

ORDINANCE BILL NO. 15 FOR 1990

ORDINANCE NO. 1023

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; PROVIDING FOR RATES AND SEWER USER CHARGES; PROVIDING PENALTIES FOR VIOLATIONS THEREOF IN THE CITY OF SWEET HOME, COUNTY OF LINN, STATE OF OREGON; REPEALING ORDINANCES 645, 709, 781, AND 914; AND DECLARING AN EMERGENCY.

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

ARTICLE I
Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Section 1. "BOD" (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

Section 2. "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Section 3. "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 4. "City manager" shall mean the chief executive officer of the city, responsible to the city council.

Section 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Section 6. "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Section 7. "Person" shall mean any individual, firm, company, association, society, corporation or group.

Section 8. "pH" shall mean the logarithm of the reciprocal of the hydrogen ions concentration.

Section 9. "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried

freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Section 10. "Public sewer" shall mean a sewer in which owners of assessed properties have equal rights, and is controlled by public authority.

Section 11. "Sanitary sewer" shall mean a sewer which carried sewage and to which storm, surface and ground waters are not intentionally admitted.

Section 12. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and stormwaters as may be present.

Section 13. "Wastewater treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

Section 14. "Sewage works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Section 15. "Sewer" shall mean a pipe or conduit for carrying sewage.

Section 16. "Shall" is mandatory; "may" is permissive.

Section 17. "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

Section 18. "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Section 19. "Director" shall mean the public works director of the City of Sweet Home, or his authorized deputy, agent or representative.

Section 20. "Suspended solids" shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

Section 21. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 22. "Collection system" shall mean the system of public sewer to be operated by the City designed for the collection of sanitary sewage.

Section 23. "Commercial user" shall mean any premises used for commercial or business purposes which are not an industry as defined in this ordinance.

Section 24. "Domestic waste" shall mean any wastewater emanating from dwellings.

Section 25. "Equivalent Residential Unit (ERU)" shall mean a volume of wastewater which incurs the same costs for operations and maintenance as the average volume of domestic waste discharged from an average residential dwelling unit in the treatment works service area. For purposes of making this determination the City shall utilize the metered water use records or other metering device approved by the Public Works Director. Where a user believes his wastewater discharge to the treatment works is substantially different than his water consumption, an appropriate adjustment shall be made providing the user demonstrates to the satisfaction of the Director the actual wastewater discharge. The volume attributed to an ERU where the BOD, suspended solids or other characteristic of the wastewater discharged by a user is significantly greater than a domestic waste shall be adjusted to account for the difference in the costs of treatment.

Section 26. "Industrial user" shall mean any nongovernmental, nonresidential user of the public treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following division:

Division A - Agriculture, Forestry, and Fishing

Division B - Mining

Division D - Manufacturing

Division E - Transportation, Communications, Electric, Gas, and Sanitary Services

Division I - Services

A user in these Divisions may be excluded from the industrial category if it is determined that it will introduce primarily domestic waste and waste from sanitary conveniences.

Section 27. "Industrial waste" shall mean that portion of the wastewater emanating from an industrial user which is not domestic waste or waste from sanitary convenience.

Section 28. "Operation and Maintenance" shall mean activities required to ensure the dependable and economical function of collection and treatment works.

- a. Maintenance: Preservation of functional integrity and efficiency of equipment and structures. This includes preventive maintenance, corrective maintenance, and replacement of equipment.

b. Operation: Control of the unit processes and equipment that make up the collection and treatment works. This includes keeping financial and personal management records, laboratory control, process control, safety and emergency operation planning, employment of attorneys and consultants, payment of court costs or fees reasonably associated with any of the above.

Section 29. "Public treatment works" shall mean a treatment works owned and operated by a public authority.

Section 30. "Replacement" shall mean obtaining and installing equipment accessories or appurtenances that are necessary during the design or useful life, whichever is longer, of the collection and treatment works to maintain the capacity and performance for which such works were designed and constructed.

Section 31. "Residential user" shall mean user of a single family dwelling.

Section 32. "Service area" shall mean all the area served by the treatment works and for which there is one uniform user charge system.

Section 33. "Treatment works" shall mean all facilities for collecting, pumping, treating, and disposal of sewage. "Treatment system" and "sewerage system" shall be equivalent terms for "treatment works".

Section 34. "User" shall mean every person using any part of the public treatment works of the City of Sweet Home.

Section 35. "User charge" shall mean the monthly charges levied on all users of the public treatment works, and shall, at a minimum, cover each user's proportionate share of the cost of operation and maintenance (including replacement) of such works as provided under Section 204(b)(1)(A) of the Clean Water Act.

