

Chapter 11.02 Sanitary Sewer System

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11.02.010 Chapter Purpose and Definitions.

A. Purpose. The city has determined that the establishment of revised and updated sanitary sewer utility regulations are necessary to promote and protect the public health, safety and general welfare of the citizens of Mosier and to avoid the creation of public nuisances that would occur without such a utility and regulations.

B. Definitions. Unless the context specifically indicates otherwise, the meaning of the terms used in this chapter shall be as follows:

1. “Accessory Dwelling Unit” means a residential unit attached or detached from a single family residence on the same tax lot for residential purposes by a separate resident or family.
2. “Assessment” means a financial burden placed upon a property for benefits received, directly or indirectly. An assessment is typically applied to property through a local improvement district and is collected by the city finance department; however, it can be established for collection upon use of the defined benefit.
3. “BOD” (denoting biochemical oxygen demand) means the quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade expressed in parts per million by weight.
4. “Building sewer” means that part of the lowest horizontal piping of the building sewer system that receives the discharge from wastewater pipes inside the building footprint and conveys it to the side sewer at the public easement or right of way boundary. Building sewers are private sewers and are not part of the public system.
5. “Charge in lieu of assessment” means a charge made by the city on property that has not previously participated in the cost of a public sewer line directly serving the property.
6. “City of Mosier design and construction standards” means the requirements of the City Engineer for storm drainage, sanitary sewer, street, and water design and construction.
- 7 “Commercial” means businesses engaged in the manufacturing and/or sale of a commodity or commodities, or rendering of a service such as, but not limited to, restaurants, retail stores, bed and breakfasts, convenience stores, professional services, etc.
8. “Deduct meter” means an approved city water meter that is located upon a private water service serving a non-single-family residential development for the purpose of monitoring water consumption that does not enter into the sanitary sewer system. A deduct meter is not an irrigation meter, and shall not be used as such.

9. "Equivalent Residential Unit (ERU)" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen and bathroom facilities for use solely by one family. An ERU is essentially equivalent to a single family residential household. An ERU is used to calculate the capacity of the sewer system. Discharges from a residential dwelling unit typically include up to 100 gallons per capita per day at 250 mg/l of BOD and TSS. Non-residential customers may be classified based on the number of ERUs for the purposes of setting monthly sewer rates. Multi-Family residential customers are equivalent to one ERU for each unit. Multiple dwelling units may be considered less than one ERU for each unit. Accessory Dwelling Units are considered to be 0.75 ERUs. The number of ERUs for each customer may be determined by the City Engineer.
10. "F.O.G. or FOG" means fats, oils and grease.
11. "Grinder pump systems" means low pressure sewer systems designed to grind or macerate the materials in the domestic sewage discharged from a residential or commercial/industrial customer and pump it to the existing gravity sanitary sewer system. The system includes all tanks, pumps, valves, control systems, and the low-pressure force main pipe conveying the sewage to the gravity sewer.
12. "Irrigation meter" means an approved city water meter connected to a public water service to determine the amount of water being used for landscape watering.
13. "LID" or "local improvement district" means a method of assisting benefiting properties in financing needed capital improvements through formation of special assessment districts.
14. "Multi-Family Residential" means two or more residential units each connected to a water service.
15. "Multiple dwelling units" means two or more residential units connected to a single water service.
16. "Natural outlet" means any outlet (conveyance) into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
17. "Nonpolar FOG" means FOG of animal or vegetable origin.
18. "Normal domestic sewage" means sewage in which the average concentration of suspended materials does not exceed 250 mg/l and in which the 5-day BOD does not exceed 250 mg/l, or FOG does not exceed 50 mg/l.
19. "pH" means the measurement of acidity or alkalinity of sewage and is measured as the logarithm of the reciprocal of the weight of hydrogen-ion concentration in gram atoms per liter of solution.
20. "Polar FOG" means FOG of mineral origin.
21. "Premises" means property, including improvements, used under one ownership and/or under a single entity control with respect to the use of sewer services and the responsibility for payment thereof.

22. "Private sewer" or "side sewer" means a sewage conveyance facility that is owned, operated and controlled by the property owner. It is the side sewer and associated facilities connecting a "building drain" to a public main. A private sewer is primarily located on private property but also includes those portions of the line located in the public right-of-way. Private sewer begins at the connection to the building drain and ends at the connection to the public main. It is the responsibility of the property owner to maintain and keep repaired the private sewer whether on public easements, right-of-way or private property
23. "Public sewer" means a sewage conveyance facility that is owned, operated and controlled by a public authority.
24. "Sanitary sewer" means a wastewater conveyance facility to which storm, surface, and groundwater are excluded.
25. "Septage" means the mixture of solid wastes, scum, sludge, and liquids pumped from the septic tanks, pump chambers, holding tanks, and other on-site sewer system components.
26. "Service area" means all land, properties and/or lots within the corporate limits of the City of Mosier, plus any additional land served by the city's sewer collection system, plus any land where any part or equipment of the city's sewer system is located. The limits of the City's service area for the provision of sewer service is the City's corporate limit, unless service is specifically allowed outside of the city limits by order of the City Council.
27. "Sewage" means residential, business, industrial, and institutional wastewater.
28. "Sewer" means a facility for conveying sewage.
29. "Sewerage" means all facilities for collecting, transporting, pumping, treating, and disposing of sewage.
30. "Sewer meter" is a city-approved device used to measure sewage that enters the sanitary sewer system.
31. "Side sewer" means the extension from the building sewer to the connector on the public sewer mainline. Side sewer may be a public or private sewer.
32. "Single-family residential" means any isolated/detached building designed exclusively for occupancy of one family.
33. "Slug flow" means any unusual or abnormal discharge of sewage or water to the sewer system that exceeds the capacity of the collection system and or treatment plant.
34. "Storm drain" means a wastewater conveyance facility for storm, surface, and groundwater.
35. "Suspended solids" means solids that float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.

