

BY JC ✓ CODIFIED
Date 12/6

ORDINANCE NO. 1897

(An ordinance amending chapters 12.01—General Provisions and 12.04—Stormwater Service of the Hood River Municipal Code)

WHEREAS, the City provides water, wastewater and stormwater services pursuant to the provisions of Title 12;

WHEREAS, Chapter 12.01—General Provisions is in need of updating to improve account administration;

WHEREAS, natural and man-made stormwater facilities and conveyances, including the City’s groundwater system, constitute the stormwater system;

WHEREAS, all impervious surfaces within the City and the Urban Growth Area contribute to runoff to the City’s stormwater system; all utility users having impervious surface areas make use of or benefit from the City’s maintenance, water quality management, operation and improvements to the system; and all such stormwater system users should participate in funding the City’s program for maintenance, operation, and improvement of the stormwater system;

WHEREAS, absent effective maintenance, operation, water quality management, regulation and control, existing stormwater drainage conditions in all areas within the City and Urban Growth Area constitute a potential hazard to the health, safety, and general welfare of the City;

WHEREAS, the City already has enterprise funds to financially manage its sewer and water utilities;

WHEREAS, no funding method currently exists for the on-going maintenance, operation, regulation, stormwater quality management, and improvements to the system;

WHEREAS, the City incurs costs in the management of the stormwater system, which includes constructing, maintaining and repairing the system and providing stormwater disposal services;

WHEREAS, stormwater must be managed in a manner that protects the public health, safety and welfare;

WHEREAS, imposing service fees provides the necessary funding to enable on-going management and improvements to the stormwater system;

WHEREAS the City Council desires to create a reasonable system to fund a comprehensive stormwater management program based on an equitable assessment and apportionment of costs and benefits derived thereby;

WHEREAS, the Stormwater Utility Component of the 2001 City of Hood River Capital Facilities Plan (CFP) describes capital improvements needed to safely collect and transport stormwater runoff through the city and discharge it ultimately to the Columbia River;

WHEREAS the CFP recommends a monthly user fee based on a particular land use's contribution to stormwater runoff at initially \$0.001 per square foot of impervious surface;

WHEREAS, the stormwater service fees provided for under this ordinance represent a cost associated with the impact on the stormwater system and the cost of accommodating that impact;

WHEREAS, persons who do not connect to or use the stormwater utility should not be required to pay the service fee and those who undertake the construction and installation of runoff control facilities on their property that reduce or eliminate the discharge of stormwater into the stormwater system should be given credit;

WHEREAS, the service fees established under this ordinance are not an assessment against the property and in fact do not become due and payable unless and until there is connection to the stormwater system. These charges are fees for services because they contemplate the receipt of an essential municipal service based upon the extent to which the service is used. The extent of use is within the control and discretion of the property owner. Furthermore, the charges are not intended to be a tax on property or the property owner as a direct consequence of ownership of the property within the meaning of the Oregon Constitution.

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapters 12.01—General Provisions and 12.04-Stormwater Service are amended as set forth in the attached Exhibit A.

Read for the first time: May 22, 2006.

Read for the second time and passed: July 10, 2006, to become effective thirty (30) days hence.

Signed August 30, 2006.


Linda Streich, Mayor

ATTEST:


Jean M. Hadley, City Recorder

CHAPTER 12.01 - GENERAL PROVISIONS

Legislative History: Ord 1821 (2002); Ord 1692 (1993)

Sections:

- 12.01.010 General Applicability/Purpose
- 12.01.020 Definitions
- 12.01.030 Rates and Charges Set by Council Resolution
- 12.01.040 Administration and Regulation of Systems
- ~~12.01.0450 Application; Billing; Delinquent Charges and Fees~~
- ~~12.01.0650 Discontinuance of Service by City~~ Right of Entry for Inspections or Repair
- ~~12.01.0760 Property Liens~~ Liability for Damages
- ~~12.01.0870 Right of Entry for Inspections or Repair~~ Violations/Penalties
- 12.01.0980 Liability for Damages
- 12.01.100 City in Lieu of Franchise Fees
- 12.01.110 Violations/Penalty
- 12.01.120 Severability Severability

12.01.010 General Applicability/Purpose. This title provides regulations for system development charges, water services, waste water services, cross connection control, stormwater systems, underground utilities and related matters to preserve the public health, safety, convenience and general welfare of the present and future inhabitants of the city.