ARTICLE II

Use of Public Sewers Required

Section 1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city of Sweet Home, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

Section 2. It shall be unlawful to discharge to any natural outlet within the city of Sweet Home, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 3. Except as provided by permitting regulations of the Oregon Department of Environmental Quality (DEQ) it shall be

unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section 4. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, 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.

ARTICLE III Private Sewage Disposal

Section 1. Where a public sanitary sewer is not available under the provision of Article II the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Section 2. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the Oregon State Department of Environmental Quality.

Section 3. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Article II, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facility shall be abandoned in accordance with State law at no expense to the City. This connection shall be accomplished within ninety days of written notice of the availability of public sewers.

Section 4. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.

Section 5. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Oregon State Department of Environmental Quality.

Section 6. The Director shall have the authority to inspect any private sewage disposal system to determine and ensure compliance with this ordinance.

ARTICLE IV Building Sewers and Connections

Section 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any

public sewer or appurtenance thereof without first obtaining a written permit from the Director.

Section 2. There shall be two classes of permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Director.

Section 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. However, such connection must meet the following standards:

Minimum building sewer size from public sewer to front building: 6 inches. Minimum building sewer size from front building to rear building: 4 inches.

Section 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director to meet all requirements of this ordinance.

Section 6. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code and the most current specifications of the American Public Works Association.

Section 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain or fixture is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a residential sewage pump and vault designed for the storage and transport of domestic sanitary sewage and approved by the Director.

Section 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 9. The connection of the building sewer into the public

sewer shall conform to the requirements of the building and plumbing code and the most current specifications of the American Public Works Association. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

Section 10. The applicant for the permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director or his representative.

Section 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. A Public Works permit is required when working in any public right-of-way.

Section 12. Maintenance and repair of the building sewer is the responsibility of the owner of the property served.

ARTICLE V Use of Public Sewers

Section 1. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Director or the appropriate jurisdictional authority, to a storm sewer or natural outlet.

Section 2. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 2 mg/l as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings,

entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 3. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Director that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the waste water treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than 150° F. (65° C.).
- (b) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150° F. (0 and 65° C.).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Director for such materials.
- (f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable state or federal regulations.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand or chlorine require-

ments in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 4. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section (3) of this article, and which in the judgment of the Director may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this article.

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

Section 5. Grease, oil and sand interceptors shall be provided when, in the opinion of the Director they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 6. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 7. When required by the Director the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes.

Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 8. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample of samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

ARTICLE VI Protection from Damage

Section 1. No unauthorized person shall maliciously, willfully, intentionally, knowingly, recklessly, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. Any person violating this provision shall be subject to the criminal laws of the City of Sweet Home and State of Oregon.

Section 2. It shall be unlawful to permit the growth of hydrotopic species of trees such as members of the populus and salix genera which have root systems that tend to be attracted to and enter into the city's sewer system, within 25 feet of any public sewer. Trees located farther than 25 feet from a city sewer lateral shall be removed if it is determined that the root system may interfere with a public sewer. Removal of such trees existing on property other than public rights-of-way shall be at the property owners expense.

ARTICLE VII Powers and Authority of Inspectors

Section 1. The Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection,

observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Director or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Section 2. While performing necessary work on private properties referred to in Article VII, Section 1 above, the Director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company; and the company shall be held harmless for injury or death to the city employees; and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging or sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.

Section 3. The Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII Sewer User Charges

Section 1. User charges shall be levied on all users of the public treatment works, and set by resolution. Such charges shall cover the cost of operation and maintenance, replacement, and other administrative costs of such treatment works. The user charge system shall distribute these costs in proportion to each user's contribution to the wastewater loading of the treatment works.

Section 2. There shall be assigned to each multi-family residential number of ERU's and this number shall represent the ratio of the cost incurred by the wastewater from the user to the cost incurred by the wastewater from the residential dwelling unit.

Section 3. The user charge shall be calculated by multiplying the total number of ERU's for each user by a constant cost factor. This cost factor shall be set by resolution.

Section 4. Should any user believe that he has been incorrectly assigned a number of ERU's, that user may apply for review of his

Section 5. If it has been determined by the city that a user's wastewater contribution is incorrectly assigned, the city shall reassign a more appropriate value to that user and shall notify that user of such reassignment.

Section 6. Records of all assigned wastewater contributions forming the basis of the charges shall be kept on file with the city recorder and shall be open for public inspection.

