

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR

MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 154

An ordinance relating to the operation and administration of public sewerage systems within Multnomah County; establishing regulations controlling connections and discharges to such systems; prescribing permits and rates; establishing standards for construction, installation and restoration of construction sites; and imposing penalties

Multnomah County ordains as follows:

Section 1. Section Title and Pleading.

This ordinance shall be known as the Multnomah County Sewerage Ordinance, may be so pleaded, and shall be referred to herein as "this ordinance".

Section 2. Scope of Application.

This ordinance shall apply to all public sewerage systems within Multnomah County, whether owned by Multnomah County or any service district for which the Board of County Commissioners for Multnomah County acts as governing body, pursuant to ORS 451.485.

Section 3. Definitions.

For the purposes of this ordinance, unless the context requires otherwise, the following terms are defined as follows:

1. Board: Board of County Commissioners of Multnomah County, Oregon, as governing body for Multnomah County, Oregon, or for a sewerage service district.
2. Director: The Director of the Department of Environmental Services of Multnomah County, or his authorized representative.
3. Dwelling Unit: Any housing unit with sanitary and kitchen facilities designed to accommodate one or more residents, including detached residences, multiple housing units, mobile homes and trailer spaces, but excluding commercial (transient) housing units such as hotel and motel units, and retirement homes with ten or more units under one roof, containing therein a dining room facility regularly open a minimum of five days per week, primarily for the use of the residents and their guests.
4. Commercial or Industrial Occupancy: Use of any structure or facility, including unimproved land, for the preparation, processing, treating, making, compounding, assembling, mixing, improving or storing of any product or any solid, liquid or gaseous material for commercial or industrial purposes or for the cleaning, processing or treating of tanks,

vats, drums, cylinders or other containers used in transportation or storage of any solid, liquid or gaseous material for commercial or industrial purposes and includes all public eating places.

5. Industrial Wastes: Wastes or waste waters generated by industrial or commercial occupancy.

6. Engineer: County engineer for Multnomah County or his authorized representative.

7. Person: Natural individuals, corporations, partnerships and other legal entities, including political subdivisions.

Section 4. Regulations Affecting Sewers, Connections and Discharges Thereeto.

R.010 Permit Requirements. A permit shall be required, upon payment of prescribed fees therefor, issued by the Director, for the performance of any of the following:

(1) To dig up, break into, excavate, disturb, dig under, or undermine any street for the purpose of laying or working upon any sewer pipe, culvert or sewer or drain appurtenance or facility of any kind;

(2) To make connection with, obstruct or interfere with any public sewer, drain pipe or culvert;

(3) To cut or break into any public sewer, drain or culvert, whether or not at a service branch of a facility provided for connection;

(4) To connect the blowoff or exhaust pipe of any boiler, steam engine or other pressurized facility with any public sewer or drain;

(5) Emergency repairs involving leakage or breakage in any pipe, sewer, drain or conduit, requiring immediate action, may be performed by any person otherwise authorized to perform such work, without first obtaining a permit, provided, however, that he shall, as soon as practicable, file application for a permit, pay the prescribed fees therefor and comply with all conditions which may be imposed by the permit, including correction of work already performed.

R.020 Application for Connection Work Permit.

Permits as required by Section R.010 shall be obtained upon written application to the Engineer, providing such information as may be required thereon, including but not limited to the name of the street in which work is to be performed, the purpose of the work, location of the pipe, main, sewer or conduit to be laid, examined, repaired or worked upon, as well as the location of the building or lot, if any, to be connected with such water, gas, steam or sewer pipe or conduit, and the number of days required for taking up and replacing the pavement or street surface.

a. Connection applications for occupancy by other than commercial or industrial uses shall include the location and area to be drained;

b. Applications to connect commercial or industrial occupancies shall include a description of the business, plat of the property, plans and specifications for any special installations, and a description and time schedule of the character and quantity of waters and wastes to be discharged.

R.025 Connection to Existing Systems.

Existing sanitary or storm drainage mains or systems to which any new connection is to be made shall be in a condition satisfactory to the Engineer before connection approval and a permit shall be given. The Engineer may require television recordings demonstrating the condition of the pipes before granting approval. Any additional mechanical equipment required to operate such system shall be in a condition satisfactory to the Engineer.

R.030 Bond Requirements.