36. "UPC" means the Uniform Plumbing Code, including amendments, as adopted by the city.
37. "Utility" means the city of Mosier sewer utility or sewer division.
38. "Watercourse" means a channel, either natural or manmade, in which a flow of water occurs, either continuously or intermittently.

11.02.020 Sewer utility created. The sewer section of the maintenance and operations division of the public works department is authorized to perform all acts allowed by this chapter and to administer and enforce the requirements of this chapter.

11.02.030 Sewer system responsibility. The city shall own and be responsible for the maintenance and operation of the public sewer system within public rights-of-way and easements and on all public property. The responsibility for the maintenance and operation of the nonpublic sewer system within private property (a side sewer) shall be the property owner's. In particular, the property owner is responsible for the cost of side sewer repair when:

A. There is a break or blockage in the side sewer within private property or within the building plumbing.

B. The blockage is located within the public right of way or easement and is caused by one or more of the following reasons:

1. Roots from trees or shrubs located outside public right of way or easements.
2. The side sewer or mainline is blocked from sewage contents originating from private property.
3. The side sewer within the public right of way or easement is blocked by debris originating from a break in the side sewer within private property.
4. Investigation revealed that the source of blockage originated from private property including adjacent private properties.

C. A properly functioning backwater valve shall be required in any building containing a basement, except in those situations that would not require a backwater valve as described in the edition of the building code most recently adopted by the city. The city shall not be liable for damage due to wastewater backing up into a building where a properly functioning backwater valve has not been installed. The city also shall not be liable for damage due to wastewater backing up into a building where a backwater valve has been installed but has not been properly maintained or repaired

11.02.040 Utility administration authority. The city's sewer utility shall be administered by the city public works department in such a manner as the city council shall provide.

11.02.050 Authority to establish rates and charges.

A. The city shall establish by resolution and from time to time amend rate classifications, service charges, inspection and permit fees, application and connection fees, and such other fees and charges necessary and sufficient in the opinion of the city council to pay for the following:

1. The costs associated with the development, adoption and implementation of a comprehensive sanitary sewer utility master plan;
2. The costs, including debt service and related financing expenses, of the construction and reconstruction of sanitary sewerage facilities necessary and required for the handling of sewage that benefit the city's current and planned service area;
3. The operation, repair, maintenance, improvement, replacement and reconstruction of sewerage utility facilities that benefit the service area that presently exists;
4. The costs of monitoring, inspection, enforcement, and administration of the utility including, but not limited to, discharge surveillance, private sewer inspection, construction inspection, and other activities that are reasonably required for the proper and adequate implementation of the city's sanitary sewer policies.

B. The rates and charges to be paid and collected pursuant hereto shall not be used for general or other governmental or proprietary purposes of the city except to pay for the equitable share of the costs of accounting, management and governance of the utility.

11.02.060 Sanitary sewer utility fund. The city council creates and establishes a special fund to be known and designated as the sanitary sewer utility fund. All utility service charges collected shall be deposited in this fund for the purpose of paying all or any part of the cost and expense for planning, administering, constructing, acquiring, maintaining, operating, and improving utility facilities. Moneys in this fund shall be assigned to a specific account within the utility as designated by the city council. The department of finance shall maintain a separate record of accounts showing the receipts and disbursements of each and every account assigned to this fund.

11.02.070 Connection to public sewer required under certain circumstances.

A. The owner of lands located within Mosier's service area that makes application for a short plat or preliminary plat or other development shall, at the owner's expense, extend the public sewer system to serve the land proposed for division or development, provided the city permits such a connection. The public sewer system extension shall be in accordance with the city of Mosier design and construction standards and subject to approval by the City Engineer.

B. The owner of lands located within Mosier's service area undertaking new residential or nonresidential construction, shall connect to the public sewer system when the city permits such connection.

C. For existing development within Mosier's service area where an on-site system is operating properly, the owner shall be required to connect to the public sewer system when any one of the following events occurs:

1. The owner is required or chooses to repair, modify or replace the on-site system, or the existing on-site septic system has failed; or
2. Whenever the owner proposes a land division, development or applies for new construction that in any way affects the on-site sewage system.

D. Every building sewer not connected to a public sewer, or not required by law to be connected to a public sewer, shall be connected to a permitted and properly functioning on-site sewage system.