12.01.020 Definitions. Unless the context requires otherwise or unless the term is otherwise defined in this Title, the following definitions shall apply to Title 12.

Applicant. A person or entity which has applied for a permit.

Acid. Having a Ph lower than 7

Alkali. Having a Ph higher than 7

BOD (biochemical oxygen demand). The quantity of oxygen used in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, expressed in milligrams per liter. The laboratory determinations shall be made in accordance with standard methods.

"CCC Inspector" (Cross Connection Control Inspector) The city representative appointed by the City Engineer after completion of the applicable state certification course(s).

Capital Facilities Plan. The Hood River Capital Facilities Plan (2001), as amended.

Capital Improvements. Public facilities or assets used for:

- (1) Water supply, treatment, or and distribution, or any combination thereof;
- (2) Wastewater/Sewage collection, transmission, treatment or and disposal or any combination thereof; and
- (3) Stormwater drainage, storm-water systems or and flood control; or

(4) Transportation.

City. The City of Hood River, Hood River County, Oregon.

City Engineer. Includes the Ccity Eengineer or designee.

Council. Hood River City Council.

~~————~~
~~Cross connection. Any actual or potential connection or piping arrangement between the public water supply and any other supply source or system through which it is possible to introduce any fluid, gas or other substance other than the potable water supply by the city.~~

Developer. A person who applies for a permit.

Development. All improvements on a site, including buildings, other structures, parking and loading areas, and areas devoted to exterior display, storage or activities, impoved open areas such as plazas and walkways. Redevelopment. Constructing a building or other structure, making a physical change in the use or appearance of a structure or land, or creating or terminating a right of access. Not unimproved lands or natural geologic forms.

FOG. Fat, Oil and/or Grease

Garbage. Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.

Improvement Fee. A fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to Chapter 12.07section 12.01.040(3) of this title.

Land Area. The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a portion of the parcel within a recorded right of way or easement subject to servitude for public street or for a public scenic or preservation purpose.

Owner. The owner(s) of record title or the purchaser(s) under a recorded land sales agreement, and other persons having an interest of record in the described real property.

Parcel of land. A lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and includes the yards and other open spaces required under the zoning, subdivision or other development ordinances.

Permit. Permit includes:

(1) a building permit;

(2) a development permit

(3) a permit for development not requiring the issuance of a building permit, including a land use permit and conditional use permit;

(43) a permit or approval to connect to the water system;

(54) a permit or approval to connect to the wastewater system;

(65) a permit or approval to connect to the storm sewer system; or

(76) a right of way access permit to access the city street system.

Person. "Person" includes any individual, firm, corporation, entity or partnership.

Premises Any building or property served by or applying for service from the public water supply or wastewater system.

Private wastewater system. A system of wastewater piping and appurtenances fully under private ownership and/or the operation of such not accepted by a public authority.

Public wastewater system. A wastewater system which is controlled by public authority.

Public water supply or water system. The piping system for collecting, conveying, and treating potable water from the source to individual water users beginning at the source and terminating at the water meter or city shut-off.

Qualified public improvement. A capital improvement that is required as a condition of permit development approval, identified in the plan adopted pursuant to Chapter 12.07 section 12.01.040(8) of this title, and either:

(a) Not located on or contiguous to a parcel of landproperty that is the subject of permit development approval; or

(b) Located in whole or in part on or contiguous to a parcel of landproperty that is the subject of permit development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

(c) For purposes of this definition, contiguous means in or separated by a public way that abuts the parcel.

Reimbursement fee. A fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to Chapter 12.07 section 12.01.040(3) of this title.

Residential user. All single-family dwelling units or multiple-family dwelling units where water service is supplied to each unit through individual water meters.

SDC. (System Development Charges). A reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a permit, or at the time of connection to the capital improvement. "System development charge" includes that portion of a wastewater or water system connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections with water and wastewater facilities. "System development charge" does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.

Service Charge. The monthly rate established by the Council pursuant to Section 12.01.030 and the provisions of this title for the use of the water, wastewater, and

stormwater systems. The service charge may include a surcharge.