(a) Except as hereinafter provided, applications for a connection work permit shall include an approved corporate surety bond of not less than one thousand dollars (\$1,000), conditioned upon the immediate removal of all surplus sand, earth, rubbish and other forms of material and immediate replacement, to a condition satisfactory to the Engineer, of that portion of any street so disturbed, dug up or undermined and the requirement that the permittee maintain that portion of a street in good repair at his own expense for a period of two years from the completion date of such work, provided, however, that a permittee may file annually a bond in the penal sum of two thousand dollars (\$2,000) in place of a separate bond for each part of a street on which work is to be performed.

(b) Exceptions. No bond shall be required for work to be performed entirely between the property line and curb line of the street area in front of and immediately adjoining the property of the owner or resident; nor for work to be done by an applicant who has on file with the Division of Community Services of Multnomah County, Sanitation Section, a currently valid master plumber's bond as required by plumbing regulations of the Division.

R.040 Issuance of Connection Work Permits. Upon receipt of an application, payment of fees therefor, posting of applicable bond and review of the Engineer, a permit shall issue to perform such work as the Engineer approves, subject to a determination that the public interest will not be impaired, and upon such restrictions and conditions as the Engineer may deem appropriate to protect the public safety, health and welfare.

R.050 Restoration of Work Area and Maintenance of Street Required.

It shall be unlawful for any person to whom a permit has issued, notwithstanding posting of any bond, to fail or refuse to immediately remove all surplus sand, earth, rubbish and other material and immediately restore to a condition satisfactory to the Engineer, the portion of the street so disturbed, dug up or undermined, or to fail or refuse to keep such street in good repair at his own expense for a period of two years from the date the work is completed.

R.060 Work Requirements Under Connection Work Permit.

All work to be performed under a connection work permit shall be supervised by the Engineer and shall comply with the following requirements:

- (1) Work shall commence no later than seventy-two (72) hours after issuance of the permit and shall be performed diligently and continuously to completion, with excavation refilled and pavement replaced as provided herein;
- (2) Pipes, mains and sewers which are to run lengthwise in any street shall be located as prescribed by the Engineer and all pipes and sewers for a house or lot connection shall lay at right angles to the curb, unless otherwise directed by the Engineer.
- (3) Stone, macadam, gravel or other excavated pavement material shall be kept separate from excavated earth;
- (4) Within twenty-four (24) hours after the laying or reaching of a sewer, all trenches or holes within any street shall be backfilled in accordance with those General Provisions adopted by the Board on December 18, 1969, and from time to time thereafter amended.
- (5) Adequate barricades shall be installed and maintained around work and shall include OSHA approved lights and warning devices as may be required by the Engineer;
- (6) Commercial or industrial occupancy connections shall include installation of an eight inch test and lamphole located just outside the property line, unless otherwise required to be located by regulation R.120(f);
- (7) All other requirements as may be reasonably imposed by the Engineer.

R.070 Storm and Sanitary Sewage Separation Required.

Drainage from sanitary and storm sewers shall be separately conveyed and discharged into public sewers; where sewers are not available, storm waste shall be disposed of in a manner prescribed by the Engineer which may include on-site disposal.

R.080 Prohibited Use of Restricted Sewers.

No person shall discharge, permit the discharge, or permit or authorize a connection which will result in the discharge of:

- (a) sanitary sewage into a public sewer which has been designated by the Engineer exclusively for storm drainage; or
- (b) storm drainage or uncontaminated water used for refrigeration or cooling purposes or steam condensate into a public sewer designated by the Engineer exclusively for sanitary sewage.

R.090 Specific Waste Discharge Prohibited.

No person shall directly or indirectly use any public sewer to discharge, or cause to be discharged, any of the following wastes:

(1) Gasoline, benzene, naphtha, alcohols, fuel oil, or other toxic, flammable or explosive liquid, solid or gas, unless by emergency order of the Engineer;

(2) Solid or viscous substances capable of obstructing sewage flow or interfering with the operation of the sewage works or treatment facilities, including but not limited to, ashes, cinders, sand, mud, straw, insoluble shavings, metal, glass, rags, feathers, tar, creosote, plastics, wood, animal paunch contents, offal, blood, bones, meat trimmings and wastes, fish or fowl heads, entrails, trimmings and wastes, lard, tallow, baking dough, chemical residues, paint residues, cannery waste bulk solids, hair or fleshings, plastic or paper dishes, cups or food or beverage containers, in any form;

(3) Any noxious, malodorous, toxic or poisonous substance, gas, liquid or solid, which by itself, or upon interaction with other wastes, may create a risk of harm to the public or to persons entering a sewer facility;

(4) Radioactive wastes, except as may be discharged by permit issued by the State of Oregon Department of Environmental Quality and approved by the Engineer and determined thereby not to be hazardous to facilities and personnel or to receiving waters;

(5) Contents of cesspools or septic tanks, unless such material is by contract to be received by county or service district treatment plants.

