

TITLE FOUR UTILITIES

WATER/WASTEWATER ADVISORY COMMITTEE

4.01.00 Water/Wastewater Advisory Committee. Unless otherwise indicated, Ordinance 01-103 (9/8/01) enacts Section 4.01.01 through 4.01.07.

4.01.01. Establishment: There is hereby established a Water/Wastewater Advisory Committee as a standing committee of the City of Turner, Oregon.

4.01.02. Membership: Membership of the Committee shall consist of seven members. At least one member may represent Turner business customers and at least one member may represent institutional customers and may live outside the City. The remaining five members shall be residential water and/or sewer customers of the City of Turner. No more than two City Council members shall be appointed to serve on the Committee at any given time.

4.01.03. Term of Office: Members of the Water/Wastewater Advisory Committee shall be appointed by the City Council for a term of two years. Expiration of the terms will be staggered such that the terms of four members expire on December 31st of odd numbered years and the terms of three members expire on December 31st of even numbered years. Members of the Committee at the time this ordinance is adopted will be assigned terms by drawing.

4.01.04. Vacancies and Removal: Appointments to fill vacancies shall be for the remainder of the unexpired term. Committee members serve at the pleasure

of the City Council. A member who is absent for three consecutive meetings is presumed to be in nonperformance of duty and the City Council shall declare the position vacant unless finding otherwise following a hearing.

4.01.05 Presiding Members: At its first meeting of each calendar year, the Committee shall elect a chairperson and vice chairperson to serve one-year terms. The City Administrator or other staff member designated by the City Administrator shall keep accurate records of all Committee proceedings.

4.01.06. Meetings: A majority of the members of the Water/Wastewater Advisory Committee shall constitute a quorum. The Committee shall meet at least once a month unless the Chairperson and City Administrator jointly agree that there is no business to be conducted. All meetings will be in accordance with the Oregon Public Meetings Act.

4.01.07. Duties and Responsibilities:

(a) The Water/Wastewater Advisory Committee is an advisory body to the City Council and shall have the following water system, sanitary sewer system and storm water sewer system related duties and responsibilities:

(1) Review and make recommendations pertaining to system planning efforts.

(2) Review and make recommendations pertaining to system operating policy and procedures.

(3) Review and make recommendations pertaining to rate structure and rates.

(4) Review and make recommendations pertaining to prioritization of system capital improvements.

(b) While it is the intent that all matters relating to the water system, sanitary sewer system and storm water sewer system be reviewed and recommendations made by the Committee prior to City Council action, the City Administrator is authorized to bring any such matter before the Council without Committee review and recommendation with appropriate justification.

SEWER SYSTEM

4.02.00 Sewer System, General. Unless otherwise indicated, Ordinance 98-102 enacts Sections 4.02.01 through 4.09.05.

4.02.01 Intent and Purpose. The intent and purpose of this section is to provide for the orderly functioning of the publicly owned treatment works; to set forth uniform requirements for direct and indirect contributors to the wastewater collection and treatment system for the City of Turner; to enable the city to comply with applicable state and federal laws and an intergovernmental agreement between the City of Turner and the City of Salem; and to protect the environment.

4.02.02 Objectives.

(a) The objectives of this section are:

(1) To provide control of construction and use of the city wastewater system.

(2) To prevent the introduction of unacceptable pollutants into the municipal wastewater system, into receiving waters, the environment, or the atmosphere or otherwise be incompatible with the system.

(3) To provide for equitable distribution of the cost of the municipal wastewater systems.

(4) To protect the health of the personnel working in the collection system and at the City of Salem's wastewater treatment plant.

(b) This section provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

4.02.03 Intergovernmental Relationships.

(a) The City of Salem operates and maintains a municipal sanitary sewer collection system and transmission line owned by the City of Turner and treats sewage transmitted to the City of Salem system under an intergovernmental agreement approved by both cities.

(b) The intergovernmental agreement requires that the City of Turner adopt applicable portions of Salem Revised Code (SRC), Chapters 73 and 74. This ordinance incorporates those applicable portions of SRC Chapter 73. If there are conflicts between this ordinance and SRC Chapter 73 regarding customer service, this ordinance takes precedence. If there are conflicts between this ordinance and SRC Chapter 73 regarding sanitary sewer requirements, SRC Chapter 73 takes precedence unless mutually agreed to otherwise by the Director and Administrator. SRC Chapter 73 is attached as Appendix A to this ordinance. SCR Chapter 74 is adopted by this code in its entirety.

4.02.04 Abbreviations and definitions. (a) For the purpose of this ordinance, the following abbreviations mean:

- (1) ASPP. Accidental Spill Prevention Plan.
- (2) CFR. Code of Federal Regulations.
- (3) DEQ. Department of Environmental Quality.
- (4) EPA. Environmental Protection Agency.
- (5) USC. United States Code.
- (6) POTW. Publicly owned treatment works.
- (7) ORS. Oregon Revised Statutes.
- (8) I/I. Infiltration and Inflow.
- (9) OSPSC. Oregon State Plumbing Specialty Code.
- (10) SRC. City of Salem Revised Code

(b) For the purposes of this chapter, the following words and phrases shall have the meanings hereinafter designated:

- (1) Act or "the Act." The Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 USC 1251, et seq.
- (2) Administrator. City Administrator for the City of Turner or his/her authorized representative.
- (3) Available sewer. Any sewer that can be used without the need to acquire easements and sufficient grade exists to serve the property.
- (4) Building drain. That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes within or adjoining the building or structure and conveys the same to the building sanitary sewer. The building drain is considered to end at a point five feet outside the established line of the building or structure.
- (5) Building sanitary sewer. That part of the horizontal piping of a draining

system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to the POTW, private sewer, individual sewage-disposal system or other point of disposal.

(6) City. The City of Turner through the Common Council, Administrator or Director as defined in this section and as authorized by this code and the intergovernmental agreement between the City of Turner and the City of Salem.

(7) Code. This ordinance and SRC, Chapter 73. If there is a conflict between this ordinance and SRC, Chapter 73 regarding sanitary sewer policy and requirements, with the exception of establishing rates and customer service, SRC, Chapter 73 takes precedence as specified in 1.120 (b).

(8) Collection system. Facilities owned by the City and maintained by the City of Salem for collecting, pumping, conveying, and controlling wastewater. This includes service connection lines from the sewer main to the edge to the right-of-way or easement in which the service line is located.

(9) Commercial user. Any user other than a domestic or industrial user.

(10) Compliance schedule. The shortest schedule by which the user will correct, cleanup, or provide remedial action to comply with requirements of this code dealing with the use, release, or disposal of pollutants. This schedule shall include project phases, including specific completion dates for each phase, to meet completion of the schedule.

(11) Cooling water. Water other than sewage or industrial waste which is used as a medium for carrying away excess heat from any apparatus, appliance, mechanism, device, or thing, and which, in the course of such cooling process, is not

mixed or commingled with any other substance or used as a means of carrying off any other substance, in suspension or in solution, thereby exiting such cooling process in substantially the same condition, save for temperature as when it entered.

(12) Direct discharge. The discharge of treated or untreated waste directly to the waters of the State of Oregon.

(13) Director. The director of public works of the City of Salem or his/her authorized representative.

(14) Domestic sewage or domestic waste. The liquid and water borne wastes derived from the ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private sewage disposal system.

(15) Domestic user. Any person who discharges only domestic sewage.

(16) Drainage waste. Storm water, ground water, surface drainage, subsurface drainage, spring water, well overflow, roof drainage or other like drainage other than sewage or industrial waste.

(17) Dwelling. A facility designed for permanent or semi-permanent occupancy and provided with minimum kitchen, sleeping, and sanitary facilities for one family.

(18) Environment. Any naturally occurring river, stream, creek, or other waterway, any land mass, the atmosphere, or any subsurface water, aquifer or ground water or any manmade edifice directly or indirectly connected to waterways, land masses, atmosphere, or ground water as herein listed.

(19) Flow. The daily total of wastewater flow from an industrial, commercial or domestic user.

(20) Habitable. Any residence or business building that has not been deemed unusable by either the City of Turner or any State agency with proper jurisdiction. *(Amend. Ord 08-100 08/01/2008)*

(21) Hazardous material. Any material capable of posing an unreasonable risk to health, safety, and property, including but not limited to a substance having one or more of the characteristics of being corrosive, explosive, flammable, spontaneously ignitable, an oxidizer, toxic, or radioactive.

(22) In the opinion of the City. Any opinion rendered on any subject in this chapter by any person duly authorized to render such an opinion. Appointment to an appropriate position will be deemed as being given said authority.

(23) Indirect discharge. The discharge of nondomestic pollutants from any source regulated under section 307 (b) or (c) of the Act (33 USC 13 17), into the publicly owned treatment works includes holding tank waste and industrial waste.

(24) Industrial user. A user that is a source of nondomestic pollutants.

(25) Industrial waste. Any waste from a nondomestic source which is solid, liquid, or gaseous in nature and results from any production, manufacturing, or processing operation of whatever nature, including but not limited to the contents of chemical toilets, septic tanks, and waste holding tanks.

(26) Infiltration. Ground water entering a sewer system and service connection by such means as, but not limited to, defective joints, broken or cracked pipes, or improper connections.

(27) Inflow. Storm water discharged into a sewer system and service connections from such sources as, but not limited to, roof drains or storm drain systems.

(28) Institution. Any building or group of buildings used as a hospital, correction facility or school or training facility, publicly or privately owned.

(29) Lateral sewer. Any public sewer to which a building sewer connects or may connect.

(30) Permitted commercial user. Any user of the POTW who is required by the director to acquire a City permit which may require the user to meet pretreatment requirements and provide discharge sampling and flow quantities due to the nature of their discharge.

(31) Person. Any individual, firm, corporation, organization, association, or agency.

(32) Pollution. The degradation of the chemical, physical, biological, or radiological quality of the environment including the ground, the atmosphere, surface and subsurface waters, including storm drainage. Pollution includes but is not limited to change in temperature, taste, color, turbidity, silt, odor, or such discharges of any liquid, gaseous, solid, or radioactive substance into any ground, surface, or storm runoff waters which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental, or injurious to public health, safety, or welfare, or to domestic, industrial, agricultural, recreational, or other legitimate beneficial use or to livestock, wildlife, fish, or other aquatic life or the habitat thereof.

(33) Pollutant. Any spoil, waste, residue, sewage, garbage, sludge, munitions, chemicals, biological materials, radioactive materials, heat, rock, sand, dirt, soil, agricultural, municipal, or industrial material discharged to the environment.

(34) Pretreatment or treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants to a less harmful state prior to discharge. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes or other means, except as prohibited by the director.

(35) Private collection system. A privately owned and maintained sewer system normally six or eight inches in diameter, installed on private property.

(36) Public sewer. Any sewer in public right-of-way or easement owned by the City and operated and maintained by the City of Salem.

(37) Residential user. The owner, lessee, or occupant of a single dwelling unit in one structure.

(38) Septic tank waste. Waste from chemical toilets, campers, trailers, septic tanks, tank trucks, or other vessels.

(39) Sewage. The wastewater derived from human habitation and use of buildings for domestic, commercial, institutional, or industrial purpose and free from drainage waste.

(40) Sewer or sanitary sewer. All sewage and any facilities convenient or necessary to carry away or dispose of sewage.

(41) Sewer Systems. Any system of conduit, pipes, drainage way, creeks or other waterways which transports either sanitary waste or drainage waste. Hereafter, the words "sewer" and "drains" shall represent components of a sewer system and have the definitions as provided in this chapter.

(42) Sewer user. Any person using a city or private sewer or who has a residence, commercial building, industrial building, or other structure, containing plumbing, requiring connection to a

sanitary sewer, situated within 200 feet of an available sewer.

(43) Single family dwelling. Any residential building designed to house one family.

(44) Unpolluted water. Water to which no sewage, pollutant, or industrial waste has been added, such as untreated cooling water, rainwater, or drainage waste.

