



NO. 2021-02

AN ORDINANCE AMENDING TITLE 13 - WATER AND SEWER OF THE SANDY MUNICIPAL CODE

Whereas, The City Council desires to update Title 13 - Water and Sewer of the Sandy Municipal Code in order to reflect current practices, eliminate outdated references and better manage the water and sewer utilities; AND

Whereas, The proposed changes will provide the City with the ability to inspect, repair and replace sanitary sewer laterals on private property if found to be a source of inflow and infiltration into the wastewater collection system thus reducing wet weather flows to wastewater conveyance, pumping and treatment facilities; AND

Whereas, The proposed amendments were made available for public comment in January and the City Council reviewed the proposed amendments at their February 1st Work Session and instructed staff to make certain changes which have been incorporated in this amendment.

NOW, THEREFORE, THE CITY OF SANDY ORDAINS AS FOLLOWS,

Section 1: Title 13 - Water and Sewer of the Sandy Municipal Code is deleted in its entirety and replaced with Exhibit A, attached.

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 15 day of March 2021

A handwritten signature in black ink, appearing to read "Stan Pulliam", written over a horizontal line.

Stan Pulliam, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Jeff Aprati". The signature is written in a cursive, flowing style with a long horizontal stroke extending from the end.

Jeff Aprati, City Recorder

EXHIBIT A

Title 13 WATER AND SEWER

Chapter 13.04 WATER SYSTEM-RULES AND REGULATIONS

13.04.010 Application for water use.

Application for the use of water shall be made on forms furnished by the city. Said application shall be made at the time a building or plumbing permit is applied for. The applicant or applicants shall agree to conform to the rules and regulations of the city, now or hereafter in effect, as a condition for the use of water. (Ord. 38-75 § 1, 1975; Ord. 10-73 § 2, 1973.)

13.04.030 Restriction on water use.

No person supplied with water from the city mains will be entitled to use it for any purpose other than that stated in his or her application. No user of water will be entitled to supply water in any way to other persons or users. (Ord. 10-73 § 4, 1973.)

13.04.040 Connection.

The materials for the connection the public water supply system, including the meter, shall be and remain the property of the city. All connections to public water mains shall be done under the direction of the public works director, or their designee. The meter shall be placed in the public right-of-way or in a dedicated utility easement. Water service laterals and connections are those pipes and connections which convey water from the public water main to the water meter. All public water mains, service laterals connections and appurtenances shall be under the exclusive control and ownership of the city, and no person, other than the public works director or their designee, will be permitted to install any service laterals or connections or make any repairs or alterations or changes in any public water lines, service laterals, connections and meters. (Ord. 10-73 § 5, 1973.)

13.04.045 Changes in service.

When new buildings are to be erected on the site of old ones or it is desired to increase the size or change the location of an existing service connection, or where a service connection to any premises is abandoned or no longer in use, a new service shall be required, as needed, upon application of the occupant and upon payment for a new connection including all applicable Systems Development Charges. Water service shall be considered abandoned if utility bills, including any unpaid balance remain unpaid for twelve consecutive billing cycles. (Ord. 38-75 § 2, 1975; Ord. 10-73 § 5A, 1973.)

13.04.050 Placement of stop and waste cocks.

All private service pipes from the property line shall be properly installed and at all times maintained in good order by the owner with no leakage or wasting of water. (Ord. 10-73 § 6, 1973.)

13.04.070 Separate service for each house-Exception.

A separate service and meter will be required for each parcel or legal lot of record that is to be supplied with water. (Ord. 10-73 § 8, 1973.)

13.04.080 Conditions under which water will not be furnished.

Water will not be furnished where there are active or potential, unprotected cross-connections as defined in Section 13.06. (Ord. 10-73 § 9, 1973.)

13.04.090 Plumber-Prohibited actions.

No plumber or other person will be allowed to make any alteration in any conduit, pipe or other fixture

connecting with the city mains or to turn water off or on the premises at the meter without permission from the city. (Ord. 10-73 § 10, 1973.)

13.04.110 Interrupted service.

The water may at any time be shut off from the mains, without notice, for repairs or other necessary purposes, and the city will not be responsible for any consequent damages. (Ord. 10-73 § 13, 1973.)

13.04.130 Monthly reports by administrative office.

The administrative office shall prepare a monthly report indicating: the number of customers (by customer class); the amount of water produced and sold, together with such other data as the council may require. (Ord. 10-73 § 14, 1973.)

13.04.140 Records.

Utility staff shall, as a part of their duties, record the address, parcel number, meter number of all premises where water is furnished by the city, and shall furnish a record of such to utility billing staff for purposes of accurate billing. Utility staff shall also keep and maintain accurate hard copies and digital records of all pipes, valves, fittings, hydrants, services and other appurtenances within the water system. (Ord. 10-73 § 15, 1973.)

13.04.150 Use of fire hydrants.

It is unlawful for any person to operate, alter, change, remove, disconnect, connect with, or interfere in any manner with any fire hydrant owned by the city or connected to the public water system without first obtaining written permission from the city. The provisions of this section shall not apply to emergency or other uses by the Sandy Rural Fire Protection District No. 72. The city may require that accurate records or estimates of City water used for fire suppression, training or other uses by the Sandy Rural Fire Protection District No. 72 be submitted on a regular basis but not more frequently than monthly. (Ord. 10-73 § 16, 1973.)

13.04.160 Fire protection service.

Fire protection pipes to be used in case of fire will be allowed within and without buildings on the following conditions:

A. When the owner of a building desires, or when the building code calls for a certain size pipe to supply water to a wet or dry sprinkler system without hose connections, such pipe or pipes may be covered by an approved proportional meter or a detector check. The owner or agent of such building shall agree in writing that water supplied through this service will not be used for any purpose except for extinguishing a fire. If at any time it is found that unapproved connections have been added to the system or that registration has been recorded on the meter or detector check, the immediate installation of a billing meter on the fire service line may be required by the city at the sole expense of the owner or agent.

B. No charge shall be made for water used in the extinguishing of fires if the owner or agent reports such use to the city in writing within ten days of such usage. A minimum service charge for fire protection purposes established by Council resolution may be billed each month to the owner or agent of the property supplied. (Ord. 10-73 § 17, 1973.)

13.04.170 Use of private water and city water.

Owners of buildings desiring to use both a city water supply and a supply of water other than that furnished by the city water system may obtain city water at meter rates upon the following conditions and not otherwise. Under no circumstances shall a physical connection, direct or indirect, exist or be made in any manner, even temporarily between the city water supply and that of a private water supply. Where such connection is found to exist, or where provision is made to connect the two systems by means of a spacer or otherwise, the city water supply shall be shut off from the premises without notice. In case of such discontinuance, service shall not be reestablished until satisfactory proof is furnished that the cross-connection has been completely and permanently severed. (Ord. 10-73 § 18, 1973.)

13.04.180 Water for building purposes on meter basis.

If the owner or agent of any premises applies for water service and the meter has been installed, water shall be furnished for building purposes at meter rates, to be charged against the premises. (Ord. 10-73 § 19, 1973.)

13.04.190 Ownership, damage and registration of meters.

All meters of the city water system are the property of the city, and any repairs to said meters shall be made by the city. If a meter is burned out by hot water or damaged by the carelessness or negligence of the owner or occupant of the premises, the city will repair or replace the meter, and the cost of such repairs or replacement shall be charged against the owner of the property and if not paid within thirty days, shall then become a lien against said property. When a meter fails to register accurately, the charge shall be either based on the average quantity of water used, as shown by the meter when in order, or if there is no such average consumption, then the quantity of water used during the same billing cycle in the prior year shall be used. If freezing or snowing weather shall make reading of the meters impracticable, an estimated reading shall be made by the city during the time such conditions exist. Estimated readings for other just conditions affecting reading of a meter shall be made only on approval of the city. (Ord. 10-73 § 20, 1973.)

13.04.200 Services outside the city.

A. Excess water of the city, as determined by the council, may be served to individual users, companies or water districts outside the city boundaries, under such rates, charges and rules as the council may from time to time prescribe, or as outlined under special contracts. All regulations now or hereafter that affect the users inside the city shall apply to users outside the city, except as provided by the council. Service to users outside the city shall at all times be subject to the prior superior right of residents of the city to said water. The city shall have the right to refuse to sell water to consumers who do not comply with the requirement of this section.

