

West Linn Code

requirements of all applicable codes, ordinances, and laws.

(7) Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection.

[Amended by Ordinance No. 1437, effective July 1, 1999.]

4.055 Protection From Damage.

No person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.

4.060 Sealing of Abandoned Septic Tanks Required.

It is unlawful or any owner of a septic tank to abandon the tank without first completely pumping same out. All septic tank roofs shall be removed and the tank filled with sand and water settled. If the tank is constructed of concrete and in good condition it need not be pumped out and filled with sand. The concrete roof shall be permanently sealed to the satisfaction of the city engineer or his representative. The septic tank shall be inspected and approved by the city engineer or his representative before the tank is covered.

SURFACE WATER MANAGEMENT

4.062 Storm Sewer Policy.

(1) Pursuant to the general laws of the State of Oregon and the powers granted in the charter of the city, the council does hereby declare its intention to acquire, own, construct, reconstruct, equip, operate, regu-

late and maintain within the city limits of the city, and outside the city limits when consistent with the council's adopted policies or intergovernmental agreements, a storm drainage system, as an integral part of the Environmental Services Utility and also, when authorized by law, to require persons responsible to construct, reconstruct, maintain and extend the storm drainage system.

(2) The improvement of both public and private storm drainage facilities through or adjacent to a new development shall be provided by the person responsible for the development. Said improvements shall comply with all applicable city ordinances, policies and standards.

(3) No portion of sections 4.000 to 4.090 or statement herein or subsequent interpretations or policies shall relieve any property owner of assessments levied against real property for a local improvement project or for abating conditions on the property that violate any provision of this code.

[Amended and renumbered 4.062 by Ordinance No. 1437, effective July 1, 1999. Previously Section 4.555, Policy]

4.063 General Discharge Prohibitions

(1) It is unlawful to discharge or cause to be discharged directly or indirectly into the City storm sewer system and/or a surface water body, any of the following:

- A. Any discharge having a visible sheen;
- B. Any discharge having a pH of less than 6.0 Standard Units (S.U.) or greater than 9.0 (S.U.);
- C. Any discharge that contains toxic chemicals in toxic concentrations;

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- D. Any discharge that contains visible floating solids;
- E. Any discharge which causes or may cause damage to the City's storm sewer system;
- F. Any discharge which causes interference in the City's storm sewer system;
- G. Any discharge which causes or may cause a nuisance or hazard to the City's system, City personnel or the receiving waters.

[Section 4.063 added by Ordinance No. 1453, adopted 06-12-00.]

4.065 City Responsibilities. The City shall manage public storm drainage facilities located on city-owned property, city right-of-way, and city easements through the Environmental Services Utility. Public storm drainage facilities that may be managed by the city include but are not limited to:

- (1) An open drainageway serving a drainage basin within the city;
- (2) A piped drainage system and its related appurtenance which have been designed and constructed expressly for use by the general public and accepted by the city;
- (3) Roadside drainage ditches along unimproved city streets;
- (4) Flood control facilities (levees, dikes, overflow channels, detention systems, retention systems, dams, pump stations, groundwater recharging basins, etc.) that have been designed and constructed expressly for use by the general public and accepted by the city.

[Amended and renumbered 4.065 by Ordinance No. 1437, effective July 1, 1999. Previously Section 4.560, City Responsibilities]

4.070 Private Responsibilities.

(1) Storm drainage facilities to be managed by the person responsible include but are not limited to:

- (a) A storm drainage facility not located on city-owned property, city right-of-way, or city easement;
- (b) A private parking lot storm drain;
- (c) Any roof, footing, or area drain;
- (d) A storm drainage facility not designed and constructed for use by the general public;
- (e) An open drainageway;
- (f) Access drive culverts in the public right-of-way or on private property;
- (g) A detention, retention or treatment system, in the construction of which the city did not financially participate.

(2) Any person responsible shall keep open drainageways on property which they possess or control cleared of debris and vegetation as required by sections 5.400 to 5.430 of this code.

(3) Any person responsible shall maintain non-public storm drainage facilities on property which they possess or control so as to prevent flooding or damage to other property not possessed or controlled by the person responsible and to prevent injury to any person or property not owned or controlled by the person responsible.

