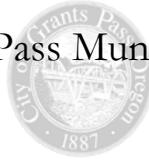


# City of Grants Pass Municipal Code



## Title 8

### PUBLIC SERVICES

#### Chapters:

#### I. UTILITY REGULATIONS

- 8.04 General Provisions
- 8.08 Water Service
- 8.09 Cross Connections (Ord. 4880 §1, 1997; Ord. 5517/Res. 5682 §2, 2010)
- 8.10 Residential Cross-Connections (Ord. 4880 §1, 1997)
- 8.12 Water Meters
- 8.16 Sewer Service
- 8.20 Water and Sewer Services
- 8.24 Notices
- 8.28 Billing and Payment
- 8.30 Water Meter Error, Disputed Bills, or Billing Adjustments
- 8.32 Discontinuance of Service
- 8.36 Equipment
- 8.40 Fire Hydrants
- 8.41 Sewer Utility Rates (Ord. 4813 §1, 1994, Ord. 5357, 2006)
- 8.42 Fees, Rates, and Charges for Utility Services
- 8.44 Appeals
- 8.48 Enforcement and Penalties

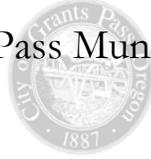
#### II. WATER MAINS AND DRAINAGE WAYS

- 8.50 Wastewater Pollutants
- 8.52 Water Mains
- 8.56 Drainage Ways

#### III. TRANSPORTATION UTILITY FEE

- 8.60 Transportation Utility Fee
- 8.70 Jail Services Utility Fee

# City of Grants Pass Municipal Code



## Chapter 8.04

Amended by Ord. 5326, 2005. *The rate increases established in Ord. No. 5326 shall be first applied to all billings generated after January 31, 2006.*

### GENERAL PROVISIONS

#### Sections:

8.04.010	Short Title
8.04.020	Scope
8.04.030	Definitions
8.04.040	Service Area
8.04.050	Water Service
8.04.060	Sewer Service
8.04.070	Water Curtailment Procedures
8.04.080	Applications for Utility Service

# City of Grants Pass Municipal Code



## 8.04.010 Short Title

This ordinance shall be known as the "Utility Ordinance for the City of Grants Pass, Oregon" and may be so cited and pleaded. (Ord. 4352 §1(1), 1980; Ord. 4481 §1(1), 1983)

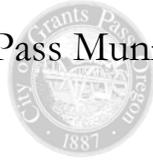
## 8.04.020 Scope

The City and all customers receiving utility service, being water or sewer service, or both, from the City, and whether inside or outside the City limits, are bound by this ordinance and all rules, regulations, policies and procedures adopted pursuant hereto. (Ord. 4352 §1(2), 1980; Ord. 4481 §1(2), 1983)

## 8.04.030 Definitions

- A. "Applicant" means any person, firm, partnership or corporation, making application for utility service from the City under the terms of this ordinance.
- B. "City" means the legally constituted municipal government of the City of Grants Pass, Oregon.
- C. "Commercial" means those customers receiving water services at a location whose purpose is to carry out commerce or trade.
- D. "Council" means the Council of the City of Grants Pass, Oregon.
- E. "Customer" means any recipient of utility service from the City under the terms of this ordinance.
- F. "Customer Service Line" means that part of the service piping on or off the customer's property which connects the utility service to the customer's distribution or collection system. In the case of water service, the customer's service line extends from the meter box to the customer's premises. In the case of sewer service, the customer's service line extends from the sewer main to the customer's premises.
- G. "Industrial" means a customer receiving water services whose purpose is conduct commerce in regards to the manufacturing of products; which excludes utility, transportation, and financial companies.
- H. "Interruptible Irrigation Public Parks and Public Schools" means water provided to public park and public school customers for the sole purpose

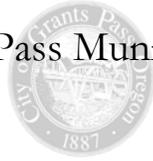
# City of Grants Pass Municipal Code



of maintaining outdoor landscaping which benefits the community as a whole and whose irrigation service shall be provided by a separate irrigation meter and may be interrupted as deemed necessary by the City of Grants Pass Utility Department.

- I. "Irrigation" means water provided for the sole purpose of maintaining outdoor landscaping. Irrigation water must be provided to a customer utilizing a separate irrigation meter. Such standalone water service is exempt from sewer related charges.
- J. "Multi-Family" means a residential customer served by a single meter with two or more residential units except where the units are defined as commercial occupancies under the Uniform Building Code.
- K. "Public" means those customers whose buildings are owned by a government agency, school (both public and private), or non-profit corporations which meet all of the following criteria:
  - 1. Not more than 10% of the building is used for the sale, manufacture, production, repair, or service of a product sold to third persons, whether or not sold by the sewer customer of this class; and
  - 2. The sewer discharge consists of typical domestic waste; and
  - 3. Not more than 10% of the building is used for residential purposes.
- L. "Plumbing Ordinance" means City of Grants Pass Ordinance No. 4063, entitled "An Ordinance Adopting the Oregon Plumbing Specialty Code," being the Uniform Plumbing Code, 1979 Edition as amended by the Oregon State Department of Commerce, with Appendices, and Repealing City of Grants Pass Ordinances No's. 2964, 3018, and 3690," or as hereafter amended or later adopted.
- M. "PUD" means a residential customer served by a single meter with two or more residential units where water services are maintained and paid for through a homeowner's association, except where the units are defined as commercial occupancies under the Uniform Building Code.
- N. "Service Connection" means that part of the water distribution system which connects the meter to the main and shall normally consist of corporation stop, service pipe, curb stop and box, meter, meter yoke and meter box.
- O. "Single Family Residential" means a customer with a single residence, served by a single meter intended for single family occupancy which

# City of Grants Pass Municipal Code



contains a kitchen, bedroom, and bathroom facilities.

- P. "Standby Fire" means a service connection of two-inch size and larger being utilized for the sole purpose of extinguishing a fire. Such service requires that the customer make provisions to ensure the prevention of water flowing through a standby meter be used for anything other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. Such standby fire service is exempt from sewer charges
- Q. "Utility Commission" means the Utility Commission of the City of Grants Pass, Oregon.
- R. "Utility Service" means the City's water and sewer utilities, or either thereof, and all components, parts, water and other properties, both real and personal, thereof. (Ord. 4352 §2, 1980; Ord. 4481 §2, 1983)

## 8.04.040 Service Area.

The area served by the City shall be all that area included within the corporate limits of the City and such other contiguous or neighboring territory as the Council shall, from time to time, determine to serve. This shall include properties for which Service and Annexations have been approved and recorded, where by property owner has sought municipal utility services, be it water or sewer. (Ord. 4352 §3, 1980; Ord. 4481 §3, 1983)

## 8.04.050 Water Service

- A. Supply. The City will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid, so far as is reasonably possible, any shortage or interruption in delivery. The City shall not be liable for damage resulting from the interruption in service by the City for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.
- B. Quality. The City will exercise reasonable diligence to supply a safe and potable water at all times.
- C. Ownership of System. All water mains, valves, fittings, hydrants and other appurtenances, except "customer service lines," shall be the property of the City.
- D. Classes of Customers. The classes of customers shall be by the number

# City of Grants Pass Municipal Code



after the defined for the purpose of billing water services. Customer classes are based upon the following delineations and are further quantified by the type of water service provided to each service type.

Customers accessing city water are defined as either inside City limits, or outside City limits.

Customer Classes are defined for billing purposes and are segregated into the following six categories based upon definition of customer:

1. Single Family Residential
  2. Multi-family residential & PUD
  3. Commercial/Industrial/Public
  4. Irrigation
  5. Interruptible Irrigation for Public Schools and Public Parks
  6. Standby Fire
1. Type A Service. Type A services shall consist of services, except where water is used for standby fire protection only, or where special contracts exist, or for bulk water service. Class A services shall include water used for domestic, irrigation, commercial, industrial, public, temporary and municipal purposes and all other uses not otherwise classified.
  2. Type B Service. Type B services shall consist of those services where water is used for standby fire protection only.
  3. Type C Service. Type C services shall consist of those services, including Interruptible Irrigation for Public Schools and Public Parks, temporary irrigation, and private water systems, for which special contracts are in effect.
  4. Type D Service. Type D services shall consist of bulk water.
- E. Special Contracts. When the applicant's requirements for water are unusual or large, or necessitate considerable special or reserve equipment or capacity, the City reserves the right to make special contracts, the provisions of which are different and have exceptions to the regularly published water rates, rules and regulations. This special contract shall be in writing and signed by the applicant and an authorized representative of the Council. When Council amends utility fees, rates, and charges, contract will be subject to review.
- F. Resale of Water. Resale of water shall only be permitted by written

# City of Grants Pass Municipal Code



contract between the City and the person or party reselling the water.

- G. Service Preference. In case of shortage of supply, the City reserves the right to give preference in the matter of furnishing service to customers and interests of the City from the standpoint of public convenience or necessity. Water service to users outside the City limits shall and without a Service and Annexation Agreement, at all times; be subject to the prior and superior rights of the customers within the City.  
(Ord. 4352 §4(1), 1980; Ord. 4481 §4(1), 1983)

## 8.04.060 Sewer Service

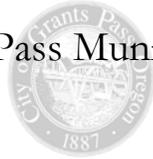
- A. Quality. The City will exercise reasonable diligence to deliver a continuous and adequate sewer service and to avoid, so far as reasonably possible, any interruption in service. Temporary suspensions of service by the City for improvements and repairs will be occasionally necessary. Whenever possible, and where time permits, all customers affected will be notified prior to shutdowns; and, in any case, the City shall not be liable for any damage resulting from interruption in service.
- B. Ownership of System. All sewer mains, valves, fittings, and other appurtenances, except "customer service lines," shall be the property of the City. (Ord. 4352 §4(2), 1980; Ord. 4481 §4(2), 1983)

## 8.04.070 Water Curtailment Procedures

A water shortage alert may be declared and water curtailment measures implemented as follows:

- A. The City Manager of the City of Grants Pass is authorized to declare a water shortage alert according to one of three alert levels upon determination that a water shortage condition exists. The alert levels are described below along with a definition of the specific conditions that trigger each level of alert.
1. **Level One Alert – Potential Water Supply Shortage.** A serious drought condition is occurring or is likely to occur in the region or Rogue River flow rates are measured or projected to be below a 1-in-10 year low flow level, or the County or State has declared a drought condition.
  2. **Level Two Alert – Water Supply Shortage.** The City's ability to deliver water is not adequate to meet demand due to supply, treatment, storage, or pumping restrictions, or extended treatment plant operation is required, and storage cannot be maintained.
  3. **Level Three Alert – Critical Water Supply Shortage.** The water supply is

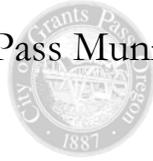
# City of Grants Pass Municipal Code



interrupted.

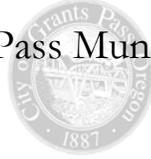
- B. Upon declaration of a water shortage alert, water curtailment measures shall be put into effect immediately subject to subsequent ratification or rejection of the measures by the City Council within 28 days of the declaration. The following sections identify water curtailment measures for the three alert levels.
1. **Level One Alert – Potential Water Supply Shortage.** Upon declaration of the alert, all irrigation services covered by an “Interruptible Water Supply Agreement” shall be disconnected until the water shortage alert is rescinded. In addition, the City Manager has the authority to activate some or all of the following voluntary curtailment measures listed below until the reasons for a Level One Alert have passed: (Ord. 5198, 2003)
    - a. Restrict watering based on odd/even address numbers for residential and business customers, and governmental agencies. No watering will be allowed on Wednesdays. The schedule will apply to all lawn watering and all nonessential water uses with exceptions as specified by the Manager. Watering hours will be restricted to before 6:00 a.m. and after 9:00 p.m.
    - b. Distribute brochures regarding conservation measures.
    - c. Implement a media outreach program.
    - d. Notify major water users asking for reductions in use or moving nonessential use to off-peak hours.
    - e. Cease operation of non-re-circulating fountains.
    - f. Restrict hydrant and water line flushing.
  2. **Level Two Alert – Water Supply Shortage.** The City Manager has the authority to mandate any or all of the following measures until the reasons for the Level Two Alert have passed:
    - a. Any Level One Alert measures.
    - b. No watering or lawn irrigation will occur unless the following specific uses are approved by the City Manager:
      - 1) New lawn, grass, or turf that has been seeded or sodded after March 1 of the current calendar year.
      - 2) Athletic fields frequently used for organized play.
      - 3) Golf course tees and greens.
      - 4) Park and recreation areas of particular value to the community.

## City of Grants Pass Municipal Code



- c. City water will not be used to clean, fill, or maintain levels in decorative fountains.
  - d. City water will not be used to clean sidewalks, walkways, streets, driveways, parking lots, or other hard surfaces except where necessary for public health and safety.
  - e. City water will not be used to wash vehicles including automobiles, trucks, trailers, trailer houses, motorcycles, boats, or other type of mobile equipment.
  - f. Limitations may be placed on non-essential industrial and commercial water consumption.
  - g. Hydrant and water main flushing will be done in emergencies only.
3. Level Three Alert – Critical Water Supply Shortage. The City Manager has the authority to mandate any or all of the following measures until the reasons for the Level Three Alert have passed.
- a. Any Level One Alert measures.
  - b. Any Level Two Alert measures.
  - c. No City water will be used for watering of landscaping or irrigating of lawns, grass, turf, athletic fields, golf course tees and greens, or parks and recreation areas.
  - d. No City water will be used to fill or maintain levels in scenic or recreational ponds and lakes, or other structures making similar use of water.
  - e. No City water will be used to fill, refill, or add to any swimming pools.
  - f. No City water will be used to wash the outside of buildings.
  - g. No City water will be used on construction projects.
  - h. No City water will be served to restaurant customers unless requested.
  - i. Limitations will be placed on industrial and commercial users.
4. Citations may be issued to violators of any mandatory measure during a Level Two or Three Alert. In the event a second citation is issued to a single violator during the same alert period, the City Manager is authorized to:
- a. Install a flow restrictor on the street side of the water meter; or

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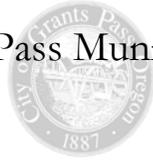
- b. Terminate water service.
5. Pending adoption by the City Council, any water user dissatisfied with the administrative implementation or interpretation of these water curtailment measures may appeal the same to the City Manager, and should said user be dissatisfied with the decision rendered by the City Manager in such matter, then the user may appeal the same to the City Council to be heard at the next regular City Council meeting to be held after the decision of the City Manager is rendered. Any implementation or interpretation of these water curtailment measures shall remain in full force and effect until overturned or modified by the City Manager or City Council.
6. Upon consideration of a Level One, Two or Three Alert by the City Manager, the City Council by resolution may adopt, modify, or add any measures necessary to appropriately curtail water use. (Ord. 5079 §1, 2001)

## 8.04.080 Applications for Utility Service

- A. Water. Each applicant for water service shall pay an application fee as set by resolution and sign an application form provided by the City specifying: the name, address and telephone number of the applicant; the name, address and telephone number of the owner of the premises to be served; the name, address and telephone number of the party responsible for the payment of the monthly service charges; the date of the application; the location of the premises; whether the premises have been served by water before; the date on which applicant desires to have service begin; the purpose for which service is to be used; the class and size of service; and such other information as the City may reasonably require. In signing this application, the applicant agrees to comply with this ordinance and the rules, regulations, policies and procedures related hereto. Before an application for service is accepted, the applicant shall establish credit to the satisfaction of the City. Satisfactory credit shall be considered established if at the time of application for utility service the applicant:
  1. Has received similar service for the 12 month period prior to application without receiving any notices of disconnection; or
  2. Provides the City with a cash deposit.

An owner of rental property may request continuous service between tenants if said owner has established credit as defined in this section. A signed agreement to pay charges incurred between tenants must be on file with the Finance Department.

# City of Grants Pass Municipal Code



Any outstanding bills for previous service or miscellaneous charges shall be paid before an application will be accepted. (Ord. 4352 §6(1), 1980)

- B. Sewer. It shall be unlawful for any person, firm, or corporation to make connection to the City sewer system, for any purpose, until a written application therefore shall be first made and filed with the Building Division, Community Development. Each applicant for sewer service shall sign an application form provided by the City specifying; the name, address and telephone number of the applicant; the name, address and telephone number of the owner of the premises; the name, address and telephone number of the person responsible for the payment of the monthly service charge; the date of the application; the location of the premises; whether the premises have been served by City sewer before; the date which applicant desires to have the service begin; the location, number, and character of the fixtures and drains proposed to be connected to the sewer system; and such other information as the City may reasonably require. Before proceeding to connect with the sewer system, a permit shall be obtained from the City and application shall be made a matter of record in the Building Division. (Ord. 4352 §6(2), 1980; Ord. 4481 §6(2), 1983)

- C. Cash Deposit. At the time application for utility service is made, the applicant may be required to pay a cash deposit in an amount set by resolution adopted pursuant to Section 17 herein. Such deposit will be required whenever, in the opinion of the City, there is a financial risk involved. Such risk may be evidenced as follows, but not limited to:

1. An applicant or customer with un-established credit with the City; or
2. An applicant or customer with a history with the City of delinquent payments.

Under the following additional conditions, an applicant or customer may be required to pay two times the usual deposit:

1. An applicant or customer using a pseudonym with the apparent intent of avoiding payment of previous billings; or
2. An applicant or customer refusing to give information requested by the City for the purpose of clarifying the applicant's or customer's identity or credibility, or an applicant or customer who provides false information at the time of application; or
3. An applicant or customer whose water service has been

# City of Grants Pass Municipal Code



disconnected for failure to pay bills when due; or

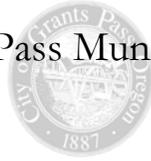
4. An applicant or customer who has had a utility account with the City assigned to a collection agency; or
5. An applicant or customer who had used water service following illegal connection or reconnection of service.
  - a. Deposits. The cash deposit required herein is not an advance payment on account. If service is discontinued, the deposit will be applied to the closing bill and any portion of the deposit remaining thereafter will be refunded to the customer. The City may, after the deposit has been held for 12 consecutive months, apply the deposit to the customer's account if the following conditions are met:
    - 1) The account is current; and
    - 2) No courtesy notifications were delivered to the customer during the previous 12 month period; and
    - 3) The customer was not disconnected for nonpayment during the previous 12 month period.

A deposit as required by this section is transferable to another account only when all customer related information on the existing application applies to the new application and the account on which the existing deposit is held is current and will be closed within 15 days of application for the new service.

The City will not pay interest on any cash deposit, as such interest is used to offset utility operating expenses. (Ord. 4352 §6(3), 1980; Ord. 4481 §6(3), 1983; Ord. 4635 §6(3), 1988)

- D. Application Amendments for Water and Sewer. Customers desiring a material change in the size, character, or extent of equipment or operation which would result in a material change in the amount of water used, or sewer service provided, shall give the City written notice of such change prior to the change and the application for service shall be amended if such application is approved by the City. Customers desiring a change in the size, location or number of services shall, also fill out an amended application. (Ord. 4352 §6(4), 1980; Ord. 4481 §6(4), 1983)

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## Chapter 8.08

### WATER SERVICES

#### Sections:

- 8.08.010 Ownership, Installation and Maintenance
- 8.08.020 New Service Installation Fee
- 8.08.040 Cash Deposit
- 8.08.050 Size of Service
- 8.08.060 Change in Size or Location
- 8.08.070 Length of Service Connection
- 8.08.080 Joint Service Connections
- 8.08.090 Standby Fire Protection Service Connections
- 8.08.100 Fire Service Connections Other Than Standby
- 8.08.110 Temporary Service Connections
- 8.08.120 Tanker Service
- 8.08.130 Water Control Valve
- 8.08.140 Backflow Prevention

# City of Grants Pass Municipal Code



## 8.08.010 Ownership, Installation and Maintenance

Except as may be otherwise provided by contract, the City shall own, install and maintain all service connections. The customer shall own, install and maintain the customer's service line. (Ord. 4352 §7(1), 1980; Ord. 4481 §7(1), 1983)

## 8.08.020 New Service, Installation Fee

Applicants shall submit with their application, the New Service Installation Fee as determined by the formula set forth by resolution pursuant to Chapter 8.42 of this ordinance. The New Service Installation Fee is to cover the cost of installing a new water service, and may include, but is not limited to, excavation and backfill, and tapping the main, laying the pipe, installing the meter, yoke and the meter box, and replacement of service materials. (Ord. 4352 §7(2), 1980; Ord. 4481 §7(2), 1983)

## 8.08.040 Cash Deposit

In addition to all other Fees required by this section, the applicant must pay the Cash Deposit as required by Chapter 8.04.080(A)(2). (Ord. 4481 §7(4), 1983)

## 8.08.050 Size of Service

The City will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size requested is one that is listed by the City. The minimum size of service pipe shall be three-fourths of an inch. The City may refuse to install a service line which is undersized, or oversized, as determined by the City Engineer. (Ord. 4352 §7(4); 1980; Ord. 4481 §7(5), 1983)

## 8.08.060 Change in Size or Location

If, for any reason, a change in the size or location of meter and/or service connection is requested by the customer, the change will be accomplished on the basis of a new installation, with the accompanying New Service Installation Fee, and the customer's application shall be amended accordingly. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense. Meters or services moved for the convenience of the City shall be relocated at the expense of the City. (Ord. 4352 §7(5), 1980; Ord. 4481 §7(6), 1983)



8.08.070 Length of Service Connection

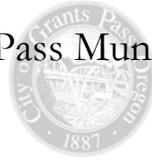
Where the water main is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served, for the fees required by resolution adopted pursuant to Chapter 8.42 herein, provided the length of the service connection does not exceed the width of the right-of-way. Where the water main is on an easement or publicly owned property other than the designated right-of-way, the service connection shall be installed to the boundary line of the easement or public property provided the length of the service does not exceed 30 feet. If in either case cited above, the length of service connection exceeds the maximum stated, the applicant shall pay the extra cost of the line, plus 15% in addition to the fees established by resolution adopted pursuant to Chapter 8.42 herein. (Ord. 4352 §7(6), 1980; Ord. 4481 §7(7), 1983)

8.08.080 Joint Service Connections

The City may, at its option, serve two or more premises with one service connection. For such new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity not less than the combined capacity of individual service lines of the same size as the meters installed. Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special considerations approved by the Council. (Ord. 4352 §7(7), 1980; Ord. 4481 §7(8), 1983)

8.08.090 Standby Fire Protection Service Connections

- A. Purpose. Standby fire protection service connections of two-inch size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. A suitable detector check meter shall be installed in the standby fire protection service connections, to which hose lines or hydrants are connected.
  
- B. Charges for Service. Charges for standby fire protection service will be set by resolution adopted pursuant to Chapter 8.42. No charge will be made for water used for routine testing of the fire protection system. The customer shall pay the full cost of the standby fire protection service connection, detector check meters, and any required special water meter installed solely for the service to the standby connection.



- C. Violations. If water is used from a standby fire service connection in violation of this ordinance, the customer shall pay for the water used, plus a penalty, both of which are set by resolution adopted pursuant to Chapter 8.42. In addition, it is required that the customer convert the standby fire service connection to a regular service connection and require the customer to pay all fees as required by Chapter 8.08.020 and 8.08.040. (Ord. 4708 §1, 1991)
- D. Right of Access. As a condition of receiving water for standby water service, the City reserves the right to inspect premises receiving water, on a standby fire service basis, upon giving the customer thirty minutes advance notice of its intention to inspect. Upon being refused access for inspection purposes, under this subsection, the Council may require the customer to convert the standby fire service connection to a regular service connection and require the customer to pay all fees as required by Chapter 8.08.020 and 8.08.040. (Ord. 4352 §7(8), 1980; Ord. 4481 §7(9), 1983; Ord. 4708 §1, 1991)

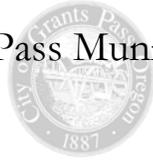
#### 8.08.100 Fire Service Connections Other Than Standby

A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection, regardless of its use, shall be considered as an ordinary service, and will be charged the regular volume rate. (Ord. 4352 §7(9), 1980; Ord 4481 §7(10), 1983)

#### 8.08.110 Temporary Service Connections

For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material owned and furnished by the City. In addition to fees and deposits required in this section, the applicant is also required to submit a written application and to pay the application fee as required by Chapter 8.04.080(1). Estimated costs of installation and removal, as well as reasonable depreciation charge, shall be set by resolution.

- A. Time Limit. Temporary service connections shall be discontinued and terminated within six months after installation unless an extension of time is granted in writing by the City.
- B. Charge for Water Served. Charges for water furnished through a temporary service connection shall be established by rates set forth by resolution adopted pursuant to Chapter 8.42 herein.



- C. Equipment Deposits. The applicant for temporary service will be required to pay an equipment deposit with the City in an amount set by resolution, adopted pursuant to Chapter 8.42 herein. This deposit is refundable under the terms of subsection D immediately below.
  
- D. Responsibility for City's Meters and Installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the City. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the equipment deposit. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service. (Ord. 4352 §7(10), 1980; Ord. 4481 §7(11), 1983)

#### 8.08.120 Tanker Service

The City Manager will designate tanker fill sites within the City limits. Customers wishing to purchase water by the tanker truck load shall furnish their own tanker trucks and may secure such water only at tanker fill sites designated by the City Manager. This subsection shall not apply to City owned tanker trucks equipped with essential sanitary devices approved by the Oregon State Health Division Administrative Rules. Tanker service water shall be purchased at Class D rates as set by resolution adopted pursuant to Chapter 8.42 herein. (Ord. 4352 §7(11), 1980; Ord. 4481 §7(12), 1983)

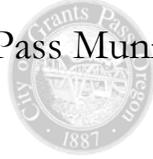
#### 8.08.130 Water Control Valve

Each water customer shall install a suitable control valve, or valves, in the customer's service line outside the meter box but as close to the meter as is reasonably possible. Such control valve or valves will control the entire water supply to each premises served. For customer service lines existing prior to the adoption of this ordinance, water control valves must be installed at any time such pre-existing service is discontinued. The control valve shall be a free-flow valve, such as a gate valve, and the type of valve installed must have the prior approval of the City. The use of globe valve, or other valves which would prevent, or tend to prevent, the free flow of water through the valve, are forbidden. (Ord. 4352 §7(12), 1980; Ord. 4481 §7(13), 1983)

#### 8.08.140 Backflow Prevention

All services installed or changed after the date of this Ordinance shall have a backflow prevention assembly (BPA) installed. Except for single-family residences, maintenance testing and replacement of BPA are the responsibility of the customer.

