

## Chapter 13.08

### SEWER SERVICE SYSTEM

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#### **13.08.010 Connection to Sewer System or Storm drain– Permit Required.**

No person, firm or corporation shall make any sewer connection to the sanitary sewer system or to a storm drain of the City of Port Orford without making application and securing a permit therefor. (*Ord. 308 § 1, 1980*)

#### **13.08.020 Permit Application**

(A) Application for sewer connection shall be made in writing in the form prescribed by officials of the City.

(B) Application for sewer connection permits

(D) Partial Exemption From Fees.

#### **13.08.090**

must conform with provision of any ordinances and other applicable laws regulating excavation in or under streets or alleys. (*Ord. 308 § 2,6, 1980*)

#### **13.08.030 Connection Fee and Sewer Use Charge**

(A) There shall be paid to the City by the owners of the property connecting to the sewer system a connection fee and a sewer use charge which shall be established by resolution of the Common Council of the *City of Port Orford* from time to time.

(B) The connection fee shall be paid in full upon connection.

(C) Calculation of Fees; Metering.

(i) Calculation of Fees.

(a) Fees Based on Total Volume of Water Consumed.

Sewer use fees shall be calculated upon the total amount of water consumed from all sources, public and private. Total amount of water consumed shall be determined by meters upon all public and private sources furnishing water to the user.

(b) Fees for Users Not on Water System.

If a user's property is not connected to the municipal water supply system and the City Administrator determines it is unnecessary to install a wastewater meter, the volume of water discharged may be estimated by the City Administrator for the purpose of determining the sewer use fees. The estimate shall be based on the activity conducted on the premises, number of fixture producing wastewater, number of residents or persons contributing to the production of wastewater, and such other factors deemed necessary by the City Administrator to estimate the volume of water discharged.

(c) Excessive Treatment Charge.

If the City Administrator determines a user is discharging or has discharged wastewater on a sustained, periodic, or accidental basis in a volume or with characteristic which cause the City to incur additional costs above normal costs associated with treating sewage, the user shall be billed for any additional costs resulting from that user's discharge.

(i) A user may apply to the City Administrator

for a partial exemption from the sewer use fee if the user can demonstrate that the total amount of water discharged into the sewer system is materially less than the total amount of water consumed by the user due to diversion for other uses. Any user seeking a partial exemption must submit a written application for an exemption, along with proof that the total amount of water discharged into the sewer system is materially less than the total amount of water consumed by the user. As used in this section, the volume of water discharged into the sewer system is “materially less” if the average monthly amount of water discharged is less than 60 percent of the average monthly amount of water consumed. Any user granted a partial exemption shall pay a use fee for only the volume of water actually discharged into the sewer system.

(ii) As a condition of any exemption, the City may require the installation and maintenance, at the user’s sole expense, of a meter to measure the volume of water diverted to other uses. The City Administrator shall approve the type and location of the meter. At any time deemed necessary by the City Administrator, the meter shall be tested by any approved testing contractor for accuracy, at the user’s sole expense. The user shall obtain reading from the meter on a monthly basis and provide them to the City on or before a date specified by the City Administrator, the user shall be solely responsible for the expense of all meter reading services. The supplier of such meter reading services shall be approved by the City Administrator.

(E) Adjustments to User’s Fee.

(i) If a waterline serving the user’s premises is broken, resulting in a sewer use fee which is materially greater than the user’s average monthly sewer use fee, the user may apply to the City Administrator for an adjustment to the sewer use fee charged for the month during which the break occurred.

Any such application shall be made within three months of the date of repair of the break.

(ii) The user shall present evidence to the City Administrator of the break, repair of the break, and the user’s average monthly sewer use fee. Upon satisfaction that break has occurred, been repaired, and that the sewer fee was materially

(1) User fees are debts to the City. Any user

greater than the user’s average monthly sewer use fee, the City Administrator shall rebate an amount to the user equal to the difference between the sewer use fee actually charged and the average monthly sewer use fee. As used in this subsection, a sewer use fee is “materially greater” if the sewer use fee is 130 percent of the average monthly user fee.