11.02.080 – Service in the Urban Growth Area:

A. General Service Policy: Generally, the city's sewer service area includes all land within the corporate limits of the City of Mosier and any additional land where any part or equipment of the city's sewer system is located. The city will allow sewer service connections to any property located within the corporate limits, and will consider requests to provide sewer service connections to land outside the corporate limits within the city's urban growth boundary. However, no service connection shall be allowed outside the City limits without specific approval of the City Council.

B. Preannexation agreements.

1. The city council establishes as a policy and directs that within the urban growth area no sewer connection to, or expansion of a sewer connection already existing to, the Mosier sewer system shall be allowed unless the property owners and the underlying lien holders agree that the city is authorized to annex the property and further agree not to contest the annexation of the property.
2. If sewer service is to be supplied to a new subdivision or development within the urban growth area, all elements of the sewer systems serving those developments or subdivisions shall be designed and constructed to city standards.

C. Sewer service area. The sewer service area of the City of Mosier is defined by resolution, and in the absence of a relevant or current resolution, the sewer service area shall include all land within the corporate limits of the city, adjacent to and serviceable by an existing sewer line. Sewer Service outside of this service area will be conditioned by a land use approval in the case of plats or subdivisions and otherwise must comply with the requirements of this section.

1. Sewer service to land outside of the city's sewer service area will be subject to all the rules and regulations of this title that pertain to service properties within the service area.
2. All rates for sewer service beyond the service area but within the urban growth area will be established by ordinance or resolution for this class of service.
3. Unless determined otherwise by resolution or ordinance of the city council, system development charges outside the city's sewer service area shall be at the same rate as the system development charges for areas inside the service area.
4. Plans for sewer systems, extensions or expansions of the city's sewer system and all connections must be approved by the city engineer.

5. The city council may, at its discretion, allow sewer service connections to areas beyond the city limits. There must be a finding by the city council that the city has excess sewer treatment capacity available for the service requested and the applicant must sign a pre-annexation agreement as discussed in MMC 11.02.080(B). There also must be a finding that the City has adequate capacity to provide water service to the applicant's property and that the applicant intends to extend at its own expense the water system to serve that property.
6. The applicant shall be responsible for all costs associated with the extension of the City's system(s) to, and connection of, the applicant's property.

11.02.090 – Main Construction:

A. Charge – Assessment. Each lot proposed for a city sewer service connection shall be assessed its proportionate share of the cost of construction and/or extension of a standard main abutting or serving the property. Prior to approval of an application for sewer service, the city engineer shall determine if the property has previously contributed or been assessed its proportionate share of the construction costs. Property abutting a standard main, but not previously assessed or not having previously contributed a proportionate share of construction costs for a standard main may be connected to such standard main upon payment of a special construction charge as described in MMC 11.02.090(C). The special construction charge is in addition to any other charges levied pursuant to this chapter.

B. Service connection – No main in street.

1. Whenever an applicant requests sewer service to property that does not have a standard main adjacent to it, a standard main must be installed as a prerequisite to connection to the city sewer system. The standard main must conform to the city's comprehensive sewer system plan and must be installed along the complete street frontage of the service property to be served.
2. A standard main may be installed by any of the following methods:
 - (a) The main may be installed at the property owner's expense by a contractor under the supervision and approval of the city engineer. The property owner may be eligible for reimbursement pursuant to this section and the procedures in Chapter 3.04 (Reimbursement for Public Improvements). The city may also enter into a reimbursement agreement with the owner whereby the city will agree to collect a proportionate share of the original cost of main design and construction from property owners who subsequently connect to the new main. The city will reimburse those payments to the property owner, its successors or assigns for a period of up to 10 years. The city shall retain all assessments collected after the expiration of the 10-year period.
 - (b) If the service property lies within the City's urban growth area, the owner may elect to have the city install the sewer main by paying the estimated cost of design and construction to the city as provided in MMC 11.02.090(C); provided, however, that the Mayor must first determine there is money in the current sewer department budget allocated and available to construct the extension. Upon payment of the estimated design and construction cost by the property owner to the city, the city will undertake to have the main installed. Regardless of the estimated design and construction costs, the property owner shall be responsible for paying to the city the full actual cost of the project.

Property owners who select this option shall not be eligible for reimbursement by subsequent connections to the new main.

(c) If the service property is within the city's urban growth area, the owner may also petition to have the main installed by the formation of a local improvement district pursuant to applicable state and local law.

(d) In the event any sewer main or water system extension is requested to serve a private property and the city's sewer system plan calls for a line size larger than 8 inches and that dimension is larger than needed to serve the service property, the city shall provide a method for compensating the property owner for the cost of over-sizing.

C. Special charge for Main Extensions Subject to Reimbursement. This section applies to properties ("benefited properties") served by or abutting sewer mains that were constructed by private parties pursuant to Chapter 3.04 (Reimbursement for Public Improvements) and or a reimbursement agreement with the city. In these cases, the benefited properties shall be subject to charges according to the city's final order forming the reimbursement district and the terms of any reimbursement agreement with the city.

D. Specifications for standard sewer mains.

1. Standard sewer mains shall not be less than 8-inch diameter pipe; however, smaller diameter pipes may be used when the city engineer determines a pressurized force main is necessary to serve the property.
2. All pipe shall be approved for use by the City Engineer and shall comply with the latest edition of the ODOT/APWA Standard Specifications for Construction.
3. All sewer system facilities; including side sewers, manholes, cleanouts, lift stations, force mains, etc., shall be designed and constructed in accordance with standard engineering practice and shall be subject to approval by the City Engineer.
4. Prior to acceptance by the City all new sewer system facilities shall be inspected, tested, and approved by the City.