R.100 Limitation Standards on Permitted Waste Discharges.

No person shall discharge or permit the discharge of waste into any public sewer, directly or indirectly, which has any of the following characteristics:

(1) Kitchen waste, whether of domestic or commercial origin, which has not been reduced to particulate size of one-quarter inch or less in any dimension;

(2) Liquid or vapor exceeding a temperature of 150 degrees Fahrenheit;

(3) Matter containing in excess of one hundred milligrams per liter, or any lesser content as may be fixed by the Engineer for particular occupancies, of fat waste, oil or grease, whether emulsified, ether-soluble or n-hexane soluble matter, or any substances which solidify or increase viscosity at temperatures above 32 degrees Fahrenheit;

(4) Soluble waste or waste waters with hydrogen ion concentration (pH factor) lower than 5.5 or higher than 9.0, or which have other corrosive properties that may reasonably be hazardous to structures,

equipment or personnel of the system, including but not limited to, battery and plating acids and wastes, copper sulfate, chromium salts and compounds or salt brine;

(5) Waste containing toxic or poisonous substances sufficient to injure or interfere with sewage treatment, create a hazard to humans or animals, or to receiving waters or storm water overflows, or to the effluent of the sewage treatment plant. Liquids containing copper, zinc and similar toxic substances at the point of discharge to the sewer or in combination with the total sewage treatment plant flow, shall not exceed the following limits:

	<u>Entry to Sewer</u>	<u>Receipt at Plant</u>
Arsenic	1.0 mg/l	0.3 mg/l
Cadmium	1.0 mg/l	0.3 mg/l
Chromium (All forms)	5.0 mg/l	1.0 mg/l
Copper	2.0 mg/l	0.3 mg/l
Cyanide	1.0 mg/l	0.2 mg/l
Iron	10.0 mg/l	2.0 mg/l
Lead	2.0 mg/l	0.2 mg/l
Nickel	3.0 mg/l	0.5 mg/l
Phenols or Creosols	1.0 mg/l	0.3 mg/l
Zinc	4.0 mg/l	1.0 mg/l

(6) Any material which the Engineer determines may impair the effective operation of the sewage treatment plant, including but not limited to the following causes:

- A. Concentrations of inert suspended or dissolved solids, including but not limited to fuller's earth, lime slurries or residues, sodium chloride, calcium chloride or sodium sulfate;
- B. Dye wastes or vegetable tanning solutions resulting in excessive discoloration; or
- C. Unusual biochemical demand.

(7) Any water or wastes which the Engineer determines will, alone or in combination with other water or wastes in the system, release obnoxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration, not be treatable or reducible by the sewage treatment processes available or not be sufficiently treatable to meet requirements of other agencies which have jurisdiction over waters to which treated sewage is discharged.

R.110 Industrial Waste Restrictions.

(a) No industrial wastes shall be discharged into a public sewer or into a sewer discharging into the county sewer system unless prior approval of the Engineer is obtained, if the industrial wastes have any of the following characteristics:

- (1) A five day twenty degree Centigrade biochemical oxygen demand of more than three hundred mg/l (milligrams per liter) or an immediate oxygen demand of more than one hundred mg/l.

- (2) A suspended solids content of more than three hundred fifty mg/l.
- (3) A chlorine demand of more than twenty mg/l.
- (4) A maximum instantaneous rate of flow exceeding ten percent of the capacity of the available lateral or appropriate trunk sewer.
- (5) Characteristics or constituents exceeding the maximum fixed in Regulation R.100.

(b) If any industrial wastes are discharged or are proposed to be discharged to a public sewer, which wastes contain the substances or possess the characteristics enumerated in subsection (a) of this section, or exceed the maximums set forth in Regulation R.100, and which in the judgment of the Engineer may have a deleterious effect upon the sewage works processes, equipment, or receiving waters, or which otherwise create a hazard to life or create malodors, the Engineer may:

- (1) Reject the waste; or
- (2) Require preliminary treatment to an acceptable condition for discharge to the public sewer, and to this end may:
 - A. Require reduction of the five day twenty degree Centigrade biochemical oxygen demand to less than three hundred mg/l and the immediate biochemical oxygen demand to less than one hundred mg/l; and/or
 - B. Require reduction of the suspended solids content to less than three hundred fifty mg/l; and/or
 - C. Require regulation of the quantities and/or rates of discharge; or
 - D. Require additional payment at the rate of twice the regular rate per 1000 cubic feet of flow to cover the added cost of handling and treating the wastes, if the commercial or industrial occupancy requests such arrangement in lieu of preliminary treatment or to reduce the extent of preliminary treatment, and the Engineer finds that county treatment after discharge is feasible.