B. The city may require annexation prior to service extension if such annexation is practical and in the best interest of the city. If annexation is not required, the owner must enter into an agreement for future annexation to the city, upon the city's request in an agreement form, satisfactory to the city attorney. The water service extension will be installed to city standards. A person or persons requesting service extension will bear all costs of the extension of the service, including, but not limited to, the cost of public lines and any oversizing as specified by the public works director. A water service connection will be provided only for a permitted use as identified in the Clackamas County Development Code and the City Comprehensive Plan. The extension of water service facilities shall follow an approved shadow plat design for future extension of infrastructure for the site, which meets the satisfaction of the city. No service extension shall conflict with existent natural hazards and/or goals criteria.

(Ord. 5-93 § 1, 1993; Ord. 10-73 § 21, 1973.)

13.04.220 Regulations pertaining to inadequate supply or shortages of water.

A. Upon determination that water consumption exceeds availability and/or water storage within the system is approaching the minimum required to meet fire protection and other essential requirements, as determined by the city manager, the city manager shall have authority to request voluntary reduction of water use by customers, including but not limited to the following specific actions:

1. Requesting patrons to limit landscape watering between the hours of 10:00 a.m. and 6:00 p.m.;
2. Requesting voluntary compliance with alternate day system for landscaping watering (i.e. even numbered addresses water on even numbered days, and odd numbered addresses on odd numbered days);
3. Requesting other voluntary measures on the part of city customers.

B. Upon determination of serious water shortages by the city council, the city council may declare an emergency restricting certain uses. Pursuant to such action the city council may impose the following measures:

1. Prohibiting landscape watering between the hours of 10:00 a.m. and 6:00 p.m.;
2. Requiring compliance with alternate day system for landscaping watering (i.e. even numbered addresses water on even numbered dates, and odd numbered addresses on odd numbered days.);
3. Restricting other outdoor uses as determined by the city council.

C. Upon determination of critical water shortages by the city council, the city council may declare an emergency prohibiting certain uses. Pursuant to such action by the city council it shall be expressly prohibited to:

1. Water, sprinkle or irrigate lawns, grass or turf unless:
 - a. It is new lawn, grass or turf that has been seeded or sodded after March 1st of the calendar year in which any restrictions are imposed, and in such cases it may be watered as necessary until established,
 - b. Lawn, grass or turf that is part of a commercial sod farm,
 - c. High use athletic fields that are used for organized play,
 - d. Golf tees and greens, and
 - e. Park and recreation areas deemed by the city council to be of a particular significance and value to the community that would allow exception to the prohibition;
2. Washing, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas unless:
 - a. In the opinion of the city council there is a demonstrable need in order to meet public health, safety requirements including but not limited to alleviation of immediate fire or sanitation hazards, or dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality,
 - b. Power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction and not solely for aesthetic purposes;
3. Washing cars, trucks, trailers, tractors, or other land vehicles or boats or other water borne vehicles except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes or by bucket and hose with a shut-off mechanism unless the city council finds that the public health, safety and welfare is contingent upon frequent vehicle cleaning such as cleaning of solid waste transfer vehicles, vehicles that transport food and other perishables or otherwise required by law.

D. Upon determination that the restrictions and/or prohibitions permitted pursuant to this section have not reduced water consumption to the level necessary to eliminate emergency water conditions, the city council may as an additional conservation measure adopt a temporary conservation water rate schedule. The city council may do so by the passage of a resolution.

E. Any violation of the restrictions or prohibitions permitted by this section shall be enforced by the city as follows:

1. The city shall personally deliver a notice of violation to the occupant of the premises. If the occupant is not present, the city may post the same on the premises advising the user of the violation and warning the user of

what specific sanctions may be imposed if the violations continue. The city shall also mail the notice of violation by regular mail to the occupant at the address of the subject premises where the violation has occurred.

2. The following penalties may be imposed if violations continue:

Second violation
\$100.00 Fine
Third violation
\$300.00 Fine
Fourth and subsequent violations \$500.00 Fine

In the case of continuing violations, the city also has the authority to discontinue water service.(Ord. 12-92 §1, 1992: Ord. 10-73 § 23, 1973.)

13.04.240 Private pipe or main-Council permission required.

No person shall be permitted to lay any private pipes or mains in or upon any public right-of-way, street or road in the city without issuance of a revocable permit by the council. (Ord. 10-73 § 26, 1973.)

13.04.250 Violation-Penalty.

Any person who shall in any way interfere with, change, alter or damage any water main, pipe, conduit, shutoff or any other part of the water system belonging to the city, or who shall turn on the water to any premises without due authority, shall upon conviction in municipal court of said city be fined in the sum of not more than one hundred dollars for each offense, or by imprisonment for a period of not more than ten days, or by both fine and imprisonment. (Ord. 10-73 § 25, 1973.)

**Chapter 13.06
CROSS-CONNECTIONS**

13.06.010 Purpose and scope.

The purpose of this chapter is to protect the public health of water consumers by the control of actual and/or potential cross-connections to customers. (Ord. 9-82 § 1 (part), 1982.)

13.06.020 Definitions.

A. "Backflow" shall mean the undesirable reversal of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the potable supply of water from any source or sources.

B. "Backflow prevention device (approved)" shall mean a device that has been investigated and approved by the regulatory agency having jurisdiction. The approval of back-flow prevention devices by the regulatory agency should be on the basis of a favorable laboratory and field evaluation report by an "approved testing laboratory," recommending such approval.

C. "Backflow prevention device (type)" shall mean any approved device used to prevent

backflow into a potable water system. The type of device used should be based on the degree of hazard either existing or potential.

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

E. "Cross-connection" shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross-connections.

F. "Director" shall mean the director of public works of the city of Sandy, or authorized agent.

G. "Hazard, degree of" shall be derived from the evaluation of a health, system, plumbing or pollutional hazard.

H. "Hazard, health" shall mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

I. "Hazard, plumbing" shall mean an internal or plumbing type cross-connection in a consumer's potable water system that may be either a pollutional or a contamination type hazard. This includes, but is not limited to, cross-connections to toilets, sinks, lavatories, wash trays, domestic washing machines and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments.

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

K. "Hazard, system" shall mean an actual or potential threat of severe danger to the physical properties of the public or consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

L. "Health Division Officer" shall mean the Oregon State Health Division Officer, or authorized agent.

M. "Potable water supply" shall mean any system of water supply intended or used for human consumption or other domestic use.

(Ord. 9-82 § 1 (part), 1982.)

13.06.030 Cross-connections.

The installation or maintenance of a cross-connection which will endanger the water quality of the potable water supply system of the city shall be unlawful and is prohibited. Any such cross-connection now existing or hereafter installed is declared to be a public hazard and the same shall be abated. The control or elimination of cross-connections shall be in accordance with this chapter and in compliance with the Oregon Administrative Rules chapter 333 Public Water Systems Section 42-230. The director shall have the authority to establish requirements more stringent than state regulations if he deems that the conditions so dictate. The city shall adopt rules and regulations as necessary to carry out the provisions of this chapter. The building official is authorized to enforce the provisions of this chapter in the inspection of existing, new, and remodeled buildings. (Ord. 9-82 § 1 (part), 1982.)

13.06.040 Use of backflow prevention devices.

A. No water service connection to any premises shall be installed or maintained by the city unless the water supply is protected as required by state law and regulation and this chapter. Service of water to any premises shall be discontinued by the city if a back-flow prevention device required by this chapter is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

B. The customer's system should be open for inspection and tests at all reasonable times to authorized representatives of the city to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the director shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and city statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

C. An approved backflow prevention device shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.

D. Backflow prevention devices shall be installed under circumstances including but not limited to the following:

1. Premises having an auxiliary water supply;
2. Premises having cross-connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist;
3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist;
4. Premises having a history of cross-connections being established or re-established;
5. Premises on which any substance is handled under pressure so as to permit entry into the

public water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters;

6. Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a serious health hazard might result;

7. The following types of facilities will fall into one of the above categories where a backflow prevention device is required to protect the public water supply. A backflow prevention device shall be installed at these facilities unless the city determines that no hazard exists:

- a. Hospitals, mortuaries, clinics,
- b. Laboratories,
- c. Metal plating industries,
- d. Piers and docks,
- e. Sewage treatment plants,
- f. Food or beverage processing plants,
- g. Chemical plants using a water process,
- h. Petroleum processing or storage plants,
- i. Radioactive material processing plants or nuclear reactors,
- j. Facilities with fire service lines as specified by Oregon State Health Division,
- k. Others specified by the city.

E. The type of protective device required shall depend on the degree of hazard which exists:

1. An air-gap separation or a reduced- pressure-principle backflow prevention device shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which could cause a health or system hazard.

2. In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation, or a reduced-pressure- principle backflow prevention device shall be installed.

F. Backflow prevention devices required by this chapter shall be installed under the supervision, and with the approval, of the city.

G. Any protective device required by this chapter shall be approved by the director.

H. These devices shall be furnished and installed by and at the expense of the

customer.