(45) User or users. Any person using the city sanitary sewer system.

(46) Wastewater. All sewage and industrial wastes, treated or untreated, discharged to a collection system.

(47) Water user. Any person using water through the facilities of the municipal water systems.

4.03.00 Connection to Sewers Required.

Every building containing plumbing, any portion of which is within 200 feet of an available sewer shall be connected with the public sewer within six months after the owner, lessee, or occupant thereof receives written notice from the administrator to do so. For the purposes of this section, notice shall be deemed to have been received upon the mailing of said notice by certified mail directed to said owner, lessee, or occupant.

4.03.01 Procedure Upon Failure to Connect. Upon failure of said owner, lessee, or occupant to connect said premises to a public sewer, the City, after giving said owner, lessee, or occupant an opportunity to be heard, may proceed to connect the premises to a public sewer and the cost thereof shall be charged and become a lien upon said property.

4.03.02 Service Beyond Corporate Limits.

(a) Any person owning property outside the limits of the City and adjacent to a public sewer owned by the City who

desires connection to the sewer shall make application to the City for permission to discharge sewage into the public sewer.

(b) The application shall describe with certainty the point of connection of the property to be served, the size of the building to be served and the use thereof, the name of the owner of the property or the person in possession thereof, the quantity of discharge, and such other information as may be required by the council. Such application shall also be accompanied by a properly executed petition and consent for annexation, directed to the City, of the property described in the application.

(c) The City shall consider the application and may either grant or reject the same, and if it be granted, the same shall constitute an agreement by the applicant to abide by all the terms of this section and all the rules, rates, and regulations prescribed by the City by resolution or otherwise.

(d) The City will provide such sewer service only upon annexation or with approval of Marion County and the City of Salem or a State order that such service is required to resolve health and safety deficiencies for which there is no other solution.

4.04.00 Licenses and Permits.

4.04.01 Temporary Service Connections.

(a) In certain instances where, in the judgment of the Administrator, construction of a public sewer to serve a given piece of property is not advisable or feasible, sewer service may be provided by a temporary connection to some other sewer, pending construction of a permanent public sewer to serve the property.

(b) The applicant shall be required to pay all construction costs for connection and

fees as specified in section 4.04.02 prior to permit issuance.

4.04.02 Permits and Fees.

(a) Required permits. The City owned sanitary sewer system will require all permits specified by this ordinance and SRC, Chapter 73 and 74. All permit applications will be submitted to the City and forwarded by the City to Salem for processing and approval. The fees for permits will be as established by resolution of the City Council of the City of Salem plus an administrative fee established by resolution of the City of Turner

(Amend. Ord. 06-103, 08/10/06)

(b) Building sanitary sewer. A sewer connection permit shall be required prior to commencement of construction of building sanitary sewers. A separate permit shall be required for each building or connection made to a public or private sewer. The City may approve the application after the proposed work has been approved by the City of Salem. Upon the City's approval of the application and receipt of a set of plans for the proposed work, the City shall issue a permit which shall specify the location where the connection shall be made, the manner of making the connection, the nature of the waste to be discharged to the sewer, the name and address of the owner, and the name of the installer who will be doing the work. No permit shall be issued unless the sewer to which connection is requested has been accepted as a part of the public or private sewer system. No permit shall be issued unless the applicant provides a current licensing and registration from the State of Oregon Construction Contractors Board and Building Codes Division and a current license number from the Department of Environmental Quality if required. The only exception shall be for

the owner-builder applicant who performs the actual physical labor. No permit shall be issued if there are unpaid connection fees or delinquent assessments outstanding.

(c) Industrial, permitted commercial, and institutional users. Industrial, permitted commercial, and institutional users shall not use the public sewer for the discharge of industrial or any other wastes either directly or indirectly without first obtaining an industrial wastewater discharge permit as provided in Appendix B (SRC 74).

(d) Street opening permit. Applicants for permits to construct, repair, or reconstruct any public sewer must conform with City requirements for making cuts or excavations in, on or under streets and alleys.

(e) Tapping of sewer lines. If no building sanitary sewer is available, connection must be made by tapping the sewer main. Sanitary and storm sewers shall not be interconnected. Tapping will be done only by City of Salem personnel. The applicant will make the excavation and provide a safe trench in which to work. A fee for tapping a sanitary main shall be paid as set forth in the fee schedule and is in addition to the sewer connection permit fee.

(f) Tapping of manhole. If determined to be necessary by the City, a building sanitary sewer may be connected to the public sewer main by tapping the manhole indicated by the City. Tapping will be done only by City of Salem personnel. The applicant will make the excavation and provide a safe trench in which to work. A fee for tapping manholes shall be paid as set forth in the fee schedule and is in addition to the connection fee.

(g) Sewer cap permit. A building sanitary sewer cap permit and evidence that a sewer has been properly capped is

required before a demolition or moving of a structure.

(h) Sewer repair permit. Every instance of repair or reconstruction of a building sanitary sewer will require a sewer repair permit.

(i) Permit fees, time of payment. All permit fees shall be paid prior to the issuance of any permit by the City and prior to the commencement of any work for which a permit is required. The fee for obtaining a permit to perform work commenced prior to payment of the permit fee shall be twice the applicable fee as set forth in the permit fee schedule.

(j) Stop work order. Whenever any sewer work is being done contrary to the provisions of this ordinance, the City may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the City to proceed with the work.

4.04.03 Approval of Plans. Plans for all public and private sewer systems shall be reviewed and approved by the City of Salem prior to construction. Such plans shall conform to the sewer plan and standards prescribed by the City of Salem. Such approval shall be required in addition to any other approval required by state law.

4.04.04 Common Sewer. The drainage system of each new building using an existing sewer shall be separate and independent from that of any other building. Every building shall have an independent connection with a public or private collection system.

(1) Access to Premises. Employees of the City shall have access to properties to inspect City utilities

under TRC 2.22.00. (*Amend. Ord 14-102; 11/13/2014*)

4.04.05 Existing Private Wastewater Collection Systems.

(a) When property being served by a private collection system is divided into two or more parcels with different ownership or the same ownership:

(1) The private wastewater collection system may be transferred to the public system with the consent of the City and provided the private collection system meets the current City standards, or;

(2) The private collection system shall be reconstructed to meet the current City standards, or;

(3) Individual sewer service connections to the public main will be provided by the private collection system owner.

(b) All private collection systems shall have a monitoring structure installed at its junction with the public right-of-way as required by the City.

4.04.06 Sewer Construction to Conform to Standards. All public or private sanitary systems, whether publicly or privately constructed, shall conform to standards of design, materials, and workmanship prescribed by the City. Failure to meet tests for water-tightness shall be grounds for refusal of acceptance. Permits to connect to such sewers will not be issued until the system is approved and accepted.

4.04.07 Inspection, Approval of Construction.

(a) Reasonable notice shall be given to the City to inspect all work in connection with the construction or reconstruction of any public sewer or connection thereof to a city sewer main while the work is still uncovered. In the event the piping is backfilled, it shall be sufficiently exposed

so an inspection may be made. All work shall be done according to the specifications prescribed by, and subject to the approval of the City of Salem.

(b) Use of the public sewer will not be allowed until the building sewer and/or the public improvement receives final approval from the City of Salem.

(c) All new building sanitary sewers shall be tested for tightness either by low air pressure or hydrostatically. The test shall last 15 minutes and shall have no loss in either method. Minimum test pressure shall be 3.5 pounds per square inch in either method. When tested, existing building sanitary sewers shall be tested for tightness in the same manner as new building sanitary sewers except that a 50 percent loss of pressure will be allowed in the 15-minute test.

4.04.08 Connection to Sewer Mains or Laterals. Sanitary sewer connections shall be made only to the single wye branch in the lateral sewer for which the connection is designated. If no wye is available, connection shall be made by tapping the sewer main. Tapping of public sanitary sewer main or lateral shall be done only by City of Salem personnel. No person shall interfere in any manner or tamper with such pipes or connections, without having first obtained the written consent of the City. The applicant shall obtain the necessary permits, make the necessary excavation, and provide a safe trench in which the work can be accomplished:

4.04.09 Extension of Municipal Sewer Systems by Private Developers. Private developers are responsible for all costs of extension of the municipal sewer to newly developed property unless a local improvement district is established which assesses each property owner that benefits from the extension. The extension must

be approved by the City and all design and construction meet standards and requirements established by the City of Salem.

4.04.10 Tapping of Manholes. Tapping of building sanitary directly into manholes is prohibited except:

(a) Where provided for in original design and approved by the Director, or;

(b) When allowed by written permission of the City because no other course is practical.

(c) A permit has been secured from the City of Salem

4.04.11 Responsibility for Building Sanitary Sewer.

(a) It shall be the responsibility of the owner, lessee, or occupant of a building to maintain said building sanitary sewer or private collection system in a free flowing and watertight condition, from the structure served to the public sewer main.

(b) It shall be the responsibility of the City to make any necessary repairs to the service lateral from the cleanout at the property line to the public sewer main.

(c) When the City contracts for a sanitary sewer reconstruction, replacement or rehabilitation project, the city will replace any building sanitary sewer from the building drain to the property line or easement found defective in accordance with Section 4.04.12. In the event the property owner does not permit the City to perform the above-mentioned work, the City will require the property owner to test the building sewer from the building drain to the property line within 30 days of the contract project completion with the method described in Section 4.04.12. If the building sanitary sewer is found defective in accordance with Section 4.04.12, the owner shall immediately proceed to

replace the building sewer at the owner's expense.

4.04.12 Infiltration or Inflow Limitations: Private sewers and building sanitary sewers.

(a) New and existing private and building sewers will be monitored for leaks or discharges of extraneous water. This monitoring may take the form of, but is not limited to:

- (1) Direct visual observation;
- (2) Indirect measurement;
- (3) Teleinspection; or
- (4) Air or water pressure tests, smoke tests, or exfiltration tests.

(b) If in the opinion of the City, such monitoring shows a private or building sanitary sewer to be defective, no further proof is needed for the City to require the sewer be replaced to current standards. Replacement shall be required if:

- (1) The sanitary sewer service fails a tightness test as described in "a" above; or,
- (2) existing material is found unacceptable by the City.

If the responsible user elects to dispute the opinion of the City, the user may test the service at their own expense in the presence of knowledgeable City of Salem personnel. The results of the test will be the basis of the final replacement decision.

(c) All new construction of private sewer collection systems including single-family dwellings shall conform to standards established by the City of Salem. Those standards may be found the OSPSC.

(d) All existing private sanitary sewer collection systems shall be maintained in a safe and sanitary condition.

(e) Any conditions creating inflow and infiltration (I & I) into the sewer collection system which is observable shall be repaired. The legal owner of the property

on which the source of the I & I is located shall be responsible for these repairs.

(f) Any and all direct processing costs incurred by the City due to identified and documented I & I flow shall be recoverable by the City from the party responsible for the leak.

(g) The Administrator, based on the extent of the leak, shall have the authority to determine the period of time allowed within which the leak must be fixed.

(h) If an identified leak is not repaired within the allowed time frame, the City shall have the authority to proceed with repairs and recover all associated costs from the legal owner of the property.

(i) In the case of non-payment under section (f) or (h), the City shall have the authority to lien said property, place the unpaid balance on the properties utility account, as well as any other remedies provided for in this code. (*Amend. Ord 17-105 11/09/2017*)

4.04.13 Capping Abandoned Sewers Required.

(a) Before the moving or wrecking of a structure is allowed a permit must be obtained and evidence must be presented showing the sewer has been properly capped and inspected. No exceptions will be allowed.

(b) All building sanitary sewers shall be capped at the property line in an approved manner by the applicant or his contractor and inspected by City personnel prior to closure of the excavation. The City will chemically seal the sewer service line at the main. The permit fee will cover the inspection and the chemical sealing cost.

(c) It is the applicant's responsibility to ensure that no other structure is connected to the sewer service being abandoned. If the line abandoned is serving more than one structure, a service connection for the

structure(s) still using the service must be provided.