Sewer. A pipe or conduit system for carrying wastewater with or without attendant valves, manholes, pumps, etc..

Slug. A discharge of water, sewage, or industrial waste that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flows during normal operation.

Standard methods. The examination and analytical procedures contained in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.

Storm drain or storm-water system. ~~All facilities for sewer that carrying, collecting,ies managing and controlling stormwater and surface waters and drainage, and, excluding~~es sewage and industrial wastes.

Stormwater. ~~Water from precipitation, surface or subterreanean water from any source, drainage, and non-septic waste water.~~

Surcharge. The assessment, in addition to the service charge, that is levied on those persons whose wastes are greater in strength than the concentration values established as representative of normal sewage or require special handling.

Surface Water. ~~Waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams (permanent and intermittent), above ground and underground springs, rivers and other water courses.~~

Suspended solids. Solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and that are removable by laboratory filtering. Quantitative determination of suspended solids shall be made in accordance with standard methods.

Title. Title 12 of the Hood River Municipal Code.

Unpolluted water . Water containing none of the following: free or emulsified grease or oil; acids or alkalis; substances that may impart taste and odor or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorous or otherwise obnoxious gases. It shall contain not more that 1.0 milligrams per liter by weight of dissolved solids; not more than 2.0 milligrams per liter each of suspended solids or biochemical oxygen demand. Analytical determinations shall be made in accordance with standard methods.

Wastewater. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with any ground, surface, and stormwaters that are present; sewage.

The Wastewater ---Collection Officer. ~~The --is a~~ person appointed by the City Engineer and appropriately-certified by the State of Oregon as a Wastewater Collection System Operator.

Wastewater treatment plant. An arrangement of devices and structures used for treating wastewater.

Wastewater System. All facilities for collecting, pumping, treating, and disposing of wastewater; sewage works.

Water Service Connection. The point where the city has installed or may install a shut-off or water meter on the water service line to a premises.

Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

Water Department. The City of Hood River Water Department or its designee.

Water Superintendent. City Engineer or his/her designee.

12.01.030 Rates and Charges Set by Council Resolution.

(A) Service charges~~Rates and charges~~ for use of the water, stormwater and wastewater systems, are set by Council resolution. Service charges include rates and fees for use of the system(s), charges for initiation and termination of service, meter testing charges, water meter testing fees and such other rates, charges and fees for related terms and conditions of water, stormwater and wastewater system use approved by the Council pursuant to this Title~~not provided in this title shall be set by council resolution.~~ No connection to the water, wastewater, or stormwater system is permitted and no permit will be issued unless all service charges for the property for all systems have been paid in full, regardless of whether the applicant incurred the charges.

(B) The methodology used to establish water service use charges for usage shall consider the estimated costs of maintenance, repair, ~~rehabilitation~~ and replacement of the water system, including associated engineering, architectural and legal expenses, debt service, and the cost of operation and administration of the water system and charges shall be based upon water consumption. The Council may set different rates for premises located outside of city limits.

(C) The methodology used to establish wastewater service use charges for usage shall consider the estimated costs of maintenance, repair, rehabilitation and replacement of the wastewater system, including associated engineering, architectural and legal expenses, debt service, and the cost of operation and administration of the wastewater system and charges shall be based upon water consumption and the demand placed upon the wastewater system by each user or type of use. The council may set different rates for premises located outside of city limits. The Council may impose a wastewater service charge on users of the water system, regardless of whether the user uses the wastewater system.

(D) The methodology used to establish stormwater service charges for usage shall consider the estimated costs of maintenance, repair, rehabilitation and replacement of the stormwater system, including associated engineering, architectural and legal expenses, debt service, the cost of operation and administration of the stormwater system and charges shall be set in accordance with Chapter 12.04. The Council may set different rates for premises located outside of city limits.

12.01.040 Administration and Regulation of Systems. The City Engineer is responsible for administering the water, wastewater and stormwater systems. The City

Engineer may establish regulations for the use of the water, wastewater and stormwater systems that supplement and are not inconsistent with the regulations in this title.