## City of Grants Pass Municipal Code



For single family residences, the City of Grants Pass will assume responsibility for annual maintenance, testing and minor repairs once the City is notified of the BPA installation. Each single family residence having a BPA will pay a cross connection control fee for these services. If there is more than one device, the fee will be charged for each BPA. The City will not be responsible for losses due to theft or vandalism, or damages due to freezing, abuse or neglect of the BPA. The owner of the single family residence is responsible for the proper installation and protection of the BPA and notifying the City upon installation, and solely responsible for replacement should the device fail. (Ord. 4352 §7(13), 1980; Ord. 4481 §7(14), 1983, Ord. 5220, 2004)

# City of Grants Pass Municipal Code

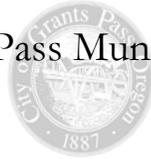


## Chapter 8.09

### CROSS CONNECTIONS

#### Sections:

- 8.09.010 Definitions
- 8.09.020 Purpose
- 8.09.030 Backflow Prevention Assembly (BPA) Requirements
- 8.09.040 BPA Installations in the Right-of-Way
- 8.09.050 Installation Requirements
- 8.09.060 Maintenance of BPAs
- 8.09.070 Testing of BPAs
- 8.09.110 Code Compliance
- 8.09.120 Access to Premises
- 8.09.130 Mobile Units
- 8.09.140 Multiple Connections
- 8.09.150 Thermal Expansion
- 8.09.160 Pressure Loss
- 8.09.170 Responsible Party
- 8.09.200 Tester Responsibilities
- 8.09.310 Reduced Pressure Principle Backflow Prevention Assembly
- 8.09.320 Reduced Pressure Principle Detector Backflow Prevention Assembly (RPDA)
- 8.09.330 Double Check Valve Backflow Prevention Assembly
- 8.09.340 Double Check Detector Backflow Prevention Assembly (DCDA)
- 8.09.350 Pressure Vacuum Breaker Backflow Prevention Assembly
- 8.09.360 Air Gap Separation
- 8.09.410 Fire Systems
- 8.09.510 Water Service Termination
- 8.09.520 Notice Requirements
- 8.09.610 Notice of Appeal



8.09.010 Definitions

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. Approved Backflow Prevention Assembly or Backflow Assembly or Assembly - An assembly to counteract backpressure or prevent backsiphonage. This assembly must appear on the list of approved assemblies issued by the Oregon Health Division.

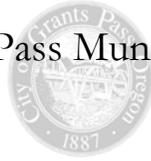
**Air Gap** - A physical separation between the free-flowing discharge end of a potable water supply piping and/or appurtenance and an open or non-pressure-receiving vessel, plumbing fixture or other device. An “approved air-gap separation” shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other device – in no case less than one inch.

**Reduced Pressure Principle Backflow Prevention Assembly or Reduced Pressure Principle Assembly or RP Assembly or RP** - An assembly containing two, independently-acting, approved check valves together with a hydraulically-operated, mechanically-independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly shall include properly located test cocks and tightly closing shut-off valves at the inlet and outlet ends of the assembly.

**Reduced Pressure Principle Detector Backflow Prevention Assembly or Reduced Pressure Detector or RPDA** - An assembly composed of a line-size approved, reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately in cubic feet for very low rates of flow.

**Double Check Valve Backflow Prevention Assembly or Double Check Assembly or Double Check or DC** - An assembly which consists of two, independently-operating check valves which are spring-loaded or weighted. The assembly comes complete with a shut-off valve on each side of the checks, as well as test cocks to test the checks for tightness.

**Double Check Detector Backflow Prevention Assembly or Double Check Detector Assembly or DCDA** - An assembly



composed of a line-size approved double check assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately in cubic feet for very low rates of flow.

**Pressure Vacuum Breaker Backflow Prevention Assembly or Pressure Vacuum Breaker or PVB** - An assembly which provides protection against backsiphonage, but does not provide adequate protection against backpressure backflow. The assembly is a combination of a single check valve with an air inlet valve and can be used with downstream shut-off valves. In addition, the assembly has suction and discharge shut-off valves and test cocks which allows the full testing of the assembly.

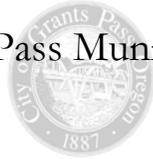
2. **Auxiliary Water Supply** - Any water source other than the public water system, including irrigation water sources.
3. **Backflow** - The flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the City's water system.
4. **Backpressure** - Any elevation of pressure in the downstream piping system above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow and the introduction of fluids, mixtures or substances from any source other than the intended source.
5. **Backsiphonage** - The flow of water or other liquids, mixture or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by a sudden reduction of pressure in the potable water supply system.
6. **Boresight or Boresight to Daylight** - Providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drain pipe.
7. **BPA** - Any backflow prevention assembly approved by the City.
8. **City** - The City of Grants Pass, Oregon or its designee.
9. **City Water System** - The system for providing piped water for human consumption to the public, owned and operated by the City of Grants Pass.

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10. **Confined Space** - An area that has limited entry and exit, is large enough for a person to enter, and was not designed for continuous occupancy.
11. **Contamination** - The entry or presence in a public water supply system of any substance which may be harmful to health or the quality of the water.
12. **Cross-Connection** - Shall mean any unprotected actual or potential (direct or indirect) connection or physical arrangement through which it is possible to introduce into any part of the drinking water system any used water or substance other than the intended potable water.
13. **Degree of Hazard** - The low or high hazard classification that shall be attached to all actual or potential cross-connections.
  - High Hazard** - The classification assigned to an actual or potential cross-connection where a substance which, if allowed to backflow into the City Water System, could cause illness or death.
  - Low Hazard** - The classification assigned to an actual or potential cross-connection that could allow a substance which, if allowed to backflow into the City Water System, could be objectionable but not dangerous to one's health.
14. **Mobile Units** - Any mobile equipment that uses water obtained through the City Water System. Mobile units include, but are not limited to, carpet-cleaning vehicles, water-hauling vehicles, street-cleaning vehicles that use water, portable toilet-hauling and water-service vehicles, septic tank-cleaning vehicles that use water.
15. **Nonresidential Use** - Shall include all uses not specifically included in "residential uses" defined below.
16. **Point-of-Use Isolation** - The appropriate backflow prevention within the consumer's water system at the point where the actual or potential cross-connection exists.
17. **Premises** - Any property to which water is provided, including but not limited to, all improvements, mobile homes, and any other structures thereon.
18. **Premises Isolation** - The appropriate backflow prevention at the service connection between the public water system and the water user.

# City of Grants Pass Municipal Code



19. **Representative of the City** - A person designated by the City of Grants Pass to perform cross-connection control duties that shall include, but are not limited to, cross-connection inspections and water-use surveys.
20. **Residential Use** - Shall include, but is not limited to, single family dwellings, duplexes, multiplexes, housing and apartments where the individual units are full-time dwellings.
21. **Service Connection** - The portion of the water system that conveys water from the distribution main to the outlet side of the meter, or the inlet side of the BPA, whichever occurs first.
22. **Tester** - A person certified as a backflow prevention assembly tester and registered with the City.
23. **Used Water** - Water supplied by the City Water System to a water user's system which has passed through a service connection or meter.
24. **Utilities Division** - The Utilities Division of the City of Grants Pass responsible for operation and maintenance of the Grants Pass public water system.

## 8.09.020 Purpose

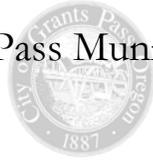
The purpose of this ordinance is to protect the water supply of the City of Grants Pass from contamination or pollution due to any existing or potential cross-connections. No cross-connections shall be created, installed, used or maintained within the territory served by the City, except in accordance with this ordinance. The cost of complying with this ordinance is the sole responsibility of the property owner.

## 8.09.030 Backflow prevention Assembly (BPA) Requirements

Chapter 8.09 shall apply to all properties except single family residential structures. Where an actual cross-connection exists or a potential cross-connection exists, which if connected would represent a high hazard, the owner of the premises and the owner of the property are jointly responsible for providing backflow protection by installing an approved air-gap or BPA. The type and location of the BPA and elimination method shall be subject to approval by the City. The property owner assumes all responsibility for any damages resulting from installation, operation, and/or maintenance of any

In addition to other situations, backflow protection shall be required or upgraded in each of the following specific circumstances:

# City of Grants Pass Municipal Code



1. The nature or extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premises, which represents a low or high hazard to the City Water System.
2. Cross-connections are present.
3. Intricate plumbing arrangements are present that make it impractical to ascertain whether cross-connections exist.
4. There is a history of cross-connections being established or reestablished.
5. Entry has been denied for cross-connection inspection.
6. Materials are being used such that, if backflow should occur, a health hazard could result.
7. An approved cross-connection survey report form has not been filed with the City as requested.
8. A fire sprinkler system using non-potable piping material is connected to the City Water System.
9. When a building is constructed on commercial premises, and the end use of such building is not determined or could change (such as, but not limited, to shopping malls and buildings with undetermined occupancy), a reduced pressure principle backflow prevention assembly shall be installed at the service connection.
10. If any water use on the premises changes, which increases the degree of hazard.
11. If it is determined the plumbing system has been changed without obtaining proper permits as required by the City.
12. Any building with a water storage tank.
13. A pressurized irrigation system is installed on the premises.
14. All service connections 2 inches or larger.
15. An auxiliary water source exists on the property or is piped to the property.



8.09.040 BPA Installations in the Right-of-Way

A BPA required by the City may be installed upon or within any City right-of-way only if the owner proves, to the satisfaction of the City, there is no other feasible location for installing the assembly, and installing it in the right-of-way will not interfere with traffic or utilities. The City retains the right to approve the location, height, depth, enclosure, and other requisites of the assembly prior to its installation.

All encroachment permits required by the City to perform work in the right-of-way shall be obtained.

A property owner shall, at the request of the City and at the owner's expense, relocate a BPA which encroaches upon any City right-of-way when such relocation is necessary for street, sidewalk, or utility construction or repairs for purposes of public safety.

8.09.050 Installation Requirements

The following requirements shall apply to the installation of BPAs:

1. An assembly installer must obtain the required plumbing permits and have the installation inspected by the City.
2. No part of a reduced pressure principle BPA shall be submerged in water or installed in a location subject to flooding.
3. All BPAs are required to have brass or plastic threaded pipe plugs installed in all test cocks. Galvanized plugs in test cocks are not allowed.
4. Premises isolation assemblies shall be installed before any branch in the line. BPAs shall be installed on private property immediately adjacent to the City right-of-way. The City may specify in writing other areas for installation of the BPA. BPAs that must be installed or are located on City right-of-ways are the responsibility of the property owner.
5. The BPA shall be protected from freezing.
6. All BPAs shall be of a type and model approved by the Oregon Health Division or the City of Grants Pass.
7. All vertical installations of BPAs are prohibited except as expressly approved by the City in writing.

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8. The BPA shall be readily accessible with adequate room and visibility for maintenance and testing. BPAs 2" and smaller shall have a minimum of 6" clearance on all sides of the BPA with a maximum depth of 18" below ground level.
9. All BPAs larger than 2" shall have a minimum clearance of 12" on the back side, 24" on the test cock side, 12" below the BPA and 6" above the BPA. These clearance standards apply to all assemblies installed in vaults, enclosures, and meter boxes (see Standard Details Part 3).
10. If written permission is granted to install a BPA inside a building, the BPA shall be available for inspection during the hours of 8:00a.m. to 5:00 p.m., Monday through Friday.
11. BPAs installed inside a building, 5 feet or more above the floor, shall be equipped with a rigid and permanently-installed platform with railing acceptable to the City. This installation shall also meet the requirements set out by the U.S. Occupational Safety and Health Administration and the State of Oregon Occupational Safety and Health Codes.
12. Installation of a BPA in a confined space requires specific safety procedures when performing tests and maintenance (see Section 8.09.200 #5).
13. Premises where interruption of water supply is important should be provided with two BPAs installed in parallel. They should be sized in such a manner that either BPA will provide the minimum water requirements while the two together will provide the necessary flow desired.
14. All facilities that require continuous uninterrupted water service, and are required to have a BPA, shall make provisions for the parallel installation of BPAs of the same type so that testing, repair and maintenance can be performed.
15. In the event a point-of-use BPA has not had the testing or repair done as required by this ordinance, a premises isolation BPA or approved air gap may be required.
16. Upon completion of any BPA installation, the City shall be notified by the property owner. The City will then conduct an inspection. If the installation is approved by the City, the property owner shall have the BPA tested by an authorized tester. Test results shall be provided by the property owner or tester to the City.

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17. All BPAs must be registered with the City. Registration shall consist of address of BPA, date of installation, manufacturer's name, model, type, size, serial number, and initial test report.
18. Bypass lines are prohibited. Pipe fittings which could be used for connecting bypass lines shall not be installed.
19. BPA information nameplate and serial number must be attached to the BPA and be readily visible.
20. Pressure vacuum breaker BPAs may be utilized only in single zone irrigation systems.
21. BPAs shall be sized to provide an adequate supply of water and pressure for the premises being served. Consult manufacturer's specifications for specific performance data such as flow characteristics.
22. Variances from these specifications will be evaluated on a case-by-case basis. Any deviations must have prior written approval of the City.

## 8.09.060 Maintenance of BPAs

A person who owns, operates, or manages premises where required BPAs are installed shall maintain such BPAs in proper working order at all times.

## 8.09.070 Testing of BPAs

The City shall inspect and require testing of all BPAs in each of the following circumstances:

- A. Immediately after installation of the BPA;
- B. Whenever the BPA is moved;
- C. A minimum of once a year;
- D. Immediately after repairs.

BPAs may be required to be tested more frequently if the City determines this to be necessary based on such factors as the repair history of the BPA, circumstances on the premises, and the degree of hazard.

All BPA testing shall be performed by a backflow prevention assembly tester certified by the Oregon Health Division and registered with the City.

The City shall not be liable for damage resulting from testing.

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It is the responsibility of the property owner and premises owner to have all BPAs tested in accordance with this ordinance.

## 8.09.110 Code Compliance

As a condition of water service, customers shall install, maintain and operate their piping, plumbing systems, and BPAs in accordance with the laws of the State of Oregon and the City of Grants Pass.

## 8.09.120 Access to Premises

The City shall have access to the premises during the hours of 8:00 a.m. to 5:00 p.m. If any water user refuses the City's access to any areas of the premises, the user shall install a reduced pressure principle BPA at the service connection to the premises. Failure to install the BPA assembly shall result in termination of City services.

## 8.09.130 Mobile Units

Mobile units must obtain and maintain a current permit from the City before using any water. As a condition of issuing a permit, the City may require a fixed air gap or BPA to be mounted on the vehicle or its piping system.

## 8.09.140 Multiple Connections

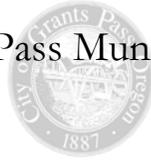
Any premises to be served by multiple service connections shall be required to install a BPA or an approved air gap on each of the service lines to the premises. The assembly will commensurate with the degree of hazard that could occur in the event of a cross-connection.

## 8.09.150 Thermal Expansion

The property owner shall maintain thermal expansion safety devices such as temperature and pressure relief valves on hot water heaters and boilers. The City is not responsible for the elimination or control of thermal expansion.

## 8.09.160 Pressure Loss

The City is not responsible for any reduction in water pressure caused by the installation of a BPA. Oregon Health Division approved double check valve assemblies shall have a maximum loss of 10 psi and reduced pressure backflow assemblies shall have a maximum loss of 24 psi.



#### 8.09.170 Responsible Party

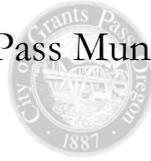
The property owner and premises owner are both responsible for the installation of all backflow prevention assemblies (BPAs) on the premises. Except for single-family residences, the property owner and premises owner are both responsible for the maintenance, testing and repair of all BPAs on the premises. When the tenants change, or if the plumbing is altered in any way, it is the responsibility of the property and premises owner to notify the City.

For single family residences, the City of Grants Pass will assume responsibility for annual maintenance, testing and minor repairs once the City is notified of the BPA installation. The City will not be responsible for losses due to theft or vandalism, or damages due to freezing, abuse or neglect of the BPA. The owner of the single-family residence is responsible for the proper installation and protection of the BPA and for notifying the City upon installation, and solely responsible for replacement should the device fail. (Ord. 5220, 2004; Res. 4783, 2004).

#### 8.09.200 Tester Responsibilities

- A. BPA testers shall have liability insurance. Liability insurance requirements shall be set forth by resolution. If the employer holds the liability insurance, the tester may only test when working for the employer.  
(Ord. 5517/Res. 5682 §2, 2010)
- B. The tester shall be responsible for accurate testing of BPAs and shall submit complete reports thereof to the City no later than 30 days after the test has been completed.
- C. Registration by BPA testers must include all test gauges to be used by said tester. Registered Oregon Health Division numbers of test gauges shall be listed on tests and maintenance reports prior to being submitted to the Director.
- D. Certified testers shall not change the design or operation characteristics of any BPA.
- E. The tester must provide evidence to the City that the tester has successfully completed "Permit Confined-Space Entry Training" as specified by federal Occupational Safety and Health Administration Training Requirements (29 CFR 1910.146).
- F. City authorization to test may be revoked by the City if the tester has falsely, incompletely, or inaccurately reported BPA reports; or has used inaccurate gauges; or has used improper testing procedures; or has

# City of Grants Pass Municipal Code



expired insurance; or is not in compliance with safety regulations; or has a history of valid customer complaints.

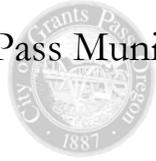
## 8.09.310 Reduced Pressure Principle Backflow Prevention Assembly (RP)

RPs shall be utilized at premises where a substance is handled that would be hazardous to health if introduced into the City Water System. The RP shall be used in locations where an air gap is impractical. The following are minimum standards. Stricter installation standards may be applied based upon the specific circumstances, which exist on-site.

### **Installation:**

- A. RPs shall be readily accessible for testing and maintenance and shall be located in an area where water damage to premises would not occur from relief valve discharge. An approved air gap drain may be used to direct minor discharges away from the assembly; this drain will not control flow in a continuous relief situation. Drain lines to accommodate full relief valve discharge flow should be considered.
- B. Enclosures shall be designed for ready access and sized to allow for the minimum clearances established herein. Removable protective enclosures are typically installed on the smaller assemblies. Daylight drain ports must be provided to accommodate full pressure discharge from the assembly.
- C. RFP's 2 inches and smaller shall have at least 3-inch clearance on both sides and on top of the assembly, and 12 inches below and behind the assembly.
- D. Assemblies larger than 2 inches shall have a minimum clearance of 24 inches on the test cock side, a minimum clearance of 3 inches on the top of the assembly when the shut-off valves are fully open, and a minimum clearance of 12 inches on all other sides.
- E. The relief valve opening of an RP assembly shall be at least 12 inches (plus nominal size of assembly) above the floor or highest possible water level.
- F. Vertical installations are prohibited.

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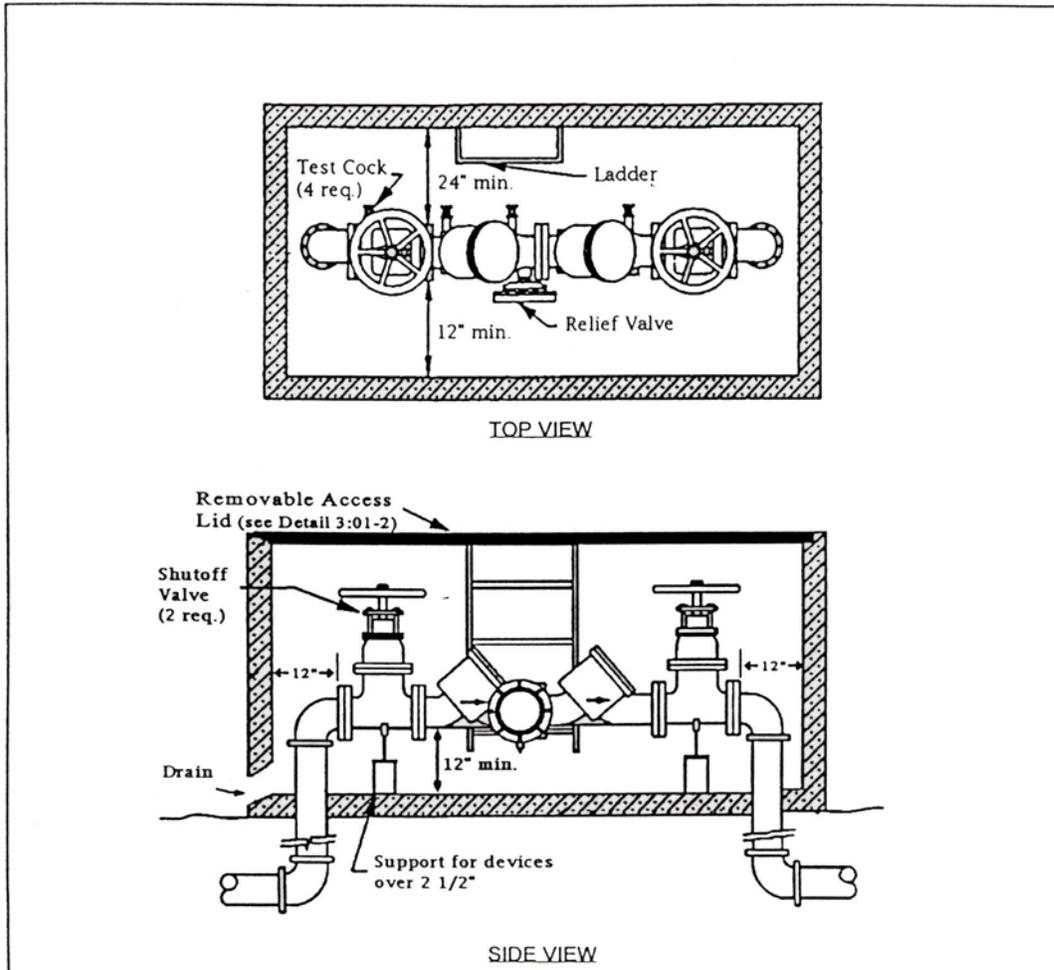


## 8.09.320 Reduced Pressure Principle Detector Backflow Prevention Assembly (RPDA)

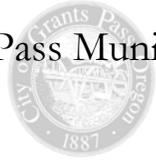
Reduced pressure detector assemblies may be utilized in all installations requiring a reduced pressure principle backflow prevention assembly and detector metering.

- A. RPDA's shall comply with the installation requirements applicable for reduced pressure principle backflow assemblies (RP).
- B. The line-size RP assembly and the bypass RP assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.