I. It shall be the duty of the customer-user at any premises where backflow prevention devices are installed to have certified inspections and operational tests made at least once per year. In those instances where the director deems the hazard to be great enough, he may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the water user and shall be performed by a certified tester approved by the director. It shall be the duty of the director to see that these timely tests are made. The customer-user shall notify the director in advance when the tests are to be undertaken so that the director or a representative may witness the tests if so desired. These devices shall be repaired, overhauled or replaced at the expense of the customer-user whenever said devices are found to be defective. Records of such tests, repairs and overhaul shall be kept and copies sent to the director.

J. No underground sprinkling device will be installed without adequate backflow prevention devices.

K. Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this chapter or by state law shall be grounds for the termination of water service to the premises.
(Ord. 9-82 § 1 (part), 1982.)

13.06.050 Cross-connection inspection.

A. No water shall be delivered to any structure hereafter built within the city of Sandy or within areas served by city water until the same shall have been inspected by the city for possible cross-connections and been approved as being free of same.

B. Any construction for industrial or other purposes which is classified as hazardous facilities where it is reasonable to anticipate intermittent cross-connections, or as determined by the director, shall be protected by the installation of one or more backflow prevention devices at the point of service from the public water supply or any other location designated by the city.

C. Inspections shall be made at the discretion of the director of all buildings, structures, or improvements for the purpose of ascertaining whether cross-connections exist. Such inspections shall be made by the city.
(Ord. 9-82 § 1 (part), 1982.)

13.06.060 Liability.

This chapter shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or testing herein, or the failure to inspect or test or by reason of approval of any cross-connections. (Ord. 9-82 § 1 (part), 1982.)

13.06.070 Penalties.

Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this chapter or the rules and regulations as adopted by the city, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall for each offense be punished by a fine in a sum not exceeding five hundred dollars or imprisonment for

a term not exceeding ten days, or by both fine and imprisonment. (Ord. 982 § 1 (part), 1982.)

Chapter 13.08

WATER SYSTEM-CONNECTION CHARGES AND RATES

13.08.010 Connection charges.

When an application for water service has been made, as provided for in Chapter 13.04, a connection charge for each living unit as established by the city council by resolution, plus the cost of meter and connections, system development charges and applicable installation charges at the actual cost of same or at city's established fee schedule, shall be paid for connections inside the city limits. The connection fee for connections outside the city limits shall be set by the city council by resolution for each living unit, plus the cost meter and connections, system development charges and applicable charges for installation at the actual cost of same or at the city's established fee schedule. (Ord. 18-93 § 8, 1993; Ord. 387 § 1(A), 1987; Ord. 1480 § 1, 1980; Ord. 279 § 1, 1979; Ord. 3875 § 3, 1975; Ord. 973 § 2, 1973.)

13.08.020 Water Charges to Premises: Payment/Delinquent Charges.

All charges for furnishing water through the City's utility system with the exception of rental premises, shall be chargeable to the premises where the water is supplied. Charges for rental premises shall be charged to the owner of the premises who must consent to responsibility for charges where water is supplied. Whenever any charge for furnishing to any premises should not be paid within fifteen (15) days after the same becomes due and payable, the city may terminate water service to such premises, and water shall not be furnished again thereto until all outstanding obligations for water supplied to such premises have been paid in full. Written notice of termination of water service for non-payment of water charges shall be given to the owner or occupant by regular mail, or by posting on the premises at least ten (10) days in advance of such termination of service. In the case of rental premises, the aforesaid notice shall be given both to the tenant and to the owner of the premises. For the purposes of this chapter, the terms "owner" and "tenant" shall have the meaning as defined in ORS 91.705. (Ord. 18-93 § 9, 1993; Ord. 11-91 § 2, 1991; Ord. 3-87 § 1(B), 1987; Ord. 9-73 § 3, 1973; Ord. 2001-02 § 1.)

13.08.050 Water rates.

A. Water rates, as permitted by this section are based upon actual costs of service, as reflected in the methodologies contained in the city's current utility rate model.

B. The water rates permitted by this section include a number of components. These components include the following:

1. A monthly service charge for each individual customer class;
2. A monthly service charge by meter size, with different rates for inside and outside city customers;
3. A volume charge per each one hundred cubic foot unit of consumption, with different rates for inside and outside city customers based upon individual customer classes;
4. An inside/outside rate differential setting total outside city rates at the sum of fifty percent over total inside city rates.

C. The monthly charges for individual water rate components shall be set by the city council by resolution. (Ord. 18-93 § 10, 1993; Ord. 13-92 § 1, 1992; Ord. 6-91 § 1, 1991; Ord. 9-90 § 1, 1990; Ord. 3-87 § 1(D), 1987; Ord. 19-81 § 1, 1981; Ord. 14-80 § 2, 1980; Ord. 2-79 § 2, 1979; Ord. 973 § 1, 1973.)

13.08.060 Testing meters.

When any water customer makes a complaint that the consumption amount for any particular billing cycle is excessive, the city will, upon request, have such meter reread and the service inspected for leaks. Should such consumer then desire that the meter be tested, he will be required to make a deposit in an amount established by the city council by resolution to cover the cost of making such test. The meter will then be tested by an independent third-party. Should the meter upon testing show a registration in excess of three percent of actual usage, the amount deposited will be refunded and the bill for the period in question adjusted accordingly. The excess registration not to exceed the two previous billing cycles shall be credited to the account. Where no error is found, the amount deposited will be retained to cover the expense of testing. (Ord. 18-93 § 11, 1993: Ord. 973 § 8, 1973.)

13.08.070 Use of funds.

Water service charges as and when collected shall be paid into a fund designated as the water fund. Payment of the operational costs of the city's water system costs associated with improvements of the city's water system shall be made from said funds. Moneys received in this fund are to be invested by the city manager in such manner as the council may from time to time direct. (Ord. 3-87 § 1(E), 1987: Ord. 1-80 § 1, 1980: Ord. 2-76 § 1, 1976: Ord. 9-73 § 10, 1973.)

13.08.080 Water shut-off on failure to comply.

On failure to comply with the rules and regulations established herein, or any of them as conditions to the use of water, or failure to pay water rates or other charges in the time and manner provided, the water may be shut off until payment is made in the amount due. Additionally, a reconnection fee will be charged for expenses of turning the service off and on.

These reconnection fees shall be established by resolution by the city council. (Ord. 18-93 § 12, 1993: Ord. 3-87 § 1(F), 1987; Ord. 8-82, 1982: Ord. 9-73 § 5, 1973.)

13.08.090 Violation-Penalty.

Any person or persons violating any of the provisions of this chapter shall upon conviction thereof be punished by a fine not to exceed one hundred dollars or imprisonment of not to exceed ten days, or both. (Ord. 9-73 § 9, 1973.)

**Chapter 13.12
SANITARY SEWER SYSTEM-RULES AND
REGULATIONS²**

13.12.010 Application for sewer connection or repair.

A. No private sanitary sewer or sewer lateral shall be built, repaired, extended or connected to any public sanitary sewer unless and until an application has been made and plans for same submitted to and approved by the city.

B. All applications for sewer connection permits shall be made by the property owner or by the person, firm, or company employed to perform the work. The plan shall show the whole course of the private sewer from its connection with the house or building to the public sewer and show the location of all branches.

13.12.020 Permit.

The city shall issue a permit therefor upon payment of the city's sewer connection fee and applicable system development charges, which sum shall be paid and collected before the permit shall be issued or any construction or work performed. (Ord. 3-73 § 2, 1973.)

13.12.030 Connection.

Wherever there is now or may hereafter be constructed in any right-of-way, street or easement, a public sewer for the purpose of conveying wastewater, the owner(s) of improved property abutting on, adjacent to or along the side of such sewer line and/or within two hundred feet of the terminal end of same, must connect and maintain a sewer connection with such sewer if the property poses a public health risk due to a failing or improperly maintained on-site sewage disposal system as determined by county or state public health officials. Whenever Clackamas County Water Environment Services, the Oregon Department of Environmental Quality or the city shall notify in writing the owner or owners of improved property as stated, it shall be the duty of the owner or owners to make a sewer connection application and file plans therefor in the manner provided and complete such connection within sixty days from the date of such notice, unless good and sufficient reasons prevail, whereby the city council may approve an extension of time. (Ord. 99-4, 1999: Ord. 3-73 § 3, 1973.)

13.12.050 Joints.

All joints shall be gas and watertight, in accordance with the testing and acceptance procedures in the Oregon Plumbing Specialty Code. (Ord. 3-73 § 5, 1973.)