(d) If a sewer service is to be reused, adequate proof must be shown to the director that the service is in usable condition. If the service line is allowed to be reused, a temporary plug is required on the service line.

4.04.14 Abandonment of Septic Tanks. In every instance in which use of a septic tank or cesspool is discontinued upon connection of plumbing facilities to a public or private sewer, the septic tank or cesspool shall be pumped out and emptied of sewage and sludge and refilled with clean sand or gravel in a manner approved by the Marion County Sanitarian.

4.05.00 Customer Service.

4.05.01 Sewer Service Charges.

(a) The City shall bill for sewer services all sewer service lateral connections to the City's sewer main where a habitable home or business exists. Sewer use charges shall be billed monthly as prescribed by resolution of the Common Council of the City of Turner.

(1) In the case of meters exceeding one inch in capacity, the flat fee is to be multiplied by the multiplier established for water service in Section 4.13.12(a). (*Amend. Ord 08-100 08/01/2008*)

(2) Monthly billing quantities for application of the variable rate for the following 12 months will be calculated in April of each year and made effective on July 1 of each year using the procedures are described in the remainder of subsection (b).

(3) For residential customers, the monthly use will be calculated by averaging the water use for the previous December, January and February to arrive at an average monthly use. For all others,

the monthly use will be calculated by averaging the previous 12 months water use to arrive at a monthly average. Non-residential customers that have seasonal fluctuations in water use and that use does not add to wastewater flows (i.e. landscape irrigation) or have normal water uses, a portion of which does not add to wastewater flows may petition the City for rate adjustments. Such petitions need be made only once unless the nature of water use changes. The City may require validation of water use if it has reason to believe that the nature of water use has changed from that which justified the adjustment.

(4) Any customer that has experienced a water leak in one or more of the months used to determine the average monthly use may petition the City to not use that month or months in the average monthly use calculation, but only if the increased use exceeds 25% of the average of the other months. Such petitions must be made after February and before May 31st of the year in question. Before adjustments are made, proof of repairs must be provided to the City.

(5) For new residential customers connected to the water system, monthly use will be set by resolution until such time as a history of water use for sewer billing purposes for the customer is established in accordance with this section. For residential customers that are not connected to the water system their monthly sewer charge will be the city-wide average calculated for the current fiscal year. (*Amend. Ord. 08-100 08/01/2008*)

(6) For new commercial and industrial customers or commercial and industrial customers not served by the municipal water system, an independent water use audit may be required. If required, the customer will be responsible

for the cost of the audit. This quantity will be no lower than the average use calculated above for dwelling units.

(7) For continuing customers, in the event that an accurate monthly average use cannot be calculated for sewer billing purposes, use quantities from the previous year will be used. If previous year averages were inaccurate, the City Administrator may apply the quantities based on household size established in paragraph (5) above.

(8). Partial Month Service. For sewer customers starting or ending service, the first or last month's total flat fee and variable rate monthly billing will be prorated by the number of days in the month that service was provided.

(c) Annually, in conjunction with review and approval of the annual rate resolution, the City Administrator will present estimates of fixed and variable system costs, assumptions used in arriving at those estimates, methodology for computing flat fees and variable rate, the actual computations used to arrive at recommended rates and any other information required by the City Council needed to determine annual rates. (*Amend. Ord. 04-100, 1/22/04*)

(d) Debt service for private property connections will be computed separately and added, as a surcharge, to the individual bill of those properties taking advantage of City financing.

(e) Revised monthly sewer service rate calculations and individual monthly service costs for the next year will be made available by the City at City Hall after June 30th of each year.

(f) Revenue generated for depreciation expense will be placed in a dedicated account for major sewer repair and replacement not covered by the intergovernmental agreement for maintenance and operations.

4.05.02 Water Not Reaching Sewer. In lieu of the procedures in 4.05.01, (b), 3 above, water supplied to any commercial and industrial user which is not discharged to a public sewer may be separated from other uses in the establishment and supplied by a separate water meter. The water account for such service shall not carry with it a sewer charge if such water is clearly not discharged to a public sewer. Internal metering within the establishment for the purpose of separating uses will not be recognized.

4.05.03 Collection, Billing.

(a) All collections of sewer service charges under this section shall be made by the Administrator. Sewer service charges shall be billed monthly at the same time as the water bills and shall be added thereto and shall be payable on the dates and at the places as provided for the payment of water bills.

(b) All sewer users who are not water users shall be:

1. Billed separately and such sewer service charge shall be due and payable on the date and at the places provided for the payment of water bills.

2. Charged the standard late fees plus 20% interest on any outstanding balance owed the City, assessed monthly at the time of the regular billing cycle. (*Amend. Ord 14-102; 11/13/2014*)

(c) In case of newly constructed sewers, billing for sewer service shall commence with the installation of a water meter servicing any newly constructed facility. (*Amended by Ord. 18-100, 12/22/18*)

(d) Billings which the City has made erroneously may be corrected retroactively for a period not to exceed one year upon acknowledgment by the City of the error.

4.05.04 Discontinuance of Water Upon Failure to Pay. If the sewer user is a water user, sewer service charges will be billed as a part of the water bill, and such bills will be due and payable in total under the same conditions as water bills. Water service may be discontinued to water users having delinquent sewer service charge amounts when in the judgment of the Administrator such action is necessary to enforce collection of such delinquent amounts. The fee for discontinuance and restoring of water service as specified in the current water rate resolution for non-payment applies. All late payments and any fees not collected by the City will be placed as a lien against the property or turned over to collection agencies.

4.05.05 Disposition of Funds. All funds derived from the collection of sewer service charges shall be credited to the sewer fund. Funds earned by the sewer fund shall be expended for City of Turner sewer related administrative expenses; for the payment to the City of Salem for sewer treatment, operations and maintenance billings; for construction of interceptor sewers, lateral sewers, sewage pumping plants and other collection and transmission facilities; and for the payment of principal and interest of any bonds issued or other debt incurred for the construction of any such sewage facilities.

4.06.00 Prohibited Discharges.

4.06.01 Discharges to the Storm Drainage System. No person shall cause pollution of any water of the state or cause any wastewater to be placed in a location where such wastewater is likely to escape or be carried into the storm drainage system and by said storm drainage system into the waters of the state.

4.06.02 Discharges to the Environment.

(a) No person shall discharge any sewage, domestic or industrial waste, pollutant, or hazardous material to the environment.

(b) Dischargers shall notify the City immediately upon discharging material in violation of this or other applicable City ordinances to enable countermeasures to be taken to minimize damage to the environment. Notification of the City does not absolve the discharger of their responsibility to notify state and federal agencies under state and federal programs.

(c) Above ground chemical tanks shall be protected by approved methods to prevent accidental discharge to sewers or the environment. All below ground tanks shall be installed in accordance with ORS Chapter 539.

(d) When dikes or impounding basins are used to contain chemicals, impervious materials shall be used to provide a liquid tight enclosure.

(e) The party responsible for the discharge of hazardous materials or pollutants to the environment shall be responsible for all clean up costs. The City's costs during the emergency for identification, hazard

assessment, and containment will also be reimbursed.

(f) The City may require clean up at such incidents as:

(1) Illegal disposal of hazardous materials or pollutants.

(2) Improper handling of hazardous materials or pollutants at any site.

(3) Spills of hazardous materials or pollutants to the environment.

(4) Discharge of hazardous materials or pollutants during a fire or other accident.

(g) In general, reimbursement costs are those incident costs that are eligible, reasonable, necessary, and allocable to the incident. Costs allowable for reimbursement may include, but are not limited to (hereafter referred to as the response):

(1) Disposable materials and supplies provided, consumed, and expended specifically for the purpose of the response for which reimbursement is being requested.

(2) Compensation of the employees or contractors for the time and efforts devoted specifically to the response.

(3) Rental or leasing of equipment used specifically for the response.

(4) Replacement costs for equipment owned by the City that is contaminated beyond reuse or repair.

(5) Decontamination of equipment that was used during the response.

(6) Special technical service specifically required for the response.

(7) Other special services specifically required for the response.

(8) Laboratory costs for the purpose of analyzing samples taken during the response.

4.06.03 Connection of uncontaminated surface water runoff and cooling water prohibited. Notwithstanding any other provision of this Code, it shall be unlawful for any person to knowingly cause, suffer, or permit the continuance of any condition whereby any uncontaminated surface water runoff or non-contaminated cooling water may at any time be discharged into or enter any public sanitary sewer from property of which he is either the owner or person in possession.

4.06.04 Disposal of Septic Tank Waste. No septic tank waste or other holding tank waste shall be discharged into the City's collection system.

4.06.05 Connections Prohibited. Any direct or indirect connection or entry point for persistent, deleterious or hazardous waste or material to the user's plumbing and into the sanitary sewer system shall be prohibited

4.06.06 Accidental Discharges and Spill Prevention Plans.

(a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance into the sanitary sewer system. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or users own cost and expense. An accidental spill prevention plan (ASPP) showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility and implementation of procedures. The City shall determine which user is required to develop an ASPP and require said user to submit the ASPP within 60 days after notification by the City. Review and approval of such plans

and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, it is the responsibility of the user to immediately notify the City of the incident by telephone or other means. The notification shall include location of discharge, type of waste, concentration, volume, and corrective actions.

(b) Within five days following an accidental discharge, the user shall submit to the City a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to sewers or to the environment, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

4.07.00 Compliance.

4.07.01 Compliance Schedule.

(a) Following a release to the environment, the City may require the discharger to submit a compliance schedule. This schedule will be a detailed outline of actions to be taken to correct, clean, mediate, or restore the environment, structures, or property harmed by the release. The schedule will also address measures to prevent recurrence of the problem. The following conditions shall apply to this schedule:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the user meeting

applicable standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction).

(2) No increment referred to in paragraph (a) shall exceed nine months.

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the City including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the City.

(4) Any other information as may be deemed by the city to be necessary to evaluate the schedule.

(b) The schedule shall be signed by an executive officer and, when required by the City, a qualified engineer, where applicable.

(c) Within 30 days after full evaluation and acceptance of the data furnished, the City shall notify the user of the City's acceptance or rejection thereof.

(d) The discharger shall be responsible for all costs to the City to contract review of the schedule and compliance with this Section to the City of Salem or another consultant.

4.07.02 Harmful Discharges.

(a) The City may suspend the sanitary sewer service when such suspension is necessary, in the opinion of the Administrator, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial

threat to the health or welfare of persons, or to the environment.

(b) Any person notified of a suspension of the service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Administrator shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the sewer system or endangerment to any individual or the environment. The Administrator shall reinstate the service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the Administrator within 5 days of the date of occurrence.

4.08.00 Pretreatment.

4.08.01 Pretreatment Required. Requirements for pretreatment of wastewater from non-domestic sources will be in accordance with City of Salem Revised Code Chapter 74.

4.09.00 Violations.

4.09.01 Issuance of Cease and Desist Orders.

(a) When the City finds that a spill or discharge has taken place, or is threatening to take place, in violation of prohibitions or limitations of this ordinance, the City may issue an order to cease and desist, and direct that those persons not complying with such prohibitions, limits, requirements, or provisions to:

- (1) Comply forthwith; or
- (2) Comply in accordance with a time schedule set forth by the City.

(b) When the affected user fails to comply with an order to cease and desist, the City may, when a violation is occurring or has a high probability of occurring, enter the premise and block the flow of drainage waste or turn off at the meter all affected City water. Whenever a premise has been disconnected from the City's water or sewerage system for a violation hereof, reconnection of said premise shall be in accordance with City regulations.

4.09.02 Appeals.

(a) Any user affected by any decision, action, or determination, including cease and desist orders, made by the City, interpreting or implementing the provisions of this chapter, may file with the Administrator a written request for reconsideration within ten days of such decision, action, or determination setting forth in detail the facts supporting the user's request for reconsideration. If the ruling made by the Administrator is unsatisfactory to the person requesting reconsideration, the user may, within ten days after notification of the Administrator's decision, file a written appeal to the City of Turner Common Council. The Common Council shall, within 30 days after receipt of said written notice of appeal, upon proper notice hold a hearing to make a final determination of the issue submitted.

