

ORDINANCE BILL NO. 7 FOR 1991

ORDINANCE NO. 1031

AN ORDINANCE AMENDING ORDINANCE NO. 1023 PERTAINING TO SEWERS, AND DECLARING AN EMERGENCY.

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 of Article VIII of Ordinance No. 1023 is amended to read as follows:

Section 7. The sewer user charge for all occupied property shall begin 60 days after the sewer main becomes available or the day that connection is made to the public sewer, which ever occurs first. There shall be no user charge for unoccupied property.

Once the sewer user charge has commenced no credit shall be given for vacancy unless it can be demonstrated by the sewer user that water service to that property from any and all sources has been discontinued. The regular user charge shall be reinstated as soon as water service to that property from any source has begun. If the date upon which the user charge is commenced or altered does not fall on the first day of a billing period, the rates shall be appropriately pro-rated.

Section 2. Article VIII of Ordinance No. 1023 is amended by adding Section 12 to read as follows:

Section 12. Once a year each user shall be notified, in conjunction with a regular bill, of that portion of the user charges which are attributable to the operation, maintenance and replacement of the wastewater collection, treatment and disposal system. In lieu of the above notification requirement a newspaper public notice with a posting of said notice at City Hall will satisfy the notice requirement. The notice will be given during the month of May each year.

Section 3. Article X of Ordinance No. 1023 is amended by adding Section 10 to read as follows:

Section 10. If a sewer user charge is not paid when due, the City may shut off water service until all delinquent sewer user charges are fully paid.

Section 4. Article XIII of Ordinance No. 1023 is amended to read as follows:

ARTICLE XIII
Infiltration and Inflow

Section 1. All property owners identified by the City as contributors to excessive or improper infiltration or inflow

into the treatment works shall be advised of their infiltration and inflow problems. This Article does not apply to discharges as described in Article V.

Section 2. All such situation properties shall be provided a 12 month grace period in which to correct the infiltration and inflow problems as identified, said 12 month grace period to extend from the date of notification.

Section 3. By the end of the 12 month grace period, each property owner shall notify the City that corrective actions have been taken or are in progress, which actions shall be specified in the notification to the City.

Section 4. A property owner failing to notify the City of corrective actions prior to the end of the 12 month grace period shall be subject to termination of service, without further notice, and water service, if provided by the City, shall be immediately discontinued and shut off until the violation shall have been corrected in accordance with Federal, State and City regulations and laws.

Section 5. In the event any instance of excessive or improper infiltration or inflow into the treatment works of the City shall continue beyond the 12 month grace period, it is hereby declared that such 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 such abatement as a lien against the property upon which such continuing infiltration and inflow occurs and shall assess the cost of such abatement to the property upon or from which infiltration and inflow occurs. Such assessment shall be levied by the filing of a statement of such costs together with the description of the property or properties to be assessed, together with the names of the owner(s) thereof with the City Recorder, whereupon the City Recorder shall forthwith enter such assessment as a lien against such property in the City lien Docket of the City. An administration fee of \$25.00 shall be charged and collected by the City in addition to the other costs of abatement to cover part of the cost of abatement.

Section 5. Article VIII, Section 4 of Ordinance No. 1023 shall be amended to read as follows:

Section 4. Should any user believe that he had been incorrectly assigned a number of ERU's, that user may apply to City Council for review of his wastewater contribution.

Section 6. Article IX, Section 1 of Ordinance No. 1023 shall be amended to read as follows:

Section 1. The sewer user charges established in Article VIII of this ordinance shall, as a minimum, be reviewed annually and revised periodically to reflect actual costs of operation, maintenance, and replacement of the treatment works and to maintain the equitability of the user charges with respect to proportional distribution of the costs of operation and maintenance in proportion to each user's contribution to the total wastewater loading of the treatment works.

Section 7. Article XI, Section 2 of Ordinance No. 1023 shall be amended to read as follows:

Section 2. All collections of sewer user charges shall be made by the City Recorder by and through the Finance Department. Sewer user charges shall be computed as provided in Article VIII of this ordinance and shall be payable as provided in Article X of this ordinance.

Section 8. Article II, Section 4 of Ordinance No. 1023 shall be amended to read as follows:

Section 4. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes that use water or produce wastewater situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within 90 days after date of official notice to do so; provided, that said public sewer is within 100 feet (30.5 meters) of the property line.

Section 9. Emergency Clause. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety. Therefore, an emergency is hereby declared to exist; and this ordinance shall take effect and be in full force and effect from and after its passage and approval by the mayor.

PASSED by the Council and approved by the Mayor this 25th day of June, 1991.



Mayor

ATTEST:



City Manager - Ex Officio City Recorder