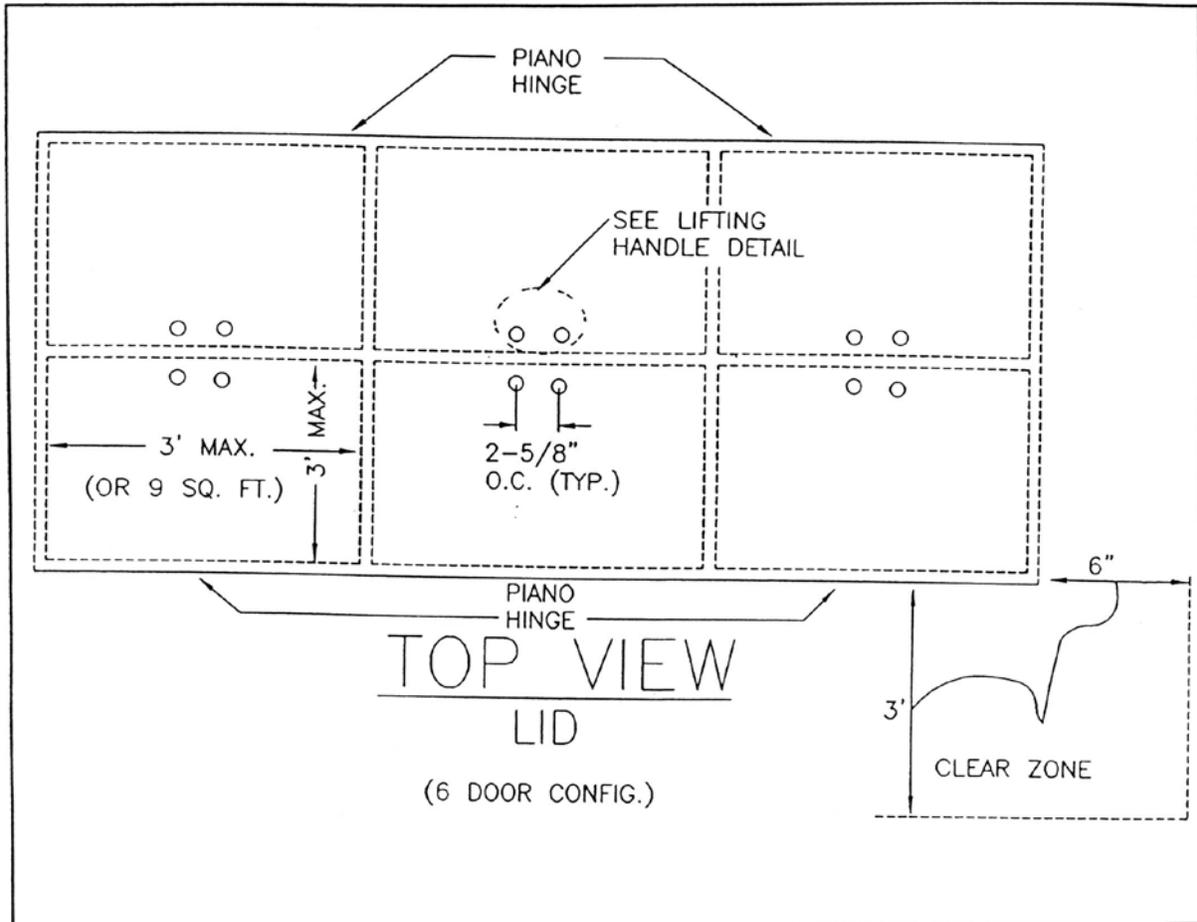
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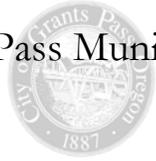
City of Grants Pass Municipal Code



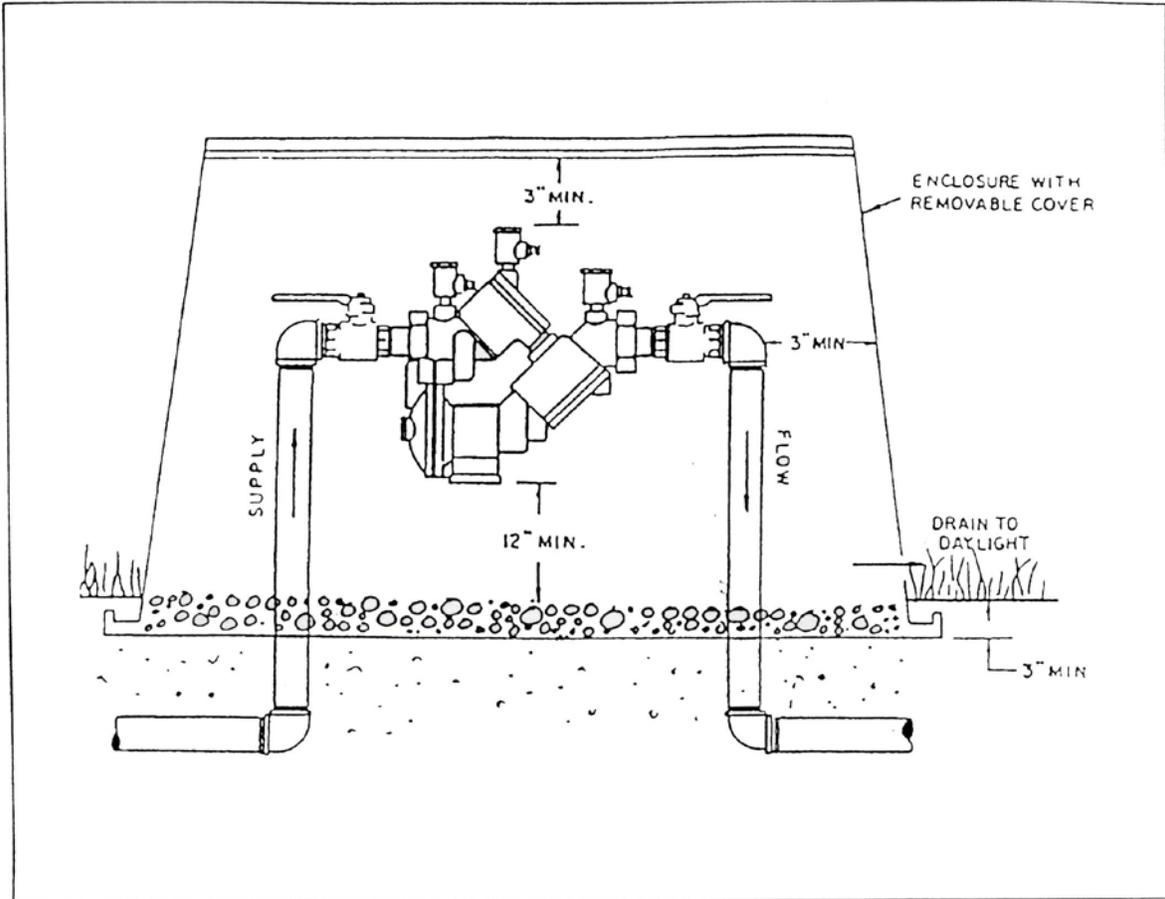
STANDARD DETAIL NO. 3:01-2



City of Grants Pass Municipal Code



STANDARD DETAIL NO. 3:01-3





8.09.330 Double Check Valve Backflow Prevention Assembly (DC)

Double check valve assemblies shall be utilized at premises where low hazards exist.

**Installation:**

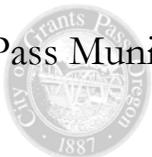
- A. DCs shall be readily accessible with adequate room for testing and maintenance. DCs may be installed below grade, providing all test cocks are fitted with brass or plastic threaded pipe plugs. All vaults shall be well drained or sump pumped, constructed of suitable materials, and sized to allow for the minimum clearances established herein.
- B. DCs 2 inches and smaller shall have at least 3-inch clearance below and on both sides of the assembly, and if located in a vault, the bottom of the assembly shall not be more than 18 inches below grade.
- C. Assemblies larger than 2 inches shall have a minimum clearance of 24 inches on the test cock side, a minimum clearance of 3 inches on the top of the assembly when the shut-off valves are fully open, and a minimum clearance of 12 inches on all other sides.
- D. Vertical installations are allowed on DCs 4 inches or smaller that meet all of the following requirements:
  - 1. Internally spring-loaded check valves;
  - 2. Flow is upward through assembly;
  - 3. Manufacturer states their assembly can be used in a vertical position;
  - 4. Approved by the City.

8.09.340 Double Check Detector Backflow Prevention Assembly (DCDA)

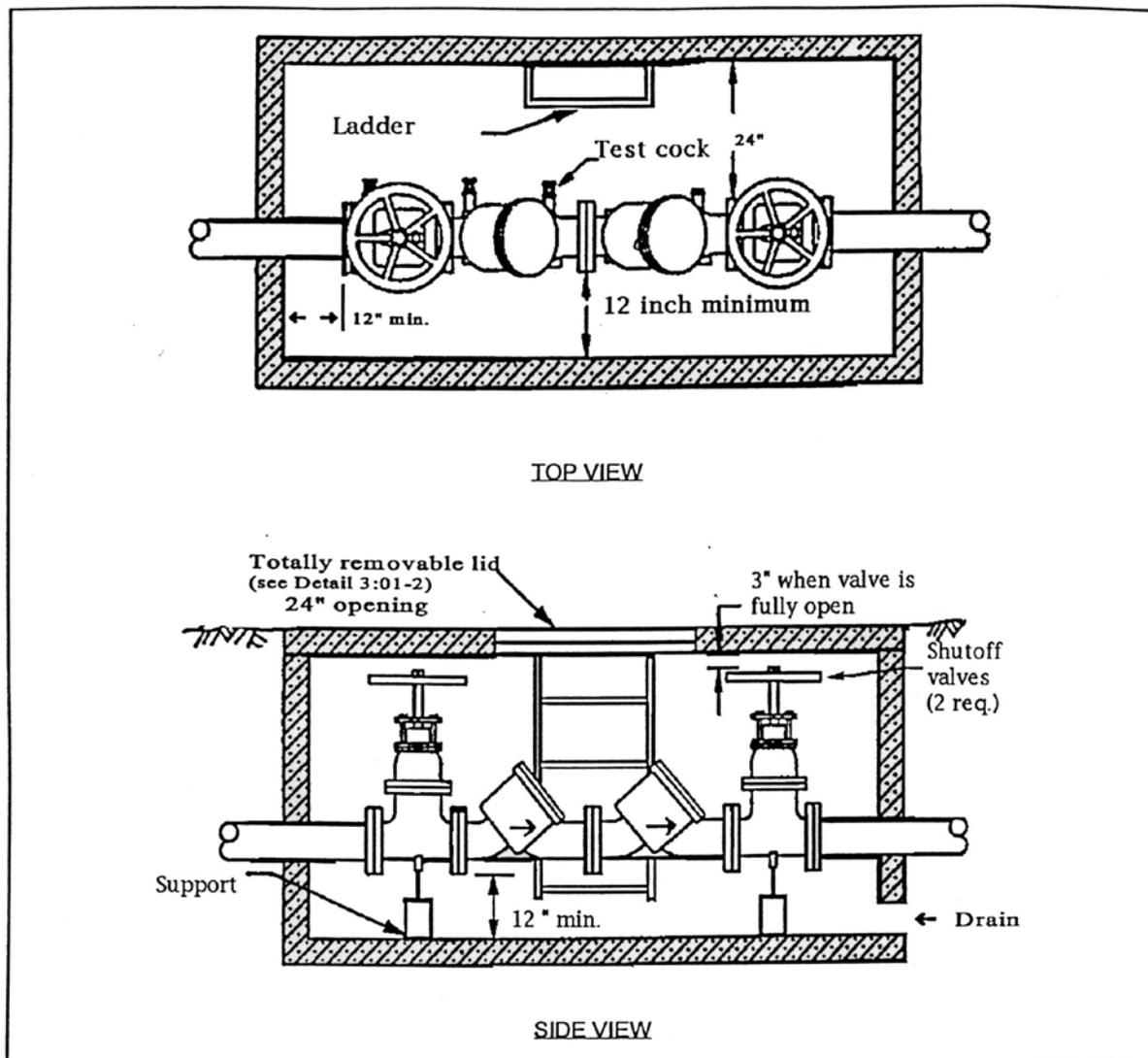
Double check detector valve assemblies may be utilized in all installations requiring a double check valve assembly and detector metering.

DCDAs shall comply with the installation requirements applicable for double check valve assemblies (DC').

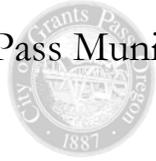
The line-size DC assembly and the bypass DC assembly must each be tested. A separate test report for each assembly must be completed by the certified tester.



STANDARD DETAIL NO. 3:02-1

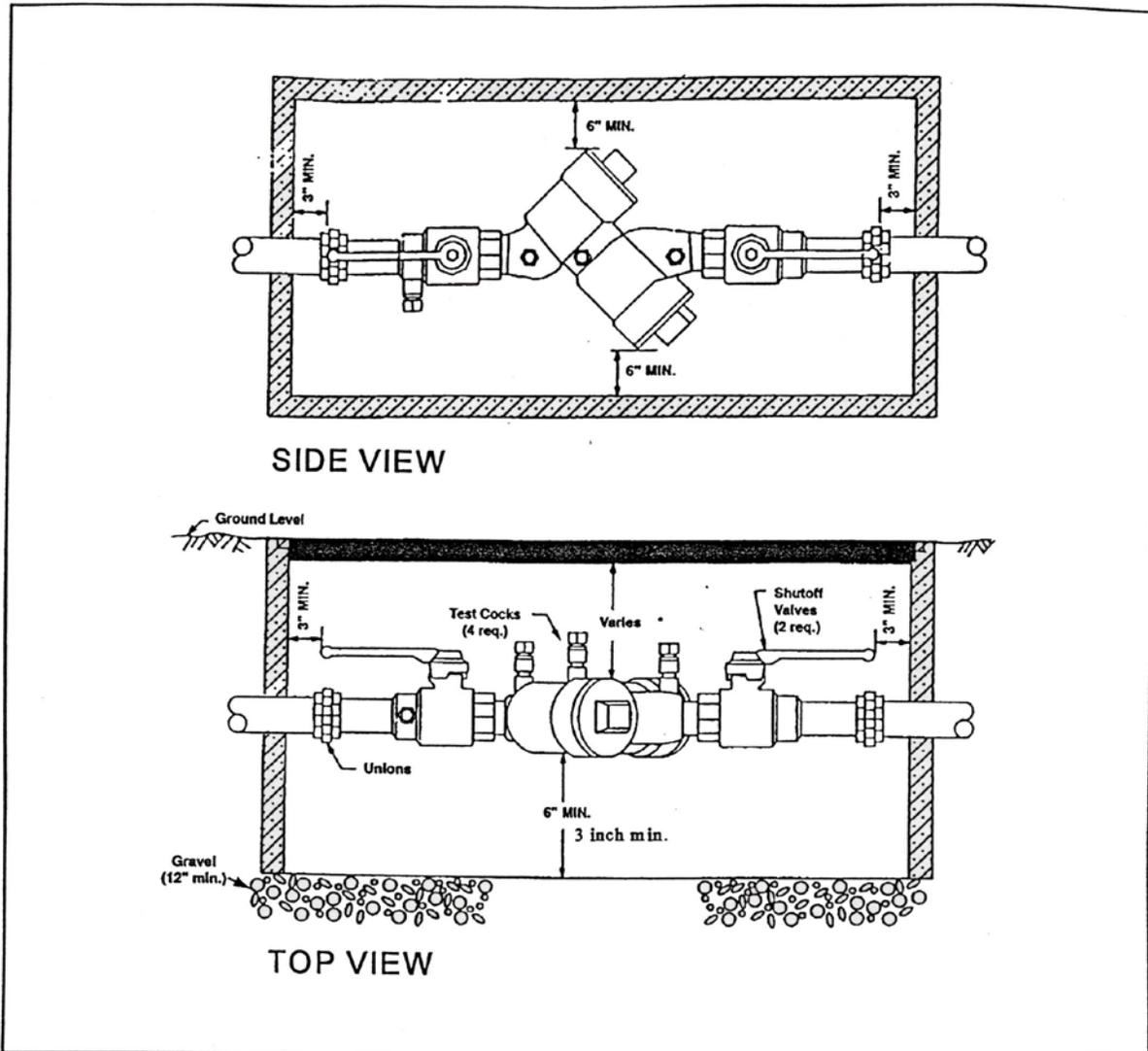


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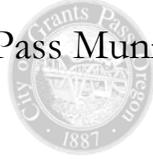


STANDARD DETAIL NO. 3:02-2

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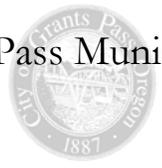


## 8.09.350 Pressure Vacuum Breaker Backflow Prevention Assembly (PVB)

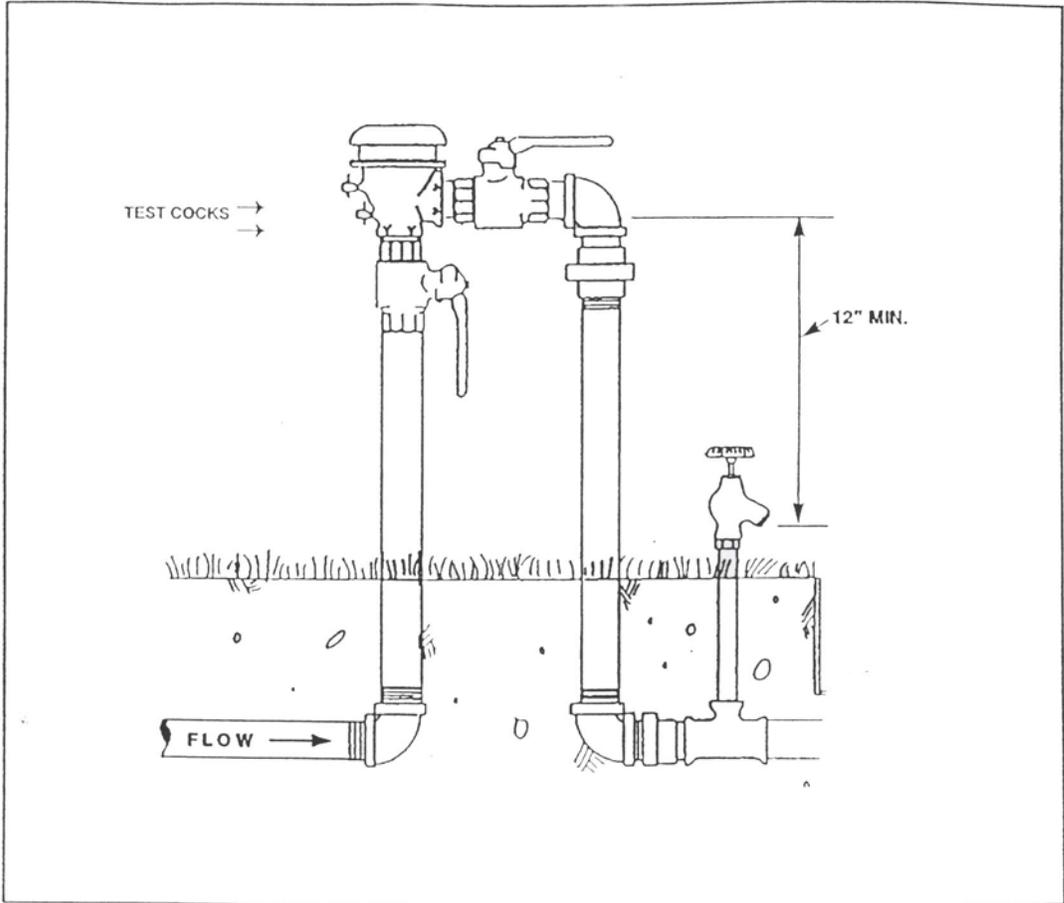
PVBs protect against backsiphonage only and shall not be installed where there is potential for backpressure.

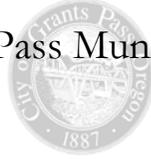
Installation:

- A. PVBs shall be installed a minimum of 12 inches above the highest downstream piping.
- B. PVBs shall not be installed in an area subject to flooding.
- C. The PVBs shall be readily accessible for testing and maintenance, with a minimum clearance of 12 inches all around the assembly. Testing shall be done at the request of the City.



STANDARD DETAIL NO. 3:03-1



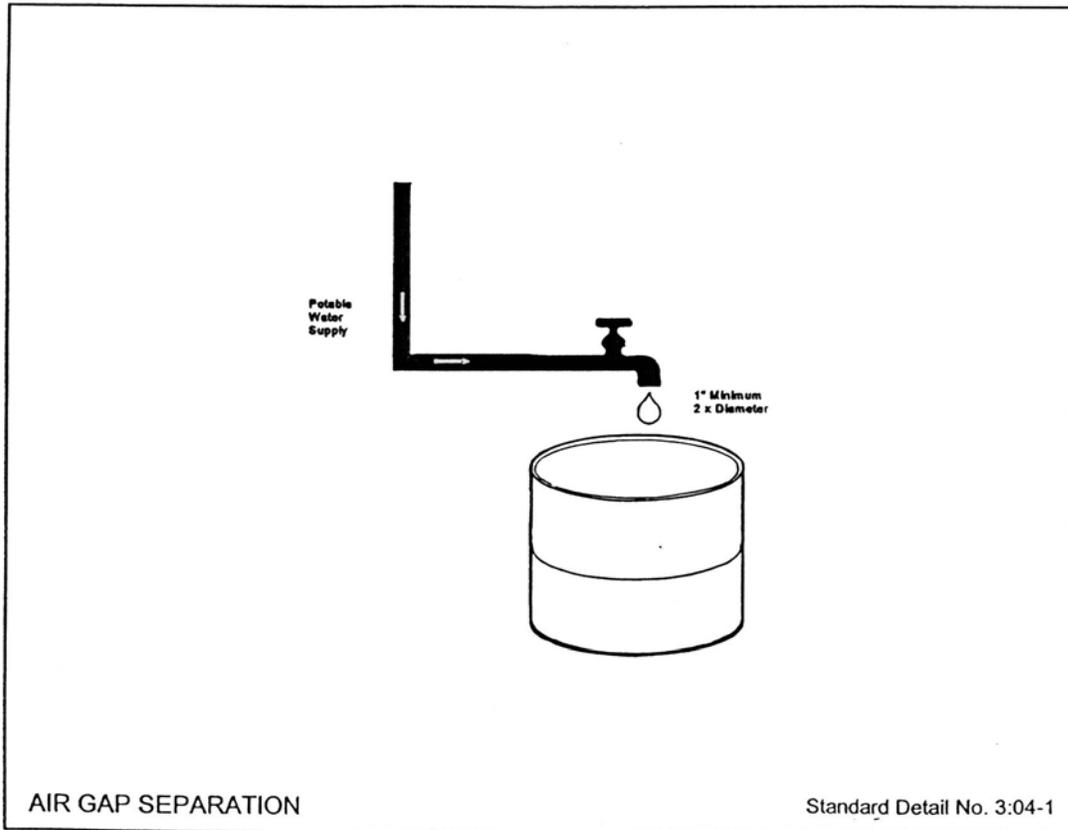


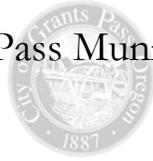
8.09.360 Air Gap Separation

Installation:

- A. An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel C in no case less than 1 inch.
- B. If splashing is a problem, tubular screens shall be attached or the supply line shall be cut at a 45 degree angle. The air gap distance is measured from the bottom of the angle. Hoses are not allowed.
- C. Air gap separations shall not be altered in any way without prior approval from the City and must be available for inspection at all reasonable times.
- D. When an air gap is located next to a wall, the vertical opening distance shall be at least 3 times the supply pipe diameter.
- E. If two or more lines supply one outlet, the air gap shall be twice the sum of the diameters of the individual supply lines, or twice the diameter of the single outlet, whichever is greater.

STANDARD DETAIL NO. 3:04-1





8.09.410 Fire Systems

- A. An approved double check valve BPA shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use.
- B. An approved double check valve BPA shall be the minimum protection for fire sprinkler systems that do not provide for periodic flow-through every 24 hours.
- C. An RP BPA must be installed if any solution other than the potable water can be introduced into the sprinkler system.

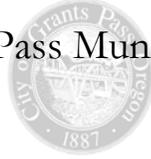
8.09.510 Water Service Termination

- A. Failure on the part of any customer to discontinue the use of all cross-connections, eliminate the cause of the hazard, or install approved backflow protection shall result in the immediate discontinuance of public water service to the premises.
- B. Failure on the part of any customer to comply with any of the provisions of this ordinance shall result in the immediate discontinuance of public water service to the premise.

8.09.520 Notice Requirements

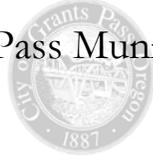
- A. In the event a cross-connection poses an immediate health hazard, the City shall terminate the water service immediately.
- B. When a customer is in noncompliance with any provision of this ordinance, a notice will be mailed to the property owner or service customer establishing a date for termination of water service.
- C. The notice shall include the provision of the Cross-Connection Control Ordinance that has not been complied with and the action required by the property owner or service customer to avoid termination of water service.
- D. Not less than five days after the notice has been sent, the City shall leave a final notice at the service location. Termination of water service shall not occur less than 48 hours after the final notice.
- E. If the property owner or service customer fails to correct noncompliance, the water service will be terminated.

# City of Grants Pass Municipal Code



## 8.09.610 Notice of Appeal

- A. A property owner or service customer receiving a noncompliance notice of water service termination may file a written appeal with the City Manager within five days after the first notice is mailed.
- B. The customer shall include a written explanation of the basis of the appeal.
- C. The City Manager will review the appeal and respond in writing to the customer within five days of receipt of the appeal with an explanation of the review of the appeal and specific actions to be taken by the customer or the City. The termination of water service shall not occur prior to the City's written response to an appeal which has been filed in a timely manner.



CHAPTER 8.10

RESIDENTIAL CROSS-CONNECTIONS

Sections:

- 8.10.010 Unprotected Cross-Connections Prohibited
- 8.10.020 Potential Cross-Connections

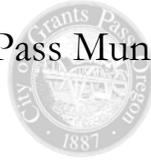
8.10.010 Unprotected Cross-Connections Prohibited

Single family residential properties shall not have any actual cross-connections as defined in Chapter 8.09 unless the Municipal water distribution system is protected by a backflow prevention device approved in writing by the City Utility Department.

8.10.020 Potential Cross-Connections

Properties served by Municipal water which also utilize auxiliary wells or pressurized irrigation water for any purposes create a potential for cross-connections. Therefore, the owner and occupant shall consult with the Utility Department regarding the potential for backflow contamination into the Municipal water supply. The City shall provide instruction regarding the appropriate method of backflow protection.

# City of Grants Pass Municipal Code



## Chapter 8.12

### WATER METERS

#### Sections:

8.12.010	Ownership
8.12.020	Installation
8.12.030	Size and Type of Meter
8.12.040	Location of Meters

#### 8.12.010 Ownership

The City will own and maintain all water meters. The City will not pay rent or any other charge for meter or other water facilities, including housing and connections, located on a customer's premises. (Ord. 4352 §8(1), 1980; Ord. 4481 §8(1), 1983)

#### 8.12.020 Installation

Installation of water meters shall be performed only by authorized City employees. All meters shall be sealed by the City at the time of installation and no seal shall be altered or broken except by one of its authorized employees. (Ord. 4352 §8(2), 1980; Ord. 4481 §8(2), 1983)

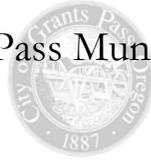
#### 8.12.030 Size and Type of Meter

Although an applicant may request a particular size of meter, the City reserves the right to determine the appropriate size, type, and brand of make of any meter to be installed. (Ord. 4352 §8(3), 1983; Ord. 4481 §8(3), 1983)

#### 8.12.040 Location of Meters

Meters shall normally be placed at the curb or property lines, and in all cases shall be located pursuant to City standards. (Ord. 4352 §8(4), 1980; Ord. 4481 §8(4), 1983)

# City of Grants Pass Municipal Code



## Chapter 8.16

### SEWER SERVICE

#### Sections:

- 8.16.010 Ownership, Installation and Maintenance
- 8.16.020 Sewer Service Connection Fee
- 8.16.030 Required Sewer Customer Service Line Repairs – Notice to Property Owner
- 8.16.040 City May Make Repairs
- 8.16.050 Cost of Repair – A Lien-Foreclosure

#### 8.16.010 Ownership, Installation and Maintenance

Except as otherwise provided by contract, the City shall own, install, and maintain all sewer mains, manholes, and appurtenances. Customers shall own, install, and maintain the customer service line at the customer's sole expense. Such customer service line or lines shall be installed to specification issued by the Building Division and said line or lines shall be inspected by the Building Division during and after construction and before such lines are covered.