(b) The Administrator's decision, action, or determination shall remain in effect during such period of reconsideration.

4.09.03 Falsifying Information. Any person who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device

or method required under this ordinance, shall, upon conviction, be punished as established by this chapter.

4.09.04 Civil Penalties. Any user who is found to have violated an order of the Common Council, or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, and regulations issued hereunder, shall forfeit and pay not more than \$1,000 for each offense as determined by the Municipal Court of the City of Turner. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

4.09.05 Violations. Violation of any provision of this ordinance, in addition to any civil forfeiture, shall be an infraction.

WATER SYSTEM

4.10.00 Water System, General.

4.10.01 Code Established. Unless otherwise indicated, Ordinance 99-109 enacts Sections 4.10.01 through 4.15.00.

4.10.02 Definitions: Wherever the following words are used in this chapter they shall have the meanings ascribed to them in this section:

- (a) Applicant means any persons, firm, partnership, association, or corporation, acting for himself or through his employee or agent.
- (b) City means the City of Turner, Oregon.
- (c) City Administrator means the City Administrator for the City of Turner or his authorized representative.
- (d) Commercial user means any customer of the municipal water system who is neither a residential, multiple, irrigation, fire, or industrial user. Such term shall

include institutional and governmental users.

(e) Customer line means that piping connecting the meter to the building plumbing system.

(f) Dwelling unit means a facility designed for permanent or semi-permanent occupancy and provided with minimum kitchen, sleeping, and sanitary facilities.

(g) Fire protection service means an unmetered connection to the public water mains intended only for the extinguishment of fires and the flushing necessary for its proper maintenance.

(h) Irrigation service means a metered connection intended for seasonal use and delivering water which is not discharged to the sanitary sewer.

(i) Multiple dwelling means a structure housing two or more dwelling units.

(j) Non-sewer service means any metered service using water none of which is discharged to a sanitary sewer. May include irrigation service.

(k) Person means any natural person and includes firm, corporation, organization, and agency.

(l) Premise means any lot, parcel, or tract of land owned by a single entity.

(m) Service line means the line or pipe connecting from the water main to the water meter.

(n) Sewer service charge means a monthly charge for collection and treatment of sewage as required by TRC 4.05.03, and normally billed as a part of a water bill.

(o) Temporary service means a line connecting the nearest water main to the premises, in lieu of a permanent water main adjacent to the user's property.

(p) Water main means a pipe or conduit laid in a public street or easement to which a service line is connected.

4.10.03 Compliance with Intergovernmental Agreement with the

City of Salem. The City of Turner receives treated water at wholesale water rates under an intergovernmental agreement with the City of Salem. The City shall comply with all provisions of the intergovernmental agreement. In the event that provisions of this code conflict with requirements of the intergovernmental agreement with the City of Salem for water service, the intergovernmental agreement has precedence.

4.10.04 Connection Required.

Connection to the municipal water system is mandatory for all new development within the City after the effective date of this ordinance. Properties having water service provided by the City on the effective date of this ordinance are required to remain connected to the municipal water system. Properties for which private wells provide domestic household water supply will be required to connect to the City's municipal system upon the change of ownership of said property or upon a change of person who has applied for service. (*Amend. Ord. 08-100 08/01/2008*)

4.10.05 Construction to conform to standards.

All public or private water distribution systems to be connected to the municipal water system, whether publicly or privately constructed, shall conform to standards of design, sizing, materials, and workmanship prescribed by the City. Failure to meet standards shall be grounds for refusal of acceptance. Service connections will not be made until the system is approved and accepted.

4.10.06 Construction Inspection Approval.

Reasonable notice shall be given to the City to inspect and test all work in connection with the construction of water

mains by private contractors. Mains shall meet construction standards, leakage tests, and bacteriological tests prior to acceptance.

4.10.07 Connections and Tampering with Pipes.

Connections to water distribution mains for the purpose of extending such lines or for providing water service shall be made only by employees of the City or contractors employed by the City unless approved otherwise by the City Administrator. It shall be unlawful for any person to attach to or to detach from any water main or connection through which water is supplied by the City from the municipal water system, or to interfere in any manner or tamper with such pipes or connections, without having first obtained the written consent of the City.

4.10.08 Unlawful to Operate Valves and Apertures.

It shall be unlawful for any person, other than an employee of the department in the normal performance of their duties or a contractor under contract to the City, to operate valves and appurtenances connected with the municipal water system without the approval of the City Administrator. In addition, fire hydrants may be operated by personnel of the fire department in performance of their regular duties. Fire hydrants shall not be used for purposes other than fire fighting, flushing mains, and filling street cleaning and similar equipment. Water may not be taken from a hydrant for private purposes unless application for service from a hydrant has been made and approved by the City and a meter set to measure water used for private purposes or other fee paid as determined by the City.

4.10.09 Public Fire Protection.

Consistent with its primary purpose of

providing adequate potable water for residential, commercial, and industrial use, the water distribution system shall be designed to provide public fire protection by means of fire hydrants. The location of fire hydrants shall be approved by the Chief, Turner Fire District. Fire Hydrants required by new development shall be paid for by the developer. The main system shall be designed insofar as possible to provide fire flows recommended by the Insurance Services Office. All mains, constructed or reconstructed, upon which fire protection depends, shall be a minimum of six inches in diameter and wherever possible shall be looped to provide flow from two or more directions.

4.10.10 Contamination.

(a) It shall be unlawful for any person to in any way contaminate or pollute the water in the reservoirs or pipes of the municipal water system or in any fountain, hydrant, or place of storage of the water supply of the city or any of its inhabitants.

(b) It shall be unlawful for any person to throw any rubbish, debris, or any other thing into any water reservoir belonging to the city.

4.10.11 Service Beyond Corporate Limits.

(a) Except as otherwise provided for below, water service will not be provided beyond the corporate limits of the City of Turner unless annexation has been approved.

(b) The City will provide water service outside the City boundary when directed to do so pursuant to state statute.

(c) The City Council may, upon application for water service outside the City boundaries, provide such service if the applicant can demonstrate an extreme hardship and has made every reasonable effort to acquire water through other sources. Final approval for hardship water

service is contingent upon approval by Marion County and the City of Salem.

(d) All costs to extend water service outside the City boundaries or to newly annexed properties shall be paid by those benefiting from the extension using the process established in TRC 4.11.00 and/or TRC 3.02.00.

4.10.12 Water Waste Prohibited.

(a) It is unlawful to allow waste of City water by knowingly or negligently causing, authorizing or permitting such water to escape from its intended beneficial use into any river, creek, natural watercourse, depression, lake, reservoir, storm sewer, street, highway, road, or ditch.

(b) For the purpose of this section:

(1) "Waste" means the use of water in excess of the reasonable volume necessary to meet the beneficial use; and

(2) "Beneficial use" means the reasonable efficient use of water.

4.10.13 Water Curtailment Authority.

(a) When the Public Works Director for the City of Salem or the City Administrator determines that a critical water supply shortage threatens the ability of the City to deliver essential water to its customers, the City Administrator may activate emergency measures in compliance with the City of Salem "Water Curtailment Plan" or any other emergency plan to limit the use of water lawfully adopted by the City of Salem or the City of Turner.

(b) Upon declaration of a critical water supply shortage by the City of Salem and/or the City Administrator, the following restrictions become effective:

(1) No watering or irrigating of lawns, grass or turf shall occur unless it is:

A. New lawn, grass, or turf that has been seeded or sodden after March 1 of the calendar year in which any restrictions are imposed, and in such cases it may be watered as necessary until established;

B. Athletic fields frequently used for organized play;

C. Golf course tees and greens; and,

D. Park and recreation areas of a particular significance and value to the community as approved by the City Administrator.

(2) No use of City supplied water shall be allowed to clean, fill or maintain levels in decorative fountains.

(3) No use of City supplied water shall be allowed to fill swimming pools or other pools with a capacity in excess of 100 gallons, provided, however, that water may be added to swimming pools to replace volume lost due to evaporation and normal loss due to usage.

(4) No use of City supplied water shall be allowed to wash sidewalks, walkways, streets, driveways, parking lots, or other hard surfaced areas except where necessary for public health or safety.

(5) No use of City supplied water shall be allowed to wash vehicles.

(c) In the event that a citation is issued during the period of activated emergency measures for a violation of TRC 4.10.13, and the City Administrator determines that a second violation has occurred after the date of the citation and during the same emergency curtailment period, the City Administrator may terminate water service for the remainder of the emergency curtailment period.

4.11.00 Extension of Municipal Water System by Private Developer

4.11.01 Extension or Enlargement of Water Main by Developer. As an alternative to the City constructing an extension to the municipal water system or enlarging a current pipe to provide additional capacity, the City may, under conditions specified in TRC 4.11.02 to 4.11.06, permit a developer to make such an extension or enlargement. Developers making enlargements to existing pipes may be required to pay the cost to transfer existing service connections to the enlarged pipe.

4.11.02 Filing for Preliminary Consent. The Developer shall file a preliminary request with the City to construct a water main extension or enlargement, setting forth generally the proposed size and location of the water main and the purpose for which it is to be constructed. After receiving preliminary consent from the City Administrator that the proposed extension may be constructed by the Developer under the terms of this chapter, the Developer may proceed within six months of the consent to file an application with the City. If the City Administrator determines that such request is not in the best interest of the City and denies consent, that decision may be appealed to the City Council within 15 days of receiving notice of denial.

4.11.03 Application by Developer. A developer, who had received the City's preliminary consent to construct an extension or enlargement to the municipal water system and desires to proceed therewith, shall make application to the City. Such application shall provide the following information:

(a) Detailed plans and specifications conforming to adopted standards of the City.

- (b) Cost estimates for the project, certified by a qualified professional engineer.
- (c) Legal description and property owner's names and addresses of all property that would be benefited by the project;
- (d) Name of the contractor who shall be doing the project;
- (e) Such other information the City Administrator or City Engineer deems necessary for the approval of the project.

4.11.04 Apportionment of Costs.

(a) If the Developer is the only property owner that benefits from the proposed project, the developer shall pay all the costs of the project unless approved otherwise by the City Council.

(b) If there are other properties, in addition to the Developer's property that benefit from the project, the Developer may chose one of the following options:

(1) Agree to pay the entire cost of the project.

(2) Enter private agreements with other property owners to pay their share of the cost of the project. The City would not be a party to any such agreements and the final responsibility for paying all costs would rest with the Developer.

(3) Request that the City approve a Local Improvement District in accordance with TRC 3.02.00, to allocate the costs of the project. If a Local Improvement District is formed to allocate project costs, that portion of the costs allocated to the Developer will not be financed by the City.

(c) Costs, paid by the Developer, attributed solely to enlarging existing water lines to serve new development may, with City Council approval, be allowed as a credit towards System Development Charges for improvement in accordance with TRC 3.04.13.

4.11.05 Approval by the City. The City Council shall approve or deny the application and apportionment of cost and, if approved, execute an improvement agreement with the Developer. If any portion of the cost of the project is to be paid by the City through a local improvement district or otherwise, the agreement will clearly state the amount to be paid by the City and when payment is due. Upon execution of the agreement, the developer may proceed with the water main extension in accordance with the approved plans and specifications. The Developer shall notify the City when construction commences and the construction shall be completed within one year of the day of the approval. All permits required under City, county and/or state law shall be obtained by the Developer or his contractor prior to starting work.

4.11.06 Filing Statement of Cost by the Developer. Upon completion of the water main extension project, the Developer shall file with the City an itemized cost statement of the completed improvements. When a Local Improvement District has been approved and the total cost shown on said statement exceeds the approved engineer's estimate, the City Council may approve the overage for the purposes of apportioning costs if they are satisfied the overage was due to conditions not readily foreseen at the time of the construction. Any other cost overages will be borne by the Developer.