13.12.060 Connections to the main sewer.

Where no public lateral is extended to a property, the main sewer shall be tapped and a lateral extended to the property. All service laterals shall be made under the supervision of the city engineer, public works director or someone under their direction. If the city makes the connection, it shall be done in accordance with the city's established fee schedule or at the actual cost of the lateral extension. If the property owner or their agent makes the connection such work shall comply with the standards and specifications of the City and the most recent version of the Oregon Standard Specifications for Construction (Ord. 33-75 § 1, 1975: Ord. 3-73 § 6, 1973.)

13.12.070 Excavations.

All excavations in public rights-of-way, streets or easements for sewer lateral connections shall be performed under the supervision and monitoring of the city engineer, public works director, or someone else under their direction. All trenches shall be carefully backfilled to prevent sags or changes in grade of the lateral. The entire sewer connection shall meet the approval of the city before any sewage is allowed to pass through to the public sewer. The city may require low-pressure air testing and video inspection of all sewer connections to ensure a water tight connection. Reasonable notice shall be given to the city to inspect all sewer connections before their completion and while said connections are still uncovered. (Ord. 33-75 § 2, 1975: Ord. 3-73 § 7, 1973.)

13.12.080 Prohibited Discharges.

The city shall have the right to refuse to issue a sewer connection permit, or the city shall have the right to

disconnect and plug any existing sewer connection in case it is found that any of the following will be or have been discharged into the public sewer:

A. Ashes, cinders, sand, earth, coal, sawdust, wood chips, garbage, rubbish, rags, metal or any other material, liquid or chemical that would form a deposit or obstruction in the sewer or damage its flow capacity;

B. Grease, gasoline, oil, oil sludge, or other similar materials from wash racks, garages, machine shops and other establishments. An approved and properly sized grease trap or interceptor constructed to meet the approval of the city shall be required in any sewer connected to all wash racks, garages, machine shops, laundries, creameries, hotels, restaurants and other food service establishments that may waste fats, oils and grease, gasoline, cleaning fluids, inflammable liquids and similar material;

C. Paints, asphalt, bitumen, coal tar and other similar substances;

D. Wheat, flour, grain, fruit pits, fruit skins, vegetable parings and other similar material, except the waste liquid from processing

E. Garbage, tin cans, bottles, rubbish and other similar materials.

F. Any waste material or liquid which in the judgement of the city may obstruct or injure the sewers or which does not yield readily to treatment by the process used in the sewage treatment plant. No acid, corrosive liquid, germicide or antiseptic of such strength and quantity as to interfere with bacterial action in the sewage treatment plant shall be discharged into public sewers.

G. Discharges of materials listed in sections A, C, D, E and F above may be permitted if such discharges are properly pre-treated to be reduced to levels at or below that of standard residential wastewater as defined in Section 13.16.020(B) or upon issuance of a discharge permit approved by the City Engineer or their designee; (Ord. 2021-2, 2021)

13.12.090 Separate connections.

Separate sewer connections shall be provided for each parcel Party sewers serving more than one dwelling or parcel are prohibited. Existing party sewers may be allowed if all parties served by a common lateral sign and record an agreement outlining responsibilities for repairs, replacement and maintenance. (Ord. 3-73 § 9, 1973.)

13.12.100 On-Site Sewage Disposal Systems.

Where there are existing on-site sewage disposal systems in use prior to the provision of public sewer service a new sewer connection shall run direct from the home or building to the public sewer lateral. Immediately after connection, the on-site disposal system shall be abandoned or decommissioned in accordance with Oregon Department of Environmental Quality and/or Clackamas County Water Environment Services guidelines. All on-site systems shall be replaced with public sewer connections per the requirements of Section 13.12.030. (Ord. 3-73 § 10, 1973.)

13.12.110 Outdoor toilets.

No outdoor toilet or privy shall be permitted in the city except in an emergency situation during

a construction project or other unusual circumstances. Authorization for such must be granted by the city. (Ord. 3-73 § 11, 1973.)

13.12.120 Illegal hookups.

No spring, creek, surface water drainage, downspout, refrigerator, cooler, open fixtures, steam exhaust boiler, blow-off, or drip pipes shall be connected to the city sewer system without permission and the approval of the city. (Ord. 3-73 § 12, 1973.)

13.12.130 Unauthorized personnel.

No unauthorized person or persons shall enter into, obstruct or damage any manhole, sewer, pump station or anything pertaining to the city's sewer system. No unauthorized person or persons shall enter the sewer treatment plant enclosure or structures or tamper or interfere or damage same in any manner. No person or persons shall interfere with or obstruct any city official or city employee when installing, operating, repairing, maintaining or inspecting any sewer, manhole, pump station, or the sewage treatment plant or when inspecting any private sewer connection. (Ord. 3-73 § 13, 1973.)

13.12.140 Replacements on private property.

To the fullest extent allowed by law, and with at least twenty-four hour prior notice unless an emergency exists, the building official, the city engineer, public works director or any other authorized city employee or person shall have the right to enter upon the premises and enter any house or building connected to the sewage collection and conveyance system during normal working hours, eight a.m. to five p.m., for the purpose of inspection of sewers, drains, traps and plumbing fixtures connected therewith. Inspections include closed circuit television inspection of sewers using cameras inserted at the building cleanout or launched from the public sewer lateral. If it is found from such inspection or otherwise that any provision of this ordinance is not being complied with in any respect, or that any part of the drainage system is in need of cleaning out or repair, the city shall serve notice upon the owner and upon the tenant or occupant, specifying the work to be done to make the installation, system or condition comply with state law, the Oregon Plumbing Specialty Code and city ordinances and standards. (Ord. 3-73 § 14, 1973.)

13.12.150 Appeal from official decision.

Appeal may be made to the city council from any ruling or decision by the City either granting or refusing a sewer connection permit. (Ord. 3-73 § 15, 1973.)

13.12.160 Location map.

It shall be the duty of the city to maintain accurate hard copy and digital records of all sanitary sewer mains, manholes, cleanouts, laterals, pump stations and appurtenances. (Ord. 33-75 § 3, 1975: Ord. 3-73 § 16, 1973.)

13.12.170 Violation-Penalty.

Any person, persons, firm, company or corporation violating the terms and conditions of this chapter shall upon conviction thereof be punished by a fine not to exceed three hundred dollars, or by imprisonment for not more than one hundred days, or both. (Ord. 3-73 § 17, 1973.)

13.12.180 Recovery of damages.

Any person or persons who, as a result of violating any of the provisions of this chapter, cause any expenses, loss or damages to the city shall immediately become liable to the city for the full

sum of such expenses, loss or damages. The city council may, at its discretion, instruct the city attorney to proceed against any such person or persons, in any court of competent jurisdiction, in a civil action to be brought in the name of the city, for the recovery of the full sum of any such expense, loss or damage sustained by the city. (Ord. 3-73 § 18, 1973.)

Chapter 13.14 INFILTRATION AND INFLOW

13.14.010 Notification, Sources of Infiltration and Inflow.

All property owners identified by the city as contributors to excessive or improper infiltration or inflow to the collection system and treatment works shall be advised in writing of infiltration and inflow issues. This chapter does not apply to discharges to the public storm drainage system authorized under chapters 13.18 and 13.20 of this title.

A. Drainage or inflow from roofs, foundation drains, low-point drains, gutters, uncontaminated cooling water or surface or ground water drains shall not be permitted to enter the city's sanitary sewer system. Leaks or infiltration due to cracked or damaged pipe, non-watertight joints or fittings and connections in or on private sewer laterals, including but not limited to building and side sewers, into the city's sanitary sewer system shall not be permitted. Neither temporary nor permanent drainage or pumped discharges from excavations into the city's sanitary sewer system shall be allowed. Overflows or drains from private or public swimming pools, fountains or water features into the city's sanitary sewer system shall not be permitted without prior written approval of the city.

13.14.020 Abatement Plans, Corrections and Actions Taken.

Any such properties causing inflow from stormwater runoff, or infiltration from groundwater including but not limited to sources described in section 13.14.010 A shall be provided an opportunity in which to correct and eliminate the infiltration and inflow sources in a timely manner as identified by the city.

A. Upon notification by the city of a source of infiltration or inflow originating on their property a property owner or an agent authorized to act on their behalf shall submit a written plan within ten business days of the date of the notification letter from the city which shall include steps and actions to be undertaken to correct and eliminate sources of infiltration and inflow.

B. Upon correction and elimination of identified infiltration and inflow sources, each property owner shall promptly notify the city of corrective actions that have been taken, or are in progress, which action shall be specified in the reply to the city.