#### 8.16.020 Sewer Service Connection Fee

Sewer service connection fees shall be set by resolution adopted pursuant to Chapter 8.42 herein. (Ord. 4352 §9(2), 1980; Ord. 4481 §9(2), 1983)

#### 8.16.030 Required Sewer Customer Service Line Repairs – Notice to Property Owner

- A. When the City Manager determine that a sewer customer service line needs repair, the City Manager shall issue a notice and prepare a certified copy of the notice. The notice shall require the owner of the sewer service line needing repair to obtain a permit and to start repair of the sewer service line within 30 days from the date of the service of notice, and to complete the repair within 60 days from the date of service of the notice. Such 30 and 60 day requirement may be extended in writing by the City Manager. The notice shall also state that in the event the repairs or alterations are not made by the owner within the time limit stated, the City may repair or alter the sewer service line and the cost and expenses of the repair or alteration will become a lien on the lot and premises of the owner. (Ord 5524, 2010)
- B. The City Manager shall cause a certified copy of the notice to be served personally upon the owner of the sewer service line, or the notice may be served by registered or certified mail, return receipt requested and returned. If after

# City of Grants Pass Municipal Code



diligent search, the owner cannot be identified or located, or if the aforementioned notice sent by registered or certified mail is refused, then in that case the City Manager shall cause a certified copy of the notice to be posted in a conspicuous place on the property and such posting of notice shall have the same effect as service of notice as indicated above. (Ord 5524, 2010)

- C. Immediately after making service of the notice to repair, the person making such service shall make a written return or certificate of service, noting time, place and manner of service of notice. The original notice and the return or certificate of service shall be kept on file as a permanent record of the City. (Ord 5524, 2010)

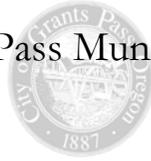
## 8.16.040 City May Make Repairs

- A. If repair of the sewer service line is not completed within 60 days after the date of service of the notice to repair, or within a permitted extension thereof, the City Manager may have the sewer service line repaired or the work completed at a reasonable cost. (Ord 5524, 2010)
- B. The City's reasonable cost shall include a sum of not to exceed 15T for engineering and administration in connection with the repairs. (Ord 5524, 2010)
- C. When the statement of cost of the repair has been prepared, a copy of the statement with a request for payment shall be mailed to the owner. The mailing of such statement is not a condition to liability of the owner of the placing or a lien upon the property by the City. (Ord 5524, 2010)

## 8.16.050 Cost of Repair – A Lien – Foreclosure

After entry in the Lien Docket, the City has a lien which is due and payable. The lien shall be for the full amount of the costs and expenses incurred by the City in making the repair, plus not more than 15% for engineering and administration. Such liens shall be due and payable thirty days from the date of entry of the lien in the Lien Docket unless the property owner, within said thirty-day period, files a valid application to pay the assessment in installments in accordance with the interest provisions of the Bancroft Bonding Act. The unpaid principal, being paid off under the provisions of the Bancroft Bonding Act, shall earn interest at a rate to be set under the provisions of the Bancroft Bonding Act. The interest shall accrue at a rate not to exceed the net effective interest rate under the Bancroft Bonding Act, plus an administrative fee of two percent. The City may proceed to foreclose the lien in the manner provided by ORS 223.505 through 223.590, or by ORS 223.605 through 223.650. The City allows a hardship provision whereby a property owner may qualify for foreclosure exemption if it is owner occupied and the owner(s) meet the provisions of the LID Hardship Program. (Ord 5524, 2010)

# City of Grants Pass Municipal Code



## Chapter 8.20

### WATER AND SEWER SERVICES

#### Sections:

- 8.20.010 Plumbing Ordinance
- 8.20.020 Number of Utility Service Connections on Premises
- 8.20.030 Utility Extensions

#### 8.20.010 Plumbing Ordinance

The customer's utility service plumbing, which shall include the customer's service line and all plumbing, piping, fixtures, and other appurtenances carrying or intended to carry water, sewage, or drainage shall comply with the City's Plumbing Ordinance as now written or hereinafter amended or replaced.  
(Ord. 4352 §10(1), 1980; Ord. 4481 §9(1), 1983)

#### 8.20.020 Number of Utility Service Connections on Premises

The owner of a single parcel of property may apply for and receive as many utility service connections as he or his tenants may require, provided that his application or applications meet the requirements of this ordinance, City policies, rules, and regulations. (Ord. 4352 §10(2), 1980; Ord. 4481 §10(2), 1983)

#### 8.20.030 Utility Extensions

Utility extensions to provide service to properties that do not abut existing utility lines shall be installed in public rights-of-way or in designated public utility easements. Creation of new utility easements for utility extensions shall only be considered when service extensions in public rights-of-way or existing public easements are not feasible due to engineering considerations. The Council may grant conditional permission to applicants to extend utilities in private easements when such action is necessary to prevent financial hardship on applicants.  
(Ord. 4352 §10(3), 1980; Ord. 4481 §10(3), 1983)

# City of Grants Pass Municipal Code



## Chapter 8.24

### NOTICES

#### Sections:

- 8.24.010 Notices to Customers
- 8.24.020 Notices to the City

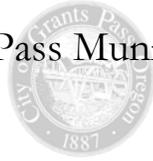
#### 8.24.010 Notices to Customers

Except in cases of emergency, notices from the City to the customer shall be in writing and shall be either personally served upon the customer or mailed to said customer at the customer's last known address. Where conditions warrant, and in emergencies, the City may notify the customer by telephone or messenger. (Ord. 4352 §11(1), 1980; Ord. 4481 §11(1), 1983)

#### 8.24.020 Notices to the City

Notices from the customer to the City may be given by the customer, or his authorized representative, to the Finance Department in the City's Municipal Building, or to an agent of the City duly authorized to receive notices or complaints. (Ord. 4352 §11(2), 1980; Ord. 4481 §11(2), 1983)

# City of Grants Pass Municipal Code



## Chapter 8.28

### BILLING AND PAYMENT FOR UTILITY SERVICES

#### Sections:

- 8.28.010 Unified Billing
- 8.28.020 Meter Readings
- 8.28.030 Rendering Bills
- 8.28.040 Failure to Read Meters
- 8.28.050 Payment of Bills
- 8.28.060 Delinquent Accounts
- 8.28.070 Installment Payments of Delinquent Accounts



### 8.28.010 Unified Billing

Sewer and water service charges shall be billed and collected by the City in the same manner and at the same time pursuant to the procedures specified hereafter. Partial payments of a unified utility billing shall be first applied to water charges with a balance, if any, applied to sewer service charges.

(Ord. 4352 §12(1), 1980; Ord. 4481 §12(1), 1983)

### 8.28.020 Meter Readings

Meters will be read and customers billed on a basis of the meter reading to the nearest 100 cubic feet; that is, no charge will be made for amounts from 1 to 49 cubic feet, and amounts from 50 to 99 cubic feet will be charged at the same rate as 100 cubic feet. The City will keep an accurate account on its books of all meter readings, and such account shall constitute prima facie evidence of the use of water service by the customer at any time, place, or in any court.

(Ord. 4352 §12(2), 1980; Ord. 4481 §12(2), 1983)

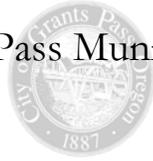
### 8.28.030 Rendering Bills

- A. Billing Period. All meters, regardless of size, shall be read and bills rendered therefore monthly.
- B. Bills for Other Than Normal Billing Period. Opening or closing bills, or bills that for any other reason cover a period of time more or less than the normal billing period, shall be prorated with a minimum of a weekly charge.
- C. Bills for More Than One Meter. All meters supplying a customer's premises shall be billed separately, except that where the City has, for operating purposes, installed two or more meters in place of one, the readings may be combined for billing purposes.

(Ord. 4352 §12(3), 1980; Ord. 4481 §12(3), 1983)

### 8.28.040 Failure to Read Meters

In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of 30 days per month and the total water consumption for billing purposes for that period shall be estimated. (Ord. 4352 §12(5), 1980; Ord 4481 §12(4), 1983)



### 8.28.050 Payment of Bills

Each bill rendered shall contain the final date on which the payment is due. If the bill is not paid by that date, the account shall be considered delinquent unless the City Finance Department has extended the bill due date. Bills will be sent to the customer as shown on the utility application blank; however, the owner of the served real property is ultimately responsible for the payment of each bill whenever a customer fails to make payment. (Ord. 4352 §12(6), 1980; Ord. 4481 §12(5), 1983)

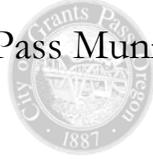
### 8.28.060 Delinquent Accounts

- A. Definition of Delinquent Account. An account is delinquent fifteen (15) calendar days after the billing date.
- B. Delinquent Notice. After an account has become delinquent, a delinquent notice will be sent to the customer or to the owner of the premises. Said notice shall state the date on which water will be turned off if the delinquent account is not paid in full prior thereto.
- C. Service Turn-Off. On or after the turn-off date specified in the delinquent notice, the meter reader or other agent of the City shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent accounts have been paid. The meter reader or other agent of the City shall immediately thereafter turn off the service. A delivery of the notice to the premises served by the meter reader or other agent of the City shall be considered a delivery to the customer.
- D. Service Charge. In all instances where water accounts have received a delinquent notice or a turn-off notice, or both, service charges shall be levied to cover such administrative costs as incurred by the City at an amount set by resolution adopted pursuant to Chapter 8.42 herein. In addition, the cash deposit required by Chapter 8.04.070(3) must be re-deposited before service will be resumed.

Where sewer accounts have become delinquent, an interest charge may be added to the unpaid balance, at a rate to be set by resolution. All closed accounts with balances due may be charged interest by a rate to be set by resolution. (Ord. 4596 §1, 1987)

- E. Non-Payment of Accounts. Non-payment of accounts due shall be handled pursuant to Chapter 8.42.020 hereunder.  
(Ord. 4352 §12(7), 1980; Ord. 4481 §12(6), 1983)

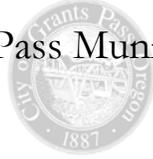
# City of Grants Pass Municipal Code



## 8.28.070 Installment Payments of Delinquent Accounts

In cases of extreme hardship, the City Finance Department shall have the discretion of resuming service to a delinquent account upon receipt of a satisfactory installment plan for the payment of overdue amount and current billings. (Ord. 4352 §12(8), 1980; Ord. 4481 §12(7), 1983)

# City of Grants Pass Municipal Code



## Chapter 8.30

Ord. 4481 §13(5), 1983; Amended by Ord. 5317, 2005

### WATER METER ERROR, DISPUTED BILLS, OR BILLING ADJUSTMENTS

#### Sections:

- 8.30.010 Meter Accuracy
- 8.30.020 Meter Test
- 8.30.030 Adjustment of Bills for Meter Error
- 8.30.040 Disputed Bills
- 8.30.050 Billing Adjustments
- 8.30.060 Recovery of Water User Charges
- 8.30.070 Vacancy Credits



### 8.30.010 Meter Accuracy

All meters will be tested prior to installation. No meter will be placed in service, or allowed to remain in service, which is known to have an error in registration in excess of two percent under conditions of normal operation.

(Ord. 4481 §13(1), 1983)

### 8.30.020 Meter Test

- A. Standard Test. Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.
- B. At Customer Request. Upon a customer giving the City seven days' notice, the City shall test the meter serving the customer's premises. The City will require the customer to deposit a testing fee in an amount set by resolution pursuant to Chapter 8.42 hereunder. The testing fee will be returned to the customer if the test reveals the meter to overregister by more than 2% under conditions of normal operation. If the meter is operating accurately, or if the meter underregisters, the test fee shall be retained by the City. Customers may, at their option, witness any meter test which they request.
- C. At City Request. The City may test any meter at any time. No charge for meter testing will be made to the customer for the meter test under these conditions. (Ord. 4481 §13(2), 1983)

### 8.30.030 Adjustment of Bills for Meter Error

- A. Fast Meters. When, upon test, a meter is found to be registering more than two percent fast under normal operating conditions, the City will refund to the customer the full amount of the overcharge, based on corrected meter readings, not exceeding the two prior billing periods that the meter was in use.
- B. Slow Meters. When, upon test, a meter is found to be registering more than two percent slow, the City may bill the customer for the amount of the undercharge, based upon corrected meter readings, not exceeding the two prior billing periods that the meter was in use.
- C. Non-registering Meters. The City will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior

# City of Grants Pass Municipal Code



use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions.

(Ord. 4481 §13(3), 1983)

## 8.30.040 Disputed Bills

When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill at the time he lodges his complaint with the City Finance Department; this is to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid in a similar manner. Failure of the customer to make such deposit shall warrant discontinuance of service as provided hereunder. (Ord. 4481 §13(4), 1983)

## 8.30.050 Billing Adjustments

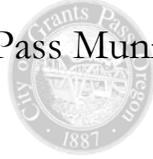
All billing adjustments have no limitation for retroactive billing periods. If a customer's charge is increased as a result of a review of the account the customer shall be billed for the increase retroactively from the date the error occurred or the date the current customer became responsible for the bill. If a customer's charge is reduced as a result of a review, a credit or refund shall be made retroactively to the date the error occurred. All such disputes shall be resolved by the Administrative Services Director, who shall take into account the intent of the Ordinance as well as the nature of the dispute. Examples of such adjustments may include but are not limited to: change of class of service, change in service elevation, change in meter size, estimated vs. actual water consumption, cross-connection fee eligibility and fraud, abuse or other unauthorized use of water.

Notification to the Finance Department regarding change in class of service is the responsibility of the user, and must be in writing.

## 8.30.060 Recovery of Water User Charges

- A. Where water service has been provided to a customer and it is determined that the customer benefiting was never billed for such service, the customer will be billed retroactively for each respective month for which they received water service. The charges shall consist of the monthly minimum charge for each month service was provided, commodity charges for the volume of hundred cubic feet of water consumed and the monthly cross-connection fee, if applicable. There will be no limitation to period of time.

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- B. The City may establish a payment plan with the customer, at their request, for retroactive charges only. Current charges for water services do not qualify for extended repayment periods. For residential and multi-family classes of service the payment plan will not exceed a twelve (12) month period when the charges exceed \$150. When retroactive water charges total less than \$150 the repayment period shall not exceed six (6) months. For all other classes of service, the payment plan will not exceed a twelve (12) month period when the charges exceed \$600. When retroactive water charges total less than \$600 the repayment period shall not exceed six (6) months. (Ord. 5317, 2005)

## 8.30.070 Vacancy Credits

Vacancy credits for customers who anticipate being absent from the community for 30 or more consecutive days are not applicable to any water service charges.

# City of Grants Pass Municipal Code



## Chapter 8.32

### DISCONTINUANCE OF SERVICE

#### Sections:

- 8.32.010 On Customer Request
- 8.32.020 Improper Customer Facilities
- 8.32.030 Water Waste
- 8.32.040 Service Detrimental to Others
- 8.32.050 Fraud or Abuse
- 8.32.060 Unauthorized Turn-on
- 8.32.070 Noncompliance
- 8.32.080 Restoration Charges



#### 8.32.010 On Customer Request

Each customer about to vacate any premises supplied with City water and/or sewer service shall give the City notice of his intention to vacate at least two days prior thereto, specifying the date service is to be discontinued. Without this notice, the customer, and ultimately the owner of the premises, will be responsible for all water supplied and sewer services made available to the premises until the City shall receive notice of such vacancy. At the time specified by the customer, the water meter will be read and a closing bill will be rendered which is payable immediately. (Ord. 4352 §14(1), 1980; Ord. 4481 §14(1), 1983)

#### 8.32.020 Improper Customer Facilities

- A. Unsafe Facilities. The City may refuse to furnish water and may discontinue utility services to any premises without prior notice where plumbing facilities, appliances or equipment are dangerous or unsafe.
- B. Cross Connections. Cross connections, being any physical connection between any component of the City's water system and any other source, are not permitted. The City will disconnect and discontinue service to any premises where a cross connection exists. Service will not be restored until the cross connection is eliminated. Customers using water from any source in addition to receiving water from the City on the same premises, shall maintain separate systems for each, and adequate safeguards shall be provided pursuant to the Oregon State Health Division Administrative Rules for Domestic Water Supply Systems. (Ord. 4352 §14(2), 1980; Ord. 4481 §14(2), 1983)

#### 8.32.030 Water Waste

Where water is wastefully or negligently used on a customer's premises, affecting the general service, the City may discontinue service if such conditions are not corrected after notice by the City. (Ord. 4352 §14(3), 1980; Ord. 4481 §14(3), 1983)

#### 8.32.040 Service Detrimental to Others

The City may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others. (Ord. 4352 §14(4), 1980; Ord. 4481 §14(4), 1983)



#### 8.32.050 Fraud or Abuse

The City may refuse or discontinue utility service to any premises where it is deemed necessary to protect the City from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the City that the condition or conditions exist.

(Ord. 4352 §14(5), 1980; Ord. 4481 §14(5), 1983)

#### 8.32.060 Unauthorized Turn-On

Where water service has been discontinued for any reason and the water is turned on by the customer, or other unauthorized personnel, the water may then be shut off or the meter removed. The penalty for unauthorized turn-on shall be set by resolution adopted pursuant to Chapter 8.42 therein. This penalty shall be billed to the customer or the owner and water shall not be furnished to the premises or customer until such penalty, and any other fees or charges required for water turn-on, are paid and the City has reasonable assurance that the violation will not reoccur. In addition, individuals violating this subsection are subject to the provisions of Chapter 8.48.020 hereunder.

(Ord. 4352 §14(6), 1980; Ord. 4481 §14(6), 1983)

#### 8.32.070 Noncompliance

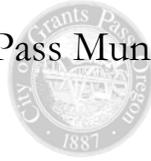
The City may, upon five days' notice to the customer, discontinue service to a customer's premises for failure to comply with any of the provisions of this ordinance, or any rules, regulations, procedures, or policies adopted by the Council or City pursuant hereto. (Ord. 4352 §14(7), 1980; Ord. 4481 §14(7), 1983)

#### 8.32.080 Restoration Charges

Except as provided in Chapter 8.32.060, Chapter 8.24.060(D), and Chapter 8.08.090(C) restoration of a utility service or services, after discontinuance of service for unsafe facilities, water waste, fraud, abuse, or for non-compliance with this ordinance or any of the City's procedures, policies, rules or regulations, will only be made after the irregularity has been corrected and the City has been assured that the irregularity will not reoccur. A restoration charge set by resolution adopted pursuant to Chapter 8.42 hereunder, shall be charged for each utility service being restored plus all other charges due or past due that the City may have incurred to correct the irregularity. (Ord. 4352 §14(8);

Ord. 4481 §14(8), 1983)

# City of Grants Pass Municipal Code



## Chapter 8.36

### EQUIPMENT

#### Sections:

- 8.36.010 Responsibility for Customer Equipment
- 8.36.020 Responsibility for City Equipment
- 8.36.030 Damage to City Equipment
- 8.36.040 Meter Access

#### 8.36.010 Responsibility for Customer Equipment

The City shall not be liable for any loss or damage of any nature whatsoever caused by a defect in the customer's line, plumbing or equipment, nor shall the City be liable for loss or damage due to interruption of service or temporary changes in pressure.

The customer shall be responsible for valves on his premises being turned off when the water service is turned on. (Ord. 4352 §15(1), 1980; Ord. 4481 §15(1), 1983)

#### 8.36.020 Responsibility for City Equipment

City utility service equipment on the customer's premises remains the property of the City and may be repaired, replaced, or removed by the City employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or remove such City equipment on his premises. The property owner must exercise reasonable care to prevent damage to such City equipment and must in no way interfere with its operation. The property owner must keep dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.

(Ord. 4352 §15(2), 1980; Ord. 4481 §15(2), 1983)

#### 8.36.030 Damage to City Equipment

The customer shall be liable for any damage to utility equipment owned by the City which is caused by an act of the customer, his tenants, agents, employees, contractors, licensees or permittees. Damage to such equipment shall include, but not be limited to, breaking of seals and locks, tampering with meters, meter damage including, but not limited to, damages by hot water or steam, damaged meter boxes, curb stops, meter stops, lines and other service appurtenances. City sewer equipment includes, but is not limited to, the sewer lines as shown on a certain "Sanitary Sewer Map" on file in the City's Community Development

# City of Grants Pass Municipal Code

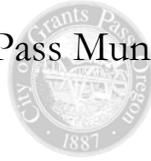


Department. City water equipment includes, but is not limited to, the water lines as shown on a certain "Water Map" on file at the office of the City's Director of Community Development. (Ord. 4352 §15(3), 1980; Ord. 4481 §15(3), 1983)

## 8.36.040 Meter Access

The customer shall be required to maintain the customer's water meter in such circumstances that said meter can be easily and safely read by City employees without securing the assistance of the customer or any other third party. (Ord. 4352 §15(4), 1980; Ord. 4481 §15(4), 1983)

# City of Grants Pass Municipal Code



## Chapter 8.40

### FIRE HYDRANTS

#### Sections:

- 8.40.010      Operation
- 8.40.020      Moving a Fire Hydrant

#### 8.40.010 Operation

No person or persons other than those designated and authorized in writing by the City Manager, shall open any fire hydrant belonging to the City, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this provision will be prosecuted according to law, and in addition, will be subject to a special service charge set by resolution adopted pursuant to Chapter 8.42 herein. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. (Ord. 4352 §16(1), 1980; Ord. 4481 §16(1), 1983)

#### 8.40.020 Moving a Fire Hydrant

When a fire hydrant has been installed in the locations specified by the proper authority, the City has fulfilled its obligation. If a property owner or other party desires or is required to change the size, type, or location of the hydrant he shall bear all costs of such changes. Any change in the location of a fire hydrant must be first approved by the City, and such change will be done under City direction only. (Ord. 4352 §16(2), 1980; Ord. 4481 §16(2), 1983)

# City of Grants Pass Municipal Code

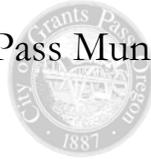


## Chapter 8.41

### SEWER UTILITY RATES

#### Sections:

8.41.010	Definitions
8.41.020	Sewer Only Service
8.41.050	Monthly Sewer Rates
8.41.100	Customer Classifications
8.41.200	Sewer Rate Structure
8.41.250	Sewer Rate - Table 1, Cost-of-living Adjustment, Effective Date
8.41.255	Cost-of-living Adjustment
8.41.300	Vacancy Credits.
8.41.310	Right of Appeal
8.41.320	Billing Adjustments
8.41.330	Interest On Delinquent Accounts



#### 8.41.010 Definitions

Average Winter Use. Depending on the date of the month a customer's water meter is read, the average monthly metered water use included in the average winter water use calculation shall be 5 full billing periods consumption from approximately mid-October to early April. If the consumption for any of those billing periods is less than 50 cubic feet, the average shall be computed using only those remaining. If the consumption for 3 or more of the billing periods is less than 50 cubic feet, then the average winter use cannot be calculated and the system class average shall be applied. The average winter use shall be annually recalculated for the April bills. (Ord. 4886 §4, 1997).

City Manager. The City of Grants Pass City Manager or a designee.

Commercial, Normal Strength. All customers who do not qualify as residential, multi-family, or public/quasi-public, which the City determines to contribute sewage of a strength consistent with that of domestic uses, consisting of typical concentrations of biochemical oxygen demand (BOD) or suspended solids (SS) no greater than 400 milligrams per liter (mg/l, or parts per million).

Commercial, High Strength. All customers who do not qualify as residential, multi-family, or public/quasi-public, which the City determines to contribute sewage of a strength materially higher than that of domestic uses, consisting of typical concentrations of biochemical oxygen demand (BOD) or suspended solids (SS) in excess of 400 milligrams per liter (mg/l, or parts per million). High strength commercial activities shall include: auto steam cleaning; bakery; hotel/motel with restaurant facilities; industrial or commercial laundry; supermarket with garbage grinder or food service; mortuary; restaurant; or any other commercial activity which the Utilities Director determines to typically contribute sewage in excess of the strength standard.

Customer.

- A. (Subject to Section B), a person, business, or corporation which receives sewer service.
- B. Beginning August 1, 2006, if a property is only receiving sewer service (not water), the customer is the owner of the property which is receiving sewer service. (Ord. 5357 §17, 2006).

# City of Grants Pass Municipal Code



**Multi-Family.** Residential customers served by a single meter with three or more residential units except where the units are defined as commercial occupancies under the Uniform Building Code.

**Predominant Use.** The primary use of a building or buildings, taking into consideration the following factors:

- A. The amount of space utilized by the use.
- B. The underlying zoning of the property.
- C. The amount of income produced by the use.
- D. Representations of the property to the public.
- E. The number of persons who participate in the use, either as employees or patrons.

**Public/Quasi-Public.** Customers whose buildings are used to house government, schools (both public and private), and non-profit corporations which meet all of the following criteria:

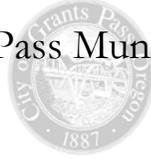
- A. Not more than 10% of the building is used for the sale, manufacture, production, repair, or service of a product sold to third persons, whether or not sold by the sewer customer of this class; and
- B. The sewer discharge consists of typical domestic waste; and
- C. Not more than 10% of the building is used for residential purposes.

**Residential.** Customers with a single or a duplex residence intended for single family occupancy in each unit, which contain separate kitchen, bedroom, and bathroom facilities.

**Sewer Service.** Includes all sewer service provided by the City of Grants Pass, both within and outside the City limits, and includes sewer service provided to any special district.

**System Class Average.** The method of calculating the system class average shall use only those customer accounts that used the City water system during the applicable period. The system class average shall be computed by totaling the average winter use of all customers of the class and dividing by the number of said customers of the class as set forth in 8.41.250.

# City of Grants Pass Municipal Code



## 8.41.020 Sewer Only Service

All accounts for sewer only service that are billed to other than the property owner must be transferred to the property owner no later than December 31, 2006. (Ord. 5357 §17, 2006).

## 8.41.050 Monthly Sewer Rates

The rates and charges in this Chapter are payable by persons, businesses, or corporations which are customers of the City sewer system or which own property adjacent to a sewer main where sewer service is available or which own property with a special district served by the City.

## 8.41.100 Customer Classifications

For billing purposes, customers of the City's sewer utility shall be classified as Residential, Multi-Family, Normal Strength Commercial, High Strength Commercial, and Public/Quasi-Public based on the customer's predominant use of the property. Where it is not practical to assign a predominant use to a customer's classification, the classification shall be determined by the City Manager.