—————[Note: Former Section 12.01.040—System Development Charges was moved to new Chapter 12.07]

12.01.0450 Application; Billing; Delinquent Charges and Fees.

(A). All persons desiring to use the City's water, stormwater, or wastewater systems must file a written application to the Public Works Department. The City Engineer determines the form of application. Any person receiving service but for whom no account exists is considered an applicant and will be billed for the service and required to pay for the service.

(B). All service charges are billed to the customer at the address provided in the application for service. All service charges are due on receipt of the bill and if not paid within 30 days of the original billing date, a later charge may be imposed in addition to the amount billed. The late charge is set by Council resolution.

(C). If all service charges are not paid in full when due, credit is given first to the stormwater service charges, then to the wastewater service charges, and lastly to the water service charges.

(D). A claim for delinquent service charges or fees may be transferred from a tenant to an owner of real property provided water or wastewater services, subject to ORS 91.255. When applying to connect, establish or reestablish service to the City's water, wastewater, or stormwater system, all owners of real property shall provide written consent for the City to transfer a claim for delinquent service charges from a tenant to the owner.

(E). All serviceny charges or fee due to the city according to the provisions of this title which areis not paid promptly when due, may, in addition to any other remedy available to the City, be recovered in an action at law by the city. The prevailing party in such action shall be awarded reasonable attorney's fees and costs by the trial court.

12.01.060 Discontinuance of Service by City. If a customer's account becomes delinquent for more than ___ days, the City Engineer may direct that the water service to the customer be terminated and discontinued until all delinquent service charges are paid in full. The City Engineer shall adopt regulations providing for prior written notice of termination and discontinuance and notice of the steps necessary in order to reestablish service.

12.01.070 Property Liens.

(A) If a customer is the owner of the property, service charges, plus billing service charges, late payment charge, charge for collecting delinquent bills, damages and any other charges incurred relating to the property shall be a lien against the property served from the date of delinquency. In the case of a closing bill where the property is being sold or transferred, the lien for the closing bill shall attach as of the day preceding the sale or transfer.

(B) When a bill for service remains unpaid for 60 days after it has been entered in the customer's billing record or other city record, and recorded in the city's lien docket,

the lien may be foreclosed in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.

12.01.0580 Right of Entry for Inspections or Repair. City employees shall at all reasonable times have access to any premises provided water, wastewater or stormwater services by the city, for inspection, repair or replacement of the existing service or services or the enforcement of the provisions of this title.

12.01.09060 Liability for Damages. A person who violates a provision of this title shall be strictly liable to the city for loss or damage to the city caused by the violation.

12.01.100 City In Lieu of Franchise Fees. As compensation for use of City rights-of-way, the City Council may cause the City, by resolution, to pay an amount in lieu of franchise fees to a specified City fund. Revenues required to meet debt service payments may be exempt from this requirement.

12.01.11080 Violations/Penalties. Any person who violates or causes a violation of any provision of this title shall be punishable by a fine of up to \$1,000 per occurrence and termination of water service. Failure of any user of water service, stormwater service, or wastewater services to pay a charge required by this title, shall subject such user to discontinuance of all or any of such services. Unless specified otherwise, violations of this title are declared civil violations and such violations may, in addition to or in lieu of other remedies or enforcement measures provided by State law or this title, be enforced under the provisions of Chapter 1.12 of this code.

12.01.12090 Severability. The invalidity of a section or subsection of this title shall not affect the validity of the remaining sections or subsections.

CHAPTER 12.04 - STORMWATER SERVICE

Sections:

- 12.04.010 Stormwater—definitions
- 12.04.020 Permits required; application requirements
- 12.04.030 Stormwater connection required
- 12.04.040 Installation of separate service to each parcel under separate ownership
- 12.04.050 Installation of service pipes
- 12.04.060 Stormwater detention
- 12.04.070 Discharge of stormwater
- 12.04.080 Prohibited discharge
- 12.04.090 System under exclusive control of City Engineer; damage responsibility
- 12.04.100 Service charges established
- 12.04.110 Service charge components
- 12.04.120 Interim service charge
- 12.04.130 Exemptions
- 12.04.140 Adjustment of service charge
- 12.04.150 Service charge credit
- 12.04.160 Minimum service charge
- 12.04.170 Appeal of denial of adjustment or credit request

12.04.010 Stormwater—definitions. For purposes of this Chapter, the following words and phrases have the following meanings, unless the context requires otherwise.