13.14.030 Failure to Correct or Eliminate Infiltration and Inflow Sources, Abatement by City.

In the event of infiltration or inflow into the sanitary sewer system of the city continuing beyond the time identified for correction by the city, it is declared that the continuing infiltration or inflow is a public nuisance, that the city shall have the right to abate such public nuisance, and to enter upon any private property within the city for such purpose and shall assess the cost of the abatement as a lien against the property upon which the continuing infiltration and inflow occurs. The assessment shall be levied by the filing of statement of the costs together with the

description of the name of the owner(s) thereof with the City Recorder, whereupon the City Recorder shall enter such assessment as a lien against the property in the lien docket of the city. An administrative fee of \$50 shall be charged and collected by the city in addition to the other direct and incidental costs of abatement to cover the cost of notification, administration and abatement. Nothing in this subsection limits the city from pursuing any other remedy that is available to the city to correct or eliminate infiltration or inflow into the city's sanitary sewer system.

13.14.040 Additional Administrative Standards, Procedures and Criteria.

The City Council may by motion direct city staff to establish additional administrative standards, procedures and criteria for infiltration and inflow correction, elimination and abatement for the purpose of preventing and removing infiltration and inflow from the city's sanitary sewer system.

Chapter 13.16

SANITARY SEWER SYSTEM-CONNECTION FEES AND CHARGES

13.16.010 Authority and intent.

Pursuant to the statutes of the state and the powers granted in the Charter of the city, the city declares its intention to continue operation and maintenance of sanitary sewers, sewage pump stations, sewage treatment plants and outfall sewers; to extend and expand the existing sewerage system of said city, and to reconstruct such existing sanitary sewers, sewage pump stations, and sewage treatment plants as may be deemed proper by the city. (Ord. 4-73 § 1, 1973.)

13.16.020 Definitions.

- A.** "BOD" (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under the standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter (mg/l).
- B.** "ERU" (denoting equivalent residential unit) shall mean the unit of sewage which incurs the same cost for operation and maintenance as the average volume of domestic waters discharged from a single-family residence in the sewage collection and treatment service area. In the city one ERU shall be equivalent to ninety-two thousand gallons/year (two hundred fifty gallons/day) of sewage flow, one hundred ninety lbs. of BOD/year (two hundred fifty mg/l per day) and one hundred ninety lbs. of SS/year (two hundred fifty mg/l per day).
- C.** "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.
- D.** "Sewage" means a combination of the water-carried wastes, from residences, business buildings, institutions and industrial establishments.
- E.** "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.
- F.** "Sewer" means a pipe or conduit for carrying sewage.

G. "Sewerage system" means all publicly owned facilities for collecting, pumping, treating and disposing of sewage.

H. "SS" (denoting suspended solids) means solids that either float on the surface of (or are in suspension in) the water sewage or other liquids and which are removable by laboratory filtering.
(Ord. 5-88 § 2, 1988.)

13.16.030 Charges levied and imposed.

A. All houses, buildings or properties used for human occupation, employment, recreation or other purposes which are required to connect to the sanitary sewer collection system under the provisions of this chapter shall pay a systems development charge based on the number of equivalent residential units (ERU) generated by the type of use. ERUs for each type of use shall be calculated according to the following chart:

Type of Use	ERUs
Single-family, duplex, triplex	1 per household unit
Multi-family (4 or more units)	0.7 per household unit
Manufactured homes	1 per household unit
Room and board facilities	1 per three tenants
Motels	1 per three motel units
Restaurants	1 per 8 seats
Taverns, bar/lounge	1 per 15 seats
Hospitals and similar institutions	1 per 3 beds
Auto service stations	1 per 3 pumps
Car washes	1 per 250 gallons/day of water consumption
Theaters and other meeting places	1 per 250 seats
Churches	1 per 200 seats
Laundromats	1 per 2 washers
Bakeries	1 per 3 employees
Mortuaries	1 per 6 employees

Elementary schools and middle schools without showers	1 per 40 students
Middle schools with showers and highschools	1 per 20 students
Colleges	1 per 20 students
Office, retail	1 per 8 employees or 1,500 sq. ft. of office space if 6,000 sq. ft. of retail space, whichever results in the greater number of units
Other commercial	1 per 8 employees or 250 gallons per day of water consumption, whichever results in the greater number of units
Industrial and high-volume dischargers	1 per 250 gallons of metered wastewater discharge per day. If metered wastewater discharge is not available, 1 per 250 gallons per day of metered water consumption or 1 per 8 employees, whichever results in the greater number of units

When calculating ERUs for all user classes except multi-family, fractions will be rounded to the nearest full ERU. Multi-family ERUs will be calculated to the nearest tenth.

For expansions of existing uses a fractional ERU may be calculated based on the table above. In all other cases the minimum number of ERUs will be one.

Where there is no user class established for a new customer, the city manager shall evaluate and assign the appropriate numbers of ERUs.

(Ord. 18-96 §§ 1 - 3, 1997; Ord. 5-88 § 3, 1988.)

13.16.040 Rates.

The bimonthly service charge for all sanitary sewer system users shall be reviewed annually. Sewer rates shall be set by resolution of the city council. (Ord. 9-90 § 2, 1990; Ord. 2-87 § 1, 1987; Ord. 20-81 § 1, 1981; Ord. 1680 § 1, 1980; Ord. 479 § 1, 1979; Ord. 473 § 4, 1973.)

13.16.050 Payment and collections.

A. Every person subject to a charge hereunder shall pay the same when due to the administrative office.

B. Sewer service charges as and when collected shall be paid into a fund designated as the "sewer revenue fund." Payment of the costs of sewage collection and treatment, maintenance of sewage facilities, repairs and administrative costs therefor shall be made from said fund.

C. Sewer service charges as hereinbefore provided shall be collected monthly and if not paid on or before thirty days after the date of billing, said charges shall be deemed to be delinquent.

D. The collection of service charges when delinquent and enforcement of payment thereof may be accomplished by withholding the delivery of water to any premises or occupant served with sewage disposal facilities when such a delinquency as defined in subsection C of this section exists.

(Ord. 6-85 § 2, 1985; Ord. 4-73 § 5, 1973.)

13.16.060 Enforcement.

A. The administrative office of the city may use such means of collection as may be provided by the laws of the state or permitted by the charter and ordinances of the city.

B. Any delinquencies may be certified to the tax assessor of Clackamas County and be by him assessed against the premises serviced and shall thereupon be collected and paid over in the same manner as other taxes are certified, collected and paid over.

C. In the event it becomes necessary to certify the service charges and delinquent charges established because of the nonpayment thereof, there shall be added to such charges a penalty in the amount of ten percent thereof.

(Ord. 4-73 § 6, 1973.)

13.16.070 Protection from damage.

No person or persons shall unlawfully, maliciously, willfully, or as a result of gross negligence on his or their part break, damage, destroy, uncover, deface or tamper with any structure, facility, appurtenance or equipment which is a part of the sanitary sewer system of the city. (Ord. 4-73 § 7, 1974.)

13.16.080 Disbursement.

The council, by resolution or motion duly adopted, shall from time to time, and not less than once each fiscal year, direct the transfer of funds from the account to all or any of the following:

- A. The account or accounts for the construction, operation or maintenance of the sewerage system;
- B. The account or accounts for the payment of principal and interest on maturing sewerbonds;
- C. The account or accounts established for a sinking fund to meet future interest and principal obligations on sewer bonds.
(Ord. 4-73 § 8, 1973.)

13.16.090 Powers and authority of inspectors.

The building official, city engineer and other duly authorized employees or representatives of the city shall be permitted to enter upon all properties for the purpose of inspection in accordance with this chapter during normal working hours, eight a.m. to five p.m., and except upon emergencies, the giving of twenty-four hour notice. (Ord. 4- 73 § 9, 1973.)

13.16.100 Violation-Penalty.

- A. Any person or persons violating any of the provisions of Section 13.16.070 is guilty of disorderly conduct and upon conviction thereof shall be punished by a fine not to exceed three hundred dollars or by imprisonment for not more than one hundred days, or both.
- B. Any person or persons violating any of the provisions of this chapter, excepting Section 13.16.070, shall upon conviction thereof be punished by a fine of not to exceed one hundred dollars or imprisonment of not to exceed ten days, or both.
(Ord.4-73 § 10, 1973.)

13.16.110 Recovery of damages.

Any person or persons who, as the result of violating any of the provisions of this chapter, cause any expenses, loss or damage to the city, shall immediately become liable to the city for the full sum of such expense, loss or damage. The council may, at its discretion, instruct the city attorney to proceed against any such person or persons, in any court of competent jurisdiction, in a civil action to be brought in the name of the city, for the recovery of the full sum of any such expense, loss or damage sustained by the city. (Ord. 4-73 § 11, 1973.)