(c) Any person aggrieved by a determination or decision of the Engineer under this section may appeal therefrom by filing a notice of appeal in writing with the Director of Environmental Services of Multnomah County within ten days after such decision or determination.

R.120 Preliminary Treatment Facilities.

(a) Plans, specifications and other information relating to construction or installation of preliminary treatment facilities required by the Engineer under this Ordinance shall be submitted to the County Engineer and to the Oregon State Department of Environmental Quality

as required by the laws of Oregon. No construction or installation thereof shall commence until written approval of plans and specifications by the County Engineer and the Oregon State Department of Environmental Quality are obtained. No person, by virtue of such approval, shall be relieved of compliance with other laws or ordinances of the county and of the state relating to construction and to permits. Every facility for the preliminary treatment or handling of industrial wastes shall be constructed in accordance with the approved plans and specifications, and shall be installed and maintained at the expense of the occupant of the property discharging the industrial wastes.

(b) Any occupant of property upon which is required the installation of facilities for the preliminary treatment of industrial wastes, shall comply with the requirement within six months from the date of notice of the requirement. The Engineer may extend such time for reasonable cause. If a preliminary treatment facility is not completed and placed in operation within the six months or such period extended by the Engineer, sewer service to the premises may be summarily terminated. During the period of construction of a preliminary treatment facility, no discharge in violation of Regulations R.100 and R.110 shall be permitted.

(c) Every facility for preliminary treatment or handling of industrial wastes shall be subject to inspection by the Engineer, who shall determine whether or not such facility is being maintained in effective operation.

(d) Notwithstanding installation and operation of a preliminary treatment facility, no person shall discharge or permit the discharge into a public sewer of any waste prohibited under the provisions of this Ordinance.

(e) If the Engineer finds that the occupant of property, who controls a preliminary treatment facility, fails to maintain such facility in effective operation, sewer service to said occupancy may be summarily discontinued, until the facility is restored to effective operation, or, in the discretion of the Engineer, such untreated waste may be discharged into the system, provided that a surcharge rate as provided in Section 5.C.010(1)c. shall be imposed.

(f) Any person constructing a preliminary treatment facility, as required by the Engineer, shall also install at his own expense and maintain a sampling manhole for checking and investigating the discharge from the preliminary treatment facility to the public sewer. The sampling manhole shall be placed in a location designated by the Engineer and in accordance with specifications approved by the Engineer.

(g) Any person or organization operating a preliminary treatment facility discharging into the public sewer, shall be responsible for sampling and testing of the discharge in order to ensure the required quality. This work may be done by the person or organization, subject to approval of methods, etc., by the Engineer or, it may be performed by an approved testing company at the expense of

the person or organization. Results of such testing shall be submitted at periods to be prescribed by the Engineer, and copies of test results furnished to the Engineer. This shall not preclude the County's right to take samples and to make tests. Expenses for sampling and testing of said discharge that the County deems necessary to make, may be charged to the person or organization operating such facility.

R.130 Extra Strength Industrial Waste Surcharge.

No industrial waste which exceeds standards of Regulation R.110 will be accepted into the county sewer system without approval of the Engineer, and payment of a surcharge rate as prescribed in Section 5.

R.140 Test Methods.

Methods to be used in determining the acceptability of sewage or waste water, to meet the requirements of Regulation R.100, paragraphs (3) and (5), and R.110(a) (1), (2) and (3), specifically, and other provisions of this Ordinance as required, shall be in accordance with the current edition of "Standard Methods for Examination of Water and Waste Water", as published jointly by the American Public Health Association, the American Water Works Association, and Water Pollution Control Federation.

Section 5. Sewer Service Rates, Charges and Collection.

C.010 Sanitary Sewer User Service Charges.

Sanitary sewer user service charges pursuant to applicable provisions of this Ordinance, are assessed, levied and established and made effective as hereinafter stated, against each and every lot, tract, or parcel of land using public sewer or sewers. The charges, except as hereinafter set forth, are established for all dwelling units at a uniform flat rate as defined in paragraph (1) of this subsection; and all property other than the above described dwelling units upon the quantity of water reaching the premises from both public and private water supplies.

(1) Service Within the District. Except as otherwise provided by this section, the rate of sewer user service charge against each and every lot, tract, or parcel of land using a public sewer or sewers, and containing sanitary facilities or put to a use which requires sewage facilities, shall be:

A. Dwelling Units. The rate of sewer user service charge against each and every dwelling unit shall be five dollars per month per unit.