Dwelling Unit: The single unit or apartment providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Equivalent Residential Unit (ERU): The median average of impervious surface area of a dwelling unit which is estimated to place approximately equal demand on the public stormwater system facilities. One (1) ERU is equal to two thousand five hundred (2,500) square feet of impervious surface area.

Impervious Surface: Those surfaces which either prevent or retard saturation of water into the land surface and cause water to run off the land in greater quantities or at an increased rate of flow from that present under natural conditions pre-existent to development. Examples of impervious surfaces include, but are not limited to, rooftops, concrete or asphalt sidewalks, walkways, patio areas, driveways, parking lots or storage areas, and gravel, macadam or other surfaces which similarly impact the natural saturation or runoff patterns which existed prior to development.

Impervious Surface Area: The number of square feet of horizontal surface covered by buildings or other impervious surfaces. All building measurements shall be made between exterior faces of walls, foundations, columns, or other means of support or enclosure.

Operating Budget: The annual Stormwater System budget adopted by the City for the succeeding fiscal year.

Single Family Unit (SFU): A single family dwelling as defined Title 17. A SFU is presumed to have 2,500 square feet of impervious surface area for purposes of this ordinance. The term SFU is inclusive of those units identified as detached single-family residences, unit ownerships, etc.

Stormwater Management: The planning, design, construction, regulation, improvement, repair, maintenance, and operation of facilities and programs relating to water, flood control, grading erosion, tree conservation, and sediment control.

Stormwater Management Fund or Fund: The fund maintained by the City to operate, maintain, and improve the stormwater system.

12.04.020 Permits required—application requirements.

(A) It is unlawful for any person to discharge water into the stormwater system unless permission has been first obtained in writing from the City. Applications for permits to connect to the city stormwater system shall be made in writing, and signed by the owner or authorized agent of the real property to be served. The applicant, as a condition precedent to connection to the stormwater service, agrees to conform to all city titles and regulations concerning the use of the service.

(B) The applicant shall pay to the city the estimated cost of the inspection and System Development Charges, as applicable, before connection is made. Connection is made by the applicant.

12.04.030 Stormwater connection required.

(A) All owners of property adjacent to a stormwater system shall cause unpolluted water to be discharged into the stormwater system not later than 90 days after receipt of a written notice from the City Engineer that a connection to the stormwater system is required. Property is considered adjacent to the stormwater system when located within 300 feet.

(B) Connection may be defined by a physical attachment to a storm drainage pipe or by a discharge to a gutter, open drainage way or other access to the system.

12.02.040 Installation of separate service to each parcel under separate ownership.

(A) Except as may otherwise be provided in this Chapter, separate connection is required for each parcel under separate ownership.

(B) Where stormwater service is now supplied through one service to more than one parcel under separate ownership, the City Engineer may notify the owner of the necessity to provide separate installation of services and that failure to do so within a designated time period shall result in termination of service or the imposition of penalties.

(C) The City Engineer may, in the City Engineer's discretion, determine that separate services are not required for integrated systems serving multiple businesses, planned unit developments, condominiums, shopping centers or multi-family dwellings.

12.04.050 Installation of service pipes.

(A) Pipes from the premises and connections to the stormwater system must be of size and material approved by the most recent edition of the State of Oregon Plumbing Specialty Code. Service pipes shall be so connected and maintained as to provide the ability to locate from within the building to the main in accordance with the specifications of the State Plumbing Official.

(B) The property owner shall be responsible for the installation and maintenance of piping, plumbing, and equipment on the owner's premises connected to the stormwater system. The city shall not be liable for loss or damage of any nature, caused by any defect in the property owner's piping, plumbing, or equipment.

12.04.060 Stormwater detention. Development in the city limits or within the Urban Growth Boundary may require detention systems. Detention systems shall be designed by a professional, registered engineer and comply with all requirements of the city engineer.

12.04.070 Discharge of stormwater.

(A) When connection to the stormwater system is required, stormwater and all other unpolluted drainage must be discharged into the stormwater system or to a natural outlet approved by the City Engineer.

(B) Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Engineer, to the stormwater system or natural outlet.

12.04.080 Prohibited discharge. No person shall discharge or cause to be discharged any garbage, industrial waste or sewage or any of the following described waters or wastes into the stormwater system:

(A) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solids, or gas.