Chapter 13.18 STORM WATER MANAGEMENT

13.18.00 Intent

The intent of these regulations is to:

- A. Minimize storm water runoff
- B. Reduce storm water peak flows and volumes to pre-development conditions
- C. Increase groundwater recharge and evapotranspiration
- D. To minimize the discharge of pollutants to receiving water bodies

13.18.10 Definitions.

- **Best Management Practice (BMP) non-structural:** Strategies implemented to manage storm water runoff that focus on pollution prevention such as alternative site design, minimizing impervious surfaces, land use ordinances, education and good housekeeping measures.
- **Best Management Practice (BMP) structural:** Engineered or manufactured devices or structures implemented to manage, treat or reduce storm water runoff and pollution.
- **BOD:** Biochemical Oxygen Demand, the amount of oxygen used by microorganisms in the breakdown or decay of organic matter in a water body.
- **Building:** Any structure for the shelter, support or enclosure of persons, animals, or property. When separated by dividing walls without openings, each portion of such building, so separated, shall be deemed a separate building.
- **Detention:** The temporary storage and slow release of storm water following a precipitation event by means of an excavated pond, enclosed depression, piping or tanks. Detention is used for storm water storage and peak flow reduction.
- **Developer:** The owners of property or their agents or contractors, or their successors and assigns, who have undertaken or are proposing development.
- **Development:** Any artificial change to improved or unimproved real estate, including but not limited to, construction of buildings or other structures, excavation, vegetation removal, mining, dredging, filling, grading, compaction, paving, drilling, stream alteration or channeling, or other similar activities. For purposes of this section development also includes the redevelopment of existing developed sites.
- **Director:** means the City of Sandy Public Works Director and the director's duly appointed designees.
- **Impervious Surface Areas:** Areas of impervious material including but not limited to:

roofs, driveways, patios, sidewalks, parking areas, sports courts, non-porous concrete or asphalt streets

- **Impervious Surface:** A surface that cannot be penetrated by water, preventing infiltration and generating runoff.
- **Impervious:** Any material that impedes or prevents the natural filtration of water into the soil.
- **Imperviousness:** The degree to which a site or material is impervious.
- **Infiltration:** The process or rate at which water percolates from the land surface into the ground. Infiltration is also a general category of BMP designed to collect runoff and allow it to flow through the ground.
- **Land disturbing activity:** Any clearing, grading, stripping, excavation, fill, or any combination thereof.
- **Lot:** A parcel of land occupied or intended for occupancy by one main building, together with any accessory buildings.
- **Off-site storm water facility:** Any storm water facility located outside the boundaries of a specific development site but designed to manage storm water discharge from that development.
- **On-site storm water facility:** Any storm water management facility necessary to manage storm water within an individual development project and located wholly within the project boundaries.
- **Point Source:** Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.
- **Pollutant:** Any dredge spoil, solid waste, incinerator residue, oil, grease, sewage, garbage, sewage sludge, munitions, medical waste, chemical waste, industrial waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agriculture and industrial waste, and the characteristics of the wastewater (*i.e.*, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, odor).
- **Porous pavement and paving:** Alternatives to conventional asphalt and concrete utilizing a variety of porous media that allows water to infiltrate.
- **Public Works Department:** The City of Sandy Public Works Department.
- **Redevelopment:** Any development that requires demolition or removal of existing structures or impervious surfaces on a site, and replacement with new development, structures and impervious surfaces. Maintenance activities such as pavement overlays of existing impervious surfaces are not considered redevelopment.

- **Retention:** The collection and storage of storm water runoff without subsequent discharge to surface waters.
- **Site Expansion:** The addition of new building(s), structures, parking lot(s), or any other new impervious surface to the site. Construction of any new impervious surface on an area previously pervious, which does not meet the definition of redevelopment, as defined in this section shall be considered as expansion.
- **Site:** That portion of the lot or parcel upon which a building and appurtenances are to be placed or are already existing, including adequate areas for parking, maneuvering, driveways, clearance, and proper drainage.
- **Storm Frequency:** The average recurrence interval, in years, between rainfall events, which equal or exceed the given event. The magnitude and frequency of the anticipated rainfall events are based on statistical data recorded and maintained by the National Climatic Data Center. For example a 2-year frequency storm is a storm of an intensity which has a 50% chance of occurring in any year, or is expected to occur on the average, at least once in two (2) years, and of a duration, which will produce the peak rate of runoff for the watershed of interest.
- **Storm Water Conveyance:** Any feature of the landscape or earth, manmade or natural, which collects and or carries water in a concentrated flow.
- **Storm Water Management Plan:** A plan designed and submitted in accordance with the City of Portland *Storm water Management Manual*, (September 2002 or latest revisions) to minimize water quality impacts, prevent off-site sediment transport and manage storm water runoff.
- **Storm Water Management:** The qualitative and quantitative measures for managing storm water runoff. Qualitative measures consist of vegetative, structural, and other measures which manage or treat pollutants carried or generated by surface runoff.
- Quantitative measures consist of vegetative and structural measures which manage the increased volume and rate of surface runoff caused by man-made changes to the land and have the effect of maintaining the predevelopment patterns of flood magnitude and frequency.
- **Storm water Runoff:** The water from precipitation that flows across the land surface and is not infiltrated, evaporated, or otherwise stored within the contributing drainage area of a site.
- **Surface Water Management System:** All natural and constructed facilities used to regulate the quantity and quality of surface water, including drainage easements, culverts, storm drains, catch basins, drainage ditches, natural drainageways, stream corridors, rivers, ponds, wetlands and impoundments.
- **TSS:** Total Suspended Solids

13.18.20 Applicability.

It is the policy of the city that all developed land within the city limits shall have sufficient storm

water management systems in place to provide adequate protection of life, property and natural resources. To this end, as a minimum, all land disturbing activity subject to this ordinance, shall provide sufficient management of post-development runoff from the 2-year, 5-year 10-year, and 25-year frequency storms such that the discharge rates of post-development storm water runoff do not exceed the pre- development rates. In certain cases, depending on the capacity of downstream drainage facilities, (or in cases where the storm drainage system receiving runoff from the site is only designed to accept street runoff only), a higher standard of retention and/or detention may be required by the City.

13.18.30 Area of application.

A. Exemptions:

1. Developments such as subdivisions of planned unit developments with city-approved storm water management systems that meet the standards of this ordinance.
- 2 Single-family dwellings on legal lots of record.
3. Areas of the city, as determined by the director, where flow control is not needed or desirable.

Water quality treatment facilities may be required for land use developments, under any of the following conditions.

A. Any portion of the development site is within the FSH overlay district.

B The development may otherwise cause significant degradation of water quality in the receiving stream as a result of erosion, sedimentation or transport of water-borne pollutants without detention or treatment.

C. The development site has an existing or proposed impervious surface area greater than 5,000 square feet.

D. The development involves impervious parking or storage areas, fuel storage or dispensing areas; vehicle storage, wash, maintenance or dismantling areas; or mechanical equipment storage or maintenance areas.

E. The development involves site expansion.

F. Infiltration is proposed for storm water management.

13.18.40 Acceptable storm water quality facilities.

The following storm water quality treatment methods and facilities are acceptable to the City:

A. Detention and sedimentation: Detention of storm water runoff allows for the settling of fine particles and sediment, and the pollutants associated with these particles.

B. Filtration: Filtration of storm water is provided by flowing water through various types of

media, such as vegetation, sand or synthetic materials, which absorb and filter out pollutants.

C. Retention/Infiltration: Retention or infiltration facilities allow for temporary storage and disposal of storm water by allowing the water to percolate into the ground.

D. Oil and Water Separation: Various types of commercially-available oil and water separators that use sedimentation, separate chambers, baffles, plates and or physical-chemical processes to separate water from oil products.

Different types of storm water facilities can be combined to meet the performance standard. Other storm water quality facilities not included in the above list may be approved by the city engineer. Design and performance criteria for acceptable storm water quality facilities are contained in *Storm Water Management Manual*, City of Portland, (2016, or most recent revision thereof).

13.18.50 General design standards.

A. The location of the facility shall be consistent with applicable standards of the Sandy Development Code.

B. The facility shall be designed by a registered Professional Engineer.

C. On-site or off-site storm water management facilities shall be located as close as is practicable to the development, and storm water management facilities shall avoid a negative impact on nearby streams, wetlands, groundwater, and other water bodies.

D. Direct storm water discharges to stream channels, seasonal drainages and active waterways are to be avoided. Where soil conditions permit and where runoff velocities and erosive forces can be minimized or eliminated storm water discharges should travel overland to take maximum advantage of infiltration opportunities.

E. All local, state, and federal permit requirements related to implementation of stormwater management facilities must be met by the owner/operator prior to facility use.