Section 7. The sewer user charge for all occupied property shall begin 60 days after the sewer service becomes available or the day that connection is made to the public sewer, whichever occurs first. The sewer user charge for all unoccupied property shall begin within 30 days after the property is ready for occupancy or on the first day of occupancy, whichever occurs first. All unoccupied property which is ready for occupancy at the time the sewer service becomes available shall be treated as occupied property. Once the sewer user charge has commenced, no credit shall be given for vacancy unless it can be demonstrated that water service to that property from any and all sources has been discontinued, at which time the user charge shall be reduced to no less than \$5.00 per month, and the regular user charge shall be reinstated as soon as water service to that property from any source has begun. If the dates 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 8. Industrial sewer users and commercial sewer users shall be charged on the basis of sewage flow in units of 100 cubic feet being equal to one unit plus a monthly customer charge.

Section 9. The rate per unit for and the monthly customer charge for industrial and commercial users shall be set by resolution.

Section 10. Non flat rate customers with sewage strengths greater than average residential sewage shall pay a surcharge for the strength loading in excess of average residential strength loading.

Section 11. The surcharge for extra strength loadings shall be set by resolution.

ARTICLE IX Review and Revision of Rates

Section 1. The sewer user charges established in Article II 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.

ARTICLE X

Responsibility, Payment Delinquencies, and Penalties

Section 1. The person who owns the premises served by the sewerage system shall be responsible for payment of the sewer user charge for that property notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay said charges.

Section 2. The users of the sewerage system shall be billed for services in accordance with the rate schedule set by resolution as authorized by this ordinance.

Section 3. The date of billing shall be established by the rate setting resolution as provided in Article VIII of this ordinance.

Section 4. Sewer user charges shall be due and payable as established by the rate setting resolution provided in Article VIII of this ordinance.

Section 5. Sewer user charges levied in accordance with this ordinance shall be a debt due to the City and a lien upon the property. If this debt is not paid within 30 days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both.

Section 6. Interest at the rate of 1% per month shall accrue on all accounts from the date of delinquency. In addition, a penalty shall be assessed at the rate of \$2.00 per month from the date of delinquency which shall be added to the account and shall accrue interest in the same manner as all other delinquent charges beginning the following month.

Section 7. In the event of failure to pay sewer charges after they have become delinquent, the City shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes. The expense of such discontinuance, removal, or closing, as well as the expense of restoring service shall be a debt due to the City and a lien upon the property and may be recovered by civil action in the name of the City against the property owner, the person, or both.

Section 8. Sewer service shall not be restored until all charges, including interest accrued and the expense of removal, closing, and restoration shall have been paid.

Section 9. Changes of ownership or occupancy of premises found delinquent shall not be cause of reducing or eliminating these penalties.

ARTICLE XI
Handling of Funds

Section 1. Bills for sewer user charges shall be mailed to the address specified in the application for permit to make the connection unless or until the different owner or user of the property is reported to the Finance Department.

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 II of this ordinance and shall be payable as provided in Article IV of this ordinance.

Section 3. The City Recorder is hereby directed to deposit in the Sewer Fund all of the gross revenues received from charges, rates, and penalties collected for the use of the sewerage system as herein provided.

Section 4. The revenues thus deposited in the Sewer Fund shall be used exclusively for the operation, maintenance, and repair of the sewerage system; administration costs; expenses of collection of charges imposed by this ordinance and payments of the principle and interest on any debts of the sewerage system of the city.

ARTICLE XII
Reserved for Industrial Cost Recovery

ARTICLE XIII
Reserved for Infiltration and Inflow Provisions

ARTICLE XIV
Penalties

Section 1. Any person found to be violating any provision of this ordinance, except Article VI, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2. Violation of this ordinance constitutes an infraction and may be prosecuted under the provision of Ordinance No. 876, as now enacted or hereafter amended except Article VI, Section 1.

Section 3. Any person violating any of the provisions of this ordinance shall be come liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

ARTICLE XV
Appeals

Appeal of the rate established by the city shall be made in writing to the City Manager within 90 days of the billing of said

use fee. The Manager shall respond in writing within 90 days of receipt of the appeal. If the user wishes to appeal further, they shall request in writing that the City Manager place their specific appeal on the next scheduled regular City Council session. The decision of the City Council shall be final.

ARTICLE XVI
Remedies and Savings

Section 1. The remedies, which include penalties herein, provided for in this ordinance or sections thereof, shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the City.

Section 2. The repeal of an ordinance, or part thereof, by Section 1 of Article XVII shall not preclude action against a person or property that is in violation of said ordinance before the effective date of the repeal.

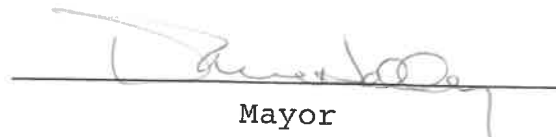
ARTICLE XVII
Validity

Section 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed including Ord. 645, 709, 781 and 914.

Section 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.


Section 3. 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 28th day of August, 1990.



Mayor

ATTEST:



City Manager - Ex Officio City Recorder