(B) Waters or wastes which contain toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including, but not limited to, cyanides in excess of two mg/l as CN in the wastes as discharged to the wastewater system.

(C) Waters or wastes which have a pH lower than 5.5 or any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the wastewater system.

(D) Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in wastewater systems or other interference with the proper operation of the wastewater system, such as, but not limited to, grease, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood,

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

(E) Any discharge prohibited by State or Federal law into the stormwater system.

12.04.090 System under exclusive control of City Engineer; damage responsibility.

(A) The city is not liable or responsible to the property owner or any person or persons claiming by or through the owner for loss or damage related to or arising from an interruption in the service provided by the stormwater system or for loss or damage due to accident, breakdown, washout, or other causes.

(B) All mains, laterals, service connections and other parts of the system are under the exclusive control of the City Engineer and no person other than the City Engineer will be permitted to in any manner interfere with any main, service pipe, or other part of the system, or to connect or disconnect from the system.

12.04.100 Service charges established. (A) All users of the stormwater system shall pay stormwater service charges for use of the stormwater system, whether or not a permit is obtained.

(B) Stormwater system service charges will be added to the water and/or sewer bills of accounts billed directly by the City to water and/or sewer users.

(C) The service charges are established by resolution of the City Council. The service charges shall:

(1) Apportion, on a reasonable basis, the benefit given, which may be measured directly;

(2) Distribute proportionately to all classifications of users in the City the costs of design, construction, maintenance and overall operation of the stormwater system. For purposes of this provision, all classifications of users are considered to enjoy direct and indirect benefits of an improved and well-maintained system;

(3) Adequately cover the Operating Budget.

12.04.110 Service Charge Components. (A) Service charges for the stormwater system may be based on the ERU or any other component from which an equitable and reasonable service charge may be computed.

12.04.120 Interim Service Charge.

(A) Pending the adoption of a permanent service charge schedule, an interim service charge is adopted to assist in funding the stormwater system pending the completion and adoption of a stormwater rate study. The study will be completed within 18 months of the implementation of the interim fee schedule. No refunds or credits will be made if the final service charge adopted is greater than the interim service charge.

(B) The interim service charge is as follows:

<u>Water Meter Size, inches</u>	<u>Monthly Interim Rate, \$</u>
<u>¾</u>	<u>2.50</u>
<u>1</u>	<u>12.00</u>
<u>1 ¼</u>	<u>21.00</u>
<u>1 ½</u>	<u>23.00</u>
<u>2</u>	<u>40.00</u>
<u>3</u>	<u>80.00</u>
<u>4 and over</u>	<u>125.00</u>

12.04.130 Exemptions.

(A) The Council finds that all real property in the City contributes to runoff and either uses or benefits from the stormwater system. Therefore, except as otherwise provided in this section, all users of the stormwater system in the City shall pay the service charge established under this chapter for use of the system.

(B) A stormwater system user is not required to pay the service charge if the user demonstrates to the satisfaction of the City Engineer, in their sole discretion, that the user does not discharge stormwater to the system during the 100 year, 24-hour design storm event as defined by the State of Oregon. All costs associated with proving this exemption will be borne by the user.

(C) Where the City is the user or stormwater customer, there shall be no service charge payable.

(D) Undeveloped property. Property is considered undeveloped if there are no structures on the property and no impermeable surfaces.

12.01.140 Adjustment of service charge.

(A) Users may request an adjustment of the service charge from the City Engineer. Adjustments will be based on the amount of impervious surface area on the parcel. All requests for an adjustment must be made in writing by the user and must describe in detail the circumstances upon which the adjustment is requested. Adjustment requests will be reviewed by the City Engineer within a two (2) month period from the date of the filing of the adjustment request. Adjustments resulting from requests made during the first fiscal year in which the service charge applies will be retroactive to the first month in which the service charge was applied, but not to exceed twelve (12) months.

(B) The user requesting the adjustment may be required, at the user's sole expense, to provide supplemental information to the City Engineer including, but not limited to, survey data approved by a registered professional land surveyor (RPLS) and engineering reports approved by a professional engineer (PE), and any other data the user will need to support the request. Failure to provide such information may result in denial of the adjustment request.