(a) The City may require a maintenance agreement to be established for any new and/or existing storm drainage facility as determined necessary by the City Engineer.

(1) The maintenance agreement shall be recorded by the City in the Deed Records of Clackamas County, Oregon.

(4) Any person responsible shall not alter a detention, retention or treatment

system from its original properly functioning condition or intended design, without prior approval of the City Engineer.

(5) The failure of any person responsible to comply with the obligations stated in subsection (1), (2), (3) or (4) of this section is a violation.

(6) The conditions on private property which may result in situations proscribed by subsections (2), (3) or (4) of this section are declared to be a danger to public health and safety and therefore are a nuisance to be abated as provided in sections 5.400 to 5.430 of this code.

[Renumbered 4.070 by Ordinance No. 1437, effective July 1, 1999. Previously numbered Section 4.565; Section 4.070 amended by Ordinance No. 1489, adopted September 18, 2002.]

4.072 Charges for Storm Drainage Service.

(1) Except as the fees may be reduced under subsection (4), the obligation to pay storm drainage fees arises whenever there is a request for storm drainage service for an improved premises. Unless another person responsible has agreed in writing to pay and a copy of that writing is filed with the city, the person receiving the city's water utility charge bill shall pay the storm drainage fees set by council resolution. If there is no water service to the property or if water service is discontinued and the property is an improved premises, the storm drainage fees shall be paid by the person responsible for the property. The person required to pay the fee is hereafter referred to as the "customer."

(2) The council may by resolution establish fees and charges necessary to provide and operate a storm drainage system and service. When establishing the fees for storm drainage service the council shall:

(a) Establish a monthly service rate for a structure on an individual lot which contains 1, 2 or 3 dwelling units at the rate set for 1 ESU for each dwelling unit in the structure.

(b) Establish a monthly service rate for all customers not included in paragraph (a), above, which is calculated by dividing the total measured area of impervious surface by 2,914 square feet and rounding the result to the nearest whole number. The rate to be charged is this whole number multiplied by the rate set for 1 ESU.

(c) Establish a monthly service rate for manufactured home parks in the manner established by paragraph (b), above.

(d) Storm drainage fees shall be placed in the Environmental Services Fund. Any rate increase may not exceed 5% in any calendar year without voter approval. Any request for an increase shall be referred to the Utility Advisory Board for consideration and recommendation to the City Council. The rates for sewer service charges established by §4.005(12) and rates for storm drainage fees may be considered separately or in combination. The sum total increase that results from separate or combined consideration is the increase for the Environmental Service Utility system for the purpose of the 5% limitation of Section 44 of the City Charter. If considered separately the combined rate increase shall not exceed 5% in any calendar year without voter approval. If the Utility Advisory Board fails to refer a recommendation to the council within sixty (60) days of receipt of the request for consideration, the council may consider the request without a Utility Advisory Board recommendation.

(3)(a) All improved premises, other than structures on individual lots with 1, 2 or 3 dwelling units, existing on the effective date of this provision, have been individually evaluated and measured through the use of aerial photographs and computer analysis to establish square footage of impervious surface area. The results of this analysis are used in establishing monthly service rates.

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(b) In circumstances where an analysis of impervious surface area does not exist, or is determined to be incorrect, the city may in its discretion use actual measurement or measurements from site plans approved by the city to determine the area of impervious surface.

(4)(a) Upon completion of the on-site credit application package available from the city's Public Works Department, a customer of the utility may request a reduction of the storm water service charge. The service charge will be reduced in relation to the customer's ability to demonstrate that on-site storm water facilities or regional storm water facilities which have been funded by the customer exceed the city's standards for storm water quantity and quality control at that site.

(b) Any reduction given shall continue until the condition of the property is changed or until the public works director determines the property no longer qualifies for the credit given. Upon change in the condition of the property, another application may be made by a person responsible.

(5) Service charge avoidance may be requested through the application package available from the Public Works Department. The criteria for waiver of the service charge as it applies to a specific customer includes total retention of storm water with no effective discharge to the city's storm drainage system (including the Willamette and/or Tualatin Rivers); the petitioner's ability to demonstrate through hydrologic/hydraulic analysis that the site receives no storm drainage service from the city's storm water system; and proof that storm water facilities are constructed and maintained to city standards.