11.02.100 Compulsory connections to public sewer. If any owner fails through neglect or refusal to connect lands, buildings or other premises with the Mosier public sewer utility as required by this chapter, or fails through neglect or refusal to do other work specified or ordered to be done as provided by this chapter within the time specified, the city may seek an order from Municipal Court compelling connection of the property to the public sewer system. A monthly rate shall be charged in accordance with the rate structure adopted by the city council regardless of hookup to the available sewer. At such time as an owner's septic tank, drainfield or other private on-site sewage disposal system becomes inoperable in accordance with the provisions of the county health authority, and is refused a permit to make it operable, then the building served by the failed system shall be connected to an available public sewer before it will be deemed habitable.

11.02.110 Sewer service – Effective date. Sewer service charges shall start from the day a water meter serving the property is installed and activated by the city or when the sewer mains are used for any discharge of wastewater; whichever occurs first.. In cases where the property is not served by the City’s water utility, sewer service charges shall start from the day the side sewer is connected to the building sewer.

11.02.120 Private system – Requirements. In the event the city allows use of a private on-site septic system, the system shall be inspected and comply with the recommendations and regulations of the county health authority. Each private sewage system shall be designed by a registered professional civil engineer or certified sewage system designer. No sewage shall be permitted to discharge to any natural outlet or to the ground surface. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the city.

11.02.130 Private system – Abandonment upon public system availability.

A. Any party permanently removing a septic tank, seepage pit, cesspool, wastewater tank or other on-site sewage system from service shall connect to the public sewer system; and:

1. Have the septage removed by a hauler approved by the county health authority; and
2. Remove or destroy the lid; and
3. Fill the void created with compacted soil; and
4. Report the abandonment to the county health authority on a form obtained from the appropriate health officer. A copy of the abandonment form shall also be distributed to the city prior to close out of the required side sewer connection permit.

B. Whenever a public sewer becomes available to a lot/parcel within the city limits that is already served by a private on-site septic system, a direct connection shall be made to the public sewer in compliance with this chapter. Any private sewage facilities not approved for connection to the public system shall be abandoned as required by this chapter.

11.02.140 Disturbing public sewer and streets. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer. No unauthorized person shall open, alter or disturb the streets or alleys or other public ways or easements of the city for the purposes of making connection with the public sewer system or repairing and maintaining a side sewer located within the public right-of-way or easement. Only licensed contractors approved by the City shall work on the public sewer and only upon application for and approval of a sewer construction permit.

11.02.150 Sewage or waste treatment required. It is unlawful to discharge onto the ground or into any stream course, ditch or water body any sanitary sewage, industrial waste or other waste water, including silt/soil laden water, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

11.02.160 Objectionable waste deposit prohibition. It is unlawful for any person to place, deposit, or permit to be deposited, in an unsanitary manner on public or private property within the city, or in any area within the jurisdiction of the city, any human or animal excrement, or other objectionable waste.

11.02.170 Trees or shrubs obstructing sewers prohibited. It is unlawful to allow to grow any tree or shrub whose roots obstruct public or private sewers. Wherever such plants are determined by the City Engineer to be obstructing public sewers the property owner shall remove or otherwise remedy the obstruction, at the property owner's expense.

11.02.180 Storm drainage discharge restrictions. The city adopts a policy of separation of storm and sanitary sewer wastes. It is prohibited for anyone or any property owner to discharge or allow to be discharged into the sanitary sewer any surface water, groundwater or storm drainage.

11.02.190 Prohibited discharges designated. None of the following described waters or wastes shall be discharged into the public sanitary sewer:

- A. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit;
- B. Polar and nonpolar FOG in amounts that cause a visible sheen on the discharge or in the public sewer system; build-up of grease in any public sewer facility or which accumulations either alone or in combination with other discharges cause obstructions of the public sewer system;
- C. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
- D. Food waste or animal parts, including food-grinder waste, that cannot pass through a one-quarter-inch sieve;
- E. Any ashes, cinders, sand, gravel, mud, straw, grass, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage works;
- F. Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works;
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the treatment plant;
- H. Any water or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance.

- J. Any water from a swimming pool unless otherwise approved by the City Engineer.
- K. Any slug flow of water or sewage that would cause surcharging of the collection system or incomplete treatment at the City's treatment plant or would otherwise be detrimental to the normal operation of the City's sewerage system.
- L. Waters or sewage containing substances that are not amenable to treatment or reduction by the sewage treatment plant.