B. Other than Single Family Dwelling Units. The rate of sewer unit service charges against all commercial, industrial and all other property except single family dwelling units (SFU) in A. above, and special industrial units in C. below, shall be five dollars per month per single family unit (SFU) equivalent according to the following table:

Multiple family dwellings	1 Unit per equiv. dwelling unit
High schools	10 Students per unit
Elementary Schools	15 Students per unit
Motels and transient hotels	2 Rental spaces per unit
Trailer parks	1 Rental space per unit
Restaurants and taverns	6 Seating spaces per unit
Hospitals and institutions	2 Beds per unit
Industrial and commercial bldgs. (without industrial waste)	9 Employees per unit

C. Commercial and Industrial Property Generating Industrial Waste.

The rate of sewer user service charge against all commercial, industrial and all other property except units subject to charges under A. and B. above, shall be on the basis of water consumption through both public and private water supplies. The rate shall be five dollars per thousand cubic feet billed monthly, provided, however, that a surcharge rate of ten dollars per thousand cubic feet shall be billed to users who discharge extra strength wastes as provided in Section 4, R.130. All water supplies shall be metered, and the Engineer shall have access to such meters. For property without a water supply, the minimum charge will be five dollars per month per single family unit or equivalent. The County or district may require that such a user provide metering of flow into the public sewer from his premises.

- D. Combined Dwelling Units and Other. Where both dwelling units and other occupancies are combined on the same water supply, the charges shall be at the dwelling unit rate required in paragraphs A. and B., with an additional charge based on water consumption as required in C., but the amount of water consumption used as the basis of the charge under C., shall be reduced by an allowance of 1000 cubic feet per month per dwelling unit. The charge shall be equal to the sum of the dwelling units increased by one unit, all charged at the dwelling rate, plus a charge on that water consumption which exceeds the allowance of 1000 cubic feet per month per dwelling unit. The lowest charge shall be equal to the number of dwelling units increased by one unit and charged at the dwelling unit rate.
- E. Where it is necessary for sewage to be pumped to the treatment plant (as opposed to gravity flow) additional service charges may be assessed to cover the cost of pumping and maintenance of pump stations. In the absence of an agreement or contract, this charge will be from 50¢ to \$2.00 per 1000 cubic feet of water consumption per month, depending upon the quantity and expenses involved.
- F. Disposal of Waste from Chemical Toilets and Holding Tanks. Acceptance of this material will be at the discretion of the Department of Environmental Services on a permit basis. The charge will be two (2) cents per gallon of tank capacity.

(2) Service Outside the District. Charges for outside the district service, except as hereinafter set forth, shall be at 1-1/2 times the rates charged for similar service inside the district except where rates may otherwise vary by agreement within an area lying within an incorporated city.

The charges as thus computed shall be subject to all applicable provisions of this Ordinance. Outside residential service as by this section authorized, shall be made available at the sewer where the same has been first approved by the Engineer and shall be made only after application in writing has been filed with the Engineer by the owner or person having a recorded equitable interest in the property for which sewer service is requested. All lateral or lead sewers to be connected with a district sewer shall be first approved by the Engineer as to design and location. Special charges as hereinafter provided shall first be paid before any connection shall be made and the applicant shall first obtain such permits as may be required by city or state authorities for street or highway opening or use. In computing and adjusting the charges herein provided, the Engineer shall have authority to determine the same and it shall be the duty of the person who has been granted permission to connect with the county or district sewer system to provide such information or proof as to water used quarterly as may be required by the Engineer to determine the charges. No charge shall be less than the minimum provided for service within the district, multiplied by the applicable factor, as provided by the paragraph above. Any person desiring to connect with a district sewer under the provisions of this title shall enter into such contract or agreement as may be required by the Engineer.

(3) Charges for Business, Industrial, Commercial, Institutional or Similar Service Outside the District.

- A. The rate of sewer user service against each and every business, industrial, commercial, institutional or similar property use outside the district, except within the City of Portland, shall be as fixed and determined by agreement in writing, approved by the County Counsel as to form, between such user and the County or district.
- B. The Board of County Commissioners of Multnomah County may enter into agreements for and on behalf of the county or district, permitting such connection and providing for such service when it finds service feasible and appropriate. The Engineer shall have authority to conduct such investigation as he deems necessary in connection with the application of any business, industry, commercial plant, institution or similar use of property to connect with a public sewer under district control and he shall have authority to require the construction of adequate pretreatment or other facility and pretreatment or handling of sewage as he deems proper before the same may be placed in a

public sewer. He shall have authority to fix maximum strength and exclusionary requirements as he deems necessary in order that the operation of the district's sanitary sewage disposal system may be adequately protected and pollution not unduly increased. All lateral or lead sewers to be connected by authority of this subsection shall be first approved by the Engineer as to design and location.