F. Discharges from on-site facilities shall be conveyed via an approved drainage facility or storm water conveyance.

G. The quality of storm water leaving the site after development shall be equal to or better than the quality of storm water leaving the site before development, to the maximum extent practicable, based on the following criteria:

1. Water quality control facilities required for development shall be designed, installed and maintained in accordance with the *Storm Water Management Manual*, which is based on achieving at least 70% removal of the Total Suspended Solids (TSS) from the flow entering the facility for the design storm specified in the *Storm Water Management Manual*.

2. Land use activities that may be pollution sources shall be required to implement additional Best Management Practices for pollution control, including but not limited to, those management practices specified in the *Storm Water Management Manual*.

3. Facilities shall be designed to safely conduct the less frequent, higher flows through or around facilities without damage to the facilities.

4. Storm water for any parcel created after the effective date of this Chapter shall be fully treated on-site or within the original parcel from which the new parcel was created, or in a privately developed off-site facility with sufficient capacity, as determined by the City.

13.18.60 Storm water quality treatment performance standard.

All developments shall treat 80 percent of the average annual volume of storm water runoff for the site. This standard can be met by installing storm water quality treatment facilities to satisfy the following design criteria:

A. Detention based storm water quality control: The required design volume for detention-based control is equal to the entire runoff volume that would occur from a site with a 1.2-inch, 12-hour storm. The draw-down time for the entire volume must be greater than or equal to 48 hours. For the lower half of the detention volume, the draw-down time must be greater than 36 hours. Additional design criteria for inlet and outlet spacing and design, as well as guidelines for calculating volumes, are contained in the Public Works Department Standards.

B. Flow-through based storm water quality control: the required design flow rate for treatment is the runoff that would be produced from a rainfall intensity of 0.2 inches/hour for on-line facilities, and 0.11 inches/hour for off-line facilities. This rate must be maintainable for a minimum of three hours. Additional design criteria for flow calculation, as well as specific treatment criteria for various types of storm water facilities (e.g., infiltration and storm water filters), are contained in the Public Works Standards.

C. Combination detention based on flow-through based storm water quality control: Detention facilities may be combined with flow-through facilities. The applicant must demonstrate that the combined system could sufficiently treat storm water runoff for the runoff produced by the flow-through treatment rates of 0.2 inches/hour (on-line facilities), occurring for a three-hour period.

Storm water quality facilities selected for the site shall be appropriate to treat expected storm water pollutants based on the intended use of the site under full build-out conditions.

13.18.70 Pretreatment for storm water infiltration systems.

When proposed for use as a storm water quality facility, infiltration systems shall include appropriate pretreatment to remove pollutants expected from the intended use of the site under full build-out conditions.

13.18.80 Review procedures.

Review of storm water management plans is not a limited land use decision and shall be processed in the same manner as a building permit.

13.18.90 Approval or denial of storm water management plan.

After receipt of a complete storm water management plan, the director may order a technical

review of the plan by a qualified professional consultant- selected by the City. The cost of any such review shall be borne by the applicant.

A. Following completion of the technical review of the plan, the director shall:

1. Approve the application and indicate on the plans in writing if the plan as submitted conforms to the applicable technical guidelines. The City of Portland Storm Water Management Manual shall be the recognized authority; or

2. Return the plan to the applicant for required revisions.

B. The approved plan shall not be changed, modified, or altered without authorization from the director and shall be constructed as planned.

1. Such approval shall be a condition of subdivision or site plan approval.

13.18.100 Submission requirements.

The application shall provide sufficient information to evaluate the applicant's intent to include on-site storm water quality controls in order to reduce or eliminate the discharge of sediments and other storm water pollutants to the storm sewer or natural drainage channel (e.g., stream). The information contained in a storm water management plan shall include, at a minimum:

A. Site plan showing:

1. Location of the development site showing property lines, adjacent roads and streets and the development site boundaries

2. North arrow, scale, date

3. Locations of the storm water quality facilities (including inlet and outlet structures) with relation to buildings and other structures

4. Storm sewer system for the site

5. Natural watercourses (e.g., streams, wetlands, bogs and marshes) affecting the site

6. Existing and proposed drainage channels (temporary and permanent) and direction of flow

7. Direction of surface water flows

8. Identification of any rivers, streams, wetlands, channels, ditches, or other watercourses and associated setbacks on and immediately adjacent to the development site regulated by Chapter 17.60

9. Delineation of any wetlands, including both inventoried wetlands (LWI) and locally significant wetlands (LSW).

10. Documentation of conformance with applicable Sandy Development Code provisions.

B. Topographic Plan, certified by a registered engineer or land surveyor showing:

1. Topographic map delineating the drainage area served by each storm water quality facility
2. Calculations and estimated volume to be captured, conveyed and treated by each facility
3. The size and physical configuration (with supporting calculations) of each facility
4. Design details for any flow bypass or diversion devices.

In addition, any data required for submission in the City of Portland *Storm Water Management Manual* may also be required.

C. Submittals for storm water management facilities, including construction and installation requirements, and manufacturer's data, as appropriate.

D. A statement of the intended use of the site for full build-out conditions and the appropriateness of the selected storm water quality facilities for treating the storm water pollutants expected in relation to the land use.

E. The maintenance methods and frequencies necessary to ensure optimum performance of the storm water quality facilities over their projected life. Following a review of this information, the City shall work with the developer to determine maintenance responsibilities, and may require a maintenance agreement for the proposed storm water quality facilities.

13.18.110 Applicant's responsibility & maintenance.

A. Maintenance of private storm water quality system shall be the responsibility of the property owner. Maintenance responsibility shall include all elements of the system up to the point of connection with the public storm water system. Such connection shall be subject to the City's approval.

B. Maintenance requirements shall be specified in an approved maintenance plan at the time of project acceptance.

C. Private storm water quality facilities are subject to periodic inspection by the City to ensure proper maintenance and performance.

13.18.120 Warning and disclaimer of liability.

The degree of storm water management required by this ordinance is considered reasonable for regulatory purposes and is based on common engineering and scientific

practices. This chapter does not imply that areas approved for development will be free from surface water stagnation or non-point source pollution or that all water treatment projects to control the quantity and quality of runoff can be constructed cost-effectively. This chapter shall not create city liability for damage resulting from reliance on the provisions of this Section or any administrative decision lawfully made hereunder.

13.18.130 Referenced regulations.

All referenced regulations are available as specified below:

A. *Storm Water Management Manual.* The *Storm Water Management Manual* is maintained by the Public Works Department and is available for review at City Hall.

Chapter 13.20 STORMWATER UTILITY

13.20.010 Intent and scope.

A. Pursuant to the statutes of the state of Oregon and the powers granted in the Charter of the city, the Council declares its intent to acquire, own, construct, reconstruct, improve, equip, operate, maintain and repair stormwater management systems within the city limits consistent with city policy, intergovernmental agreements and state law. Stormwater management systems are defined as those natural or man-made facilities used to convey stormwater from public or private places to appropriate destinations with minimal adverse impact. Included in the stormwater management system are drainage ditches, swales, culverts, manholes, pipes, detention ponds, streams, creeks, sumps, storage facilities, curbs, gutters, catchment basins, pump stations, and any other facility necessary for the conveyance or treatment of stormwater.

B. The Council finds, determines and declares the necessity of providing for the city's stormwater management systems by the formation of a stormwater utility.

C. Prohibited Activities. No person shall cause pollution of any waters of the city's stormwater management system or place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the city's stormwater management system by any means. Wastes which are unlawful to discharge or cause to be discharged directly or indirectly into the city stormwater management system shall include, but not be limited to, the following:

1. Any discharge having a visible sheen such as, but not limited to, petroleum-based products;
2. Any discharge having a pH of less than 6.0 standard units (S.U.) or greater than 9.0 S.U.;
3. Any discharge that contains toxic chemicals in toxic concentrations;

4. Any discharge that contains visible floating solids;
5. Any discharge which causes or may cause visible discoloration (including, but not limited to, dyes and inks) of the receiving waters;
6. Any discharge which causes or may cause damage to the city's stormwater management system;
7. Any discharge which causes interference in the city's stormwater management system;
8. Any discharge which causes or may cause a nuisance or a hazard to the city's stormwater management system, city personnel or the receiving waters;
9. Any discharge with a temperature greater than one hundred fifty degrees Fahrenheit;
10. Any discharge (other than noncontact cooling water) from commercial or industrial operations such as, but not limited to, concrete waste, rug and carpet cleaning waste, or paint clean-up waste.
11. Any discharge containing human or animal waste or other waste intended for the sanitary sewer system.