11.02.200 FOG pretreatment required – When. Property owners who operate restaurants, cafes, lunch counters, cafeterias, bars or clubs; or hotel, hospital, factory or school kitchens; or gas stations or automotive service facilities; or other establishments that serve or prepare food where FOG may be introduced to the sewer system shall have pretreatment facilities to prevent the discharge of fat, oil, or grease waste into the city's sewer system. The city engineer, at his sole discretion, may require any discharger identified by repeated maintenance problems, to provide an appropriate FOG control plan approved and implemented prior to the renewal or issuance of a business license. A temporary license may be approved for a period of six months to facilitate the establishment of a grease interceptor or FOG control plan. Take-out food establishments or other establishments that prepare food, but do not cook in oil or grease, and who serve food only in disposable containers, may be exempted from this requirement, provided their discharges do not violate any limitation or requirement of this chapter. The FOG removal systems shall meet city requirements. Dischargers shall maintain their grease removal system in a manner that will prevent fat, oil, or grease waste from being discharged into the sewer system.

11.02.210 FOG pretreatment facilities – Installation and maintenance. All FOG pretreatment facilities shall be installed, maintained, and operated by the discharger at his own expense. The facilities shall be kept in continuous operation at all times and shall be maintained to provide efficient operation. Dischargers may not add emulsifying agents exclusively for the purposes of emulsifying polar or nonsolid FOG. A service contractor qualified to perform cleaning is required for interceptors. All material removed shall be disposed of in accordance with all applicable city, county, state, and federal regulations.

11.02.220 Sand and grit pretreatment system required – When. Sanitary sewer customers that discharge amounts of sand and/or grit that damage, affect the hydraulic efficiency of, or increase maintenance requirements of the public sanitary sewer system shall install a sand and/or grit removal device. Installation shall be completed within six months from notification unless otherwise agreed upon by the city. Continued maintenance of the device shall be the responsibility of the property owner.

11.02.230 Sand and grit pretreatment system – Installation and maintenance. All sand and grit removal facilities shall be installed, maintained, and operated by the discharger at his own expense. The facilities shall be kept in continuous operation at all times and shall be maintained to provide efficient operation. Dischargers may not use high volume flushing to push sand and grit from their facilities into the public sewer system. A service contractor qualified to perform cleaning is required for cleaning and removing of the particles that have settled out of the service line. All material removed shall be disposed of in accordance with all applicable city, county, state, and federal regulations.

11.02.240 Preliminary waste treatment – Required. The standards and conditions set forth in the City’s NPDES permit and by State law shall determine the need and extent for pretreatment. The city may choose to invoke any of these standards or policies on its own initiative as appropriate to protect the city sewer system from damage or contamination.

11.02.250 Industrial waste arrangements. No statement contained in this chapter shall be construed as preventing any special agreement between the city and any industrial discharger whereby an industrial waste of unusual strength or character may be accepted to the system by the city, subject to payment therefore by the industrial discharger.

11.02.260 Discharger responsible for damages. If discharges from a building sewer result in damage to or partial or complete blockage of the building sewer, side sewer, or adversely affects transmission capabilities of the public sewer, or requires excessive maintenance by the city, the discharger responsible shall be liable for all damage and the city’s reasonable costs to repair or remedy the damage, including all necessary repairs or other corrective actions necessary to restore the public sewer system to full and normal operation.

11.02.270 Deduct meters. Customers that use water in a fashion that prevents it from entering the sanitary sewer system may request a permit from the city that will allow them to install a city deduct meter on their private on-site water line to measure the amount of water that is not being discharged to the sanitary sewer system. If allowed, these meters shall be located only where approved by the city engineer and the installation of a deduct meter requires the following:

- A. Written authorization filed with the city allowing the city to own, operate and maintain the deduct meter, together with the ability to verify site conditions for permitting the use of a deduct meter.
- B. City approval of location for the installation of deduct meter.
- C. Written explanation of where water passing through the deduct meter goes and how the water is used.
- D. A site can have only one deduct meter per domestic water meter unless approved by the city.

Deduct meters shall be owned, operated, and maintained by the city, placed upon private property within a utility easement, and may not be used for irrigation purposes. If all of the requirements set forth in this section are not met, or the deduct meter is being used in an unapproved manner, then the sewer bill shall be calculated based on total water volume used as measured by the water meter.

11.02.280 Sewer meters. Sanitary sewer meters monitor, measure, record and totalize the flow of wastewater into the sanitary sewer system for large waste dischargers. This information may then be used to generate a sewage bill for the site. Installation of sanitary sewer meters are discouraged by the city; however, if it is determined by the city that a sewer meter is the only

appropriate device that will allow for the accurate measurement of waste water being discharged into the public sewer system, then such a meter shall be installed under the following conditions:

- A. Location of sewage meters shall be established in an easement dedicated to the city to allow access to the city and the property owner for reading and maintenance.
- B. Sewage meters shall be owned, operated and maintained by the property owner; however, the type of meter and installation location must be approved by the city.
- C. Sewage meters shall be calibrated annually by the manufacturer or an authorized service center. A copy of the calibration report shall be furnished to and approved by the city.
- D. Sewage meters shall continually totalize the flow passing through the meter. Monthly flow quantities shall be sent to the city's finance department for use in establishing the sewage bill. The city's finance department shall have access to the sewer meter Monday to Friday 8:00 a.m. to 5:00 p.m. to verify meter readings.

If the property owner fails to comply with all of these requirements, the city may revoke the right to use a sewage meter, in which case the sewer bill shall be calculated based on total water volume used as measured by the water meter.

11.02.290 Permits – Required. No person shall connect to the public sewer system without first obtaining a written permit from the city.