[Amended and renumbered 4.072 by Ordinance No. 1437, effective July 1, 1999. Previously numbered Section 4.570]

4.075 Enforcement. In addition to other lawful remedies, the city manager may enforce the collection of charges

required by sections 4.005 to 4.090 by withholding delivery of water to any improved premises where the storm drain utility charges are delinquent or unpaid.

[Amended and renumbered by Ordinance No. 1437, effective July 1, 1999. Previously numbered Section 4.580]

4.080 Request for Service. A request for water service constitutes a request for storm drainage service and will initiate appropriate billing for storm drainage services. If development of a parcel does not require initiating water service, the creation of an improved premises from which storm water may be discharged into the public storm drainage system shall constitute a request for service and initiate the obligation to pay the fees and charges authorized in sections 4.000 to 4.090.

[Amended and renumbered by Ordinance No. 1437, effective July 1, 1999. Previously numbered Section 4.585]

4.082 Administration Regulations. The City Manager may adopt such rules and regulations as are necessary for the administration of the duties required by sections 4.000 to 4.090 and for the public health, safety and welfare.

[Amended and renumbered by Ordinance No. 1437, effective July 1, 1999. Previously numbered Section 4.590]

4.085 Reduced Storm Drainage Service Charges for Low Income Citizens.

Reduced storm drainage service charges shall be made available to low income citizens meeting the eligibility requirements pursuant to Section 4.155.

[Renumbered by Ordinance No. 1437, effective July 1, 1999; previously numbered Section 4.595; amended by Ordinance No. 1468, effective March 16, 2001.]

4.090 Appeal. Any customer aggrieved by any decision made with regard to the customer's account may appeal to the city manager by filing with the city a written

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request for review no later than 10 days after receiving the decision. The city manager's decision shall be subject to review by the city council upon filing of an appeal within 15 days of the notice of decision.

[Renumbered by Ordinance No. 1437, effective July 1, 1999. Previously numbered Section 4.600]

SIDE SEWER INSTALLATION

4.100 Adoption of Specifications.

Those specifications entitled "Regulations for Installation of Side Sewers," dated June 18th, 1970, attached to Ordinance 710, copies of which are on file in the city clerk's office, and by reference made a part of sections 4.100 to 4.110, shall become part of sections 4.100 to 4.110 as though they were fully set forth herein, and each and every provision therefore be and the same is adopted by reference by the city.

4.105 Council Findings. The council finds that to protect the citizens of West Linn and to assure adequate construction of sewers and the proper attachment thereof to the city sewer system it is immediately necessary to adopt the provisions of sections 4.100 to 4.110 providing for the licensing of sewer contractors.

4.110 Licensing of Sewer Contractors.

(1) No person other than the owner of the property on which the sewer is being installed or a licensed sewer contractor may install side sewers in the city.

(2) As a prerequisite to entering into contracts with the property owners in the city for the installation of side sewers, septic tanks, cesspools, septic tank drain fields and of soliciting such work, a contractor shall apply for and with the approval of the city, be licensed as a qualified sewer contractor.

(3) Before being issued a license, a sewer contractor shall submit to the city a

statement showing his qualifications for performing such work.

(4) A sewer contractor shall execute and deliver a dual obligee surety bond to be approved by the city in the amount of two thousand dollars in favor of the city and the owner of the premises to be served, conditioned that he will perform all sewer work in conformance with the laws of the city and the requirements of other governmental agencies and that he will indemnify and save the city and the owners of the premises harmless against all expenses, damages, costs, and claims arising out of his negligence or unskillfulness in performing such work.

(5) The licensed sewer contractor shall have and keep in full force and effect property damage and liability insurance in the minimum amounts of one hundred thousand dollars property damage and \$100,000.00/\$200,000.00 personal injury while performing any work in the city. A certificate of such insurance shall be filed with the city; said certificate shall indicate that coverage includes sewer excavation, including explosion, collapse, and underground exposure.

(6) The license of any sewer contractor may be revoked upon evidence of his failure to comply with any and all regulations of the city or other governmental agency or for fraud or abuse of owners.

WATER REGULATIONS

4.150 Connection Fees and Meter Charges. The charges for water connections and water meters shall be established by resolution of the West Linn city council.

4.155 Rates.

(1) The monthly water rates shall be established by resolution of the City