## 8.41.200 Sewer Rate Structure

- A. Monthly Service Charge. All customers shall pay a monthly service charge on each account as set forth in Section 8.41.250.
- B. Monthly Volume Rate Charge. In addition to the monthly service charge, and except as provided in 8.41.800, all customers shall pay a monthly volume rate charge on each account, based on metered City water use (or estimated use for customers not utilizing City water service) as set forth in Section 8.41.250 and 8.41.300.
  1. Residential and Multi-Family Customers Using City Water. For residential and multi-family customers using City water, the monthly volume rate charge is based on the customer's average winter use. If the average winter use cannot be computed, and the customer has a current average winter use for another sewer service previously occupied by the customer, the monthly volume rate charge shall be based on the system class average, or if requested by the customer, on the customer's previous connection.

# City of Grants Pass Municipal Code



2. Commercial (Normal and High Strength) and Public/Quasi-Public Customers Using City Water. For commercial and public/quasi-public customers using City water, the monthly volume rate charge is based on the customer's actual monthly metered water use.
3. Residential and Multi-Family Customers Not Using City Water. For residential and multi-family customers not using City water, the monthly volume rate charge is based on the system class average.
4. Commercial (Normal and High Strength) and Public/Quasi-Public Customers Not Using City Water. For commercial and public/quasi-public customers, the monthly volume rate charge is based on the system class average of water used.
5. Metered Sewer Discharge. For commercial and public/quasi-public customers who do not have City water service, in lieu of a system class average, the customer may elect, at the customer's expense, to install a sewer discharge measuring device, containing a device for the automatic recording of flow data, which is approved by the City Manager. The City will multiply the volume of discharge times the applicable monthly volume rate charge as set forth in 8.41.250, multiplied by a factor of 1.4.

## 8.41.250 Sewer Rate

Table 1, Rate Component/Customer Classes (Ord. 5535 §1, 2011).

Residential  
Multifamily  
Commercial, Normal Strength  
Commercial, High Strength  
Public/Quasi-Public

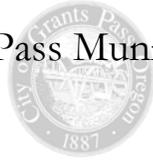
## 841.255 Cost-of-Living Adjustment

(Ord. 5535 §1, 2011).

Notwithstanding any cost-of-living increase provisions to the contrary or absence thereof, user rates for sewer shall be increased annually on January 1<sup>st</sup> of each year beginning January 1, 2007. Any prior cost-of-living increases shall be incorporated in the charges prior to calculating the updated system development charges.

The cost-of-living increase shall be determined by averaging the 12 month cost-of-living figures beginning with the immediately previous October and averaging it with the prior 11 months (e.g. January 1, 2007 cost-of-living increase

# City of Grants Pass Municipal Code



was determined by averaging the cost-of-living figures for each month from November 2005 through October 2006). The cost-of-living figures noted herein shall be the U.S. Bureau of Labor and Statistics, Cost-of-Living Index, CPI-U, All Cities publication for each month, November through October.

## 841.300 Vacancy Credits

Residential and multi-family customers who anticipate being absent from the community, for 30 or more consecutive days, can apply for a vacancy credit. Customers will be billed their ordinary monthly charges but will be given credit for the monthly volume rate charge. A separate written application must be made to the City for each 30-day period the customer is absent from the community. Vacant credit application for extended planned absences may be made in advance for a period no longer than 120 days.

Residential properties for sale or rent are also eligible to make application for vacancy credit. Application must be made for each 30 or more consecutive day period of vacancy.

Commercial and industrial sewer only customers, where water service is not provided by the City, are also eligible to make application for vacancy credit. An application must be made to the City for each 30 or more consecutive day period the premise is vacant. During the absence, there can be no use of the property or buildings on the property. The City reserves the right to inspect the premises to verify the customer is entitled to the credit. All vacancy credits are limited to a retroactive period of no more than 2 billing periods.

This vacancy credit shall not apply to transient units. Transient units are defined as motels, hotels and boarding homes.

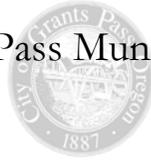
## 8.41.310 Right of Appeal

A sewer user may appeal a Commercial High Strength classification by documenting that the account has been improperly classified or by showing the generated waste strength, (BOD and SS) is below 400 mg/l, and providing the results to the Public Works Director.

Measurement of waste strength will require collection and analysis of three representative 24-hour composite samples by a laboratory certified for wastewater sampling and testing. All costs associated with the sampling and testing shall be at the sole cost of the user.

If the appeal is approved, the wastewater billing will be adjusted beginning with the date of the first sample.

# City of Grants Pass Municipal Code



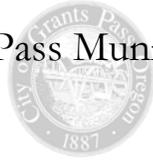
If the Director's decision is to deny the appeal, the sewer user may appeal the decision to the City Manager.

## 8.41.320 Billing Adjustments

(Ord. 5535 §1, 2011).

- A. If a customer installs a separate water meter for irrigation or other use, where the water is not capable of entering the sewer system, the water consumed through the alternate meter shall not be used in calculating the customer's monthly volume rate charge.
- B. At the discretion of the City Manager, water leaks may be deducted from the water usage data used to determine the monthly volume rate charge if:
  1. The leak has been repaired at the customer's expense, and
  2. The leak represents at least a 20% increase from the normal usage for the customer, and
  3. The customer has not had an adjustment to their sewer bill for leaks within the past 18 months.
- C. Where water is an integral part of a product sold by a customer and the product does not enter the sewer system, the customer may apply to the City Manager for a corresponding reduction in the monthly volume rate charge. The City Manager will evaluate the application and may establish procedures for the customer to verify and justify a reduction.
- D. Between June 1<sup>st</sup> and February 1<sup>st</sup> of the following year, a residential or multi-family customer, who is a City water customer, and who, based upon an occupancy decrease, can document a 20% or greater reduction in their monthly water consumption from the previous 2 months can apply for a corresponding reduction of their monthly volume rate charge. Reductions may be granted at the discretion of the City Manager.
- E. All billing adjustments have no limitation for retroactive billing periods. If a customer's charge is increased as a result of a review of the account the customer shall be billed for the increase retroactively from the date the error occurred or the date the current customer became responsible for the bill. If the customer's charge is reduced as a result of a review, a credit or refund shall be made retroactively to the date the error occurred. All such disputes shall be resolved by the Finance Director, who shall take into account the intent of the Ordinance as well as the nature of the dispute. Examples of such adjustments may include but are not

# City of Grants Pass Municipal Code



limited to: change in class of service, change in strength of service, estimated vs. actual water consumption, eligibility and fraud, abuse or other unauthorized use of the sewer system.

Notification to the Finance Department regarding connection to the sewer system is the responsibility of the user and must be in writing. (Ord. 5318, 2005)

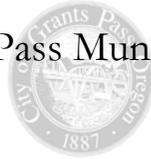
## 8.41.330 Interest on Delinquent Accounts

Customers whose accounts are past due for 60 days or more shall pay interest of 1.5% per month (18% per year) on the delinquent amount.

## 8.41.340 Recovery of Sewer User Charges

- A. Where water is an integral part of a product sold to a customer and the product does enter the sewer system, yet it is determined that the customer benefiting was never billed for such service, the customer will be billed retroactively all appropriate user fees for each respective month for which they received sewer services.
- B. Where water is not an integral part of a product sold to a customer yet they benefit from connection to the municipal sewer system, they too shall be billed retroactively for each respective month for which they received but were not billed for sewer services.
- C. The City may establish a payment plan with the customer, at their request, for retroactive sewer charges only. Current charges for sewer service do not qualify for extended repayment periods. For residential and multi-family classes of service the payment plan will not exceed a twelve (12) month period when the sewer charges exceed \$150. When retroactive charges sewer charges total less than \$150 the payment period shall not exceed six (6) months. For all other classes of service, the payment plan will not exceed a twelve (12) month period when the sewer charges exceed \$600. When retroactive sewer charges total less than \$600 the repayment period shall not exceed six (6) months.

# City of Grants Pass Municipal Code



This chapter amended by Ord. No. 5298, 2005; Res. No. 5037, 2005;  
Ord. No. 5387, 2006; (Ord. 5535 §1, 2011)

## Chapter 8.42

### FEES, RATES AND CHARGES FOR UTILITY SERVICES

#### Sections:

- 8.42.010 Fees, Rates and Charges for Utility Services
- 8.42.015 Payment in Lieu of Franchise Fee
- 8.42.020 Cost of Living Adjustment
- 8.42.030 Rate Component and Customer Classes
- 8.42.050 Recovery of Amounts Due and Liens

#### 8.42.010 Fees, Rates and Charges of Utility Services

All fees, rates and charges for utility services shall be set by resolution adopted by the Council. Said resolutions shall be kept on file with the City Finance Department and may be amended from time to time as the Council deems appropriate.

All such fees, rates and charges may be billed in conjunction with sewer and/or water user service charges, which shall include, but are not limited to service charges, interest calculations, payments in lieu of franchise fees, and delinquency charges. The purpose of this section is to establish a uniform billing procedure.

#### 8.42.015 Payment In Lieu of Franchise Fee

The water and wastewater utilities, respectively, shall remit on a monthly basis to the General Fund, an amount equal to 5% of the fees and charges for said period, exclusive of System Development Charges and Bond proceeds as a payment in lieu of franchise fees. The water and wastewater utilities are hereby granted the authority to add this fee to all fees and charges. The water and wastewater utilities shall make an annual adjustment to a monthly payment to reduce the amount then payable by the fees and charges that have become delinquent and uncollectible and have been turned over for collection since the last annual adjustment.

# City of Grants Pass Municipal Code



## 8.42.020 Cost of Living Adjustment

Notwithstanding any cost of living increase provisions to the contrary or absence thereof, user rates for water shall be increased annually on January 1 of each year beginning January 1, 2007. Any prior cost of living increases shall be incorporated in the charges prior to calculating the updated system development charges.

The cost of living increase shall be determined by averaging the 12-month cost of living figures beginning with the immediately previous October and averaging it with the prior 11 month (e.g., January 1, 2007 cost of living increase is determined by averaging the cost of living figures for each month from November 2005 through October 2006). The cost of living figures noted herein shall be the U.S. Bureau of Labor and Statistics, Cost of Living Index, DPI-U, All Cities publication for each month, November through October.

## 8.42.030 Rate Component and Customer Classes

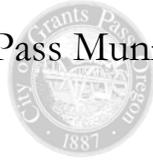
### **Monthly Charge for all Customer Classes Based Upon Meter Size** (Additional Unit Charge for Multi-Family and PUD)

Meter Sizes
3/4" x 3/4"
1"
1.5"
2"
3"
4"
6"
8"
10"

<b>Block Volume Classes</b>			
Customer Class	0 to 10 ccf *	11 to 25 ccf *	Greater than 25 ccf
Single Family Residential			

\* ccf means One hundred cubic feet of water

City of Grants Pass Municipal Code



<b>Volume Classes</b>
Customer Class
Multi-Family & PUD
Commercial/Industrial/Public
Interruptible Irrigation for Public Parks and Public Schools
Irrigation – All Classes
Standby – All Classes

<b>Service Level Classes</b>
Service Level
1
2
3
4
5

8.42.050 Recovery of Amounts Due and Liens

If any rates, charges, fees or other monies due the City from any customer, person, firm or corporation pursuant to this ordinance are not paid in full when due, then the amount or amounts unpaid may be certified by the City’s Finance Director to the County Assessor of Josephine County, Oregon, and shall be by him assessed against the premises served, as provided by law, and shall be collected and paid over to the City in the same manner as taxes are assessed, collected and paid over, with interest. Interest on unpaid amounts due shall run from the due date thereof at the rate set pursuant to resolution adopted in Chapter 8.42 above.

Such unpaid amounts may also be recovered in an action at law in the name of the City, with interest as aforesaid.

Unpaid accounts may be assigned to a collection agency, and if City elects to do so, then a collection fee may be charged which shall be set by resolution.

(Ord. 4481 §18, 1983)

# City of Grants Pass Municipal Code



## Chapter 8.44

### APPEALS

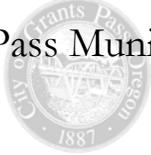
#### Section:

8.44.010 Appeals

#### 8.44.010 Appeals

Any person may appeal a decision of any City employee relating to this ordinance or the interpretation of any rule, regulation, policy or procedure of the Council, which appeal shall be made in writing and filed with the Utility Commission, through the office of the City Manager, within 15 days after the decision complained of is made. The Utility Commission shall consider such appeal and render its decision within 30 days after the filing of the appeal at the office of the City Manager. (Ord. 4352 §19, 1980; Ord. 4481 §19, 1983)

City of Grants Pass Municipal Code

The seal of the City of Grants Pass, Oregon, established in 1887. It features a central figure holding a scale and a sword, surrounded by the text "City of Grants Pass Oregon" and the year "1887".

Amend 8.48 Ord. 5361, 2006

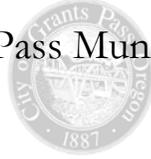
Chapter 8.48

ENFORCEMENT AND PENALTIES

Sections:

- 8.48.010 Enforcement
- 8.48.020 Penalties for Violation
- 8.48.030 Rules, Regulations, Policies and Procedures
- 8.48.040 Open
- 8.48.050 Termination of Water Service
- 8.48.060 Written Warning
- 8.48.070 Hearing

# City of Grants Pass Municipal Code



## 8.48.010 Enforcement

It shall be the duty of the City Manager to enforce this ordinance and all resolutions, regulations, policies and procedures, including any manual or procedure of the Council adopted and relating hereto. (Ord. 4352 §20, 1980; Ord. 4481 §20, 1983)

## 8.48.020 Penalties for Violation

Any person, firm or corporation, whether as principal, agent employee or otherwise, violating or causing the violation of any of the provisions of this ordinance shall be subject to civil penalty in an amount not exceeding \$500 per day of violation. This civil penalty shall be in addition to any other penalty appropriate under the laws of the City of the State of Oregon. (Ord. 4352 §21, 1980; Ord. 4481 §21, 1983)

## 8.48.030 Rules, Regulations, Policies and Procedures

The Council may at any time adopt rules, regulations, policies and resolutions pertaining to the implementation of this ordinance, and to amend the same from time to time, and to terminate all or any part thereof in the sole discretion of the Council.

## 8.48.040 Open.

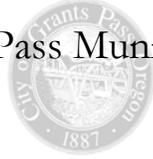
## 8.48.050 Termination of Water Service

City water service to any property may be terminated by the City Manager if an owner or tenant of the property fails to comply with the requirements of the Grants Pass Municipal Code after being provided a written warning, as noted herein.

## 8.48.060 Written Warning

Not less than 7 days prior to termination of City water service to a property, the City Manager shall cause a written warning of said termination to be posted on the property indicating the date of termination. If the property contains more than one tenant, the City shall post a copy of the written warning on the entrance to each tenant (so long as the entrance is accessible to the public and clearly visible). The City Manager shall also cause a copy of the written notice to be sent to the customer in whose name the service is assigned not less than 7 days prior to termination. Actual notice delivered to any tenant or property owner may be substituted for mailing or posting. The written warning shall contain a

# City of Grants Pass Municipal Code



statement indicating that the owner or tenant may appeal the termination of service by filing a written objection to the termination with the City Manager not later than the day prior to the proposed date of termination.

## 8.48.070 Hearing

If the owner or tenant files an objection to termination of water service within the proper time frame, the City Manager shall place the matter on the City Council's agenda not earlier than 2 days after receiving the objection. The objection may be heard by the Council at a regular meeting or a special meeting. Water service shall not be terminated prior to the hearing and a decision of the Council. At the hearing the staff shall provide the Council with information regarding non-compliance with the Grants Pass Municipal Code, including the Development Code by the owner of the property or a tenant and the owner or tenant, or both may provide the Council with information regarding compliance. It is not a defense to termination of service that the violation is the responsibility of a third party, regardless of whether said third party is an owner or tenant.

# City of Grants Pass Municipal Code



(Ord. 4861 §1, 1996)

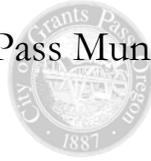
## Chapter 8.50

### WASTEWATER POLLUTANTS

#### Sections:

- 8.50.010 TITLE - GENERAL PROVISIONS
- 8.50.011 Purpose and Policy
- 8.50.012 Definitions
- 8.50.013 Abbreviations
- 8.50.014 Administration
  
- 8.50.020 TITLE - GENERAL SEWER USE REQUIREMENTS
- 8.50.021 Prohibited Discharge Standards
- 8.50.022 National Categorical Pretreatment Standards
- 8.50.023 State Pretreatment Standards
- 8.50.024 City's Right of Revision
- 8.50.025 Dilution
- 8.50.026 Local Limits
- 8.50.027 Notification of Discharge of Hazardous Waste
  
- 8.50.030 TITLE - PRETREATMENT OF WASTEWATER
- 8.50.031 Pretreatment Facilities
- 8.50.032 Additional Pretreatment Measures
- 8.50.033 Accidental Discharge/Slug Control Plans
- 8.50.034 Hauled Wastewater
- 8.50.035 Bypass
  
- 8.50.040 TITLE - WASTEWATER DISCHARGE PERMIT APPLICATION
- 8.50.041 Wastewater Analysis
- 8.50.042 Wastewater Discharge Permit Requirement
- 8.50.043 Wastewater Discharge Permitting: Existing Connections
- 8.50.044 Wastewater Discharge Permitting: New Connections
- 8.50.045 Wastewater Discharge Permit Application Contents
- 8.50.046 Application Signatories and Certification
- 8.50.047 Wastewater Discharge Permit Decisions
  
- 8.50.050 TITLE - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS
- 8.50.051 Wastewater Discharge Permit Duration
- 8.50.052 Wastewater Discharge Permit Contents
- 8.50.053 Wastewater Discharge Permit Appeals
- 8.50.054 Wastewater Discharge Permit Modification
- 8.50.055 Wastewater Discharge Permit Transfer
- 8.50.056 Wastewater Discharge Permit Revocation
- 8.50.057 Wastewater Discharge Permit Reissuance

# City of Grants Pass Municipal Code



- 8.50.058 Regulation of Waste Received from Other Jurisdictions
- 8.50.059 Regulation of Waste Received from an SIU Located in Another Jurisdiction
  
- 8.50.060 TITLE - REPORTING REQUIREMENTS FOR PERMITTEE
- 8.50.061 Baseline Monitoring Reports
- 8.50.062 Periodic Compliance Reports/Notice of Changed Conditions
- 8.50.063 Reports of Potential Problems
- 8.50.064 Notice of Violation/Repeat Sampling and Reporting
- 8.50.065 Reports on Compliance with Categorical Pretreatment Standard Deadline
- 8.50.066 Analytical Requirements
- 8.50.067 Sample Collection
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8.50.010 TITLE - GENERAL PROVISIONS

8.50.011 Purpose and Policy

Chapter 8.50 sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Grants Pass (the City) and enables the City to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code ' 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of Chapter 8.50 are:

- A. To prevent the introduction of pollutants into the municipality wastewater system that will interfere with the operation of the system or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the municipal wastewater system that will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- C. To protect City personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To improve the opportunity to recycle and reclaim municipal and industrial wastewaters and sludges;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws.

Chapter 8.50 shall apply to all users of the Publicly Owned Treatment Works. Chapter 8.50 authorizes the issuance of wastewater discharge permits to certain non-domestic users and through enforcement of general requirements for other users; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

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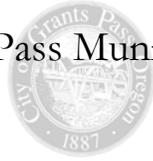
Chapter 8.50 shall apply to persons within the City of Grants Pass and to persons outside the City who are, by contract or agreement with the City, users of the City's Publicly Owned Treatment Works.

## 8.50.012 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in Chapter 8.50, shall have the meanings hereinafter designated.

- A. Act or "The Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. ' 1251 *et seq.*
- B. Approval Authority. The State of Oregon Department of Environmental Quality.
- C. Authorized Representative of the User.
  1. If the user is a corporation:
    - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  2. If the user is a partnership or sole proprietorship: a general partner or proprietor respectively.
  3. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the

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operation and performance of the activities of the government facility, or their designee.

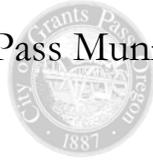
4. The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the City.
- D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures.
- E. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 8.50.021A and B[40 CFR 403.5(A)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Ord. 5521 §4, 2010
- F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. ' 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- G. City. The City of Grants Pass or the City Council of Grants Pass.
- H. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a 24-hour period. Ord. 5521 §4, 2010
- I. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a 24-hour period. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurement taken over a 24-hour period. Ord. 5521 §4, 2010
- J. Department of Environmental Quality (DEQ). The State of Oregon Department of Environmental Quality.

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- K. Environmental Protection Agency or EPA. The U.S. Environmental protection Agency.
- L. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, in accordance with Section 307 of the Act.
- M. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- N. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- O. Industrial User (or User). A non-domestic source of indirect discharge. Ord. 5521 §4, 2010.
- P. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- Q. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, and therefore causes a violation of the City's NPDES permit.
- R. Maximum Daily Average. The maximum concentration of a pollutant allowed to be discharged during a calendar day. The average concentration of the pollutant measured over a 24-hour period.
- S. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, medical laboratory wastes, and dialysis wastes.
- T. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. Ord. 5521 §4, 2010
- U. Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily

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discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

## V. New Source

1. A new source is defined as any building, structure, facility, or installation from which there is (or could be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, provided that:
  - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
2. Modification of an existing source is defined as the construction on a site where an existing source is located if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - (a) Begun, or caused to begin, as part of a continuous onsite construction program.
    - (i) any placement, assembly, or installation of facilities or equipment; or
    - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings,

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structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

- (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- W. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- X. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone, or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.
- Y. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- Z. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- AA. Pollutant. The man-made or man-induced alteration of chemical, physical, biological, or radiological properties of water.
- BB. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- CC. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

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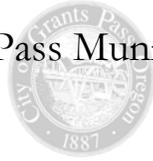
- DD. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- EE. Prohibited Discharge Standards or Prohibited Discharges. Prohibitions against the discharge of certain substances; these prohibitions appear in Section 0.021 of Chapter 8.50.
- FF. Publicly Owned Treatment Works. A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. ' 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- GG. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- HH. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- II. Significant Industrial User (SIU).
1. A user subject to Categorical Pretreatment Standards; or
  2. A user that:
    - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or
    - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

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3. The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - (a) The Industrial User, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
  - (b) The Industrial User annually submits the certification statement required in Section 8.50.0695 [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and
  - (c) The Industrial User never discharges any wastewater exceeding local limits. Ord. 5521 §4, 2010
4. Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User. Ord. 5521 §4, 2010
- JJ. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Chapter 8.50.021. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate to the POTW's regulations, Local Limits or Permit conditions. Ord. 5521 §4, 2010
- KK. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
- LL. Storm Water. Water resulting from rainfall or other natural precipitation including snowmelt.

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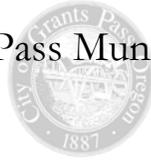
- MM. Superintendent. The City Manager or person designated by the City Manager to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by Chapter 8.50, or a duly authorized representative.
- NN. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering in accordance with the procedure for the analysis of total non-filterable residue as set forth in *Standard Methods for Examination of Water and Wastewater*.
- OO. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- PP. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

## 8.50.013 Abbreviations

The following abbreviations, when used in Chapter 8.50, shall have the designated meanings:

BOD	-	Biochemical Oxygen Demand
BMP	-	Best Management Practice
CFR	-	Code of Federal Regulations
CIU	-	Categorical Industrial User
COD	-	Chemical Oxygen Demand
EPA	-	U.S. Environmental Protection Agency
GPD	-	gallons per day
IU	-	Industrial User
mg/l	-	milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
NSCIU	-	Non-Significant Categorical Industrial User
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classification
SIU	-	Significant Industrial User
SNC	-	Significant Non-Compliance
TSS	-	Total Suspended Solids
U.S.C.	-	United States Code

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## 8.50.014 Administration

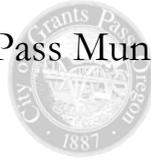
Except as otherwise provided herein, the Superintendent of the Grants Pass Publicly Owned Treatment Works shall administer, implement, and enforce the provisions of Chapter 8.50. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other City personnel.  
(Ord. 4469 §1.1. 1982)

## 8.50.020 TITLE - GENERAL SEWER USE REQUIREMENTS

### 8.50.021 Prohibited Discharge Standards

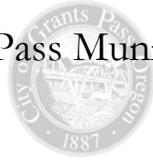
- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference, or which will cause the POTW to violate its NPDES Permit or the receiving water quality standards. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which may create a fire or explosive hazard in the POTW including, but not limited to wastestreams with a closed-cup flash point of less than 140°F (60C) using the test methods specified in 40 CFR 261.21; Ord. 5521 §4, 2010
  - (2) Any pollutants which may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited material include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substances which the City, the State or EPA has notified the User is a fire hazard or a hazard to the system;
  - (3) Wastewater having a pH less than 5.0, or greater than 10.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel to the POTW;

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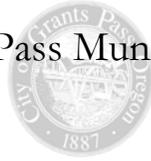
- (4) Solid or viscous substances in amounts which will cause obstruction to the flow in a sewer or interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes;
- (5) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (6) Wastewater having a temperature which will inhibit biological activity in the City's treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 30°C (86°F);
- (7) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (8) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems;
- (9) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 8.50.034 of Chapter 8.50;
- (10) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, to prevent entry into the sewers for maintenance or repair, to create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard;

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- (11) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
- (12) Wastewater containing any radioactive wastes or isotopes;
- (13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted water, specifically authorized by the Superintendent;
- (14) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (15) Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit;
- (16) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (17) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (18) Fats, oils, or greases of animal or vegetable origin in concentrations which can contribute to interference, pass through, or create an obstruction in the sewer system;
- (19) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used;
- (20) Any substance that would be a hazardous waste under 40 CFR Part 261 that is introduced into the POTW at a rate greater than 15 kg per month.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

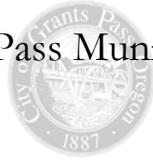


8.50.022 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter 1, Subchapter N, Parts 405-471 are hereby incorporated. Ord. 5521 §4, 2010

- A. Upon promulgation of Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Chapter 8.50, shall supersede the limitations imposed under this Chapter.
- B. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits.
- C. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- D. Existing sources shall comply with federal categorical pretreatment standards within three (3) years of the date the standard is effective unless a shorter compliance time is specified in the appropriate subpart of 40 CFR Chapter I, Subchapter N. New sources shall install and have in operating condition, and shall startup all pollution control equipment required to meet the applicable federal categorical pretreatment standards before beginning to discharge. Categorical Industrial users that are new sources must meet all applicable categorical pretreatment standards within the shortest feasible time, not to exceed 90 days. All SIU's will be required to be in compliance with local limits at the commencement of discharge.
- E. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 8.50.022(1)(a) through 8.50.022(1)(e) below.
  - (1) To be eligible for equivalent mass limits, the Industrial User must:
    - (a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially

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reduce water use during the term of its individual wastewater discharge permit;

- (b) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
  - (c) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
  - (d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
  - (e) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- (2) An Industrial User subject to equivalent mass limits must:
- (a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
  - (b) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
  - (c) Continue to record the facility's production rates and notify the Superintendent whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in section 8.50.022 (1)(c). Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
  - (d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to section 8.50.022 (1)(a) of this

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Section so long as it discharges under an equivalent mass limit.

