a written decision within twenty (20) days after the hearing date and that decision shall be final.

Section 10. Prohibited Connection. No person may connect to the sanitary sewer, the water system, or storm sewer system of the City unless the appropriate Systems Development Charge has been paid or the installment payment method has been applied for and approved.

Section 11. Repeal. Ordinances #556 and #570 are hereby repealed.

Section 12. Emergency. Whereas the peace, health, and safety of the people of the City of Philomath require that this ordinance shall become effective July 1, 1991; therefore, an emergency is declared to exist and this ordinance shall become effective July 1, 1991 upon its final passage by the Council and approval by the Mayor.

PASSED by the Council this 24 day of June, 1991.

APPROVED by the Mayor this 25 day of June, 1991.

Van O. Hunsaker
Van O. Hunsaker, Mayor

ATTEST: Terri J. Phillips
Terri J. Phillips, City Recorder