(F) Inaccurate Fees

Any user who believes his or her sewer use fee is based on inaccurate measurements or has grounds to contest the City Administrator’s estimate of volume of wastewater discharged into the sewer system may file a written request for review of his or her sewer use fee with the City Administrator. The request for review shall state the basis for the user’s objection and shall include a statement of the user’s measurements or estimated volume of discharge and shall state the method whereby the user’s measurements or estimates were made. If the user demonstrates inaccurate measurements or estimates to the satisfaction of the City Administrator, the sewer use fee shall be adjusted upwards or downwards as the case may be and the new fees shall be charged, commencing with the following month’s billing. (*Ord. 308 § 3, 1980; Ord. 2002-03 §§ 1 - 4, 2001*)

### 13.08.035 Collection Procedures

(A) Collection of User Fees. All users of the municipal sewer system will be billed and user fees collected by the City. All payments shall be deposited into the municipal sewer fund.

(B) Review of Fees. Any user who believes his or her user fee is based on inaccurate measurement may file a written request for review of his or her user fees with the City Administrator. The request for review shall state the basis for the user’s objection and shall include a statement of the user’s measurement and shall state the method whereby the user’s measurements were made. If the user demonstrates inaccurate measurements, the user fee shall be adjusted upwards or downwards, as the case may be, and the new fees shall be charged commencing with the following months’ billing.

(C) Failure to Pay–Disconnection.

fee which is unpaid when due is a lien on and against the property connected to the sewer system

and may be foreclosed according to law. In lieu of foreclosure, user fees which are more than thirty (30) days past due may be recovered by civil action against the user.

(2) Disconnection—Hearing on Contested Disconnection.

i. Service may be disconnected if the user fails to pay user fees which are delinquent for more than thirty (30) days past the due date.

ii. Prior to disconnection of service, the user, if different, shall be served with written *Notice of Intent to Discontinue Service*. If the property served by the sewer system is rental property, the notice shall be served on the tenants and the property owner, regardless of which party is the actual user.

iii. The notice shall state that the user has failed to pay user fees, that the user's account is more than thirty (30) days delinquent, and that the user's service may be disconnected if the user fails to pay all delinquent fees within fifteen (15) days from the date of service of notice. The notice will inform the user that the user may file a request for hearing within fifteen (15) days from the date of the service of notice.

iv. The request for hearing must be filed by the user with the City Administrator by the user within fifteen (15) days of service of the notice of intent to discontinue service. The request must be in writing, and shall state with particularity the basis of the user's objection to discontinuation of service. Failure to timely file a request for hearing shall be a waiver of right to hearing.

v. If no request for hearing is timely filed, the City shall serve upon the user a notice of date of disconnection of service. The notice shall state the date upon which service will be discontinued.

vi. The hearing shall be held before the City Administrator four calendar days of a timely filed request, excluding Saturdays, Sundays, and legal holidays.

vii. If the City Administrator finds no good cause why the service should not be discontinued, service shall be immediately discontinued, and no notice, unless for good and sufficient reason the City shall in writing extend the time for the completion of such connection. (*Ord. 308 § 7,*

new service allowed for the user until all delinquent charges are paid in full, along with interest at the legal rate from the date of delinquency.

viii. Appeal of the decision by the City Administrator shall be by *Writ of Review* under *ORS.34.010-34.100*. (*Ord. 99-02 § 1, 1998; Ord. 2002-09 § 1,2, 2001*)

### 13.08.040 Permit Issuance

If the application is approved and the fees paid as provided, the City shall issue a sewer connection permit, specify the location where said connection shall be made. (*Ord. 308 § 4, 1980*)

### 13.08.050 Inspection

The City shall be given reasonable notice to allow inspection of a sewer connection before completion and while the connections are still uncovered. All work is to be done in accordance with the specification contained in the permit, which specifications shall require the use of the same type of sewer pipe which is used in the lateral. The manner of the connection shall be subject to the approval of the City official designated to inspect the work.