(4) Determination of Which Property is Outside the District.

In determining whether any residential or business, industrial, commercial, institutional or other or similar properties are to be deemed within or without the district limits where the same are partially within and without, any such property where 66-2/3 percent or more of the assessed valuation of the same is recorded in the records of the County Assessor as lying beyond the district limits, the property shall be deemed wholly without the district for the purpose of sewer user charges.

(5) Senior Citizens Rate Reduction. A reduction of 50% of the monthly sewer user charge shall be made for any single family unit occupied by a person or persons presenting satisfactory evidence of the head of the household being at least 65 years of age, having an annual income not exceeding \$5,000 for a single person or \$7,500 for a married couple. Applications will be received by the Division of Community Services of Multnomah County, and must be made annually.

C.020 Special Charges.

(a) Equivalent Dwelling Units.

(1) The following charges for connection with a public sewer inside or outside the district shall be based on equivalent dwelling units and shall be as follows:

Single family residence	1 Unit
Multiple family dwellings	1 Unit per equiv. dwelling unit
High schools	10 students per Unit
Elementary schools	15 students per Unit
Motels and transient hotels	2 rental spaces per Unit
Trailer parks	1 rental space per Unit
Restaurants and taverns	6 seating spaces per Unit
Hospitals and institutions	2 beds per Unit
Industrial and commercial bldgs. (without industrial waste)	9 employees per Unit

(2) Industrial waste as defined in Section 3.5, Sewer Regulations, not specifically covered in the preceding paragraph, shall be charged on a fixed equivalent of one thousand cubic feet of water consumption per unit per month of charge, as determined by the Engineer, but in no event less than the units applicable without industrial waste.

(3) Multiple unit connection charges within the Central Service District and all others created hereafter shall be as follows, provided that all other existing Service Districts shall be governed by charges duly adopted by Board order:

A. Plant Charge.

1. Single family unit:

- a. Upon effective date of Ordinance - \$450
- b. July 1, 1978 \$500
- c. July 1, 1979 \$550
- d. July 1, 1980 \$600

2. Multiple connection rate for multi-family, commercial, industrial, as follows:

a. First single family unit or equivalent:

- i. Upon effective date of Ordinance - \$450
- ii. July 1, 1978 \$500
- iii. July 1, 1979 \$550
- iv. July 1, 1980 \$600

b. Each additional single family unit or equivalent:

- i. Upon effective date of Ordinance - \$385
- ii. July 1, 1978 \$425
- iii. July 1, 1979 \$470
- iv. July 1, 1980 \$510

B. Line Charge.

1. Property on behalf of which direct contribution of proportionate share of cost of public sewer has been made \$ 0

2. Property on behalf of which no direct contribution of proportionate share of cost of public sewer has been made:

a. Single family unit \$1,250

b. Multiple (includes industrial, commercial, apartments, hotel, motel, condominium, etc.):

1) Per residential frontage unit* on street of serving sewer (up to 70 ft. of frontage) \$1,250

2) Each additional five feet or portion thereof of frontage on street of serving sewer \$90

*A residential frontage unit is assumed to be 70 feet of frontage.

(4) Sewer User Charge rate for all districts shall be \$5.00 monthly per single family unit or equivalent; provided, however, that in districts where a greater rate has been established by duly enacted Board order, the greater rate shall apply; said rate shall be imposed no later than 90 days from issuance of sewer connection permit.

(b) Connection with a district sewer to serve any property outside the district limits shall be at the sole discretion of the Board of County Commissioners of Multnomah County, and on such conditions as prescribed by negotiated agreement. No connection from property inside or outside the district limits shall be permitted which, in the opinion of the district, may overload any public trunk or interceptor sewer, pumping station or treatment plant or which shall require any capital investment or expenditure by the district.

(c) All monies collected under the authority of this section shall be credited to the appropriate county or service district sewage fund, and any refunds shall be made from that fund.

C.030 Special Provisions.

(a) Where increased water use is caused solely by irrigation, sewer user service charges for certain properties other than those charged at flat rates during the months of June, July, August and September of each year, shall not exceed the monthly average of the charge for the previous four months. If there shall have been no four months' charge prior to June, then the service charge shall not exceed the average charge of the previous months less than four. Where there shall have been no charge for one month prior to June in any year, the service charge shall be the minimum.