11.02.300 Permits – Application – Inspection – Fee. An application for any side sewer permit shall be made with the city, which the applicant shall supplement with plans, specifications or other information as deemed necessary by the city. A permit application and inspection fee shall be charged in accordance with the adopted fee schedule.

11.02.310 Permits for additional work. When a permit has been issued for a private sewer or drain as provided in this chapter, no additional work shall be undertaken without the approval by the city, and a new permit must be issued at the regular charge for such permit covering all additional work.

11.02.320 Permits – Posting. The permits issued by the city, required by this chapter shall be posted in a conspicuous place at the work site.

11.02.330 Side sewer repair or replacement – Permit required. It is unlawful for any person to repair, replace, or reconnect to the public sewer mainline any side sewer without first obtaining a permit to do so from the city. The fee for such permit shall be charged in accordance with the city of Mosier fee schedule. A contractor licensed in Oregon and approved by the City must perform the construction work.

11.02.340 Septic tank waste removal or repair. It is unlawful for any person to pump out the contents of septic tanks, cesspools, grease traps, seepage pits, vault privies, portable toilets and other receptacles of human sewage or to transport over the highways or to dispose of the contents of these facilities unless the pumper and each employee of the business who engages in pumping activities, holds a valid certificate of competency and each vehicle has an annual inspection tab issued by the county department of public health. All liquids and solids removed from a septic tank or other holding tank shall be disposed of as prescribed by law.

11.02.350 Permits – Term. All permits issued under the provisions of this chapter shall be valid for a period of 180 days after the date of approval. Permits may be extended one time by the city, for a period of 60 days, if an extension is applied for prior to the expiration of the time originally limited in the permit. If the time extension is not requested prior to the expiration of the time originally limited in the permit, an additional fee equal to one-half the original permit shall be charged if a time extension is granted.

11.02.360 Public sewers – Design and construction standards. All mainline sewers shall be constructed in accordance with the city's design and construction standards as specified by the City Engineer. The public works department is authorized and directed to require off-site public sanitary sewer improvements necessitated by new development. Such mitigating improvements shall be made in addition to any other requirements imposed by the city for on-site improvements. All sanitary sewer system extensions shall be designed using sound engineering practices, to serve to the extent possible adjacent and upstream properties and to comply with the intent of the adopted comprehensive plan. All public sanitary sewer extensions shall be extended to and through the full width of the property to be served.

11.02.370 Building side sewer – Requirements. A separate and independent side sewer line shall be provided for each building for connection to the public sewer system; provided, that the City Engineer may waive this requirement on submission of alternate plans approved by and thereafter constructed under the supervision of the city.

11.02.380 Building sewer – Control manhole requirements. When required by the city, the owner of any property conveying wastes from industrial and/or commercial property into the public sanitary sewer system shall install a suitable control manhole in the side sewer to facilitate observation, sampling, and measurement of said wastewater. Such manhole shall be in conformance with the requirements of the City Engineer.

11.02.390 Connections to public sewers – Standards. Construction shall conform to the City of Mosier design and construction standards as specified by the City Engineer.

11.02.400 Charge in lieu of assessment – Method of computation. Property that has not previously paid for sewer lines abutting their property may be connected to the abutting sewer line; provided, that all such property shall pay a charge in lieu of assessment. The city will determine the charge in lieu of assessment amount based on the property's proportional share of the calculated cost for the sewer line.

11.02.410 Oversizing. When it is deemed necessary by the city to install conveyance lines larger than are required to serve a particular property, the city may, pursuant to a written agreement between the city and the developer negotiated in advance to any work, compensate the developer for the difference in cost of the oversizing, if the extension is economically feasible for the city.

11.02.420 Administration of Sewer Service and Billing:

A. Application for Service Connection: Any property in the city's service area is eligible for a sewer service connection. To apply, the owner of the service property, or someone with written authorization from the property owner, shall complete an application and submit it to city hall. The application shall be on a form provided by the city and include the information and statements described in this section. All applications for sewer service shall be made at city hall by the owner or an authorized agent of the owner of the service property. All representations of the applicant shall be binding upon the property owner. To apply, the owner of the service property, or someone with written authorization from the property owner, shall complete an application on forms provided by the city and submit at least the following information:

1. Mailing address and other contact information for the owner of the service property.
2. A street address for the service property to be connected to the city's sewer system and provided with sewer services,
3. A description of the use of the service property, *e.g.*, single-family residential, commercial, industrial, etc. The description should be specific enough to allow the city engineer to determine the nature and volume of sewerage waste that will be discharged from the service property.
4. A statement of whether or not the service property will be occupied by the property owner.
5. If the applicant is someone other than the record owner of the property, a written statement from the record owner of the service property authorizing the applicant or agent to apply for sewer service, that the property owner shall comply with all requirements imposed by the city related to sewer service, and that the owner shall be responsible for all bills, fees, charges and penalties charged by the city in connection with the provision of sewer service.
6. A statement that the owner and agent shall comply with all of the city's rules, regulations and other requirements for sewer service, including prompt payment of all bills and acknowledgement that the city has the right to terminate service for nonpayment of bills in accordance with this chapter, and that the city shall not be responsible for any direct or indirect damage that may result from shutting off sewer service.
7. A signed consent allowing the transfer of any claim for past due bills incurred by a tenant or renter of the property to the property owner.