4.12.00 Conditions of Service.

4.12.01 Application for Water Service. Each person applying for water service shall make application in writing, on forms provided by the City, setting forth:

- (a) The name of the applicant and spouse, if applicable
- (b) The location of the property to be served;
- (c) Address to which water bills shall be mailed;
- (d) Intended use of the water;
- (e) Name and address of property owner if different from applicant
- (f) An agreement to abide by this Code and other water system rules.
- (g) Such other information as the City may require

4.12.02 Sizing of Service Lines and Meters. The size of the service line and meter shall generally be at the option of the user. The City Administrator shall insure that the size of the connection requested is reasonable for the use intended and is within the capabilities of the distribution system without diminishing the quality of service to other users in the vicinity. Minimum size of connection shall be three-quarters of an inch inside diameter. The size of meter shall not exceed the size of service line.

4.12.03 Meters Owned by City. All water meters shall be owned and maintained by the City. Meters may be tested, repaired, relocated, and interchanged as required without regard to who paid the initial cost of the meter and installation so long as the property continues to be supplied through a meter adequate for its needs.

4.12.04 Users Individually Metered. Each premise served shall be individually metered. Service to more than one user, or multiple meters for the same user, shall not be combined for the purpose of obtaining a more favorable water rate. Multiple housing complexes, manufactured home parks, and similar

users may be served through master meters if under common ownership.

4.12.05 Meter Accuracy. All meters used to measure quantities of water for determining charges shall be maintained in such condition as to register within an accuracy of plus or minus 2 percent the amount of water passing through the meter. Meters used and accuracy of registration shall conform to standards set by the American Water Works Association.

4.12.06 Change in Meter Size. Size of the meter serving a premise may be changed at the request of the user upon payment of the estimated cost of making the change. Increase in size will require increase in the size of the service line in most cases.

4.12.07 Access to Premises. Employees of the City shall have access, upon proper identification, to all premises at which city water is being used for the purpose of determining that no hazard exists to the public water supply as a result of the manner in which the water is being used. Such access shall be at reasonable hours and shall not interfere with the customer's normal use of his premises.

4.12.08 User Responsibility for Damage to Facilities. Each user of water shall so protect his facilities that hot water cannot be returned to the water mains. Meters and pipelines damaged by hot water will be repaired at the expense of the user.

4.12.09 Private Booster Pumps Prohibited. No booster pumps shall be installed by the user for the purpose of increasing water pressure or delivery without the express written permission of the City Administrator.

4.12.10 Interruption of Service, Notification. Wherever practicable, users will be notified 24 hours in advance of any planned interruption of service or shutdown of mains for repair or alterations. The City assumes no responsibility for providing uninterrupted water service and will not be liable for damages resulting from such interruptions.

4.12.11 Plumbing to be Kept in Repair. It shall be the responsibility of the user to keep his piping and fixtures in good repair to prevent damage to premises and waste of water. The City shall not be responsible for damage to property resulting from turning on or continuing water service to premises having defective plumbing.

4.12.12 Electrical Grounding. The City shall not be responsible for the use of its water distribution system for grounding of electrical circuits. Use of nonmetallic materials in mains and service lines precludes reliance on the water system for electrical grounding.

4.12.13 Temporary Service Connections.
(a) In certain instances where, in the judgment of the City Administrator, construction of a water main to serve a given piece of property is not advisable or feasible, water service may be provided by a temporary connection to some other main, pending construction of a permanent main to serve the property.
(b) The applicant shall be required to pay all costs for the temporary connection, including the installation fee and any established System Development Charges. Upon installation of a permanent connection, the applicant will pay only the actual cost to make the permanent connection.

4.12.14 Abandonment of Services and Water Mains.

(a) The City Administrator may cause the removal or abandonment of any unused service lines when its further need is not apparent and when in his judgment removal is appropriate to reduce leakage or future maintenance responsibility. Subsequent service to the property shall be treated as a new service as provided for elsewhere in this Code.

(b) If as a result of removal or abandonment of a service main a new meter location is required, within ninety days of written notice customers shall connect, at their expense, to the new meter location provided at the customer's property line.

4.13.00 Charges, Billing and Collection.

4.13.01 Water Service Billing. The City shall bill for water service all metered water service connections to the City's water main connected to a habitable home or business. All billings for water service shall be made monthly on the basis of the amount of water used during the previous month. Monthly water meter readings will be made on or about the 25th day of each month. Water shall be measured in cubic feet and shall be billed to the nearest cubic foot. If, for any reason, it is impossible or impractical to read the meter, consumption may be estimated, based on the previous history of use, until the meter can be read. When applicable, water bills shall also include sewer service charges. (*Amend. Ord. 08-100 08/01/2008*)

4.13.02 Responsibility for Water Bills.

(a) Payment of water bills shall be the responsibility of the underlying property owner unless a renter/tenant application for service is active with the City. As long as water bills are paid and kept current,

water service will not be discontinued upon the order of any other person to enforce vacation of the premises or for other reasons, with the exception of police emergencies. (*Amend. Ord. 08-100 08/01/2008*)

(b) Where more than a single dwelling unit or business is served by a single meter, the bill for water service shall be sent to the person making application for the service, who shall be responsible for distributing the cost of water service among his tenants and for collecting amounts owed from such tenants.

(c) If a tenant or other person residing at the address where water service is provided fails to pay for such service and service is subsequently shut off for non-payment, all past due bills and service charges must be paid in full by the property owner or other responsible party before water service will be restored.

(d) (a) through (c) above shall apply equally to the sewer service portion of the water bill, when applicable.

4.13.03 Deposits Required.

(a) Applicants for water and sewer service are required to pay a deposit established by resolution of the City Council. Said deposits will be held, without interest, during the entire period of the service. Upon discontinuance of service and final billing, the deposit will be refunded to the customer within 30 days, less any outstanding service balance.

(b) Applicants for service that currently have service with the City at a different location, if current on service payments, may request to have their deposits transferred to their new service account.

(c) Sewer service deposits are not required for existing water service customers at the time of initial connection to the municipal sewer, if current water service payments have been paid in full.

4.13.04 Bills, When Due. Bills for water and sewer service are due and payable when received and are considered delinquent if any portion has not been paid in full within 15 days of the billing date. The City may, by resolution, establish a fee for delinquent payments. Any such fee will be added to the next month's bill. (*Amend. Ord. 02-104, 10/10/02*)

4.13.05 Collection of Delinquent Bills.

(a) When a user's account is found to be delinquent, the user will be notified by mail one (1) day after the account is found to be delinquent. The notice will give seven (7) calendar days in which to make payment and will indicate the account and date the service will be disconnected. If payment is not received by 5:00 p.m. on the due date shown on the delinquent notice, the water service to the premises will be disconnected the next day. Reinstatement of service will not be made until:

(1) The amount due has been paid in full; and

(2) The delinquent payment charge and the reconnection surcharge have been paid in full.

(b) If in the judgment of the Utility Billing Clerk the public interest can be protected and at the same time the burden on the user reduced, the user may enter into a "Utility Payment Agreement" with the City. (*Amend. Ord. 07-100 02/22/07*)

(c) If in the judgment of the City Administrator, the public's interest can be protected and at the same time the burden on the user reduced, he may at his discretion accept an arrangement for partial payments.

4.13.06 Disputed Bills.

(a) Any person receiving a utility bill who disputes the charges set forth therein may

submit to the City Administrator a request in writing for a review of such disputed bill. The request for review shall be filed within 15 calendar days of the date of the bill. Upon the filing of a request for hearing, all proceedings relative to collection of the disputed bill shall be stayed until the final decision is made as hereinafter provided.

(b) The City Administrator shall review the disputed charges and shall notify the user in writing of his decision.

(c) If the decision of the City Administrator is to deny adjustment to the charges, the utility user shall have until the delinquent date or seven calendar days from the date of the notice of decision, which ever comes later, to make full payment.

4.13.07 Denial of Service. Service may be denied to any person who has left an unpaid water bill at another address, until such bill is paid. Service may be denied to any person until restitution has been made for any damage or loss of revenue resulting from tampering with or bypassing water meters or locking devices.

4.13.08 Adjustment of Bills.

(a) Unusually high water bills resulting from leakage occurring in the customer's plumbing system will not be adjusted. It is the customer's responsibility to maintain their plumbing system leak free. As a courtesy, the City may notify customers with unusually high water use of such use as soon as possible after the monthly meter reading.

(b) Billings which the City has made erroneously may be corrected retroactively for a period not to exceed five years upon acknowledgment by the department of the error. Interest at the rate of 6 percent shall be paid on overcharges that are over one year old.

4.13.09 Irrigation and Non-Sewer Accounts. Water service connections used solely for irrigation or for other uses which do not discharge water to a sanitary sewer may be billed for water service only, without payment of a sewer service charge. Seasonal accounts are not authorized for irrigation purposes or for determination of water use for sewer billing purposes.

4.13.10 Water Not to be Resold. Water is not to be resold under any circumstances with the one exception that water districts or associations may upon approval of specific agreements by both the City and the City of Salem, be authorized to resell water.

4.13.11 Meters Billed Individually. Except where multiple meters have been installed for the convenience of the City, each metered service will be billed separately where more than one meter serves an individual premise or user. Meter readings will not be combined for the purpose of obtaining a lower billing.

4.13.12 Rate Structure. The rates and charges for the sale and distribution of water by and through the municipal water system shall be as prescribed by resolution of the City Council. (*Amend. Ord. 08-100 08/01/2008*)

(a) For non-residential service, for meter sizes one inch in diameter and less, the flat fee will be the same as for a single dwelling unit. For larger meter sizes, the following multipliers apply:

(1) Over 1 inch to 2 inch, 7 times the flat fee per equivalent single dwelling unit.

(2) Over 2 inch to 3 inch, 13 times the flat fee per equivalent single dwelling unit.

(3) Over 3 inch to 4 inch, 37.5 times the flat fee per equivalent single dwelling unit.

(4) Over 4 inch, shall be calculated by the City Engineer.

(b) The City Council may adopt a different flat fee or a different variable rate for differing customer classes or for differing quantities used in conjunction with adoption of the annual rate resolution.

(c) The previously grandfathered senior water rate is hereby terminated effective with the adoption of new rates.

(d) The City Council shall review the utility rate structure at least once annually. (Amend. Ord. 04-10 11/22/04) (Amend. Ord. 08-100 08/01/2008)

4.13.13 Partial Month Service. For new water accounts, first month's water use will be billed based on a meter reading taken at the time the account is opened until the next month's regular meter reading. For water accounts closed after the date of the previous month's meter reading, the City will read the meter and provide a final bill for the quantity of water used since the last meter reading. The flat fee will be waived for new service starting and for service terminating on or before the 10th of the month and be paid in full for service started after the 10th. (Amend. Ord. 04-100, 1/ 22/04)

4.13.14 Water Supplied Through Fire Hydrants.

(a) Where water service of a temporary nature can be supplied through a fire hydrant connection, or other unmetered connection, without jeopardizing service to other users or interfering with fire protection, all such water use shall be metered and a water fee paid to the City. The charges for this service shall be established by resolution per 100 cubic

feet of water use, but in no case be less than \$10 for a single day's use.

(b) The user will be billed for costs incurred with repairing damaged meters and fire hydrants. (Amend. Ord. 04-100, 1/ 22/04)

4.13.15 Charges for Service Connections.

(a) A service connection charge will be made for each premise not previously served with water for the cost of labor and materials of providing the main tap, service line, and meter installation, as prescribed by resolution of the Council. (Amend. Ord. 08-100 08/01/2008)

4.14.00 Cross Connection and Backflow.

4.14.01 Definitions. As used in TRC 4.14.02 to 4.14.08 unless the context indicates otherwise, the following definitions shall apply:

(a) Air gap separation means the physical vertical separation between the free flowing discharge end of a potable water supply pipeline and the open or nonpressure receiving vessel.