- (3) When developing equivalent mass limits, the Superintendent:
  - (a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
  - (b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
  - (c) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 8.50.025. The Industrial User must also be in compliance with Section 8.50.035 regarding the prohibition of bypass.

## 8.50.023 State Pretreatment Standards

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Chapter.

## 8.50.024 City's Right of Revision

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

## 8.50.025 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may

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impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

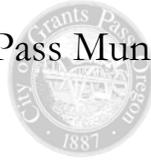
## 8.50.026 Local Limits

- A. The Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. The Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 8.50.021. (Ord. 13-5575 §17, 2013).

## 8.50.027 Notification of Discharge of Hazardous Waste

- A. Any User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, prior to any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 8.50.061 and 8.50.062 of this ordinance.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 40 CFR 261.33(e), is prohibited per Chapter 8.50.021.
- C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Superintendent, the EPA Region 10 Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of

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hazardous wastes generated to the degree it has determined to be economically practical.

This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law.

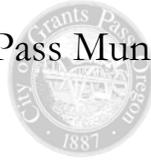
## 8.50.030 TITLE - PRETREATMENT OF WASTEWATER

### 8.50.031 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with Chapter 8.50 and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 8.50.021 of Chapter 8.50. Compliance with local limits and prohibitions shall be upon the effective date of Chapter 8.50. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and approved by the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of Chapter 8.50.

### 8.50.032 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of Chapter 8.50.
- B. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing grease and oil, or sand. All interception units shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall (at the user's expense) be inspected semi-annually,



cleaned annually, and repaired as needed. The City shall be provided documentation confirming said inspections and cleaning. The grease, oil, and sand must be physically removed. The use of steam cleaning, enzymes or emulsifiers to flush the grease into the sewer are prohibited. (Ord. 4861 §1, 1996; Ord. 5028 §1, 2000)

- D. Users with the potential to discharge flammable substances will be required to install and maintain an approved combustible gas detection meter.

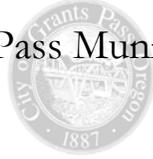
#### 8.50.033 Accidental Discharge/Slug Control Plans

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by Chapter 8.50. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction and operation of the facility. The plan shall meet the requirement of Section 8.50.052 A (6). No User who commences contribution to the POTW after the effective date of Chapter 8.50 shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the User's facility as necessary to meet the requirements of Chapter 8.50.

#### 8.50.034 Hauled Wastewater

- A. The superintendent shall require haulers and generators of industrial waste and septage to obtain wastewater discharge permits. The Superintendent also may prohibit the disposal of hauled industrial waste and septage. The discharge of hauled industrial waste and septage is subject to all other requirements of Chapter 8.50.
- B. Waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the waste hauler to provide a waste analysis of any load prior to discharge.
- C. Waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form

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shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

- D. Wastewater that meets the definition of hazardous waste as defined in 40 CFR Part 261 is prohibited from being introduced to the POTW via tanker truck.
- E. Any hauler or carrier whose load is rejected will be required to provide an acceptable manifest that documents how, when, and where the rejected load was disposed of before additional loads will be given consideration by the City for being discharged to the Grants Pass POTW.

## 8.50.035 Bypass

- A. For the purposes of this section,
  - (1) “Bypass” means the intentional diversion of wastestreams from any portion of a user’s treatment facility.
  - (2) “Severe Property Damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A user may allow, with the prior approval of the Superintendent, any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of section 8.50.035(C) and (D).
- C.
  - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.
  - (2) A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the



anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

- D. (1) Bypass is prohibited, and the Superintendent may take an enforcement action against a user for a bypass, unless
  - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (c) The user submitted notices as required under paragraph (C) of this section.
- (2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in section 8.50.035(D)(1). Ord. 5521 §4, 2010

**8.50.040 TITLE - WASTEWATER DISCHARGE PERMIT APPLICATION**

**8.50.041 Wastewater Analysis**

When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

**8.50.042 Wastewater Discharge Permit Requirement**

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to Section 8.50.043 of Chapter 8.50 may continue to discharge for the time period specified therein.



- B. The Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of Chapter 8.50.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of Chapter 8.50 and subjects the wastewater discharge permittee to the sanctions set out in Sections 8.50.100 through 8.50.110. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of federal, state, and local law.
- D. A new or modified wastewater discharge permit will be required if there is any significant change to the user's operations which might alter the nature, quantity, or volume of its wastewater. Significant changes include, but are not limited to, a twenty percent (20%) increase in flow or quantity of pollutants, and the discharge of any previously unreported pollutants. A user must notify the Superintendent and apply for a modified wastewater discharge permit at least thirty (30) days before the change.

#### 8.50.043 Wastewater Discharge Permitting: Existing Connections

Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of Chapter 8.50 and who wishes to continue such discharges in the future, shall, within 30 days after said date, apply to the Superintendent for a wastewater discharge permit in accordance with Section 8.50.045 of Chapter 8.50, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of Chapter 8.50 except in accordance with a wastewater discharge permit issued by the Superintendent.

#### 8.50.044 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain a permit prior to discharging. An application for this wastewater discharge permit, in accordance with Section 8.50.045 of Chapter 8.50, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

#### 8.50.045 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application in the form prescribed by the City, and accompanied by a fee set by Resolution of the City Council. In support of the application, the user shall

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submit, in units and terms appropriate for evaluation, the following information:

- A. All information required by Section 8.50.061(B);
- B. Name, address, contact information and location (if different from the address);
- C. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- D. Wastewater constituents and characteristics including but not limited to those mentioned in Section 8.50.020 of Chapter 8.50 as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, part 136, as amended;
- E. Time and duration of discharges;
- F. Average daily and 1-hour peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- G. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation, all points of discharge, and monitoring locations; Ord. 5521 §4, 2010
- H. Description of activities, facilities and plant processes on the premises including a list of all raw materials and chemicals used or stored at the facility, which are or could accidentally or intentionally be, discharged to the POTW;
- I. Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Superintendent or the applicable Standards to determine compliance with the Standard; Ord. 5521 §4, 2010
- J. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will

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provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

- (1) The schedule shall contain commencement and completion dates for all major activities leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, ordering major components, commencing construction, completing construction, etc.).
  - (2) No increment referred to in paragraph (1) shall exceed 9 months.
  - (3) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Superintendent.
- K. Each product produced by type, amount, process or processed and rate of production;
- L. Type and amount of raw materials processed (average and maximum per day);
- M. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- N. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 8.50.062 (F)(2) [40 CFR 403.12(e)(2)].
- O. Any other information as may be deemed by the Superintendent to be necessary to evaluate the wastewater discharge permit application.

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Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

## 8.50.046 Application Signatories and Certification

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User as defined in Section 8.50.012 of this ordinance and contain the certification statement in Section 8.50.0695 (A).
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to 8.50.012, (definition of "Significant Industrial User", must annually submit the signed certification statement in Section 8.50.0695 (B). Ord. 5521 §4, 2010

## 8.50.047 Wastewater Discharge Permit Decisions

The Superintendent will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. The Superintendent may deny any application for a wastewater discharge permit.

## 8.50.050 TITLE - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

### 8.50.051 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire. An expired permit can be extended on a one-time basis for a limited duration if:

- A. The permittee has submitted a complete permit application prior to the expiration date of the user's existing permit.

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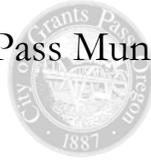
- B. The failure to reissue the permit, prior to the expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

## 8.50.052 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such requirements as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- A. Wastewater discharge permits must contain:
- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date.
  - (2) A statement that the wastewater discharge permit is nontransferable in accordance with Section 8.50.055 of Chapter 8.50;
  - (3) Effluent limits, including Best Management Practices, based on applicable pretreatment standards; Ord. 5521 §4, 2010
  - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored (or best management practice), sampling location, sampling frequency, and sample type based on federal, state, and local law; and Ord. 5521 §4, 2010
  - (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
  - (6) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges. An accidental discharge/slug control plan that shall address, at a minimum, the following:

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- (a) Description of discharge practices, including non-routine batch discharges;
  - (b) Description of stored chemicals;
  - (c) Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by Section 8.50.063 of Chapter 8.50; and
  - (d) Procedures to prevent adverse impacts from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (7) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (8) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
  - (9) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
  - (10) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
  - (11) Other conditions as deemed appropriate by the Superintendent to ensure compliance with Chapter 8.50, and state and federal laws, rules, and regulations.
- B. Wastewater discharge permits may contain, but need not be limited to, the following requirements:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (2) Requirements for the installation of pretreatment technology,

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pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

- (3) Any grant of the monitoring waiver by the Superintendent must be included as a condition in the User's permit, see Section 8.50.062(F) of Chapter 8.50. Ord. 5521 §4, 2010

## 8.50.053 Wastewater Discharge Permit Appeals

The Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

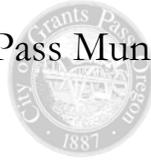
- A. Failure to submit a timely petition for review shall be deemed to be waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Superintendent fails to act within ninety (90) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions.
- E. Aggrieved parties seeking review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Circuit Court of the County.

## 8.50.054 Wastewater Discharge Permit Modification

The Superintendent may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

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- B. To address significant alternations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit.

## 8.50.055 Wastewater Discharge Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation.

## 8.50.056 Wastewater Discharge Permit Revocation

The Superintendent may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 8.50.042(D) of Chapter 8.50;
- B. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- C. Falsifying self-monitoring reports;
- D. Tampering with monitoring equipment;
- E. Refusing to allow the Superintendent timely access to the facility premises

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and records;

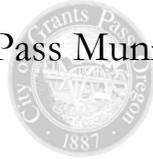
- F. Failure to meet effluent limitations;
- G. Failure to pay fees;
- H. Failure to pay sewer charges;
- I. Failure to meet compliance schedules;
- J. Failure to complete a wastewater survey or the wastewater discharge permit application;
- K. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- L. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or Chapter 8.50.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

## 8.50.057 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 8.50.045 of Chapter 8.50, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who has submitted its re-application in the time period specified herein shall be deemed to have an effective wastewater discharge permit until the City issues or denies the new wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who failed to submit its re-application in the time period specified herein will be deemed to be discharging without a wastewater discharge permit. Ord. 5521 §4, 2010

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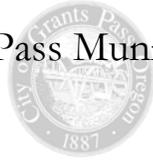
## 8.50.058 Regulation of Waste Received from Other Jurisdictions.

- A. If another governmental jurisdiction, contributes wastewater to the POTW, the Superintendent shall enter into an agreement with the jurisdiction. Agreement with contributing jurisdiction (except as noted in paragraph 8.50.058(A)) made after April 1, 2009 will be submitted to DEQ for review and approval prior to implementation. Ord. 5521 §4, 2010

If the contributing jurisdiction is an organization whose governing board is designated as the Grants Pass City Council (e.g., the Redwood Sanitary Sewer Service District), then DEQ review and approval shall not be required by this Chapter. (Ord. 4988 §1, 1999)

- B. Prior to entering into an agreement required by paragraph A, above, the Superintendent shall request the following information from the contributing jurisdiction:
- (1) A description of the quality and volume of wastewater discharge to the POTW;
  - (2) An inventory of all users located within the contributing jurisdiction that are discharging to the POTW; and
  - (3) Such other information as the Superintendent may deem necessary.
- C. An agreement as required by Paragraph A, above shall contain a stipulation that the City's present and future utility regulations are applicable to any properties served by the utility.
- D. If the contributing jurisdiction conducts any treatment of the material or independently transports any of the material to the POTW the agreement as required by paragraph A, above shall also contain the following conditions:
- (1) A requirement for the contributing jurisdiction to submit a revised user inventory on at least an annual basis
  - (2) A provision specifying which pretreatment implementation activities, including wastewater discharge issuance, inspection and sampling, and enforcement, will be conducted by the contribution jurisdiction; and which of these activities will be conducted jointly;

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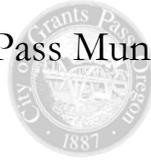


- (3) A requirement for the contributing jurisdiction to provide the Superintendent with access to all information that the contributing jurisdiction obtains as part of its pretreatment activities related to the use of the POTW;
- (4) Limits on the nature, quality and volume of the contributing jurisdiction's wastewater at the point where it discharge to the POTW;
- (5) Requirements for monitoring the contributing jurisdictions discharge;
- (6) A provision ensuring the Superintendent access to the facilities of users located within the contributing jurisdictional boundaries served by the POTW for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and
- (7) A provision specifying remedies available for breach of the terms of the intergovernmental agreement.

## 8.50.059 Regulation of Waste Received from an SIU Located in Another Jurisdiction

- A. If an SIU located in another governmental jurisdiction, contributes wastewater to the POTW, the Superintendent shall enter into an agreement with the SIU. The standard agreement with SIUs will be submitted to DEQ for review and approval.
- B. Prior to entering into an agreement required by paragraph A, above, the Superintendent shall request the following information from the SIU:
  - (1) A description of the quality and volume of wastewater discharged to the POTW; and
  - (2) Such other information as the Superintendent may deem necessary.
- C. An agreement as required by paragraph A, above, shall contain the following conditions:
  - (1) A stipulation that the City's present and future utility regulations are applicable to the SIU;
  - (2) A requirement for the SIU to provide the Superintendent with access to all information that the SIU obtains, retains, or generates

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regarding the wastewater discharged to the POTW or regarding activities conducted on the premises of the SIU which potentially could enter the wastewater;

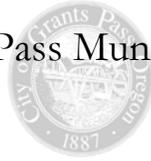
- (3) Limits on the nature, quality, and volume of the SIUs wastewater at the point where it discharges to the POTW;
- (4) Requirements for monitoring the SIUs discharge;
- (5) A provision ensuring the Superintendent access to the facilities of the SIU for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and
- (6) A provision specifying remedies available for breach of the terms of the agreement.

## 8.50.060 TITLE - REPORTING REQUIREMENTS FOR PERMITTEE

### 8.50.061 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged. Ord. 5521 §4, 2010
- B. Users described above shall submit the information set forth below.
  - (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
  - (2) Environmental Permits. A list of any environmental control permits by or for the facility.
  - (3) Description of Operations. A brief description of the nature,

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average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

- (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary , to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- (5) Measurement of Pollutants.
  - (a) The categorical pretreatment standards applicable to each regulated process.
  - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 8.50.065 of Chapter 8.50.
  - (c) Sampling must be performed in accordance with procedures set out in Section 8.50.067 of Chapter 8.50.
- (6) Certification. A statement, reviewed by the user's authorized representative as defined in Section 8.50.012 and in accordance with Section 8.50.0695 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements. Ord. 5521 §4, 2010
- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

# City of Grants Pass Municipal Code



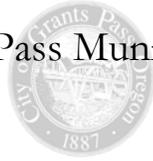
The compliance schedule shall include the following:

- (a) The schedule shall contain commencement and completion dates for all major activities leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, ordering major components, commencing construction, completing construction, etc.).
  - (b) No increment referred to above shall exceed nine (9) months;
  - (c) The user shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 8.50.012 and 8.50.046 of Chapter 8.50.

## 8.50.062 Periodic Compliance Reports/Notice of Changed Conditions

- A. All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year (in January and July), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with Best Management Practice or pollution prevention practice, the User must submit documentation required by the Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports must be

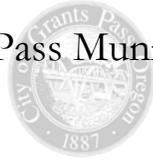
# City of Grants Pass Municipal Code



signed and certified in accordance with Section 8.50.0695 of Chapter 8.50. Ord. 5521 §4, 2010

- B. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, the results of this monitoring shall be included in the report.
- D. In such cases where the Superintendent has imposed mass limitations on users, the reports required by this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained herein which are limited by the applicable Pretreatment Standards.
- E. Each user must notify the Superintendent of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change. Users shall immediately notify the Superintendent of changes at the facility which may affect the potential for slug discharges. In accordance with Section 8.50.042 paragraph D., a new or modified permit will be required. Ord. 5521 §4, 2010
- F. The City may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions: Ord. 5521 §4, 2010
  - (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

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- (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 8.50.045 (N).
- (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- (4) The request for a monitoring waiver must be signed by the Authorized Representative, and include the certification statement in 8.50.0695 (40 CFR 403.6(a)(2)(ii)).
- (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Par 136 with the lowest minimum detection level for that pollutant was used in the analysis.
- (6) Any grant of the monitoring waiver by the Superintendent must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Superintendent for 3 years after expiration of the waiver.
- (7) Upon approval of the monitoring waiver and revision of the User's permit by the Superintendent, the Industrial User must certify on each report with the statement in Section 8.50.0695 below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
- (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 8.50.062 (A), or other more frequent monitoring requirements imposed by the Superintendent, and notify the Superintendent.
- (9) This provision does not supersede certification processes and requirements established in categorical Pretreatment

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Standards, except as otherwise specified in the categorical Pretreatment Standard.

## 8.50.063 Reports of Potential Problems

The user shall immediately notify the Superintendent in the event of an accidental, non-routine, or slug discharge that may cause potential problems for the POTW. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

Within five (5) days following such discharge, the User shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any penalties, or other liability which may be imposed pursuant to Chapter 8.50. Ord. 5521 §4, 2010

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of an accidental or non-routine discharge. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

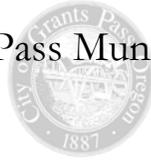
## 8.50.064 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation.

## 8.50.065 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in Section 850.061 of Chapter 8.50. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms

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of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 8.50.0695 of Chapter 8.50. Ord. 5521 §4, 2010

## 8.50.066 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with 40CFR 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

## 8.50.067 Sample Collection

- A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 8.50.061 and 8.50.065 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required

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by paragraphs Section 8.50.062 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirement. Ord. 5521 §4, 2010

## 8.50.068 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

## 8.50.069 Record Keeping

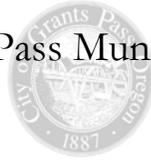
Users subject to the reporting requirements of Chapter 8.50 shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by Chapter 8.50, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under Section 8.50.052. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analysis were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analysis. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Superintendent. The DEQ and EPA can also require the records be maintained for a longer period of time. Ord. 5521 §4, 2010

## 8.50.0695 Certification Statement

(Ord. 5521 §4, 2010)

- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 8.50.046; Users submitting baseline monitoring reports under Section 8.50.061; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 8.50.065; Users submitting periodic compliance reports required by Section 8.50.062 (A thru D), and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 8.50.062 (E). The following certification statement must be signed by an Authorized Representative as defined in Section 8.50.012:

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*“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”*

- B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to and 8.50.012 [Note: See “Significant Industrial User” (3) Definition] must annually submit the following certification statement signed in accordance with the signatory requirements in 8.50.012 [Note: See “Authorized Representative” Definition]. This certification must accompany an alternative report required by the Superintendent:

*“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_\_, I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:*

- (a) *The facility described as \_\_\_\_\_ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 8.50.012; [Note: Note: See “Significant Industrial User” (3) Definition]*
- (b) *The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and*
- (c) *the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.*

*This compliance certification is based on the following information.*

\_\_\_\_\_  
\_\_\_\_\_”

- C. Certification of Pollutants Not Present

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Users that have an approved monitoring waiver based on Section 8.50.062 (F) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User. [Note: See 40 CFR 403.12(e)(2)(v)]

*“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 8.50.62 (A).”*

## 8.50.070 TITLE - COMPLIANCE MONITORING

### 8.50.071 Right of Entry: Inspection and Sampling

The Superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of Chapter 8.50 and any wastewater discharge permit or issued hereunder. Users shall allow Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. The Superintendent shall have the right to set up on the user’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user’s operations.
- B. The Superintendent may require the user to install and operate at the user’s own expense, monitoring facilities and equipment as necessary to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user’s premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City’s requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by

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the City. All devices used to measure wastewater flow and quality shall be calibrated once each year to ensure their accuracy.

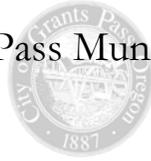
- C. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the user.
- D. A delay exceeding 20 minutes in allowing the Superintendent access to the user's premises shall be a violation of Chapter 8.50.
- E. If the Superintendent or his/her delegated representative has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City of Grants Pass, designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a search warrant from the Circuit Court of the County.
- F. Where a User has security measures in force which require proper identification and clearance before entry onto its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent or Pretreatment Coordinator shall be permitted to enter without delay for the purpose of performing Pretreatment specific responsibilities. Ord. 5521 §4, 2010

## 8.50.080 Pre-treatment Reporting Confidentiality Limitations

(Ord. 5395, 2/7/07)

- A. Information and data on a User, obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from City Pretreatment staff inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of City Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such User request must be asserted at the time of submission of the information data. (Ord. 5395, 2/7/07)
- B. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which

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might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. (Ord. 5395, 2/7/07)

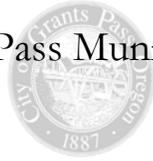
- C. Notwithstanding the provisions of subsections 1 and 2 above, wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2,302 shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. 5395, 2/7/07).

## 8.50.090 TITLE - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Superintendent shall publish at least annually, in a newspaper of general circulation that provides meaningful public notice within the municipality served by the POTW, a list of the users, which during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all significant industrial users (or any industrial user that violates paragraphs (D), (E), or (I)) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1); Ord. 5521 §4, 2010
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of a numeric Pretreatment Standard or Requirement, including instantaneous limit, as defined by 40 CFR 403.3(1) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); Ord. 5521 §4, 2010
- C. Five percent (5%) of the IU's daily flow exceeds the pH limit or one percent (1%) of the actual flow to the POTW being contributed by the IU exceeds the pH limit;
- D. Any other discharge violation Pretreatment Standard or Requirement as defined in 40 CFR 403.3(1) (daily maximum, longer-term average, instantaneous limit, or narrative standard) that the Superintendent believes has caused, alone or in combination with other discharges,

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interference or pass through, including endangering the health of POTW personnel or the general public; Ord. 5521 §4, 2010

- E. Any discharge of pollutants that have caused imminent endangerment to the public or to the environment, or have resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;
- F. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- G. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules; Ord. 5521 §4, 2010
- H. Failure to accurately report noncompliance; or
- I. Any other violation(s) which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program. Ord. 5521 §4, 2010

## 8.50.100 TITLE - ADMINISTRATIVE ENFORCEMENT REMEDIES

### 8.50.101 Notification of Violation

When the Superintendent finds that a user has violated, or continues to violate, any provision of Chapter 8.50, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written Notice of Violation. Within thirty (30) days of the receipt of this notice, the user shall submit to the Superintendent an explanation of the violation and a compliance plan for satisfactory correction and prevention. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### 8.50.102 Compliance Orders

When the Superintendent finds that a user has violated, or continues to violate,



any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. The Compliance Order may include some or all of the elements in Section 8.50.061B(7) of Chapter 8.50. The Compliance Order may require the IU to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

8.50.103 Administrative Cost Recovery

- A. When the Superintendent finds that a User has violated, or continues to violate, any provision of Chapter 8.50, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may recover all costs to the City for administration and enforcement of Chapter 8.50. These costs shall include, but not be limited to, attorneys' fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses and the costs of any actual damages incurred by the City as allowed by state law. Ord. 5521 §4, 2010
- B. Unpaid charges, fines, and penalties shall, after Sixty (60) calendar days, be assessed an additional penalty of one and a half percent (1-1/2 %) of the unpaid balance, and interest shall accrue thereafter at a rate of one and a half percent (1-1/2 %) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties. Ord. 5521 §4, 2010
- C. Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within Thirty (30) days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine. Ord. 5521 §4, 2010



8.50.104 Emergency Suspensions

(Ord. 5521 §4, 2010)

The Superintendent may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 8.50.105 of this ordinance are initiated against the User.
- B. User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 8.50.105 or 8.50.106 of this ordinance.

8.50.105 Termination of Discharge

In addition to the provisions in Section 8.50.056 of Chapter 8.50, any user who violates the following conditions is subject to discharge termination, after informal notice to the discharger and an opportunity to respond:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of access to the user's premises for the purpose of inspection, monitoring, or sampling; or

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- E. Violation of the pretreatment standards in Section 8.50.020 of Chapter 8.50.

Following termination of discharge, the user may apply for a new wastewater discharge permit according to the permit issuance process described in Section 8.50.050.

Whenever a user has violated or continues to violate any provision of Chapter 8.50, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

## 8.50.105 Appeal Hearing

- A. A user which has violated, or continues to violate, any provision of Chapter 8.50 may request a hearing before the City Council and show cause why the proposed enforcement action should not be taken. A hearing must be requested in writing by a legal representative of the user within 30 days of the enforcement action. The hearing will be conducted within 45 days of receipt of the request.
- B. After the City Council has conducted the hearing, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
- C. The decision of the City Council shall be based on a preponderance of evidence and shall be issued within 21 days of the hearing.

## 8.50.110 TITLE - JUDICIAL ENFORCEMENT REMEDIES

### 8.50.111 Civil Penalties

A user who violates any provision of Chapter 8.50 shall be liable to the City for a maximum civil penalty of **\$1,000** per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

### 8.50.112 Injunctive Relief



When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition the Circuit Court for the County, through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

#### 8.50.113 Criminal Prosecution

A user who willfully or negligently violates any provision of Chapter 8.50 or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than six months, or both. Each violation shall be a separate offense.