B. Responsibility for Service Extensions and Connections: The city engineer shall review all applications for sewer service and determine if the proposed service property is within the city's service area, and any special design or construction requirements before the property can be connected to the city's sewer system. The city engineer shall coordinate with the property owner for the extension of the sewer system infrastructure to the service property, and connection of sewer service.

1. If sewer mains of sufficient size or capacity are in the public right-of-way adjacent to the service property, the city shall allow the property owner to construct a service lateral and connection to the public sewer main according to the requirements, specifications and procedures set forth in the Sewer Plan or applicable city regulations. The property owner shall provide engineered design drawings for all such connections to the city engineer, consistent with the city's design standards for sewer system improvements. Work in the public right-of-way requires a Right-of-Way Permit from the City.
2. If sewer mains of sufficient size and capacity are not within the public right-of-way adjacent to the service property, the property owner shall be responsible for extending sewer mains to the service property through easements dedicated to the city or within the public right-of-way and across the service property.

C. Responsibility for Bills Associated with Sewer Service:

1. Responsibility for fees, charges, penalties, etc.: At all times and under all circumstances, the owner of the service property shall be responsible for all sewer service charges, fees, rates, penalties and related amounts charged by the city in connection with the provision of sewer to the service property owned by the property owner. When applying to connect, establish or reestablish service to the City's sewer system, all owners of real property shall provide written consent for the City to transfer a claim for delinquent service charges from any tenant to the owner. A claim for delinquent service charges incurred by a tenant of the property other than the owner may be transferred to the owner of the property that is served by the city's sewer system. The city will send bills, notices and other communication to other addresses and addressees upon the written request of the property owner; however, the owner shall remain liable for all sewer service charges. The city reserves the right to charge the property owner an administrative fee for the city's costs associated with setting up the renter's account and duplicate billing each month. The city shall be entitled to seek payment for past-due bills from the property owner and pursue all available remedies against the property owner for nonpayment of those bills.
2. Responsibility to maintain current mailing address: The owner of the service property shall provide, and be responsible for maintaining at all times, a current mailing address to which the city will send all bills, notices and other communications related to sewer service. All bills, notices and other communications from the city related to the provision of sewer to the service property shall be sent to the property owner's most recent address. Regardless of where the property owner directs the city to send all bills, notices and other communications related to sewer service, the property owner shall remain ultimately responsible to the city for payment of all bills, fees, charges, penalties, etc. associated with the provision of sewer services to the service property.
3. When payment on sewer bills is due: All sewer service charges, fees, penalties and other bills shall be due and payable in full within 30 days of when the city sends a written bill. All bills that remain unpaid after 30 days of being sent shall accrue a late fee penalty in an amount established by city council.

D. City's Remedies for Past-due Bills, Service Termination and Right to Lien: The city shall send all bills, notices and other communications related to sewer service of the service property to the property owner's most recent address plus any additional addresses specifically requested by the property owner.

1. Past-due and unpaid bills: All bills related to sewer service are due and payable in full 30 days after issuance of the bill by the city. The city shall be entitled to impose a late charge on all bills that remain unpaid 30 days after issuance in an amount established by the council until paid.
2. Right to lien: The city may record all bills that remain unpaid 60 days after issuance as a lien against title to the service property. Such liens for city sewer bills shall be senior to all other liens and encumbrances on the service property, unless otherwise provided by state law. The city shall provide written notice at least 14 days prior to recordation of such a lien to the current/most recent address and addressee provided by the property owner. The notice shall state the pay-off amount of the bill and a clear statement that if the past-due amount of the bill is not paid in full, the amount will be recorded as a lien against title to the service property.
3. Service termination: The city has the right to terminate or deny resumption of sewer service to a service property if there is a past-due bill that remains unpaid more than 60 days after the date the city issues the bill. After the city terminates sewer service to a property, the property shall not be assessed the normal monthly sewer service charge, but will be assessed a lower monthly administrative fee for maintaining the account.
4. Emergency interruption of sewer service: In case of an emergency, the need to make repairs on the sewer system, or whenever the public health, safety so demands, the city engineer may temporarily suspend sewer service. Before suspending or limiting sewer system use, the city engineer shall notify, insofar as practicable, all affected sewer consumers. The city shall not be responsible for any damage resulting from any such interruption, change, or failure of the sewer system or service.
5. Resumption of sewer service after past-due amounts are paid: Subject to applicable state laws, the city may refuse sewer or water service or the resumption of sewer or water service to any service property for which there is a past-due or unpaid sewer bill or a history of non-payment or late payment of sewer bills for the property. The city may allow resumption of sewer or water service or a new connection for any property so long as the city and owner agrees to a repayment plan for all past-due sewer bills, including late fees and penalties. Such a repayment plan may also include the requirement that the owner deposit with the city a financial guarantee in a form and amount sufficient to cover the anticipated cost of six months of sewer bills. The city shall be entitled to draw upon the financial guarantee in the event of subsequent non-payment or late payment of sewer bills.