(b) Approved backflow prevention assembly means an assembly which has been approved by the State of Oregon Department of Human Resources, Health Division, for preventing backflow.

(c) Atmospheric vacuum breaker (AVB), also known as siphon breaker, means a mechanical device consisting of a valve member opening to the atmosphere when the pressure in the line drops to atmospheric and shall be an approved backflow prevention assembly.

(d) Auxiliary water supply means any supply of water used to augment the supply obtained through the city water system which serves the premises in question.

(e) Backflow means the flow of water or other fluids in the direction opposite to the normal flow.

(f) Check valve means a valve that permits flow in only one direction.

(g) Contaminant means any physical, chemical, biological, or radiological substance or matter in water which may render the water nonpotable, as per the Oregon statutes.

(h) Cross-connection means any link or channel between the piping which carries potable drinking water and the piping or fixtures which carry or contains nonpotable water or other substances.

(i) Customer system means all plumbing, piping, and appurtenances on the customer's side of the point of metering or connection.

(j) Double check valve assembly (DC) means an assembly of two independently acting check valves with shutoff valves on each side of the check valve assembly and test ports for checking the water tightness of each check valve and shall be an approved backflow prevention assembly.

(k) Double check detector check valve assembly (DDC) means double check valve assembly with an approved meter and double check valve assembly bypassing the main line assembly for the purpose of measuring low or proportional flow. Main line assembly shall have a higher head loss than the bypass and shall be an approved backflow prevention assembly.

(l) Facility survey means an on-site review of the water source, facilities, equipment, operation, and maintenance for the purpose of evaluating the hazards to the drinking water supply.

(m) Pressure vacuum breaker assembly (PVB) means a mechanical device consisting of one spring loaded check valve in the supply line and a spring loaded air inlet on the downstream side of

the check valve(s) which will open to atmosphere when the pressure in the device drops below one pound per square inch. The complete assembly consists of two shut-off valves and two test ports for checking water tightness of the check valve. The Assembly shall be an approved backflow prevention assembly.

(n) Private or public water distribution system means "public water system" as defined by the Oregon Administrative Rules 333-61-020.

(o) Reduced pressure principle backflow prevention assembly (RP) means a device for preventing backflow incorporating two check valves, a differential relief valve located between the two valves and two shutoff valves, one on each side of the assembly, test ports for checking the water tightness of the check valves and the operation of the relief valve. The Assembly shall be an approved backflow prevention assembly.

(p) Reduced pressure principle detector assembly (RPD) means a reduced pressure principle backflow prevention assembly with an approved meter and reduced pressure principle backflow prevention assembly bypassing the main line assembly for the purpose of measuring low or proportional flow. Assembly shall be an approved backflow prevention assembly.

(q) Safe drinking water (potable water) means water which has sufficiently low concentrations of microbiological, inorganic chemical, organic chemical, radiological, or physical substances so that individuals drinking such water at normal levels of consumption will not be exposed to disease organisms or other substances which may produce harmful physiological effects.

(r) Secondary contaminant means those contaminants which at the levels generally

found in drinking water do not present an unreasonable risk to health, but do:

- (1) Have adverse effects of the taste, odor, and color of water; and/or
 - (2) Produce undesirable staining of plumbing fixtures, and/or
 - (3) Interfere with the public water supply.
- (s) Service connection means the point of delivery (water meter) at or near the property line.

4.14.02 Intergovernmental Relationship.

Because of intergovernmental agreements with the City of Salem for water service and for backflow protection, the term City in this section means the City of Turner or the City of Salem as represented by the City Administrator or Director of Public Works respectively or their authorized representatives. Should any portion of this section conflict with Salem Revised Code regarding cross connection and backflow requirement, the Salem Revised Code takes precedence.

4.14.03 Customer System Open for Inspection.

The customer system shall be open to the City for inspection to perform facility survey at all reasonable times to determine whether cross connections or other structural or sanitary hazards including violations of these regulations exist. The City shall have the power to enter any premises or building, for the purpose of enforcing the regulations contained in this section, and it shall be unlawful for any person in charge of any such premises or building to refuse such entrance.

4.14.04 Backflow Prevention

The City's backflow prevention program shall meet with all applicable specifications found in OAR 331-061-0070, including: required testing of

backflow prevention assemblies; adopting enabling authority to discontinue water service for non-compliance; developing and updating a written program plan for the backflow prevention program; submission of the required annual report to the appropriate State authority; ensuring one staff person is certified as a Cross Connection Control Specialist; payment of any annual fees to the State. (*Ord.16-101, 7/23/16*)

(a) Backflow prevention assembly(s) shall be installed on each service line of the customer's system at or near the property line or immediately inside the building being served before the hazard, but in all cases, before the first crossing or branch line leading off the service line wherever the following conditions exist:

(1) There is an auxiliary water supply which is or can be connected to the potable water piping.

(2) Where there is piping for conveying liquids other than potable water and where that piping is installed and operated in a manner which could cause across connection.

(3) There are cross-connections or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connections exist.

(4) In the case where there has been a history of repeating the same or similar cross connection or a backflow even though these have been removed or disconnected.

(5) Where there is a building over three stories in height or any plumbing system that is greater than or equal to thirty feet above the city main from which it is served, residential homes excluded.

(6) Where there is backflow or back siphonage potential.

(7) Where the system is not open to inspection.

(8) Where the system is subject to being submerged by hazardous or objectionable substance.

(9) Where there are containers or fixtures containing hazardous or objectionable substances which could backflow into the drinking water system.

(b) The type of protective device required under subsection (a) shall be commensurate with the degree of hazard which exists as follows:

(1) An approved air gap of at least twice the inside diameter, but not less than one inch, of the incoming supply line measured vertically above the top rim of the vessel or an approved RPD assembly shall be installed where the substance which could backflow is a contaminant or hazardous to health. Examples of premises where these conditions may exist include sewage treatment plants, pump stations, sewage piping, chemical manufacturing plants, hospitals, mortuaries, plating plants, car washes, medical clinics, and auxiliary water systems.

(2) An approved DC assembly shall be installed where the substance which could backflow is a secondary contaminant.

(3) An approved PVB assembly or an AVE shall be installed where the substance which could backflow is objectionable but does not pose an unreasonable risk to health and where there is no possibility of back pressure in the downstream piping. A shutoff or control valve shall not be installed downstream of an AVE. AVE shall not be under continuous pressure for durations of 12 hours or longer.

(4) In the case of irrigation systems and with the approval of the City, an AVE, an approved PVB assembly or an approved DC assembly may be permitted, provided no chemical or material injection or mixing exist.

(5) In the case of all private fire services, an approved backflow prevention assembly shall be installed at property line to city construction specifications. A monitoring meter or detection system to detect unauthorized use or leakage within the system is required. The type of backflow prevention assembly shall be as follows:

A. An approved DDC assembly shall be required except as specified in subparagraphs B. and C. of this paragraph.

B. An approved RPD assembly shall be required for systems with auxiliary water supplies, chemical additives, or contaminant(s).

C. Fire sprinkler systems which are served by a domestic water supply within a building may be exempt from backflow prevention assembly requirements if all of the following conditions are met:

1. A regularly used fixture (i.e., water closet) is installed at the end of the system (excluding hose bibs).

2. No chemicals are added to the water or system.

3. No auxiliary water system is interconnected.

4. No dead-end runs in system.

5. All materials, construction, and sizing conform to plumbing code regulations for potable water systems.

6. No fire department connection.

(c) In the case of private or public water distribution systems connected to or served by the city, an approved and progressive cross-connection control program shall exist, with quarterly reports

on activities to the city; or an approved reduced pressure backflow prevention assembly shall be required at the connection point.

(d) All installations shall be protected from damage caused by freezing, vandals, or other sources.

4.14.05 Protective Device Standards. All backflow prevention assemblies required herein shall be of a type and model approved by the State of Oregon Department of Human Resources, Health Division.

4.14.06 Owners Duty for Inspection. It shall be the duty of the owner of any premise where backflow prevention assembly(s) are installed to have the assembly tested and certified as working immediately upon installation, and at least once a year, or more often in those instances where successive inspections indicate repeated failure. The frequency of these tests or the replacement of the assembly(s) because of repeated failure is at the discretion of the City. These inspections, tests, repairs, and/or replacement of assembly(s) shall be at the expense of the device owner, and be performed by a competent device tester who is approved by the State of Oregon, Department of Human Resources, Health Division. Test and repair or replacement shall be performed within 30 days from receipt of notice to test. The owner is required to contact a tester who can perform the work in the necessary time period. Records of such tests, repairs, and overhaul shall be kept and a copy submitted to the City within the 30-day time period.

4.14.07 Previously Installed Backflow Assemblies Excluded from Requirements

Backflow prevention assemblies installed before the effective date of TRC 4.14.00 which were approved at the time they were installed but are not on the current list of approved assemblies, shall be permitted to remain in service provided they are properly maintained, are commensurate with the degree of hazard, are tested at least annually, and perform satisfactorily. When assemblies of this type are moved, or require more than minimum maintenance, they shall be replaced with an approved assembly.

4.14.08 Water Service Denied upon Failure to Meet Requirements The City hereby establishes its authority to discontinue water service to any water service connection which is in violation of OAR 333-061-0070 (9) (a), (A) through (D).

The City Administrator will direct staff to develop procedures for discontinuing water service, which shall adhere to the following guidelines:

- (a) Only in the case of an immediate threat to public health will water be discontinued without prior and timely notification;
- (b) In all other cases, water service shall not be discontinued without at least 1 written notification that can be reasonably determined to have been received by the responsible party, and 1 property posting. These notices shall contain at a minimum: the specific nature of the violation, the potential remedy, the timeframe for remedy and the consequences if remedy is not performed. (*Ord. 16-101, 7/23/16*)

4.14.09 Authority to Bill for Required Tests. The City may place the costs for backflow tests performed by the City onto the subject properties' utility bill in the following circumstances:

(a) Required tests where there is no clear resident or owner to bill directly. (*Ord. 16-104, 1/19/17*)

4.15.00 Violations.

(a) Violation of TRC 4.10.09 is punishable in accordance with TRC 1.45.00.

(b) Violation of any other provision of TRC 4.10.00 through 4.14.00 is punishable by a fine not to exceed \$250.

(c) The City reserves the right, in addition to any fines that may be imposed, to discontinue water service or exercise any other remedy provided for by law for violations of TRC 4.10.00 through 4.14.00.

4.16.00 Santiam Water Control District. Unless otherwise indicated, Ordinance 151 enacts Section 4.16.00 through 4.16.02.

4.16.01 Sales Authorized. The Santiam Water Control District, a public corporation of the State of Oregon with its principal office at Stayton, Marion County, Oregon, is hereby authorized to sell water from Mill Creek, for purposes other than human consumption, to residents and property owners of the City of Turner, Oregon, occupying and owning property in such city bordering on or adjacent to such creek.

4.16.02 Rates. The rates charge by the said district for water service within such city shall be the same as are ordinarily charged by such district to other users of water from such creek, and the amounts due for such service shall be payable at the same time or times as the amounts due from such other users are payable.

4.17.00-4.19.00 *Reserved for expansion.*

SOLID WASTE MANAGEMENT

4.20.00 Solid Waste Management. Unless otherwise indicated, Ordinance 97-108 enacts Section 4.20.01 through 4.20.15.

4.20.01 Purpose, Policy and Scope.

(a) It is declared to be the public policy of the City of Turner to regulate solid waste management to:

(1) Insure safe, economical, financially stable, reliable, and comprehensive solid waste service;

(2) Insure rates that are just, fair, reasonable, and adequate to provide necessary public service and to prohibit rate preferences and other discriminatory practices;

(3) Provide technologically and economically feasible resource recovery by and through the franchisee; and

(4) Provide the opportunity to recycle.

(b) Except for the franchisee under this ordinance, no person shall:

(1) Provide service for compensation or offer to provide or advertise for the performance of such service.

(2) Provide service for compensation to any tenant, lessee, or occupant of any real property of such person.