### 13.08.060 Connection Required

Wherever there is now or may hereafter be constructed in this city a public sewer for the purpose of carrying off sewage within the City of Port Orford, the owner or owners of the property abutting on any street or alley in which the sewer is constructed, or whose property is adjacent to or along the line of said sewer not constructed within a street or alley and is within a distance of fifty (50) feet thereof and is accessible thereto, must connect the houses or buildings on such property with such sewer, and whenever the City shall notify in writing any owner or owners of property to connect to the public sewer the building or buildings situated on said property, it shall be the duty of such owner or owners to make application, pay the fee as hereafter prescribed, and complete the sewer connection within thirty (30) days from the date of the

1980)

### 13.08.070 Variance to Provisions of

**Section 13.08.060**

- (A) Authorization to Grant or Deny Variances under *Section 13.08.060*.

The City Council may grant variances for the provisions of *Section 13.08.060* where it has been shown that owing to unusual topographic conditions, unusual condition as to the shape of the property, or the location of a building on property, or other conditions over which the applicant has no control, the literal interpretation of this section would cause undue or unnecessary hardship, except that no variance shall be granted to allow the use of the property for purposes not authorized within the zone for which the proposed disposal system would be located. In granting the variance the City may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this chapter.

- (B) Application for Variance.

A request for a variance may be initiated by a property owner, or his authorized agent, by filing an application with the City Manager or his/her designated agent.

- (C) Circumstances for Granting a Variance.

A variance may be made only in the event that all of the following circumstances exist:

(1)(a) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from a lot size, or shape, topographic, or other circumstances over which the owners of the property since enactment of the ordinance codified in this chapter have had no control;

(b) The variance is necessary for the preservation of the property rights of the applicant. Substantially the same as other owners of property in the same vicinity.

(2) The variance would not be materially detrimental to the purpose of this chapter or the property in the same vicinity in

(4) Acids, alkalies, or other corrosive liquids, gasses, or substances of sufficient strength to damage sewer, manholes,

which the property is located or otherwise conflict with the objectives of any City plan or policy;

(3) The variance requested is for the minimum variance which would alleviate the hardship for the building site. The applicant has received for the *Department of Environmental Quality of the State of Oregon* in accordance with *OAR 340-71-01(5)* and can obtain all necessary City, County and State permits;

(4) That substantial compliance with all requirements of the variance and constrictions of the items applied for in the variance be completed within one year of the date of the variance;

(5) When sewer service is available, the property owner and/or developer shall pay to the City all the necessary hookup fees as required. There shall be a one hundred dollar (\$100) application fee for all variances. (*Ord. 300 §§ 2-4, 1980*)

**13.08.080 Prohibited Discharges**

(A) Neither temporary nor permanent drainage of excavation into the sanitary sewer system shall be permitted. Drainage from roofs, storm

drains, or storm drains shall not be permitted into the sanitary sewer system and no such connection shall be permitted.

(B) The following shall not be allowed to flow into or be deposited into the sewer system:

(1) Petroleum, coal tar, vegetable and mineral oils and products, and their derivatives and wastes;

(2) Greases, oils and sludges from service stations, garages repair shops, machine shops, cleaning establishments or other industries or establishments;

(3) Explosive or inflammable liquids and gasses;

pumping stations or treatment plant units;

(5) Paints or waste products from paint

manufacture;

(6) Substances which will form deposits or obstructions in sewer or which when mixed with sewage will precipitate material and thus form deposits in sewers;

(7) Ashes, cinders, sand, earth, coal rubbish or metals of any kind;

(8) Live steam, exhaust steam or water having a temperature above on hundred forty (140) degrees F;

(9) Ground or unground fruit peelings and cores from canneries or packing plants;