E. Sewer Service Connection and Payment of System Development Charges: The City has adopted authority pursuant to ORS chapter 223 to impose system development charges (“SDCs”) related to the city’s sewer system as provided in MMC chapter 3.02 (System Development Charges). Sewer SDCs are normally due and payable at the time a new connection to the city’s sewer system is permitted or actually connected. However, a property owner may request early payment of sewer SDCs prior to actual use of sewer services at the property. In the event that the city approves early payment of SDCs, the property owner shall be responsible for payment of the normal monthly sewer bills associated with the service property beginning as of the date of connection or payment of SDCs, whichever occurs first, regardless of whether sewer services are actually used.

F. City Access to Service Property: Authorized employees of the City of Mosier, with proper identification, shall have access during reasonable hours to all parts of a service property and within any building connected to the city's sewer system.

11.02.430 Sewer rates and charges. The city's billing rates and charges for sewage conveyance and disposal services shall be adopted and amended from time to time by resolution by the city council.

A. Connection charge: For property within the city's sewer system service area, a connection charge, based on the cost estimated by the city engineer or his designee, shall be paid in advance of service installation. Upon completion of the connection, the actual cost will be determined and if this amount is greater than the original estimate, the applicant will be billed for the balance. If the actual cost is less than estimated, the overpayment will be refunded to the applicant. The actual cost of an installation shall include all labor, equipment and material, plus a 15% charge for overhead. The service installation work must be performed by a City approved licensed and bonded contractor. Property owner installations are not allowed. The City's cost will be based on the time and materials required to inspect and approve the service installation and other equipment or infrastructure if applicable, and ensure adequate roadway restoration.

B. Sewer rates

1. **Standard Charge.** The standard sewer charge for sewerage service provided by the city for all customers shall consist of a flat rate.
2. **Monthly Charge (flat rate).** The monthly charge shall be set in accordance with the rate schedule established by resolution.
3. **Billing Methods.** The schedule of sewer rates shall be as set forth in the rate schedules established by resolution. One bill for each property connected to the sewer system shall be dated and sent to each property owner, or his or her designee, each month. In the case of rental properties, the owner shall be responsible for payment of the sewer bill and shall always be the primary recipient of the sewer bill. Any request for service by a tenant must include the contact information of the property owner. The owner is responsible for ensuring payment of sewer bills from a rental property. There are no turn-off rates for vacant properties. During a vacancy the owner is responsible for the monthly ready-to-serve charge (flat rate).
4. In the event the city terminates sewer service to a property for late or non-payment, the city will impose a monthly administrative fee, lower than the monthly ready to serve charge, as the cost of maintaining the account. The city shall also impose a reconnection charge for reconnecting any property to the city sewer system that has previously been disconnected.

11.02.440 Charges constitute lien. All charges for sewer connections, service and repairs, and all service charges provided in this chapter, or as may be hereafter amended together with penalties and interest thereon, shall be a lien upon the property with which such connections are made or to which such sewage service is rendered. Except for general taxes and local special assessments, sewer liens shall be superior to all other liens and encumbrances and may be enforced in the manner provided by law.

11.02.450 Work inspection readiness notice. Any person performing work under permit pursuant to the provisions of this chapter shall notify the city official identified on the face of the permit when the work will be ready for inspection and shall specify the location of the premises and the permit number. If the inspector finds that the work or the material has not been completed in accordance with the provisions of this chapter, he shall notify the person doing the work and the property owner by posting a written notice on the premises. Such a notice shall be all that is required to be given of the defects of the work or material found in such inspection. A copy of the notice shall be kept on file with the city.

11.02.460 Work reinspection fee. If by reason of noncompliance with the provisions of this chapter a second inspection is necessary, a charge of one and one-half times the original inspection fee shall be collected prior to the second inspection but in any case not less than one hour's time. Notification for the second inspection shall be the same as for the first inspection.

11.02.470 Access for inspections. The city shall have access to all property, buildings and premises served by the sewer system for the purpose of inspecting pipes and fixtures. Inspection shall include verification of the manner in which domestic water is being used and the satisfactory compliance with the provisions of this chapter.

11.02.480 Inadequate systems – Action to affect compliance. When any side sewer or private sewage system is constructed, connected or repaired and does not comply with the provisions of this chapter, the city shall give notice thereof to the owner, agent or occupant of the property in which such condition exists. Should the owner, agent or occupant fail to remedy the condition within the time specified in the notice, the city may perform such work as may be necessary to comply with this chapter. The property owner and person responsible for the condition shall be responsible for and pay the city's reasonable costs incurred in correcting any such conditions. This amount shall become a lien upon the property and shall be collected in the manner provided by law.

11.02.490 Violator's liabilities. Any person who violates any of the provision of this chapter shall be liable to the city for its reasonable expenses, loss or damage incurred by the city and its sewer system by reason of such violation.

11.02.500 Violations and Enforcement: Violations of this chapter, a sewer service agreement or permit shall be deemed a nuisance and a civil infraction subject to civil enforcement under MMC chapter 2.02. Any person, firm, association or corporation found guilty of violating a requirement or prohibition of this chapter, a sewer service agreement or permit shall be guilty of a civil infraction and subject to a civil penalty of no more than \$300 per violation. Each day of violation shall be a separate civil infraction.