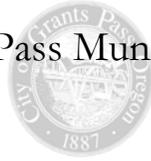
A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000 or be subject to imprisonment for not more than six months, or both.

A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than six months, or both.

#### 8.50.114 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User. Ord. 5521 §4, 2010

# City of Grants Pass Municipal Code



## 8.50.140 TITLE - [RESERVED]

## 8.50.150 TITLE - MISCELLANEOUS PROVISIONS

### 8.50.151 Pretreatment Charges and Fees

Purpose. It is the purpose of this Chapter to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth by resolution adopted by the City Council.

Charges and Fees. The City shall adopt charges and fees which may include:

- A. Fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;
- B. Fees for monitoring, inspections and surveillance procedures;
- C. Fees for reviewing accidental discharge procedures and construction;
- D. Fees for permit applications;
- E. Fees for filing appeals;
- F. Fees for consistent removal by Grants Pass of pollutants otherwise subject to Federal Pretreatment Standards;
- G. Other fees as the City may deem necessary to carry out the requirements contained herein.

These fees are related solely to the matters covered by Chapter 8.50 and are separate from all other fees chargeable by the City.

### 8.50.152 Severability

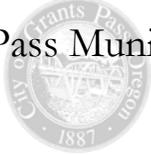
If any provision of Chapter 8.50 is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

## 8.50.160 TITLE - EFFECTIVE DATE

Chapter 8.50 shall be in full force and effect on August 9, 1996.

## 8.50.170 TITLE - CONFLICT

# City of Grants Pass Municipal Code

The seal of the City of Grants Pass, Oregon, is circular. It features a central figure holding a scale of justice, surrounded by the text "City of Grants Pass Oregon" and the year "1887".

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of Chapter 8.50 are hereby repealed to the extent of such inconsistency or conflict.

# City of Grants Pass Municipal Code



## Chapter 8.52

### WATER MAINS

#### Sections:

- 8.52.010 Water Main Defined
- 8.52.020 Water Main Extension - Application
- 8.52.030 Water Main Extension - City Manager Report
- 8.52.040 Water Main Extension - Preliminary Approval by Council
- 8.52.050 Water Main Extension - Hearing - Notice
- 8.52.060 Public Hearing - Council Decision
- 8.52.070 Assessments for Improvements - Ordinance
- 8.52.080 Assessments for Improvements - Methods of Determination
- 8.52.090 Assessments for Improvements - Liens
- 8.52.100 Designation of Contractor
- 8.52.110 Deficit Assessment
- 8.52.120 Rebate Credit
- 8.52.130 Grounds for Annulment of Assessment
- 8.52.140 Reassessment Procedure
- 8.52.150 City Warrants for Performance of Improvements
- 8.52.160 Disconnection of Service
- 8.52.170 Violation - Penalty



8.52.010 Water Main Defined

"Water Main" includes not only water pipe but also all necessary valves, fittings, hydrant connections, and other appurtenances necessary or convenient for the distribution of water. The cost of installation shall include not only such water main but also the cost of replacing or moving street paving, sidewalks, curbs, gutters, and other improvements damaged or moved during the construction or installation, as well as labor, materials and machinery hired, engineering, administrative, and legal costs necessary in making the improvements. (Ord. 3314 §1, 1965).

8.52.020 Water Main Extension - Application

The common Council will receive applications to lay down water mains and to make extension and betterments to the municipal water system at the expense of the owners of fronting or benefited properties and to be paid for, in whole or in part, by special assessments according to benefits, which applications shall be submitted as follows:

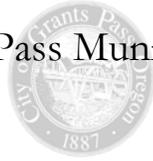
- A. Upon the application of the City Water Commission;
- B. Upon petition of all or a portion of the owners of the property to be specially benefited from the water main improvement and the prior written approval of said petition by the city water commission. (Ord. 3314 §2, 1965)

8.52.030 Water Main Extension - City Manager Report

When the common Council shall approve such an application for the laying of water mains it shall, by resolution, declare its intention to proceed with such improvement and hold a hearing thereon. The resolution shall also direct the City Manager to have prepared and filed with the city auditor a survey and written report for such project. Unless the common council shall otherwise direct, such report shall contain the following matters:

- A. A map or plat showing the general nature, location, and extent of the proposed improvement and the land to be assessed for the payment of any part of the cost thereof;
- B. Plans, specifications, and estimates of the work to be done; provided, however, that where the proposed project is to be carried out in cooperation with any other governmental agency, the city manager may adopt the plans, specifications, and estimates of such agency;

# City of Grants Pass Municipal Code



- C. An estimate of the probable cost of the improvement, including the legal, administrative, and engineering costs attributable thereto;
- D. An estimate of the unit cost of the improvement to the specially benefitted properties;
- E. A recommendation as to the method of assessment to be used to arrive at a fair apportionment of the whole or any portion of the cost of the improvement to the properties specially benefitted;
- F. The description and assessed value of each lot, parcel of land, or portion thereof, to be specially benefitted by the improvement, with the names of the record owners thereof and, when readily available, the names of the contract purchasers thereof. (Ord. 3314 §3, 1965)

## 8.52.040 Water Main Extension - Preliminary Approval by Council

After the common Council shall have given preliminary approval to the City Manager's report as submitted or modified, the Council shall, by resolution, declare its intention to make such proposed improvement to the City water mains or City water system, provide the manner and method of carrying out the proposed improvement, and shall direct the City Auditor to give notice of such proposed improvement and of the hearing thereon by posting a notice thereof with one copy to be posted on the bulletin board in the City Hall and not less than two copies of the notice posted within the boundaries of the area where the proposed improvement is to be made. The notice shall contain the following matters:

- A. That the report of the City Manager is on file in the office of the City Auditor and is subject to public examination.
- B. That the common Council will hold a public hearing on the proposed improvement on a specific date, which shall not be earlier than ten days following the first posting of the notice, at which objections and remonstrances to such proposed improvement will be heard by the Council, and that if prior to such hearing there shall be filed with the City Auditor valid written remonstrances of the owners of two-thirds of the property to be specially affected by such improvement, then the improvement will be abandoned for at least six months.;
- C. A description of the property to be specially benefitted by the improvement, the owners of such property, and the City Manager's estimate of the unit cost of the improvement to the property to be specially benefitted, and the

# City of Grants Pass Municipal Code



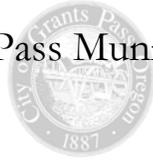
total cost of the improvement to be paid for by special assessments to benefited properties.

The City Auditor shall also mail a copy of such notice to the owner of each lot or tract proposed to be assessed which shall state the amounts of the assessment proposed on that owner's property. (Ord. 3314 §5, 1965)

## 8.52.060 Public Hearing - Council Decision

At the time of the public hearing on the proposed improvement and assessments, the Council may, by motion at the time of the hearing or within sixty days thereafter, order the improvement to be carried out in accordance with the resolution of the Council, or the Council may abandon the improvement. (Ord. 4338 §2, 1980; Ord. 3314 §7, 1965)

# City of Grants Pass Municipal Code

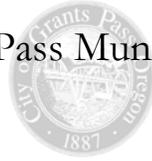


## Chapter 8.56

### DRAINAGEWAYS

#### Sections:

- 8.56.010 Application for Construction of Drainage way
- 8.56.020 Buried or Covered Drainage way Capacity Requirement
- 8.56.030 Drainage way Maintenance—Property Owner Liability
- 8.56.040 Drainage way Maintenance—Emergency Procedure
- 8.56.050 Irrigation Ditch Exemption
- 8.56.060 Violation—Penalty



8.56.010 Application for Construction of Drainage way

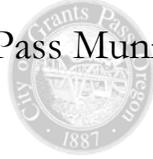
Any person, firm or corporation desiring to construct, install, replace or maintain any bridge, pipeline, culvert, retaining wall or riprap or install any obstruction in or change or alter the course of any drainage way or its banks, which drainage way is used for carrying any surface runoff water, must first file an application in writing with the City for a permit for such work, specifying the nature and place of such installation and accompany the application with a drawing and specifications for such construction. The permit for such work will not be issued by the City Building Inspector unless it shall reasonably appear that the proposed work for which a permit is sought will not interfere with the flow of such drainage water to the detriment of the City or the properties adjoining the drainage way. (Ord. 2788 §1, 1959)

8.56.020 Buried or Covered Drainage way Capacity Requirement

No such drainage way shall be buried or otherwise covered without a permit being issued therefore and providing reasonably adequate capacity for the runoff water reasonably to be anticipated in such drainage way. (Ord. 2788 §2, 1959)

8.56.030 Drainageway Maintenance—Property Owner Liability

The owners of properties adjoining any existing stream, canal, ditch, pipeline, culvert or other facility for carrying off surface water shall keep such drainage way open and free from growth and other obstruction through the property of each respective owner. In the event the property owner shall fail to do the work required for the cleaning, removing of obstructions, changing the grade or course of such drainage way, rebuilding, deepening or maintaining any stream, canal, ditch, pipeline, culvert, bridge, drainage way or structure, and which work is reasonably necessary to prevent damage or the threat of damage to property or injury to any person, the City shall give ten days' written notice to the record owner of such property of the work to be done. In the event the work has not been done by the owner of the property within the ten-day period, the City may proceed to do the work and shall have the right to take the necessary equipment and machinery on the property of the adjoining property owners to do the necessary work in such drainage way. Any property owner who shall fail to do the work as herein provided and required, upon conviction thereof in the municipal court, shall be punished as provided in Section 8.56.060. (Ord. 2788 §3, 1959)



8.56.040 Drainage way Maintenance – Emergency Procedure

In the event of emergency, whether resulting from flood obstruction in the drainage way or from other cause, from which damage to person or property may reasonable be expected, the city shall have the right to take its machinery, equipment and labor upon the property adjoining such drainage way and remove insofar as possible the conditions creating or aggravating the emergency, without prior notice to the property owner or owners involved, in order to prevent the damage to property or injury to person or the treat of such happening.

(Ord. 2788 §4, 1959)

8.56.050 Irrigation Ditch Exemption

The provisions of this chapter shall not apply to any irrigation ditches in the City maintained or operated by the Grants Pass Irrigation District or for which it assumes responsibility. (Ord. 2788 §6, 1959)

8.56.060 Violation – Penalty

Any person violating the terms or provisions of this chapter, upon conviction thereof in municipal court, shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the city jail not exceeding five days, or by both such fine and imprisonment. (Ord. 2788 §5,1959)

# City of Grants Pass Municipal Code



(Amended by Ord. # 5331, 2005)

## CHAPTER 8.60

### TRANSPORTATION UTILITY FEE ORDINANCE

#### Sections:

8.60.010	Title
8.60.020	Findings
8.60.030	Definitions
8.60.040	Creation of Utility; Purpose
8.60.050	Administrative Officer Designated
8.60.060	Establishment and Revision of Transportation Utility Fee
8.60.070	Moneys to be Paid into Transportation Utility Fund
8.60.080	City to Maintain Streets and Other Transportation-Related Facilities
8.60.090	Imposition of Utility Fee
8.60.100	Principles of Categorization
8.60.110	Determination of Utility Fees
8.60.120	Appeals of Determination of Fee
8.60.130	Billing and Collection of Transportation Utility Fee
8.60.140	Recovery of Unpaid Charges
8.60.150	Exemptions
8.60.160	Severability

# City of Grants Pass Municipal Code



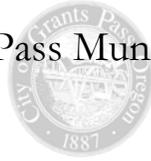
## 8.60.010 Title

This chapter shall be titled "Transportation Utility Fee Ordinance."

## 8.60.020 Findings

- A. The Transportation Utility Fee established herein is intended to assist the City in maintaining adequate streets for the use of the City's inhabitants and visitors, and to protect and enhance their health, safety and welfare.
- B. The fee imposed in this chapter is not a tax on property or on the property owner as a direct consequence of ownership of property within the meanings of Section II.b., Article XI of the Oregon Constitution or the legislation implementing that section. The fee does not supplant any property tax based system as envisioned in Article XI of the Oregon Constitution.
- C. If the Transportation Utility Fee herein imposed is viewed under Section II.b., Article XI of the Oregon Constitution as a tax against property or against a property owner as a direct consequence of ownership of that property, it is an incurred charge with the meaning of that Section and the statutes implementing it because:
  - 1. It allows the owner to control the quantity of the service by determining the extent of development to occur upon the property.
  - 2. It allows the owner to determine when the service is to be initiated or increased by controlling when the development occurs.
  - 3. State law and the Ordinances of Grants Pass require the owner to provide certain basic services to the property when it is developed for human occupancy. The provision of these basic services is a routine obligation of the owner of the affected property and essential to the health and safety of the community.
- D. Among the basic services required of every developed property are streets and other transportation-related facilities.
- E. The fee imposed is based upon the actual cost of providing the required service.

# City of Grants Pass Municipal Code



- F. The Transportation Utility Fee is separate from and in addition to any applicable tax, assessment, charge, "fee-in-lieu-of" assessment, or fee otherwise provided by law or imposed as a condition of development.
- G. In accordance with these findings, no public vote is required for the adoption of the Transportation Utility Fee

## 8.60.030 Definitions

The following definitions apply to this chapter.

- A. "City Manager" means the City Manager or the Manager's designate.
- B. "City Street or Right-of-Way" means a public road or right-of-way that is under the jurisdiction or control of the City and any County road for which the City has the maintenance responsibility. For purposes of this ordinance, state and federal roads are excluded.
- C. "Developed Property" means property on which improvements have been constructed. "Improvements" include but are not limited to buildings, parking lots, landscaping, and outside storage. Developed property owned, leased or rented by state and federal governments and other property that otherwise may be entitled to exemption from or deferral of ad valorem property taxation are subject to this fee unless specifically exempted as in Section 14 of this Chapter or by City Council Resolution.
- D. "Gross Square Footage" means the calculated gross floor area of all structures located on a site, measured along the exterior walls of such structures, including but not limited to enclosed courtyards, stairwells, and square footage on each level of multi-story structures.
- E. "Incidental Uses" shall be any use which generates no more than 25% of the traffic to the building.
- F. "ITE Manual" means Institute of Transportation Engineers Trip Generation Manual, latest edition.
- G. "Public Water or Sewer System" means water and sewer systems that are owned and operated by a public agency.
- H. "Responsible Party" means the person(s) who by usage, occupancy or contractual agreement is responsible for paying the utility bill for an improved premise or property or the owner of the property.

# City of Grants Pass Municipal Code



- I. “Street Operations, Maintenance and Upgrades” includes but is not limited to the renewal, replacement and reconstruction of City streets and other transportation-related facilities, including patching, crack sealing, seal coating, and pavement overlays; cleaning, sweeping and striping of streets; installation of traffic calming facilities and traffic control devices including signs and signals; installation, maintenance and repair of sidewalks or curb-cuts, handicapped access, street and pedestrian lighting on existing streets; and widening and improvement of existing local streets.
- J. “Trips” means average trips per day as reported in the ITE Manual.

## 8.60.040 Creation of Utility; Purpose

The City Council hereby finds, determines and declares the necessity of providing for the continued operation, maintenance and upgrading of the City’s streets and other transportation-related facilities as a Comprehensive Transportation Utility. There is hereby created a Transportation Utility Fund (the Fund) for the purpose of undertaking such activities as are necessary in order that streets and other transportation-related facilities may be properly operated, maintained and upgraded; and that the health, safety and welfare of the City and its inhabitants and visitors may be safeguarded.

## 8.60.050 Administrative Officer Designated

The City Manager shall be responsible for the administration of this chapter. The City Manager shall be responsible for developing administrative procedures for the fund, administration of the fees, developing maintenance programs, establishing standards for the operation, maintenance and upgrading of the streets and all other activities related to the purpose of the Transportation Utility.

## 8.60.060 Establishment and Revision of Transportation Utility Fee

- A. **Establishment:** A Transportation Utility Fee is hereby established to be paid by the responsible party for each developed property within the corporate limits of the city and for each developed property within the urbanizing area that is subject to an annexation agreement signed after August 1, 2001. Developed property that is subject to an annexation agreement entered into prior to August 1, 2001 shall not be subject to this fee until such time as the property is annexed into the City of Grants Pass. Such fee shall not be imposed in amounts greater than authorized by law, to provide sufficient funds to properly maintain city streets and provide safety improvements.



- B. Fees: Fees for individual properties shall be based upon the developed use of the property and the direct and indirect benefit of the transportation system. Collection of the fee for each property shall be made by a monthly charge, which shall commence on the first day of October, 2001. If there is neither public water nor public sewer service to the improved property governed by this Code, a monthly bill shall be issued and shall become due and payable with 15 days of issuance.
- C. Revision: The Council, after a period of no less than five years, and every five years thereafter, shall consider a change to the fee based upon revised estimates of the cost of properly maintaining and making safety improvements to the streets, revised categories of developed use, revised traffic groupings or other factors.

8.60.070 Money's to be Paid into Transportation Utility Fund

All fees collected by the City and such other monies as might be available to the City for the purposes of this chapter shall be paid into the Transportation Utility Fund. Such revenues shall be used for the purposes of the operation, maintenance and upgrading safety of the transportation network of the City. It shall not be necessary that the operations and maintenance expenditures from the Fund specifically relate to any particular property from which the fees for said purposes were collected. To the extent that the fees collected are insufficient to properly operate, maintain and upgrade safety of streets and other transportation related facilities, the cost of the same may be paid from such other City funds as

may be determined by the City Council, but the City Council may order reimbursement to such fund if additional fees are thereafter collected. All amounts on hand in the Transportation Utility Fund shall be invested by the City Manager in investments proper for City funds.

The fees paid and collected by virtue of this chapter shall not be used for general or other governmental or proprietary purposes of the City, except to pay for the equitable share of the cost of accounting, management and governmental administration which is attributable to the Fund. Other than as described above, the fees and charges shall be used solely to pay for the cost of operations, maintenance, and upgrading of the streets and other transportation-related facilities for which the City has maintenance responsibility, and costs incidental thereto.



8.60.080 City to Maintain Streets and Other Transportation-Related Facilities

The City intends to maintain all publicly accepted streets and other transportation related facilities within City-owned land, City rights-of-way and City easements, and may maintain other publicly accepted streets within the City and Urban Growth Boundary where agreements for annexation have been obtained or where the City receives funding from the county for street maintenance. Such streets specifically exclude private streets, streets not yet accepted by the City or County for maintenance and State Highways. The City Manager shall develop and implement a maintenance plan for accepted City streets to the end that the street system shall be properly maintained and that the City's investment therein shall be preserved, insofar as possible to do so with the funds available and in accordance with policies adopted by the Council.

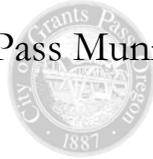
8.60.090 Imposition of Utility Fee

Subject to the provisions of Section 15, there is hereby imposed upon the responsible party for each and every developed lot or parcel of land within the City that uses City streets, water, or sewer service, a Transportation Utility Fee billed monthly. For all residential uses, the fee shall be a set monthly fee, depending on the use and number of dwelling units of the building. All commercial /industrial uses shall pay a fee based on the category of the use, the size of the building and the rate per group. These categories and rates shall be adopted by resolution. This fee is deemed reasonable and is necessary to pay for the operation and maintenance of streets within the City.

The categories of development for the administration of the Transportation Utility Charge are as follows:

**Single Family Residential** shall mean a single family detached dwelling. This category shall include all single-family homes located on discrete properties, whether such units are modular, mobile, or constructed on site. This category shall apply to all housing units that meet the definitions of residential units as contained in Chapter 30 of the Grants Pass Development Code, regardless of age restrictions or considerations for "retirement" or similar criteria. Any boarding house, bed and breakfast, rooming house, or similar use with five or fewer bedrooms shall be considered a single-family unit.

**Multi-family** means a building or buildings divided into more than one dwelling unit for the purpose of renting for occupancy as defined in Chapter 30 of the Grants Pass Development Code. The Multi-family category shall include all facilities auxiliary to the multi-family use including recreation rooms, common dining facilities, swimming pools, laundry or other facilities designed for exclusive use by the occupants of the multi-family development. All Transportation Utility



Fees for multi-family shall be on the basis of number of units provided all auxiliary facilities are for the use of the residents. The category of multi-family shall include “residential facilities,” “group quarters,” “group care homes” (except those for the elderly), and “transient quarters” as defined in the Grants Pass Development Code.

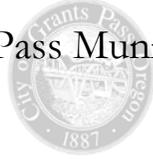
**Condominium and Mobile Home Park** category shall include both condominium developments and mobile home parks. Condominiums shall include all structures that contain dwelling units within single or multiple buildings where space is independently sold to independent occupancies, including any auxiliary and recreational uses intended for the residents of the facility. Mobile Home parks and manufactured dwelling parks as defined in the Grants Pass Development Code are included in this category, and shall be as defined by the Oregon Statute, including all auxiliary facilities identified for the use of occupants of the mobile home park.

**Elderly Care Facilities** include congregate care facilities with limited medical assistance, nursing homes where residents are unable to care for themselves without supervised medical assistance, convalescent homes, chronic care facilities, and facilities for the terminally ill shall all be classified in this category. Senior and retirement facilities for independent living that do not include group meals, supervised medical assistance, and are characterized by occupants that independently operate motor vehicles shall be categorized as multi-family developments. Where a mixed use facility includes independent living facilities along with nursing, congregate, and medically supervised facilities, designed and limited to the elderly, defined as those ages 55 or greater, all units in the facility shall be considered in this category. Unit as defined in this category shall be either a “bed” for nursing and similar facilities, or a dwelling area such as an apartment for semi-independent living arrangements.

**Major Home Occupation:** An accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services. The primary use of the dwelling unit is residential. The business has one or more of the following: clients or customers on site, signs advertising the business, or weekly deliveries. Examples include: in home beauty parlor, bookkeeping service or clothing alterations service. The specific home occupation criteria are set forth in the Development Code 14.200-250. Occupancies in residences, which exceed these requirements, shall be considered 100% commercial for purposes of calculating and paying the Transportation Utility Fee.

**General Office** includes all non-retail office uses engaged in the provision of service or professional assistance, with the exception of medical offices housing professional medical care providers that provide direct patient consultation, or

# City of Grants Pass Municipal Code



non-profit social services as defined in this Code. This category includes such services as financial, insurance, Internet services, engineering, accounting, research, management, investing, legal, recreational and amusement services, utility customer service areas, and similar types of uses. This category will be utilized for any non-designated office building structures that cannot be utilized for purposes of retail as defined in this Code.

**Medical Office** includes all office areas that house physicians, dentists, optometrists, chiropractors, practical nurses, hearing specialists, or similar care providers that rely on patient visitation for the provision of care. The medical office category shall include clinics, emergent care facilities that provide routine treatment for patients, outpatient surgical care facilities, and similar facilities. Medical care providers that do not accommodate direct patient visitation shall be classified as general office.

**Hospital** is an institution where medical or surgical care is given to patients and overnight accommodations are provided. Hospital does not include medical clinics, nursing homes or congregate care facilities as defined in this Code.

**Minor Traffic Retail/Commercial** is a category of uses that generate between 5 and 25 trip ends per thousand square feet of building area as defined in the Trip Generation Manual. Uses characteristic of this category include furniture stores, toy/children's superstore, wholesale market, recreational facilities, wholesale nursery.

**General Retail/Commercial** is a category of uses that generate between 25.1 and 89 trip ends per thousand square feet as defined in the ITE Trip Generation Handbook. This includes shopping centers, pharmacies, lumber stores, super stores and discount stores, specialty retail, paint store, home improvement stores, retail nursery or garden center. Neighborhood commercial small groceries and convenience stores designed to serve only the neighborhood in which they are located, and contained within a neighborhood commercial zone, are included in this category.

**Moderate Traffic Retail/Commercial** is a category of uses that generate between 89.1 and 186 trip ends per thousand square feet as defined in the ITE Trip Generation Manual. Uses typical of this category include banks, grocery stores (free standing), convenience stores located on a collector or arterial roadway, movie theaters, and gas stations.

**High Traffic Retail/Commercial** is a category of uses that generate more than 186 trip ends per thousand square feet as defined in the ITE Trip Generation Manual. The typical uses include fast food outlets and drive through prepared beverage facilities.



**Automobile Sales** is the active use of buildings for the sale or resale of automobiles, trucks, or recreational vehicles, whether new or used.

**Hotel/Motel** is a commercial lodging facility providing sleeping accommodations to the general public. Restaurants or restaurant/lounges, which are associated with these establishments and are open to the general public will be classified separately as retail/commercial. Boarding houses, bed and breakfasts, rooming houses, and similar uses with six or more bedrooms shall be included in this category.

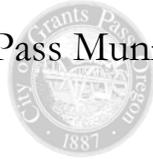
**Non-Profit** category includes but is not limited to churches, social service providers, and fraternal organizations that meet the Internal Revenue Service standards for charitable status. This category does not include not-for-profit organizations that offer retail/commercial, hospital, or restaurant facilities that are retail in character when such uses are not directly physically connected in the same building with the primary social service or eleemosynary purpose of the non-profit. This category does include churches, synagogues, temples, classrooms associated with such institutions, whether or not occupied daily, dining facilities, day care or similar uses within a single structure. This category also includes fraternal lodges, clubhouses, recreation, meeting rooms, and entertainment facilities. The gross floor area of the entire facility shall be used to calculate fees for such institutions.

**Industrial** category shall include establishments engaged in the creation of new products or the storage and distribution of materials. Uses included in this category include construction contracting areas, manufacturing, warehousing, mini-warehouses, and utility maintenance facilities.

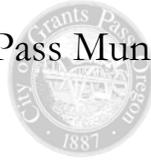
#### 8.60.100 Principles of Categorization

- A. Each building is categorized based on the primary activity of the establishment that occupies the building or site. The primary activity will be established by the relative number of transactions or visits from the general public rather than the volume of sales or dollars.
- B. Where distinct and separate businesses are located within a single building and share a common entrance from the parking area, the businesses shall be categorized and charged as a single business using the category which fits a majority of the businesses within the building. If there is no clear majority of use, the Moderate Traffic Retail/Commercial category shall apply.