4.20.02 Definitions.

(a) Compensation includes:

(1) Any type of consideration paid for service, including but not limited to rent, the proceeds from resource recovery, and any direct or indirect provision for payment of money, goods, services, or

benefits by tenants, lessees, occupants, or similar persons.

(2) The exchange of service between persons.

(3) The flow of consideration from the person owning or possessing the solid waste to the person providing service, or from the person providing service to the person owning or possessing the same.

(b) Franchisee The person granted the franchise by Section 4.20.03 of this code or a subcontractor to such person.

(c) Resource Recovery. The process of obtaining useful material or energy resources from solid waste including energy recovery, materials recovery, recycling, or reuse of solid waste.

(d) Service. Storage, collection, transportation, treatment, utilization, processing, and final disposal of, or resource recovery from, solid waste; and providing facilities necessary or convenient to such activities.

(e) Solid Waste. All putrescible and non-putrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, swill, waste paper and cardboard, grass clippings, compost, residential, commercial, and industrial demolition and construction wastes, discarded residential, commercial, and industrial appliances, equipment, and furniture, discarded inoperable, or abandoned vehicles or vehicle parts and vehicle tires, manure, vegetable or animal solid or semisolid waste, dead animals, and all other wastes not excepted by this subsection. Solid waste does not include:

(1) Hazardous wastes as defined by or pursuant to ORS 466.005.

(2) Sewer sludge and septic tank and cesspool pumping or chemical toilet waste.

(3) Reusable beverage containers as defined in ORS 459.860.

(f) Solid Waste Management. Management of service.

(g) Waste. Material that is no longer usable by or that is no longer wanted by the last user, producer, or source of the material, which material is to be disposed of or be resource recovered by another person.

4.20.03 Exclusive Franchise and Exceptions. There is hereby granted to Pacific Sanitation Co. the exclusive right, privilege, and franchise to provide service in, and for that purpose to utilize the streets and facilities of the City of Turner. Nothing in this franchise or this section shall prohibit any person from transporting solid waste he produces himself to an authorized disposal site or resource recovery facility providing he complies with Section 4.20.13 of this code. Solid waste produced by a tenant, licensee, occupant, or similar person is produced by such person, not the landlord or property owner.

4.20.04 Franchise Term. The rights and privileges and franchise herein granted shall begin January 1, 1998 and continue and be in full force to and including December 31, 2007. Unless grounds exist for suspension, modification, or revocation of the franchise under Section 4.20.08, a franchise shall be renewed for an additional 10 year period upon filing of an application for renewal on forms provided by the City, which application shall be reviewed by the City Council for continued compliance with this code.

4.20.05 Franchise Fee. In consideration of the franchise granted by this code, the franchisee shall pay to the City of Turner 2% of the franchisee's monthly gross for the operation of such service.

4.20.06 Franchisee Responsibility.

(a) The franchisee shall:

(1) Dispose of solid wastes collected at a site approved by the local government unit having jurisdiction of the site or recover resources from the solid wastes both in compliance with Chapter 459, Oregon Revised Statutes and regulations promulgated there under.

(2) Provide the opportunity to recycle consistent with ORS Chapter 459 and regulations promulgated there under.

(3) Provide and keep in force liability insurance in the amount of not less than \$1,000,000, evidenced by a certificate of insurance filed with the City. The City may require a greater amount of general liability insurance if the limits under the Oregon Tort Claims Act are increased by the Oregon Legislature.

(4) Within 30 days after the effective date of this ordinance, file with the written acceptance of this franchise.

(5) Provide sufficient collection vehicles, containers, facilities, personnel, and finances to provide all types of necessary service or subcontract with others to provide such service pursuant to 4.20.11.. Where one or a few large customers require substantial investment in new or added equipment not otherwise necessary to service the franchised service area, the collector may require a contract with such sources providing that the customer will require and pay for service for a reasonable period of time. This contract exception is intended to assist in financing the necessary equipment and in protecting the integrity of the remaining service should the source or sources terminate collection service.

(6) Respond to any written complaint on service.

(7) Indemnify, defend and save harmless the City of Turner, its officers, employees and agents from any and all

claims, demands, actions, or suits arising out of or in connection with the City of Turner's grant of an exclusive franchise under this ordinance. Franchisee shall be responsible to defend any suit or action brought by any person challenging the lawfulness of this franchise or seeking damages as a result of or arising in connection with its grant; and shall likewise be responsible for full satisfaction of any judgment or settlement entered against the City of Turner in any such action. The City of Turner shall tender the defense to the franchisee and franchisee shall accept the tender, whereupon The City of Turner shall assign to franchisee complete responsibility of litigation including choice of attorneys, strategy and any settlement. Settlement is subject to approval by the City of Turner and the City of Turner will not unreasonably withhold consent to any settlement.

(b) The franchisee shall not:

(1) Give any rate preference to any person, locality, or type of solid waste stored, collected, transported, disposed of, or resource recovered. This paragraph shall not prohibit uniform classes of rates based upon length of haul, type or quantity of solid waste handled, and location of customers so long as such rates are reasonable based upon costs of the particular service and are approved by the City Council in the same manner as other rates, nor shall it prevent any person from volunteering service at reduced costs for a charitable, community, or benevolent purpose.

(2) Transfer this franchise or any portion thereof to other persons without the prior written approval of the City Council, which consent shall not be unreasonably withheld. The City Council shall approve the transfer if the franchisee meets all applicable requirements met by the original franchisee. A pledge of this

franchise as financial security shall be considered as a transfer for the purposes of this subsection. The City Council may attach whatever conditions it deems appropriate to guarantee service and compliance with this code.

4.20.07 Supervision. Service provided under the franchise shall be under the supervision of the Public Works Department. The franchisee shall, at reasonable times, permit inspection of its facilities, equipment and personnel providing service.

4.20.08 Suspension, Modification or revocation of Franchise.

(a) Failure to comply with a written notice to provide necessary service or otherwise comply with the provisions of this code after written notice and a reasonable opportunity to comply shall be grounds for modification, revocation, or suspension of the franchise.

(b) After written notice from the City that such grounds exist, the franchisee shall have 30 days from the date of mailing of the notice in which to comply or to request a public hearing before the City Council.

(c) If the franchisee fails to comply within the specified time or fails to comply with the order of the City Council entered upon the basis of findings at the public hearing, the City Council may suspend, modify, or revoke the franchise or make such action contingent upon continued non-compliance.

(d) At the public hearing, the franchisee and other interested persons shall have an opportunity to present oral, written, or documentary evidence to the City Council.

(e) In the event the City Council finds an immediate and serious danger to the public through creation of a health hazard, it may take action within a time specified in the

notice to the franchisee and without a public hearing prior to taking such action.

4.20.09 Preventing Interruption of Service.

The franchisee agrees as a condition to its franchise that whenever the City Council determines that the failure of service or threatened failure of service would result in creation of any immediate and serious health hazard or serious public nuisance the Council may, after a minimum of 24 hours actual notice to the franchisee and a public hearing if the franchisee requests it, authorize another person to temporarily provide the service or to use and operate the land, facilities, or equipment of the franchise through leasing to provide emergency service. The Council shall return any seized property and business upon abatement of the actual or threatened interruption of service.

4.20.10 Termination of Service. The franchisee shall not terminate service to all or a portion of its customers unless:

(a) The street or road access is blocked and there is no alternate route and provided that the City of Turner shall not be liable for any such blocking of access;

(b) Excessive weather conditions render providing service unduly hazardous to persons providing service or such termination is caused by accidents or casualties caused by an act of God or a public enemy;

(c) A customer has not paid for service provided after a regular billing and after a seven day written notice to pay; or

(d) In the event of any other reason, ninety days' written notice shall be given to the Council and to affect customers and written approval will be obtained from the Council.

4.20.11 Subcontracts. The franchisee may subcontract with others to provide a

portion of the service where the franchisee does not have the necessary equipment or service. Such a subcontract shall not relieve the franchisee of total responsibility for providing and maintaining service and from compliance with this code.

4.20.12 Rates. Rates for service shall be those contained in the document marked "Exhibit A", attached to Ordinance 97-108 and by this reference hereby incorporated in this code. Changes in rates shall be made only by ordinance amending "Exhibit A".

4.20.13 Public Responsibility. In addition to compliance with ORS Chapter 459 and regulations promulgated pursuant thereto:

(a) To prevent recurring back and other injuries to collectors and other persons and to comply with safety instructions to collectors.

(1) All customers who subscribe to residential collection service shall use roll cart containers furnished by the franchise only. On-call customers shall receive such containers with a color-coded lid. All such containers shall remain the property of the franchisee.

(2) To allow proper use of the franchisee's pickup equipment for roll cart containers, all residential customers shall, whether on collection days or for on-call service, place all containers at the street, curb, or other pickup point designated by the franchisee.

(3) If an elderly or certifiably handicapped residential customer is unable to roll the container to the street or curb, the franchisee will furnish a 32-gallon container to the customer and pick it up at the customer's residence at the same rate as curb service. All such containers shall remain the property of the franchisee.

(4) Except where containers furnished by the franchisee to residential customers are required under paragraphs (1) and (3) above, garbage cans may be provided by the customers and shall not exceed 70 pounds gross loaded weight or 72 gallons in size. Cans should be tapered with a smaller bottom than top opening.

(5) Sunken refuse cans or containers shall not be used.

(6) All containers including containers furnished by the franchisee to residential customers under paragraphs (1) and (3) above, shall be rigid, rodent- and fireproof, and approved by the franchisee.

(7) The user shall provide safe access to the pickup point so as not to jeopardize the safety of the driver of a collection vehicle or the motoring public or to create a hazard or risk to the person providing service. Where the Council finds that a private bridge, culvert, or other structure or road is incapable of safely carrying the weight of the collection vehicle, the collector shall not enter onto such structure or road. The user shall provide a safe alternative access point or system.

(b) To protect the privacy, safety, pets, and security of customers and to prevent unnecessary physical and legal risk to the collectors, a residential customer shall place the container to be emptied outside of any locked or latched gate and outside of any garage or other building.

(c) No stationary compactor or other container for commercial or industrial use shall exceed the safe loading design limit or operation limit of the collection vehicle provided by the franchisee serving the service area. Upon petition of a group of customers reasonably requiring special service, the Council may, where economically feasible, require the franchisee to provide subcontract

provision for vehicles capable of handling specialized loads.

(d) To prevent injuries to users and collectors, stationary compacting devices for handling solid wastes shall comply with applicable federal and state safety regulations.

(e) Any vehicle used by any person to transport solid wastes shall be so loaded and operated as to prevent the wastes from dropping, shifting, leaking, blowing, or other escapement from the vehicle onto any public right-of-way or lands adjacent thereto. If spills occur, the clean up will be as soon as practical by the responsible party.

(f) Any person who receives service shall be responsible for payment for such service. When the property owner of a single or multiple dwelling unit or mobile home or trailer space has been previously notified in writing by the franchisee of his contingent liability, the property owner shall be responsible for payment for service provided to the occupant of such unit if the occupant does not pay for the service.

4.20.14 Penalties. Violation by any person of the provisions of this ordinance shall be deemed to be a violation and shall be punishable upon conviction by a fine of not more than five hundred dollars (\$500).

4.20.15 Enforcement. The City of Turner shall enforce the provisions of this section by administrative or civil action as necessary to obtain compliance with this section or enforce as provided by state law.

STORM WATER UTILITY

4.30.00 Storm Water Utility, General. Unless otherwise indicated, *Ordinance 10-*

104 enacts Sections 4.30.00 to 4.31.28 10/30/10

4.30.01 Intent and Purpose. The City of Turner owns and operates a municipal separate storm sewer system (MS4) which is regulated by the State under NPDES Permits and a Total Maximum Daily Load (TMDL) Plan through DEQ. Both documents require the City to engage in best management practices that will minimize impacts to the water quality of waters of the State within the City of Turner. A storm water utility will serve as the management department through which this purpose will be fulfilled.

