

ORDINANCE NO. 680

AN ORDINANCE ESTABLISHING SEWER REGULATIONS AND REPEALING ORDINANCE NO. 402

The city of Aumsville, Oregon, ordains as follows:

ARTICLE 1

DEFINITIONS

Section 1. Collection System means the system of public sewers operated by the City designed and intended for the collection of sewage and industrial waste.

Section 2. Commercial User means any premises used for commercial or business purposes other than an industrial use.

Section 3. Domestic Waste means wastewater from dwellings or from domestic activities which are performed outside the home in lieu of a home activity directly by or for private citizens.

Section 4. Industrial Waste shall mean that portion of the wastewater emanating from an industrial user which is not domestic waste or water from sanitary conveniences.

Section 5. Operation and Maintenance shall mean all activities, goods, and services which are necessary to maintain the proper capacity and performance of the treatment works for which such works were designed and constructed. The term "operation and maintenance" shall include replacement as directed hereinafter.

Section 6. Person means any individual, firm, partnership, corporation, company, association, society, corporation, or group.

Section 7. Replacement means acquisition and installation of equipment, accessories, or appurtenances necessary to maintain capacity and performance for which such the sewage treatment system works were designed and constructed.

Section 8. Service Area means the area served by the treatment works and for which there is a uniform user charge.

Section 9. Sewage means water contaminated by human use from any combination of domestic, industrial, commercial, or agricultural activities, surface runoff or stormwater, as well as sewer inflow or infiltration.

Section 10. Sewage Treatment System or System means all the City's facilities for collecting, pumping, treating, and disposing of sewage.

Section 11. Shall is mandatory; May is permissive.

Section 12. User means every person using any part of the public treatment system of the city of Aumsville.

Section 13. User Charge shall mean those charges levied on users of the sewage treatment system, to, at a minimum, cover each user's proportionate share of the cost of the operation and maintenance.

ARTICLE 2

SEWER USER CHARGES

Section 1. Purpose. A user charge shall be levied on all users of the sewage treatment system which shall apportion sewage treatment system costs in proportion to each user's potential contribution to the wastewater loading of the sewage treatment system.

Section 2. User Classes. There shall be established classes of users such that all members of a class may discharge approximately the same volume of wastewater per residence, facility, seat, or other appropriate unit.

Section 3. Proportionate Charge. The flat charge per appropriate unit shall be established in proportion to the volume of waste that may be discharged from that unit so that each user pays his/her proportionate share of the treatment costs.

Section 4. Appeal. Should any user believe that he/she has been incorrectly assigned to a particular user class, that user may apply for review of his/her user charge as provided in Article 7 of this ordinance.

Section 5. Reassignment of a User. Should the public works director determine that a user is incorrectly assigned to a user class, he/she shall reassign a more appropriate user class to the user and shall notify that user of such reassignment.

Section 6. Records. Records of all assigned rates and any assigned wastewater volume to user and user classes shall be kept on file with the city administrator and shall be open for public inspection.

Section 7. Rates. The minimum monthly charge for use of the sewage treatment system shall be established by resolution considering the following:

- (A) an amount reasonable and necessary to fund the administration, debt, planning, design, construction, operation, maintenance, and repair of the City's sewer treatment system.
- (B) define user classes and rates per month for each user class.
- (C) an increase (if necessary) to provide for unforeseen system expenses.

Section 8. New Users and Vacancies. The sewer user charge for all occupied property begins the day connection is made to the public sewer. The sewer user charge for all unoccupied property begins the first day the affected structure is occupied. Once commenced, no sewer usage credit shall be given unless water service at the property from all sources had been discontinued. The user charge shall be reinstated provided water service to that property from any source has begun. If the dates when the user charge is commenced or altered does not fall on the first day of the billing period, the rates shall be pro-rated.

ARTICLE 3

DEPOSIT FEES

Section 1. Deposit Fee. The sewer service deposit fee shall be established by resolution. The fee for customer water and sewer deposit outside the corporate limits of the City shall be double the fee for customers residing within the city limits.

Section 2. Senior Citizen Deposit Fee. The sewer service deposit fee shall be established by resolution.

Section 3. Deposit Fee Outside City Limits. Anyone outside Aumsville's boundaries shall pay twice the deposit amount of in-City customers.

ARTICLE 4

RESPONSIBILITY, PAYMENT, DELINQUENCIES, AND PENALTIES

Section 1. Monthly Billing & Responsible Party.

- (A) Users of the system shall be billed monthly for services consistent with the rate schedule as set forth in Article 2 above.
- (B) Sewer charges will be billed as part of a combined water and sewer bill prepared, administered and enforced in accordance with Article 6 of the Water ordinance.

Section 2. Delinquent Accounts. In the event of failure to pay sewer charges after they become delinquent, the City shall have the rights afforded it under ORS 454.225 (2020) for the imposition and collection of same.

Section 3. Restoration of Services. Sewer service shall not be restored until all charges, including interest accrued and the expense of removal, closure, and restoration have been paid.

Section 4. Change of Ownership or Occupancy. Change of ownership or occupancy is not cause for reducing or eliminating these penalties.

ARTICLE 5

HANDLING OF FUNDS

Section 1. Mailing of Bills. Bills for sewer user charges shall be mailed to the person specified in the application for sewer services.

Section 2. Collection of Charges. Sewer user charges shall be computed as consistent with Article 2 above and collected by the City as provided by Article 4.

Section 3. Deposit of Gross Revenues. The city administrator shall cause all of the gross revenues received from charges, rates, and penalties collected for the use of the sewerage system as provided herein into the Sewer Fund.