(C) The City Engineer's approval or denial of the adjustment will be in writing and may be appealed under Section 12.04.170.

12.04.150 Service charge credit.

(A) The City recognizes that some users subject to the service charge have constructed, operated and maintained, or desire to construct, operate and maintain stormwater management facilities that can reduce stormwater runoff impacts. Stormwater management facilities that do reduce stormwater runoff impacts may qualify for an onsite stormwater facility credit if there is no stormwater discharge into the stormwater system during the 100-year, 24-hour design storm event as defined by the State of Oregon and the stormwater management facilities have been permitted by the State of Oregon and/or approved by the City Engineer.

(B) Application for an onsite stormwater management facilities credit shall be submitted by the user to the City Engineer, in writing, complete with all requested information and supporting documentation. The user shall provide, at the user's sole expense, proof that the stormwater facilities meet the requirements of subsection (A) and provide stormwater quality treatment equivalent to that provided by the City's stormwater system. The City Engineer may also require survey data approved by a RPLS and an engineering reports approved by a PE. Failure to provide such information may result in the denial of the credit application.

(C) If the credit is approved, the user receiving the credit must demonstrate to the City Engineer on or before every third year anniversary of the credit approval that the qualifying stormwater facilities are operating properly and being maintained according to standard practices. The demonstration shall include, at a minimum, photographs of the subject stormwater facilities during the year prior and a signed affidavit that the facilities have been operating properly and maintained according to standard practices. If the City Engineer determines that the user has failed to provide proof that the onsite facilities were working for the three (3) year period, prior, the City Engineer will notify the user in writing and the user will pay a penalty equal to the service charge that would have been due for the 12 months preceding the loss of the credit.

(D) Credits to the Fee shall be retroactive to the date of the filing of the credit application and will be applied against future fee collections, beginning in the month following approval of the credit. The City Engineer will approve or deny the credit in writing. Denials of credit applications may be appealed to the City Manager in accordance with Section 12.04.170.

12.04.160 Minimum service charge: Notwithstanding any adjustments under Sections 12.04.140 and 12.04.150 above, the minimum stormwater service charge assigned will be at the rate set by resolution of the City Council, unless the property is exempt or *[unless there is no impervious surface area, in which cases no service charge is payable].*

12.04.170 Appeal of denial of adjustment or credit request.

(A) Within thirty (30) days of the date of the City Engineer's written denial of a an adjustment or credit request under Sections 12.04.140 and 12.04.150 above, the applicant may appeal the denial to the City Manager. The appeal shall be in writing stating with specificity the grounds for the appeal, why the request should not have been denied, and shall include a copy of the original request, supporting documents, and City Engineer's written denial.

(B) Within thirty (30) days of the date the appeal is filed with the City Manager, the City Manager will issue a written decision upholding, reversing or modifying the City Engineer's decision and explaining the reasons for the City Manager's decision.

(C) The City Manager's decision is the final and may not be appealed to Council.

Steven J. Everroad

From: Alexandra Sosnkowski
Sent: Tuesday, July 11, 2006 1:38 PM
To: Steven J. Everroad
Subject: Ord 1897

I am going through the changes and preparing a memo. I noticed a typo in 12.04.020 that will need to be corrected upon codification. "It is unlawful for any person to discharge water into the stormwater system . . ." should be "It is unlawful for any person to discharge **stormwater** into the stormwater system . . .". Stormwater includes water, and runoff, etc.

Alex

Alexandra E. Sosnkowski
208 3rd Street
Hood River, OR 97031
541-387-5223 (ph)
541-386-9352 (fax)

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Steven J. Everroad

From: Alexandra Sosnkowski
Sent: Tuesday, July 11, 2006 2:11 PM
To: Steven J. Everroad
Subject: More 1897 cleanup

Sir Temporary Recorder:

The numbering in 12.04 is off on .040 and .140 (should be .04 not .02 and .01 respectively).

The last phrase of the last sentence in 12.04.160 should be retained without italics or bold or brackets. (This is consistent with 12.04.130(D)).

(The applicant should have excellent attention to detail, among other qualifications).

Alex

Alexandra E. Sosnkowski
208 3rd Street
Hood River, OR 97031
541-387-5223 (ph)
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