(c) Connection to a county or district sewer shall be deemed temporary and to give no right to permanent connection regardless of lapse of time, and shall be subject to disconnection at the order of the Engineer whenever he finds that the property can be served by another sewer which is being or has been designed or engineered to carry the sewage from property.

(c) In cases where water is supplied solely from a private source or sources such as wells, springs, rivers or creeks, or forms a partial supply in addition to that furnished by the water system of the county, the private supply shall be metered, and any meters so used shall conform to the provisions of this Ordinance. In all such cases, the owner or person in charge of the premises shall give the Engineer the right of access at all reasonable times for the purpose of reading, inspecting or testing the meter or device and determining therefrom the amount of water reaching the district sewer. Failure of the owner, his lessee or others acting for him, to maintain the meter in good working order, constitutes a violation of this Ordinance and during the period of the meter's nonoperation and pending the proper repair and reinstallation of the meter, the account may be billed on the basis of three times the normal water usage or in such an amount as deemed proper by the Engineer.

(d) Sewer user service charges as provided in this Ordinance shall be applicable to all waste water discharged to the district sewer system

regardless of the source. In unusual circumstances where the waste water is not from a land location, such as ships, barges, houseboats and other movable facilities or quarters, a method of determining the volume provided by the user shall be used if approved by the Engineer. Otherwise, the Engineer shall estimate the volume of water to which sewer user service charges shall apply, and his determination shall be final. The rate of charge shall be the same as though the water originated from a local public or private source.

C.040 Meters.

(a) Each and every meter that is used under provisions of this Ordinance, shall conform to the conditions hereinafter set forth, insofar as they do not conflict with the requirements of the water district involved. Any meters so used shall have the approval of the Engineer as to type, size and location before installation. All meters shall register in cubic feet.

(b) Meters placed below the ground or pavement surface shall have the top of the meter not more than eight inches below the surface and shall be enclosed in a standard water meter box and cover. Meters located above the ground or floor level shall not be more than three and one-half feet above the ground or floor level.

(c) All meters shall be located in an area that is accessible at all times; the meter shall be so located that no locked door or gate shall be encountered by the Engineer when inspecting the meter. No meter shall be located adjacent to dangerous machinery or structural hazard; the extent of such hazards shall be determined by the Engineer.

(d) It is unlawful to install, change, by-pass, adjust or alter any metering device or any piping arrangement connected therewith by which it would appear that the quantity of water reaching the public sewer is recorded as less than the actual quantity.

C.050 Certain Industrial Uses.

(a) In cases of industries, industrial plants, utilities and other businesses or enterprises where the use of water is such that a major portion or all of the water is used in manufacturing products, such as ice, canned goods, beverages, and the like, is transported in containers away from the premises, or is lost by evaporation or irrigation, and where the owner or person in charge of the premises makes proof of this fact and installs a meter or other approved method of determining the amount of water so used, no charge shall be made for water so used in excess of 5000 cubic feet per month. Any meters so used shall conform to the provisions of this Ordinance, otherwise this section shall not be applicable.

(b) In addition to the penalty herein provided, the failure to repair a defective meter within thirty days after notice from the district that the meter is defective, revokes the applicability of the special rate provided in this section, and a sewer user charge shall be made at the rate based on water passing through the meter or bypass during those

thirty days and shall continue in effect until such time as the owner or person in charge of the premises formally notifies the Engineer that the meter has been repaired. The estimate of water consumption through the meter by the Engineer shall be final.

C.060 Computing and Billing. The sewer user service charges provided in this Ordinance shall be computed quarterly. They shall be due and payable on the dates and at the places provided. The monthly sewer service charge for existing occupancies will commence on the first of the month following date of connection. For new construction, charges will commence on the first of the third month following date permit is issued.

C.070 Identification of Inspectors. Each county employee entering upon private premises for the purpose of reading, inspecting or testing any metering device installed under the provisions of this Ordinance shall carry identification which he shall show upon demand of any person or owner in charge of the premises which he enters.

C.080 Collection. The sewer user service charge shall become due and be collected quarterly by the Department of Environmental Service of Multnomah County. All bills shall be due and payable from the date issued. Any bill for a sewer user service charge shall be delinquent when not paid after a period of ninety days from the date of issuance and shall bear interest at the legal rate from the date of delinquency. Not later than sixty days, and not earlier than ninety days from the time for making the annual tax levy by the County, the Department of Environmental Services Accounting Division shall certify in duplicate a statement of all delinquent sewer user charges and all unpaid interest thereon, to the Director of Assessment and Taxation, together with a description of the property to which the bills apply, giving both the street number and legal description, and name of the reputed owner of the property. The Director of Assessment and Taxation shall, after having noted on the originals of the statement the payments that have been made after receipt thereof, and the charges unpaid against other property, extend on the assessment roll the unpaid charges which shall be collected in the manner provided by statute.