## City of Grants Pass Municipal Code



- C. Where distinct and separate businesses are located within a single building and each has its own entrance from the parking area, the businesses shall be categorized and charged as separate businesses.
- D. Where a single business includes activities which could be defined as different categories of use, the entire business will be categorized as a single use based on the primary use of the building. If there is no clear primary use, the Moderate Traffic Retail/Commercial category shall apply.
- E. The gross square footage for any incidental use within a building shall be included in the total gross square footage for the building. As examples, an office in a retail store shall all be classified retail, the shipping and receiving area of a retail outlet that is predominantly retail shall all be classified retail.
- F. Storage which is located on a floor other than the primary use on the first floor shall be exempted and not be included in the gross square footage. For example, the second floor area shall be exempted if storage is provided on the second floor for the retail store, which is on the first floor.
- G. Freestanding uses operated by non-profit organizations as defined in this Code that are not physically attached to the primary location of service provision shall be classified by their intended functional use. For example, a day care constructed and operated by a Church at a site other than the church primary location shall be classified as a day care and charged the fee for day care.
- H. Outside sales areas, as defined in the Grants Pass City Development Code and otherwise permitted in the appropriate zone, will not be included in the calculation of square footage for this Code.
- I. Where categories are not clear, the City shall identify the most similar category and the rationale for such a determination. Any aggrieved party may utilize the appeal procedures of this Code to seek adjustments or change as identified in this Code.
- J. Where two potential rates may be applied to a single category such as elderly care facilities, the calculations shall be made utilizing both methods, and the lesser of the two fees established as the applicable fee for the development.



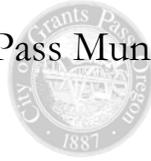
8.60.110 Determination of Utility Fee

The City Manager shall determine the fee for each utility account in accordance with the group designation as set forth in Table A. The group designation is based on:

- A. The categories of use which shall be assigned according to the principles and definitions contained in Sections 9 and 10 of this Code and includes uses which generate similar amount of traffic based on the ITE Manual
- B. The size of the building measured by the gross square footage of the development.

8.60.120 Appeals of Determination of Fee

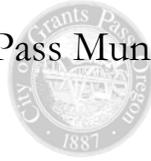
- A. Appeal Petition: Any responsible party who disputes the classification of the use of the property or the gross square footage, may petition the City Council for reclassification of the use or alteration of the gross square footage. An appeal of a decision regarding the determination of the category of use or the gross square footage shall be filed in writing with the City Manager within 45 days after the mailing of the first utility bill that is sent following any initial classification or any new classification. Such petitions may be made only once in connection with any specific fee or determination, except upon showing of changed circumstances.
- B. Burden of Proof: The petitioner shall have the burden of proof. For a dispute of the classification, the petitioner must demonstrate the category was not the best fit as defined in this Code. For a dispute of the size, the petitioner must demonstrate the gross square footage of the building was incorrect.
- C. Decision: Within 45 days of the filing of a petition under this section, the City Council shall make findings of fact based upon relevant information, shall make a determination based upon such findings, and if found appropriate, shall modify such fee or determination accordingly. Such determination by the City Council shall be considered a final order. Every decision or determination by the City Council in response to a written petition shall be in writing, and notice thereof shall be mailed or served upon the petitioner within a reasonable time from the date of such action.
- D. Continued Payment: During the appeal, the petitioner is responsible for payment of the assessed Transportation Utility Fee. If it is determined the assessed fee was too high, a credit shall be provided for the charges.



8.60.130 Billing and Collection of Transportation Utility Fee

- A. Responsible Party: The responsible party for any improved premises governed by this Code shall pay a monthly Transportation Utility Fee according to the rates set forth in this chapter. The person(s) paying the public water (or public sewer if only sewer service is provided) utility charges shall pay the Transportation Utility Fees. If there is no public water or sewer service to the property, the Transportation Utility Fees shall be paid by the persons having the right to occupy the property.
- B. Commencement: Transportation Utility Fee for new development will commence upon connection to the public water or sewer system, or completion, occupancy or use of the improvements, whichever comes first. Areas that are annexed to the City or under contract to annex shall become subject to the Transportation Utility Fee on the date of annexation or the date of the annexation contract, whichever comes first. When it is determined the customer was eligible to be billed for the Transportation Utility Fee, but never billed, the customer will be billed retroactively for each respective month for which they were eligible to be billed. There will be no limitation to period of time. (Ord. 5331, §4, 2006)
- C. Unified Billing: The Transportation Utility Fee shall be billed and collected by the City in the same manner and at the same time as water and sewer user service charges. Partial payments on utility bills shall be allocated first to the transportation charge, second to the water charge and third to the sewer charge. The customer shall not be allowed to specify a different allocation.
- D. Monthly Bills: Bills will be rendered monthly. Opening or closing bills, or bills that for any other reason cover a period of time more or less than the normal billing period, shall be prorated.
- E. Delinquent Accounts: An account is delinquent fifteen (15) calendar days after the date of the mailing of the bill. After an account, billed for water service as well as Transportation Utility, has become delinquent, it will receive written notice of the delinquency and be subject to service charges and water service discontinuation pursuant to the Municipal Code. Where the Transportation Utility fees have become delinquent, an interest charge may be added to the unpaid balance, at a rate to be set by resolution.

# City of Grants Pass Municipal Code



## F. Vacancy Credits:

1. Residential and Multifamily customers who anticipate being absent from the community for 30 or more consecutive days, can apply for a vacancy credit. A separate written application must be made to the City for each 30-day period the customer is absent from the community. Vacancy credit application for extended planned absences may be made in advance for a period no longer than 120 days.
2. Residential Properties for Sale or Rent may make application for vacancy credit. Application must be made for each 30 or more consecutive day period of vacancy.
3. Commercial and Industrial customers may make application for vacancy credit for an entire building or any separate business within the building, which will not be used. An application must be made to the City for each 30 or more consecutive day period the premise is vacant. During the vacancy, there can be no use of the property, buildings or portion of the buildings on the property for which the vacancy credit is applied. The City reserves the right to inspect the premises or verify the customer is entitled to the credit.
4. All Vacancy Credits are limited to a retroactive period of no more than two (2) billing periods if proof of vacancy during this period is provided in writing with the application.

- G. Adjustment to Rates: A resident subject to this Code may petition in writing for a reduction of the monthly fee if there is minimal use of the transportation system by all of the occupants of the residence. The petition must certify there are no vehicles registered to any of the occupants of the home and be signed and notarized. If approved by the City Manager, the Transportation Utility Fee will be reduced by 50% for a period of 12 months or until a vehicle is registered by one of the occupants of the residence, whichever comes first. The approval may be granted annually with a current letter from the DMV.

## 8.60.140 Recovery of Unpaid Charges

- A. Non-Payment Accounts: Non-payment of the Transportation Utility Fee and any associated fees may be assigned to a collection agency and, if the City elects to do so, then a collection fee may be charged which shall be set by resolution.

# City of Grants Pass Municipal Code



- B. Recovery: Any Transportation Utility Fee which is not paid when due may be recovered from the responsible party in an action at law by the City. In addition to any other remedies or penalties provided by this or any other provision of the Municipal Code, failure of any user of the City utilities governed by this Code to pay said charges promptly when due shall subject such user to measures as may be appropriate to obtain payment, and the City Manager is hereby empowered and directed to enforce this provision against delinquent users.
- C. Enforcement: The employees of the City shall, at all reasonable times, have access to any premises served by the City for inspection for compliance with this chapter.

## 8.60.150 Exemptions.

The City Council may, by resolution, exempt any class of user when it determines the public interest deems it necessary or the contribution to street use by said class is insignificant.

The City will exempt school district, county government, city government and special districts formed under Oregon Law as local government, or any Chapter 190 combination governmental entity controlled by local governments, from paying an Transportation Utility Fee for facilities owner/leased and operated by said entities provided such facilities are used for governmental purposes.

## 8.60.160 Severability.

In the event any section, subsection, paragraph, sentence or phrase of this chapter is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the chapter shall continue to be effective.

# City of Grants Pass Municipal Code

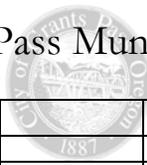
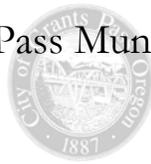
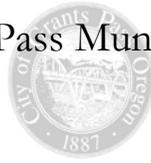


TABLE A

<b>RESIDENTIAL USES</b>										
Single family residential										
Multi family residential										
Condominiums, Mobile Home Park										
Elderly Care Facilities										
Major Home Occupation										
<b>COMMERCIAL USES</b>		Trips per area	Group A	Group B	Group C	Group D	Group E	Group F	Group G	Group H
		per day	Up to 250 trips	251-500 trips	501-1000 trips	1001-1500 trips	1501-2000 trips	2000-3000 trips	3000-5000 trips	Over 5,000 trips
	<b>Examples of uses</b>									
General Office	General office, corp. office	10 trips per 1000 ft	25,000 square feet	50,000 square feet	100,000 square feet	150,000 square feet	200,000 square feet	300,000 square feet	500,000 square feet	More than 500,000 sq ft.
Non-profit	Offices, church, day care	6 trips per 1000 ft	41,667 square feet	83,333 square feet	166,667 square feet	250,000 square feet	333,333 square feet	500,000 square feet	833,333 square feet	More than 833,333 sq ft
Medical office	Medical/dental, clinic	24 trips per 1000 ft	10,417 square feet	20,833 square feet	41,667 square feet	62,500 square feet	83,333 square feet	125,000 square feet	208,330 square feet	More than 208,330 sq ft
Hospital	Hospital	16 trips per 1000 ft	15,625 square feet	31,250 square feet	62,500 square feet	93,750 square feet	125,000 square feet	187,500 square feet	312,500 square feet	More than 312,500 sq ft
Minor traffic retail/ Commercial	Furniture store, toys, whole sale market, nursery, recreation facility	6 trips per 1000 ft	41,667 square feet	83,333 square feet	166,667 square feet	250,000 square feet	333,333 square feet	500,000 square feet	833,333 square feet	More than 833,333 sq ft
General retail/ Commercial	Shopping center, home imp, electronics, toys, clothing, pharmacy, lumber, specialty retail, paint store	36 trips per 1000 ft	6,944 square feet	13,889 square feet	27,778 square feet	41,667 square feet	55,556 square feet	83,333 square feet	138,889 square feet	More than 138,889 sq ft
Moderate traffic Retail/Commercial	Bank, grocery, video, restaurant, grocery, convenience stores, movie theaters, gas station	48 trips per 1000 ft	5,208 square feet	10,417 square feet	20,833 square feet	31,250 square feet	41,667 square feet	62,500 square feet	104,167 square feet	More than 104,167 sq ft
High traffic retail	Fast food, drive through bank, drive through beverage	96 trips per 1000 ft	2,604 square feet	5,208 square feet	10,417 square feet	15,625 square feet	20,833 square feet	31,250 square feet	52,083 square feet	More than 52,083 sq ft
Automobile Sales	New or used car sales, recreational vehicle sales	24 trips per 1000 ft	10,417 square feet	20,833 square feet	41,667 square feet	62,500 square feet	83,333 square feet	125,000 square feet	208,330 square feet	More than 208,330 square ft
Motel, hotel	Motel, hotel	9 trips per room / unit	28 rooms	56 rooms	111 rooms	167 rooms	222 rooms	333 rooms	556 rooms	More than 556 rooms
<b>INDUSTRIAL</b>										
Industrial	Heavy, Light, Industrial Park, Manufacturing, Warehouse, Mini-warehouse	4.5 trips per 1000 ft	55,556 square feet	111,111 square feet	222,222 square feet	333,333 square feet	444,444 square feet	666,667 square feet	1,111,111 square feet	More than 1,111,111 sq ft





CHAPTER 8.70

JAIL SERVICES UTILITY FEE

Sections:

- 8.70.010 Title
- 8.70.020 Findings
- 8.70.030 Definitions
- 8.70.040 Creation of Utility Fee; Purpose
- 8.70.050 Administrative Officer Designated
- 8.70.060 Establishment and Revision of Jail Services Utility Fee
- 8.70.070 Jail Services Utility Fee Restricted for Use
- 8.70.080 Cost-of-Living Adjustment
- 8.70.090 Imposition of Jail Services Utility Fee
- 8.70.100 Principles of Categorization
- 8.70.110 Determination of Utility Fees
- 8.70.120 Appeals of Determination of Fee
- 8.70.130 Billing and Collection of Jail Services Utility Fee
- 8.70.140 Recovery of Unpaid Charges
- 8.70.150 Exemptions
- 8.70.160 Utility Fee Sunset
- 8.70.170 Severability



8.70.010 Title

This Chapter shall be titled "Jail Services Utility Fee."

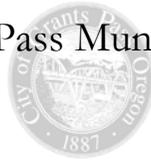
8.70.020 Findings

- A. The Jail Services Utility Fee established herein is intended to assist the City in maintaining Public Safety and jail services that serve City residents and visitors, and to protect and enhance their health, safety and welfare.
- B. The fee imposed in this Chapter is not a tax on property or on the property owner as a direct consequence of ownership of property within the meanings of Section II.b., Article XI of the Oregon Constitution or the legislation implementing that Section. The fee does not supplant any property tax based system as envisioned in Article XI of the Oregon Constitution.
- C. If the Jail Services Utility Fee herein imposed is viewed under Section II.b., Article XI of the Oregon Constitution as a tax against property or against a property owner as a direct consequence of ownership of that property, it is an incurred charge with the meaning of that Section and the statutes implementing it because:
  - 1. It allows the owner to control the quantity of the service by determining the extent of development to occur upon the property.
  - 2. It allows the owner to determine when the service is to be initiated or increased by controlling when the development occurs.
  - 3. State law and the ordinances of Grants Pass require the owner to provide certain basic services to the property when it is developed for human occupancy. The provision of these basic services is a routine obligation of the owner of the affected property and essential to the health and safety of the community.
- D. Among the basic services required of every developed property are public safety and related criminal justice system services.
- E. The fee imposed is based upon the actual cost of providing the required services.
- F. The Jail Services Utility Fee is separate from and in addition to any applicable tax, assessment, charge, "fee-in-lieu-of" assessment, or fee otherwise provided by law or imposed as a condition of development.
- G. In accordance with these findings, no public vote is required for the adoption of the Jail Services Utility Fee.

8.70.030 Definitions

The following definitions apply to this Chapter.

- A. "City Manager" means the City Manager or the Manager's designate.



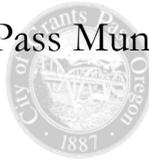
- B. “Developed Property” means property on which improvements have been constructed. “Improvements” include but are not limited to buildings, parking lots, landscaping, and outside storage. Developed property owned, leased or rented by state and federal governments and other property that otherwise may be entitled to exemption from or deferral of ad valorem property taxation are subject to this fee unless specifically exempted in this Chapter or by City Council Resolution.
- C. “Gross Square Footage” means the calculated gross floor area of all structures located on a site, measured along the exterior walls of such structures, including but not limited to enclosed courtyards, stairwells, and square footage on each level of multi-story structures.
- D. “Incidental Uses” shall be any use which generates no more than 25% of the traffic to the building.
- E. “ITE Manual” means Institute of Transportation Engineers Trip Generation Manual, latest edition.
- F. “Public Water or Sewer System” means water and sewer systems that are owned and operated by a public agency.
- G. “Responsible Party” means the person(s) who by usage, occupancy or contractual agreement is responsible for paying the utility bill for an improved premise or property or the owner of the property.
- H. “Jail Services” include but are not limited to the operation of a jail facility, the rental of a jail facility, a contract with a jail operator to provide services to the City, or other services directly related to the operation of a jail facility.
- I. “Trips” means average trips per day as reported in the ITE Manual.

8.70.040 Creation of Utility Fee: Purpose

The City Council hereby finds, determines and declares the necessity of providing for the continued operation of jail services that serve the City of Grants Pass and its residents and visitors. There is hereby created a Jail Services Utility Fee for the purpose of undertaking such activities as are necessary in order to maintain an effective criminal justice system that serves the City of Grants Pass.

8.70.050 Administrative Officer Designated

The City Manager shall be responsible for the administration of this Chapter. The City Manager shall be responsible for developing administrative procedures for the administration of the fees, developing programs, establishing standards for the operation of specific Public Safety services or contracts to provide jail services or criminal justice services that serve the City, and all other activities related to the purpose of the Jail Services Utility Fee.



8.70.060 Establishment and Revision of Jail Services Utility Fee

- A. Establishment: A Jail Services Utility Fee is hereby established to be paid by the responsible party for each developed property within the corporate limits of the city and for each developed property within the urbanizing area that is subject to an annexation agreement signed after August 1, 2001. Developed property that is subject to an annexation agreement entered into prior to August 1, 2001 shall not be subject to this fee until such time as the property is annexed into the City of Grants Pass. Such fee shall not be imposed in amounts greater than authorized by law, to provide sufficient funds to properly maintain jail services that exclusively serve the City of Grants Pass.
- B. Fees: Fees for individual properties shall be based upon the developed use of the property and shall follow the same calculation methodology as the City's Transportation Utility Fee, Chapter 8.60 of Municipal Code. Collection of the fee for each property shall be made by a monthly charge, which shall commence on the first day of July, 2016. If there is neither public water nor public sewer service to the improved property governed by this Code, a monthly bill shall be issued and shall become due and payable with 15 days of issuance.

8.70.070 Jail Services Utility Fee Restricted for Use

All fees collected by the City under the Jail Services Utility Fee shall be restricted for use in providing for such Jail Services. To the extent that the fees collected are insufficient to properly maintain a jail services contract or to operate and maintain a jail facility for City use, the cost of the same may be paid from such other City funds as may be determined by the City Council, but the City Council may order reimbursement to such jail services fund if additional fees are thereafter collected.

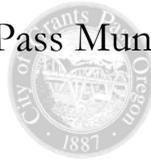
8.70.080 Cost-of-Living Adjustment

Notwithstanding any cost-of-living increase provisions to the contrary or absence thereof, fee rates for jail services shall be increased annually on January 1<sup>st</sup> of each year beginning January 1, 2018. Any prior cost-of-living increases shall be incorporated in the charges prior to calculating the updated charges.

The cost-of-living increase shall be determined by averaging the 12 month cost-of-living figures beginning with the immediately previous October and averaging it with the prior 11 months. The cost-of-living figures noted herein shall be the U.S. Bureau of Labor and Statistics, Cost-of-Living Index, CPI-U, All Cities publication for each month, November through October.

8.70.090 Imposition of Jail Services Utility Fee

There is hereby imposed upon the responsible party for each and every developed lot or parcel of land within the City that uses City streets, water, or sewer service, a Jail Services Utility Fee billed monthly. For all residential uses, the fee shall be a set monthly fee, depending on the use and number of dwelling units of the building. All commercial /industrial uses shall pay a fee based on the category of the use, the size of the building and the rate per



group. These categories and rates shall be adopted by resolution. This fee is deemed reasonable and is necessary to pay for the operation or rental of jail facilities for City use.

The categories of development for the administration of the Jail Services Utility Charge shall match the categories, description, and calculation methodology maintained in Chapter 8.60 Transportation Utility Fee and are as follows:

- A. Single Family Residential
- B. Multi-family Residential
- C. Condominium and Mobile Home Park
- D. Elderly Care Facilities
- E. Major Home Occupation
- F. General Office
- G. Medical Office
- H. Hospital
- I. Minor Traffic Retail/Commercial
- J. General Retail/Commercial
- K. Moderate Traffic Retail/Commercial
- L. High Traffic Retail/Commercial
- M. Automobile Sales
- N. Hotel/Motel
- O. Non-Profit
- P. Industrial

#### 8.70.100 Principles of Categorization

Each building is categorized based on the methodology established in Chapter and Section 8.60.100 of the Transportation Utility Fee Ordinance.

#### 8.70.110 Determination of Utility Fee

The City Manager shall determine the fee for each utility account in accordance with the group designation as set forth in Table A, Chapter 8.60 of the Transportation Utility Fee Ordinance. The group designation is based on:

- A. The categories of use which shall be assigned according to the principles and definitions contained in this Code and includes uses which generate similar amount of traffic based on the ITE Manual.
- B. The size of the building measured by the gross square footage of the development.

#### 8.70.120 Appeals of Determination of Fee

- A. Appeal Petition: Any responsible party who disputes the classification of the use of the property or the gross square footage, may petition the City Council for reclassification of the use or alteration of the gross square footage. An appeal of a decision regarding the determination of the category of use or the gross square footage shall be filed in writing with the City Manager within 45 days after the mailing of the first utility bill that is

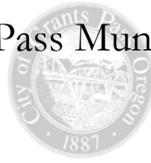


sent following any initial classification or any new classification. Such petitions may be made only once in connection with any specific fee or determination, except upon showing of changed circumstances.

- B. Burden of Proof: The petitioner shall have the burden of proof. For a dispute of the classification, the petitioner must demonstrate the category was not the best fit as defined in this Code. For a dispute of the size, the petitioner must demonstrate the gross square footage of the building was incorrect.
- C. Decision: Within 45 days of the filing of a petition under this Section, the City Council shall make findings of fact based upon relevant information, shall make a determination based upon such findings, and if found appropriate, shall modify such fee or determination accordingly. Such determination by the City Council shall be considered a final order. Every decision or determination by the City Council in response to a written petition shall be in writing, and notice thereof shall be mailed or served upon the petitioner within a reasonable time from the date of such action.
- D. Continued Payment: During the appeal, the petitioner is responsible for payment of the assessed Jail Services Utility Fee. If it is determined the assessed fee was too high, a credit shall be provided for the charges.

8.70.130 Billing and Collection of Jail Services Utility Fee

- A. Responsible Party: The responsible party for any improved premises governed by this Code shall pay a monthly Jail Services Utility Fee according to the rates set forth in this Chapter and the rates set by Council resolution. The person(s) paying the public water (or public sewer if only sewer service is provided) utility charges shall pay the Jail Services Utility Fees. If there is no public water or sewer service to the property, the Jail Services Utility Fees shall be paid by the persons having the right to occupy the property.
- B. Commencement: Jail Services Utility Fee for new development will commence upon connection to the public water or sewer system, or completion, occupancy or use of the improvements, whichever comes first. Areas that are annexed to the City or under contract to annex shall become subject to the Jail Services Utility Fee on the date of annexation or the date of the annexation contract, whichever comes first. When it is determined the customer was eligible to be billed for the Jail Services Utility Fee, but never billed, the customer will be billed retroactively for each respective month for which they were eligible to be billed. There will be no limitation to period of time.
- C. Unified Billing: The Jail Services Utility Fee shall be billed and collected by the City in the same manner and at the same time as water and sewer user service charges. Partial payments on utility bills shall be allocated first to the transportation charge, second to the jail services charge, third to the water charge and fourth to the sewer charge. The customer shall not be allowed to specify a different allocation.
- D. Monthly Bills: Bills will be rendered monthly. Opening or closing bills, or bills that for any other reason cover a period of time more or less than the normal billing period,



shall be prorated.

- E. Delinquent Accounts: An account is delinquent fifteen (15) calendar days after the date of the mailing of the bill. After an account, billed for water service as well as the Jail Services Utility, has become delinquent, it will receive written notice of the delinquency and be subject to service charges and water service discontinuation pursuant to the Municipal Code. Where the Jail Services Utility fees have become delinquent, an interest charge may be added to the unpaid balance, at a rate to be set by resolution.
- F. Vacancy Credits;
  - 1. Residential and Multifamily customers who anticipate being absent from the community for 30 or more consecutive days, can apply for a vacancy credit. A separate written application must be made to the City for each 30-day period the customer is absent from the community. Vacancy credit application for extended planned absences may be made in advance for a period no longer than 120 days.
  - 2. Residential Properties for Sale or Rent may make application for vacancy credit. Application must be made for each 30 or more consecutive day period of vacancy.
  - 3. Commercial and Industrial customers may make application for vacancy credit for an entire building or any separate business within the building, which will not be used. An application must be made to the City for each 30 or more consecutive day period the premise is vacant. During the vacancy, there can be no use of the property, buildings or portion of the buildings on the property for which the vacancy credit is applied. The City reserves the right to inspect the premises or verify the customer is entitled to the credit.
  - 4. All Vacancy Credits are limited to a retroactive period of no more than two (2) billing periods if proof of vacancy during this period is provided in writing with the application.

#### 8.70.140 Recovery of Unpaid Charges

- A. Non-Payment Accounts: Non-payment of the Jail Services Utility Fee and any associated fees may be assigned to a collection agency and, if the City elects to do so, then a collection fee may be charged which shall be set by resolution.
- B. Recovery: Any Jail Services Utility Fee which is not paid when due may be recovered from the responsible party in an action at law by the City. In addition to any other remedies or penalties provided by this or any other provision of the Municipal Code, failure of any user of the City utilities governed by this Code to pay said charges promptly when due shall subject such user to measures as may be appropriate to obtain payment, and the City Manager is hereby empowered and directed to enforce this provision against delinquent users.



- C. Enforcement: The employees of the City shall, at all reasonable times, have access to any premises served by the City for inspection for compliance with this Chapter.

#### 8.70.150 Exemptions

The City Council may, by resolution, exempt any class of user when it determines the public interest deems it necessary.

The City will exempt school district, county government, city government and special districts formed under Oregon Law as local government, or any Chapter 190 combination governmental entity controlled by local governments, from paying a Jail Services Utility Fee for facilities owner/leased and operated by said entities provided such facilities are used for governmental purposes.

#### 8.70.160 Utility Fee Sunset

The Jail Services Utility Fee shall be removed from applicable City utility bills, and the terms of this Chapter shall sunset at such time that Josephine County has sufficient and ongoing annual revenues and resources to operate the County's adult jail at a capacity that properly serves the City of Grants Pass and Josephine County's combined needs for jail services, as determined by the City Council and if no such service is realized, this Ordinance will expire June 30, 2017.

#### 8.70.170 Severability

In the event any section, subsection, paragraph, sentence or phrase of this Chapter is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the Chapter shall continue to be effective.