13.20.020 Definitions

Except where the context otherwise requires, the definitions contained in this section shall govern the construction of this chapter.

- A.** Development shall be as defined in SMC 13.18.10
- B.** Director shall mean the City Director of Public Works or the person designated by the Director.
- C.** Duplex shall be as defined in SMC 17.10.30 B (3).
- D.** Equivalent Residential Unit (ERU) shall mean an area which is estimated to place approximately equal demand on the public storm drainage facilities as defined in SMC 17.10.30 B (1). One (1) ERU shall be equal to 2,750 square feet of impervious surface.
- E.** Impervious Surfaces shall be as defined in SMC 13.18.10.
- F.** Improved Property shall mean any area which has been altered such that the runoff from the site is greater than that which could historically have been expected. Such a condition shall be determined by the Director.
- G.** Manufactured Home Park shall be as defined in SMC 17.10.30 B (7) as "Mobile home court, park or subdivision".

H. Multiple-family unit (MFU) shall be as defined in SMC 17.10.30 B (6) as a "Multi-Family Dwelling".

I. Open Drainage way shall mean a natural or constructed path, ditch or channel which has the specific function of transmitting natural stream water or storm water from a point of higher elevation to a point of lower elevation.

J. Person responsible shall mean the owner, agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of property or the supervision of an improvement on the property.

K. Runoff Control shall mean any measure approved by the Director that reduces stormwater runoff from land surfaces on which development exists.

L. Single Family Dwelling (SFD) shall be as defined in SMC 17.10.30 B (1) as "dwelling, single-detached" or individual units of "Condominiums". A SFD is presumed to have 2,750 square feet of impervious surface area for purposes of this chapter. The term SFD shall be inclusive of those units identified as detached single-family residences, (attached, detached, zero-lot line), unit ownerships, and condominiums, and etc.

M. Storm Drainage Facilities shall mean any structure(s) or configuration of the ground that is used or by its location becomes a place where storm water flows or is accumulated including, but not limited to, pipes, sewers, gutters, manholes, catch basins, ponds, open drainage-ways and their appurtenances. Tickle Creek, No-Name Creek, their tributaries and creeks excluded by action of the Council are not storm drainage facilities.

N. Stormwater shall mean water from precipitation, surface or subterranean water from any source, drainage and non-septic waste water.

13.20.030 Findings

A. The City provides a valuable public service by providing storm drainage facilities for the collection and disposal of storm water discharged from properties and public right-of-ways within the City. The storm drainage facilities constitute a public utility owned and operated by the City. The utility exists for the benefit of any person within the City who desires public storm drainage facilities available for the diversion, collection and/or disposal of storm drainage and other runoff water from the person's property and represents a municipal service in a developed urban environment which is essential to the public health, safety and welfare.

B. Persons who use the public storm drainage facilities ought to be charged fees that reflect the costs of the use relative to the management, maintenance, extension and construction of the public storm drainage facility as a public utility in the City.

C. Accordingly, the structure of the storm drainage utility is intended to be a fee for service and not a charge against property. Although this structure is intended to

constitute a service fee, even if it is viewed as a fee against property or against the person responsible, as a direct consequence of ownership of that property, the utility's fee structure should allow the person responsible to have the ability to control the amount of the fee. Similarly, the utility fee structure should reflect the actual cost of providing the service. The actual costs may include all costs the utility might incur were it in private ownership.

D. Persons using water from the City potable water facilities use substantial amounts of water for irrigating lawns and gardens, washing structures, sidewalks, driveways and parking lots, and for other activities which result in the discharge of runoff into the public storm drainage facilities. These uses of water demonstrate a substantial relationship between persons' use of these water facilities and their use of the public storm drainage facilities.

13.20.040 Stormwater management policies

A. The City shall maintain public storm drainage facilities located on City property, City right-of-way or City easements. Public storm drainage facilities to be managed by the City include, but are not limited to;

1. Open drainageways, swales and detention ponds when located on City property, City right-of-way or City easement;
2. Piped drainage systems and related appurtenances which have been designed and constructed expressly for use by the general public and accepted by the Director;
3. Roadside drainage ditches and swales along improved and unimproved City streets;
4. Flood control facilities (levees, dikes, overflow channels, detention basins, retention basins, dams, pump stations, groundwater recharging basins, etc.) that have been designed and constructed expressly for use by the general public and accepted by the City.
5. Stormwater management, conveyance, treatment and detention facilities serving multiple single-family residences under separate ownership.

B. Storm drainage facilities not to be maintained by the City include, but are not limited to:

1. Stormwater management facilities not located on City property, City right-of-way, or City easement;
2. Private parking lot stormwater management facilities;
3. Roof, footing, and area drains;
4. Stormwater management facilities not designed and constructed for use by the general public;
5. Driveway approach culverts;
6. Stormwater management, conveyance, treatment and detention facilities serving sites under single ownership.

13.20.050 Establishment of a stormwater utility fee.

There is established a stormwater utility fee to be paid by the account holder for each developed property within the corporate limits of the city. Such fee shall not be imposed in amounts greater than that which is necessary, in the judgment of the council, to provide sufficient funds to properly acquire, construct, equip, operate, maintain and repair the city's storm sewer systems. Fees for users shall be based upon impervious surface area and individual mitigation efforts, if any. The council, by resolution, shall establish the amount and effective date of the fee and may, from time to time, by resolution change the amount of the fee.

13.20.060 Use of stormwater utility fee.

There is established a stormwater fund, and all stormwater utility fees collected by the city shall be paid into the fund. Such revenues shall be used for the acquisition, construction, operation, maintenance and repair (including renewal, replacement and improvement) of the city's stormwater management system. To the extent that the fees collected may not be sufficient to properly meet the expenses of the stormwater management system, the cost of same may be paid from other city funds as may be determined by the council, but the council may order the reimbursement to such fund if additional stormwater utility funds are collected thereafter. The fees collected by virtue of this chapter shall not be used for general or other governmental purposes of the city except to pay for the equitable share of the cost of accounting, management and other administrative costs attributable to the stormwater management system.

13.20.070 Calculation of stormwater utility fee.

A. The amount of the monthly stormwater utility fee shall be determined by resolution approved by the council based upon the amount of impervious surface per location.

B. All single-family residential users shall be deemed to have two-thousand, seven-hundred-fifty square feet of impervious surface area.

C. Whenever a non-single-family residential stormwater utility customer takes measures to mitigate the effect of storm water flow from the impervious surface of their site, the public works director, shall upon written request determine the percent of impervious surface which has been reduced, eliminated or mitigated and a proportional reduction in the stormwater utility fee shall be made, but in no event shall the fee be reduced more than thirty-three percent.

D. The stormwater utility fee shall not be imposed on impervious surfaces of a public street, road or highway.

13.20.080 Initiation of utility service.

Utility service will not be initiated for a new account, for a new account holder, or for the reinstatement of an existing account in which service has been terminated, without a written request from the account holder providing information deemed necessary by the finance director and the payment of a deposit, if any, in an amount and under terms and conditions determined by the council.

13.20.090 Billings and collection.

A. The stormwater utility fee shall be billed and collected with the monthly city utility bill.

B. Stormwater utility fees as hereinbefore provided shall be collected monthly and if not paid on or before thirty days after the date of billing, said charges shall be deemed to be delinquent.

C. The collection of service charges when delinquent and enforcement of payment thereof may be accomplished by withholding the delivery of water to any premises or occupant served by the stormwater management system when such a delinquency as defined in subsection B of this section exists.

D. Any charge due hereunder which is not paid when due may be recovered from the account holder in an action at law by the city.

E. The stormwater utility fee shall be due when the account holder receives service from the stormwater management system.

F. For purposes of this section any site with impervious surface coverage is considered to be served by the stormwater management system

13.20.100 Administration.

A. The public works director shall be responsible for the administration of this chapter (except for the billing and collection of funds), to include the development of administrative procedures, maintenance programs, capital improvements, operations and maintenance standards, and related activities.

B. The finance director shall be responsible for the billing and collection of funds.

13.20.110 Violations.

A. Any customer that violates any of the provisions in this chapter shall be subject to an enforcement action using any of the remedies and sanctions that are authorized in this chapter or state law. The director shall determine which enforcement action to take to address the violation.

B. When the director finds that a customer has violated or continues to violate any provision of this chapter, a stormwater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the director may serve upon that customer a written notice of violation. Within ten days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the customer to the director. Submission of this plan in no way relieves the customer of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

Footnotes:

1. For provisions relating to systems development charges, see Ch. 15.28 of this code.
2. For the statutory authority of a city to construct a sewage system partially within and partially outside its limits, see ORS 224.020; for provisions regulating subsurface sewage disposal, see ORS 454.605.