C.090 Record of Charges. Sewer user service charges shall be a charge against the property served from and after the date of billing and entry on the ledger records of the Department of Environmental Services, Accounting Division. The ledger records shall be made accessible for inspection by anyone interested in ascertaining the amount of the charges against the property.

C.100 Refunds. In the event an error is found to have occurred in charging or billing sewer user service charges, refunds of sewer user service charges collected in error shall be authorized to persons who have paid the same, upon approval of the Engineer.

C.110 Appeal. A person aggrieved by any decision or determination of the Engineer, other than an estimate made final by the provisions of this Ordinance relating to charges for use of sewers or connections thereto, may appeal from the decision of the Engineer to the Director by filing a written notice of appeal within ten (10) days of the date of said decision.

Section 6. Criteria for Extra-Territorial Sewer Main Extensions.

- A. All extra-territorial extension sewers which do not flow into Multnomah County or Multnomah County service districts by gravity are temporary.
- B. All mains, lateral sewers, pump stations and pressure lines shall be constructed to Multnomah County and State of Oregon Department of Environmental Quality standards with plans and specifications subject to their approval as well as those of the city or district designated to serve the basin where the lines are to be located if other than the above. All related costs are the responsibility of the developer.
- C. Extra-territorial connections will be dedicated to the use of the public and be subject to standard county and/or service district connection fees. (If a portion of the connection fee is dedicated for line construction cost it may be waived by the County Engineer if the connection is made to a line or lines not financed by the county and/or district).
- D. Cost of operation and maintenance of pumping facilities and pressure lines necessary for the extra-territorial extension are the responsibility of the developer and must be guaranteed by him.
- E. Sewer users connected to an extra-territorial extension shall pay the standard sewer user charge collected from users within the district, in addition to fees described in Paragraph D, herein.
- F. Upon construction of the main sewer system for the basin where a temporary system is located, any temporary connection shall be discontinued and the extra-territorial collection system shall become a part of the collection system of its own basin. No fees or charges made with respect to this sewer extension shall be refundable.
- G. In addition to the above stated fees and charges, any properties which, by extra-territorial extension, become tributary to the Unified Sewerage Agency sewer system (even if flow passes through other cities or districts) shall be subject to an annual charge which is equivalent to the current levy assessed within Unified Sewerage Agency. The charge terminates with disconnection from the U.S.A. system.
- H. Lines constructed within another district or city shall become the property of that entity.

Section 7. Penalty.

- A. Violation of this Ordinance shall initially result in written notice by the Director to the person responsible therefor, stating the nature of the violation and providing a specified period for correction thereof to be determined by the Director based upon the degree of harm such violation represents to the sewerage system and the nature and extent of the violation; the person so notified shall, within the time period specified, comply therewith.
- B. In the event that a person, served with notice as provided by paragraph A. herein, fails to timely comply therewith, the conduct deemed to be in violation shall constitute a county offense under ORS 203.810,

and conviction thereof shall be punishable by a fine not to exceed \$2500.

C. Additional to any penalty provided herein, violation of this ordinance resulting in financial loss to Multnomah County or a service district for whom the county acts, shall create in the county a right to recover by appropriate civil action all such damage as may be occasioned thereby, pursuant to ORS 30.315(1).

Section 8. Conformance to Other Laws.

This ordinance shall not be deemed to eliminate the necessity of conforming to any and all federal, state, county and municipal laws, ordinances, rules and regulations, which now or in the future relate to the activities regulated by this ordinance.

Section 9. Repeal.

All ordinances or parts thereof in conflict with provisions of this Ordinance are hereby repealed.

Section 10. Separability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and any such holding shall not affect the validity of the remaining portions of this ordinance.

Section 11. Adoption.

This ordinance being necessary for the health, safety and welfare of the people of Multnomah County, shall take effect on the 30th day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County.

Adopted this 15 day of December, 1977, being the date of its 2nd reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

By Donald S. Clark
Chairman

APPROVED AS TO FORM:

JOHN B. LEAHY
County Counsel for
Multnomah County, Oregon

By Paul G. Mackey
Paul G. Mackey
Deputy County Counsel