(10) Cull fruits and vegetables;

(11) Fruit and vegetable pits and seeds such as those from peaches, apricots, cherries, prunes, pumpkins, and squash;

(12) Paunch, stable and barn manure;

(13) Cull walnuts and filberts;

(14) Offal from slaughterhouses;

(15) Dead animals;

(16) Sulphite or sulphate liquor and "White" water from pulp and paper mills;

(17) Outfall waste from seafood

(A) All sales of real property for the non-payment of any tax or assessment levied pursuant to this chapter shall be made at the front door of the City Hall of the City, and notice of such sale may be published in any newspaper of general circulation in the City, and the Recorder shall bid upon said property for the City to the amount of such tax or assessment and expenses of such sale, and no more; and if there be no higher bid therefor; the same shall be struck off to the City, and is shall thereupon be the purchaser thereof upon the same terms as other purchasers, and thereafter said property shall be held and disposed of for the benefit of the City. The property shall be advertised to be sold by publication as a for said, the same length of time as is required for the sale of real property upon execution as law under

processing plant. (*Ord. 308 §§ 8,9, 1980*)

### **13.08.090 Collection of Lien**

(A) When any lien shall become subject to foreclosure, the City shall give five days' written notice to the owners of the property at the last known address. If the lien is not paid within the said five-day period, the Council may thereafter at any time order a warrant for the collection of the same to be issued by the Recorder and directed to the Chief of Police or other authorized to collect delinquent taxes.

(B) The warrant must require the person to whom it is issued to levy upon the lot or part thereof, or tracts of land upon which the assessment is unpaid, and sell the same in the manner provided by law, and to return the proceeds of the sale to the City Treasurer, and the warrant to the recorder, with his doings endorsed thereon, together with the receipt of the treasurer for the proceeds of such sale as paid to him.

(C) The warrants shall have the force and effect of an execution against real property under the laws of the State of Oregon, and shall be executed in like manner so far as practicable, except as in this chapter otherwise provided. (*Ord. 308 §§ 10-12, 1980*)

### **13.08.100 Sale of Property for Nonpayment of Tax or Assessment**

a judgement in the Circuit Court of the State of Oregon under the laws of this state. The person selling the same must immediately execute to the purchaser a certifiable of sale of the property sold, setting forth therein a description of the property sold, the amount is sold for, the year in which the tax was levied or assessment made, the name of the purchaser and that the sale is made subject to redemption within one year from the date of such sale. The owner, or his successor in interest, or any person having a lien by judgment, decree, mortgage or other lien upon said property, or any part thereof, separately sold, may redeem the same. After one year from the date of such sale, the chief of police, if no redemption shall have been made, shall execute to the purchaser, his or its heirs, successors and assigns, a deed of

conveyance reciting or stating therein a description of the property sold, the amount bid therefor, the year in which the tax or assessment was levied, and that no redemption has been made; and such deed shall operate to convey a legal and equitable title in fee simple to the grantee named in the deed, and upon such delivery of such deed, all proceedings in relation to the levying, assessment and collection of the taxes of assessments and the sale of the property shall be presumed regular and to have been done in pursuance of law, and such deed shall be prima facie evidence of title in the grantee and his successors in interest, and such presumption and prima facie evidence shall not be disputed or avoided except by proof of either;

1. Fraud in the assessment or collection of the tax or assessment;
2. Payment of the tax before sale or redemption after sale;
3. Offer to redeem as in this act provided and that redemption was prevented by fraud;
4. That the property was sold for tax or assessment for which the owner of the property was not liable and that no part of the tax or assessment for which the owner of the property was not liable and that no part of the tax was levied or assessed upon the property sold.