4.30.02 Objectives. The City of Turner shall manage a storm water utility that provides for the collection, transport and/or release of storm water in a financially prudent and environmentally sensitive manner.

(a) The City of Turner permit plans for both MS4 and TMDL approved by DEQ are hereby adopted as defining the general environmental objectives of the storm water utility.

4.30.03 Intergovernmental Relations. In attaining these objectives the City authorizes staff to pursue relationships, both financial and regulatory, with other entities that will be of assistance. The effort should be carried out with the understanding of balancing regulatory goals with the desire to provide local and helpful customer service. The City retains rights to approve or deny all contracts, agreements or relationships.

4.30.04 Abbreviations and Definitions. This section is reserved for future elaboration

4.30.05 Connections. It shall be unlawful for any person to attach or detach elements of the storm water system, or otherwise temper with the storm water system without the written consent of the City.

4.30.06 Establishment of a Storm Water Utility Fee. There is hereby created a Storm Water Utility Fee to accomplish the above-stated purposes.

a) The Storm Water Utility Fee amount will be set by a resolution of the Council. Billing shall be as a line item on the City's utility bill unless otherwise specified below.

b) All developed properties within the city limits shall be charged the Storm Water Utility Fee. Undeveloped properties shall not be charged a Storm Water Utility Fee. There shall be no charge for an undeveloped property until such time as a certificate of occupancy permit has been issued for the property by Marion County.

c) It is the Council's intention to review the Storm Water Utility Fee annually, as part of the budget review process, and determine whether a reduction in the surcharge would be appropriate or not.

4.30.07 Dedication of Funds. All Storm Water Utility Fee revenues derived shall be distinctly and clearly noted as revenue in the City budget and shall be expended on the improvement, maintenance, administration and operation of the Storm Water System.

4.30.08 Collection. Storm Water Utility Fees shall be billed monthly as a separate item on the city utility billing. Unless another person responsible has agreed in writing to pay, and a copy of that writing is filed with the city, the person normally responsible for paying the city's water and sewer utility charges is responsible for paying the Storm Water Utility Fee. However, the owner of record of the property shall at all times be primarily responsible for payment. For instance, the property owner shall be responsible for payment if a tenant on the property does not pay the surcharge. In the event a developed property is not served by a domestic water meter or sewer hook-up, or if water and sewer service is disconnected, the property owner of record is the responsible party.

Notwithstanding the above, if the Storm Water Utility Fee is not paid for a period of three months, the surcharge, with any attendant late fees, shall be imposed on the owner of the property and the unpaid charges may be imposed as a lien on the owner's property after the owner of record has been notified of the outstanding charges by certified mail and given 45 days to pay those outstanding charges, as well as provide for adequate assurance of future payments. The city may proceed to enforce or foreclose any lien to which it shall be entitled pursuant to the law.

4.31.00 ILLICIT DISCHARGE AND DETECTION. This Ordinance shall be known as the Storm water Discharge Control Ordinance of the City of Turner and may be so cited.

4.31.01 Purpose And Intent. The purpose and intent of this Ordinance is to ensure the health, safety, and general

welfare of citizens, and protect and enhance the water quality of waterways and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act, Oregon Revised Statutes, Oregon Administrative Rules, and the Oregon Department of Environmental Quality by reducing pollutants in storm water discharges and by prohibiting non-storm water discharges to the storm drain system

4.31.02 Definitions. The terms used in this Ordinance shall have the following meanings: (a)"Bank" means:

(1) That portion of a waterway that is exposed from the Ordinary High Water Line (OHWL) and extends to upland.

(b) BMP means best management practices.

(c) City. The City of Turner.

(d) Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

(e) Construction Activity. Activities subject to NPDES Construction Permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

(f) Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated,

stored, transported, disposed of, or otherwise managed.

(g) Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 9.

(h) Illicit Connections. An illicit connection is defined as either of the following: (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

(i) Industrial Activity. Activities subject to NPDES Industrial Permits.

(j) National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits. General, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations and regulated through the Oregon Department of Environmental Quality.

(k) Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

(l) "Ordinary High Water Line" (OHWL). The line on the bank or shore to which the high water ordinarily rises annually in season. The OHWL excludes

exceptionally high water levels caused by large flood events (e.g., 100 year events).

(m) Person Responsible or Responsible Person. The equitable or legal owner of the subject property, a lessee, tenant or person in possession of the property, or the person or persons directly or indirectly responsible for an act.

(n) Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.

(o) "Pollution" means such contamination or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, silt, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any water of the state that either by itself or in connection with any other substance present can reasonably be expected to create a public nuisance or render such waters harmful, detrimental, or injurious to public health, safety, or

welfare; to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wildlife, fish, other aquatic life or the habitat thereof.

(p) Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(q) Storm Drain System. Public facilities under the jurisdiction of the City by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City.

(r) Storm water. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

(s) UIC means underground injection control. A UIC is a subsurface distribution system for storm water; usually an assemblage of perforated pipes, drain tiles or other mechanisms intended to distribute fluids below the surface of the ground.

(t) "Waters of the State" means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon, and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters) that are located

wholly or partially within or bordering the state or within its jurisdiction.

thereto, or any applicable implementing regulations.

(u) Waterway means a body of water (whether natural or man-made) that periodically or continuously contains waters of the state and has a definite bed and banks that serve to confine the water

4.31.03 Applicability. This Ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the City of Turner including any amendments or revisions thereto.

4.31.04 Responsibility For Administration. The City Administrator of the City, or his/her designee shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the City Administrator may be delegated by the City Administrator to persons or entities acting in the beneficial interest of or in the employ of the City.

4.31.05 Severability. The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

4.31.06 Regulatory Consistency. This Ordinance shall be construed to assure consistency with the requirements of the Clean Water Act, Oregon Revised Statutes, Oregon Administrative Rules, and the Oregon Department of Environmental Quality and acts amendatory thereof or supplementary

4.31.07 Ultimate Responsibility Of Discharger. The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into Waters of the State caused by said person. This Ordinance shall not create liability on the part of the City of Turner, or any agent or employee thereof for any damages that result from any discharger's reliance on this Ordinance or any administrative decision lawfully made hereunder.

4.31.08 Prohibition Of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system, UICs, or waterways any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

Discharges from the following activities will not be considered a source of pollutants to the storm drain system and to Waters of the State when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges under the Clean Water Act, Oregon Revised Statutes, Oregon Administrative Rules or this Ordinance:

- 1) potable water line flushing;
- 2) uncontaminated pumped groundwater and other discharges from potable water sources;

- 3) landscape irrigation and lawn watering;
- 4) diverted stream flows; rising groundwater; groundwater infiltration to the storm drain system;
- 5) uncontaminated foundation and footing drains; uncontaminated water from crawl space pumps;
- 6) air conditioning condensation; uncontaminated nonindustrial roof drains;
- 7) springs;
- 8) individual residential car washing and/or occasional non-commercial car washing (e.g. fundraising purposes);
- 9) flows from riparian habitats and wetlands;
- 10) dechlorinated swimming pool, hot tub, spa or similar discharges;
- 11) street wash waters;
- 12) flows from fire fighting.

The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the Oregon Department of Environmental Quality under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City of Turner for any discharge to the storm drain system.

4.31.09 Prohibition Of Illicit Connections .

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made

in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

4.31.10 Waste Disposal Prohibitions.

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, UICs, or Waters of the State, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in proper waste receptacles for the purposes of collection are exempted from this prohibition.

4.31.11 Discharges In Violation Of Industrial Or Construction Activity NPDES Storm Water Discharge Permit.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Failure to comply with all provisions shall constitute a violation of this Ordinance. Proof of compliance with said permit may be required in a form acceptable to the City Administrator prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

4.31.12 Waterway Protection. Every person owning property through which a waterway passes, or such person's lessee, shall keep and maintain that part of the waterway within the property free of trash, debris and contamination that would

pollute, contaminate the water flowing through the waterway

4.31.13 Requirement To Monitor And Analyze. The City Administrator may require by written notice that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system, UICs, or Waters of the State, to undertake at said person's expense such monitoring and analyses and furnish such reports to the City of Turner as deemed necessary to determine compliance with this Ordinance.

4.31.14 Illegal Discharge Procedure. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the State from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. Upon discovery of any illicit discharge, the responsible person shall immediately notify the City Administrator or other available City personnel.

4.31.15 Authority To Inspect. Whenever necessary to make an inspection to enforce any provision of this Ordinance, or whenever the City Administrator has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Ordinance, the Director, or his/her designee, may enter such premises at all times to inspect the same and to inspect

and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek warrant or other assistance from any court of competent jurisdiction in obtaining such entry, including, but not limited to Municipal Court Warrant.

4.31.16 Authority To Sample, Establish Sampling Devices, And Test. During any inspection as provided herein, the City Administrator may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

4.31.19 Requirement To Eliminate Illegal Discharges. Notwithstanding the requirements of Section 23 (Emergency Abatement) herein, the City Administrator may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges. Failure to comply with the requirements of the notice within the time stated shall constitute a violation of this Ordinance.

4.31.20 Requirement To Eliminate Or Secure Approval For Illicit Connections.

(a) The City Administrator may require by written notice that the person responsible for an illicit connection to the storm drain system comply with the requirements of this Ordinance to either eliminate the connection or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or

approved prior to the effective date of this Ordinance.

(b) If, subsequent to eliminating a connection found to be in violation of this Ordinance, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

4.31.21 Requirement To Remediate. Whenever the City Administrator finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or Waters of the State, the City Administrator may require by written notice to the responsible person that the pollution be remediated and the affected property restored within a specified time. Failure to comply with the requirements of the notice within the time stated shall constitute a violation of this Ordinance.

4.31.22 Notice Of Violation. Whenever the City Administrator finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, he may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards

and the restoration of any affected property; and
(e) The implementation of source control or treatment BMPs supplied by the City Administrator or his/her designee.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the City Administrator and the expense thereof shall be charged to the violator pursuant to Section 24.

4.31.23 Abatement By City. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then the City or a contractor designated by the City Administrator may enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.

4.31.24 Emergency Abatement. The City Administrator, or his/her designee, is authorized to require immediate abatement of any violation of this Ordinance that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the City Administrator, the City of Turner is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense

related to such remediation undertaken by the City of Turner shall be fully reimbursed by the property owner and/or responsible party pursuant to Section 24. Any relief obtained under this section shall not prevent City from seeking other and further relief authorized under this Ordinance.

4.31.25 Charging Cost Of Abatement/Liens.

(a) Following completion of abatement by the City, the City Administrator, by certified mail, postage prepaid, return receipt requested, shall forward to the responsible person a statement of costs which include: The total costs of abatement, including administrative overhead. A statement that the costs as indicated will be assessed against the subject property unless paid within ten (30) days of the date of the statement. A statement that the City Council will hold a public hearing to determine the correctness of the statement and to declare a lien against the subject property on a date which is at least ten (10) days from the date of the statement.

(b) After the expiration of ten (10) days after the date of the statement, the City Council, in the regular course of business, shall hold a public hearing to hear the matter. Following the hearing, the Council may, by ordinance, determine the correctness of such statement and declare the same to be a lien upon the subject property, to be entered in the lien docket and enforced against the property, in the same manner provided for the enforcement of liens for street improvement. Such determination by the Council shall be considered a final order. Appeal from the Council's final order shall be by way of writ of review only, pursuant to ORS 34.020 et seq.

(c) An error in the name of the responsible person shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

(d) The lien shall bear interest at the rate of nine percent (9%) per annum. The interest shall commence to run from the date of entry of the lien in the lien docket.

4.31.26 Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. A violation of or failure to comply with any of the requirements of this Ordinance shall be considered a General Penalty under TRC 1.45.00.

4.31.27 Compensatory Action. In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the City Administrator may propose alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

4.31.28 Notice Process. When required by this Ordinance, notice shall be in writing and delivered personally, by posting or by certified mail, postage prepaid, return receipt requested.