Section 4. Exclusive Use of Revenues. The revenues thus deposited in the Sewer Fund shall be used exclusively for the operation, maintenance, and repair of the sewerage system, training expenses, administrative costs, expenses for collection of charges imposed by this ordinance, and payments of the principle and interest of any debts of the City's sewerage system.

ARTICLE 6

HOOKUP OF PROPERTY OUTSIDE THE CITY LIMITS

Section 1. Application Required. A person requesting sewer service to property outside the city limits shall make application to Council. The applicant shall have the burden of proving to Council the following:

- (A) That the proposed connection is compatible with projected future growth of the city of Aumsville and that the property is within the City's urban growth boundary.
- (B) That the proposed connection will not adversely affect the City ability to provide sewer service to the system's current users nor as to availability, flows, volumes, and capacity beyond that identified in the City's sewer system master plan.
- (C) That the applicant has obtained all necessary licenses, permits, and easements to put in the connecting line to the City's main line.
- (D) That the proposed line connecting the property to the City's main line will meet or exceed City specifications.
- (E) That sewer system development charges are paid at the time of application.

Section 2. Council Approval of Application. Regardless if the applicant meets the requirements set forth in Article 4, (A)-(E), approval of the application is at the sole discretion of Council.

Section 3. Applicant Responsibilities. Upon approval of an application under this Article, the applicant shall be responsible for the following:

- (A) All construction and other costs associated with installation of the line or lines from the applicant's property to and including the connection to the City's main line.
- (B) That the connection will be a single hookup serving one household or business.
- (C) Maintenance and repair of the lines from the property up to and including the connection to the City's main sewer line shall be the responsibility of the applicant.
- (D) All lines connected to the City sewer system shall be inspected and approved by the City public works department prior to connection.

Section 4. Maintenance of Lines. If the City is required to maintain or repair connecting lines located outside the city limits, the owners of the property service shall be responsible for and pay all costs and materials associated with the City's required maintenance and/or repair plus a 25% surcharge thereon. Payment of that amount shall be made not later than 45 days of being presented a bill by the City for that amount. Any sum not paid after 60 days shall automatically become an assessment lien upon said property and may be enforced consistent with existing state law

Section 5. Monthly Fee. The monthly sewer fee shall be double the monthly fee charged for single hookups inside the city, for all connections outside the city limits.

ARTICLE 7

APPEALS

Section 1. Written Application to Council. Any sewer user who feels his/her user charge is improper may make written application to Council requesting a review of his/her user charge.

Section 2. Review of Written Application. Review of the request shall be made by Council and the city engineer and shall determine if it is substantiated or not, including recommending further study of the matter by the city engineer or other professional engineer.

Section 3. Determination. If the request is determined to be valid, user charges for that user shall be recomputed based on the approved revised flow and/or strength data and new charges recomputed retroactively up to a maximum of six (6) months.

ARTICLE 8

VALIDITY

Section 1. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 9

VIOLATIONS

Section 1. Violations. Except as otherwise set out specifically in this ordinance, any person violating any of the provisions or failing to comply with the requirements of this ordinance is guilty of a violation.

Section 2. Enforcement of Provisions.

- (A) In the event of violation of any provision in this Chapter, the City may use any enforcement method or measure, including discontinuance of service it deems appropriate, in addition to any penalties provided for in this ordinance.
- (B) Discontinuance for Customer Noncompliance. The City may discontinue sewer service to a customer for noncompliance with a city sewer regulation, if the Customer fails to comply with the regulation within four days after receiving written notice of the City's intention to discontinue service.
- (C) If such noncompliance affects matters of health or safety, or other conditions warrant such action, the City may discontinue sewer service immediately.
- (D) In the event of an unauthorized sewer connection, the City may discontinue service immediately.

Section 3. Violation: Prohibited Activities

- (A) It is unlawful for any person to open, cut into, or make any connection with any City sewer main or lines, or to tamper in any way with the public sewer system, including sewer mains, service lines, pump stations, appurtenances, without the express permission of the City.

Section 4. Violation: Penalties

- (A) Except as otherwise provided in this ordinance, any person convicted of a violation of this Ordinance shall be punished by a penalty of not more than \$500.00.
- (B) If any person has been convicted of a violation of this ordinance, at any time within 2 years of such conviction, that person commits a second or subsequent violation, the person may be prosecuted as a misdemeanor, punishable by a penalty of not more than \$1000.00.
- (C) The remedies provided in this section are cumulative and not exclusive. The City may pursue any remedy provided by law including the institution of injunction,

mandamus, abatement, or other appropriate proceeding to prevent, temporarily or permanently enjoin, or abate an ordinance violation.

Section 5. Violation: Each Act a Separate Violation. Each day a violation continues constitutes a separate offense, and any person convicted of such offense shall be punished accordingly.

ARTICLE 11

Section 1. Repeal and Replace. Ordinance No. 402 is hereby repealed.

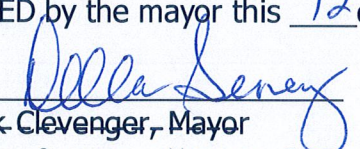
Section 2. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26th day of October, 2020. READ a second time on the 9th day of November, 2020. ADOPTED AND PASSED by the Aumsville City Council on the 9th day of Nov., 2020.



Ron Harding, City Administrator

SIGNED by the mayor this 12 day of November, 2020



~~Derek Clevenger, Mayor~~
Della Seney, Mayor Pro-tem