(B) The deed to the purchaser shall express the true consideration thereof which shall be the amount paid by the purchaser, and the return of the person executing the warrant shall specify the amount for which said lot or part thereof or tract was sold, and the name of the purchaser. (*Ord. 308 § 13, 1980*)

### **13.08.110 Redemption of Property By Owner.**

(A) Within one year from the date of said sale, the owner or his successor in interest, or any person having a lien by judgment, decree, mortgage or other lien upon the property or any part thereof, separately sold, may redeem the same upon the payment of the purchase price and fifteen (15) percent additional, together with interest upon the purchase money from the date of sale to the time of payment at the rate of six percent per belonging, and all the right, title, and interest which the owner had therein at the date the assessment, upon which the premises were sold,

annum; and also the amount of any tax or assessment or existing liens which the purchaser may have paid upon the property.

(B) A redemption so made shall surcharge the property from the effect of the sale for the assessments. If made by the owner or his successor in interest, the estate and the property shall be thereby restored to the owner or his successor in interest, as the case may be, but if made by a lien creditor, the amount paid for the redemption shall be thereafter deemed a part of his lien and shall bear like interest, and may be enforced and collected as a part thereof.

(C) The mode of redeeming shall be as prescribed by the laws of the state of Oregon for redeeming real property sold for delinquent taxes except as in this act otherwise provided; and provided that the proof of right to redeem shall be made to the chief of police of the city and the money on redemption paid to him.

(D) Whenever a purchaser or those claiming under him, shall refuse to convey the land so sold to a person entitled to redeem, such person may enforce a conveyance thereof by suit in equity as for a specific contract to convey real property, and said suit may be maintained against parties absent from the stat without proof of tender of the money and offer to redeem if the plaintiff bring the money into court and offer to redeem; provided, that such suit and the deposit of the redemption money into court shall be made and commenced within thirty (30) days after the expiration of the one year allowed by this chapter for redemption. (*Ord. 308 §§ 14–16, 19, 1980*)

### **13.08.120 Conveyance of Deed to Purchaser.**

(A) The sale of real property pursuant to the provisions of this chapter shall have the effect to convey to the purchaser, subject to redemption as herein provided, all of the estate or interest therein of the owner, whether known or unknown, together with the appurtenances there unto

was made and entered in the docket of city liens.

(B) If no redemption is made of the real

property sold under the provisions of this chapter within one year from the date of such sale, the purchaser, his legal representatives or assigns, shall be entitled to a deed for such real property so sold on presenting the certificate of sale to the chief of police, and such deed shall be executed and acknowledged by such chief of police in all respects by the laws of this state provided for the execution of a deed to a purchaser of real property sold for delinquent taxes except as in this chapter otherwise provided.

(C) In making a deed for real property sold for delinquent taxes or delinquent assessment for any improvement hereunder, it shall not be necessary to recite or set forth the proceedings prior to the sale, but it shall be sufficient if it substantially appears from such deed that the property was sold by virtue of a warrant, and the date thereof, for a delinquent assessment or tax, and the amount of the warrant for the collection of the delinquent assessment of tax shall be “in the name of the City of Port Orford.” (*Ord. 308 §§ 17, 18,20,1980*)

### **13.08.130      Payment of Delinquent Assessment by Lien Holder.**

When any assessment made pursuant to this chapter upon any lot or part thereof, or tract of land, becomes delinquent, any person having a lien thereon by judgment, decree, mortgage, or other lien, may at any time before the sale of the land pay the same, and such payment shall discharge the property from the effect of such assessment; and the amount of such delinquent tax or assessment and all accruing costs and charges, if any, when so paid, shall thereafter be deemed a part of such lien and shall bear like interest, and may be enforced as a part thereof.  
(*Ord. 308 § 21, 1980*)

### **13.08.140      Violation–Penalty.**

Any person, firm, or corporation violating any terms of provisions of this chapter shall, upon conviction thereof, by the Justice Court, be punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or by imprisonment for a term not to exceed thirty (30) days or by both such fine and imprisonment, and each day that such violation of any of the terms and provisions continue shall be deemed a separate and distinct offense. (*Ord. 308 § 23,1980*)