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The City of Salem ordains as follows:

70.005. Definitions. Unless the context otherwise specifically requires, as used in SRC Chapters 70, 70A, 71, 72, and 73, and 74, the following mean:

(b) **Director** means the City Manager, or the department head charged by the City Manager with the implementation and enforcement of this Chapter, or that department head's designee. Building drain means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes within or adjoining the building or structure and conveys the same to the building sanitary or storm sewer. The building drain is considered to end at a point five feet outside the established line of the building or structure.

(d) ~~Person means an individual, corporation, limited liability company, sole proprietorship, association, partnership, trust, cooperative, governmental unit, estate, or any other entity in law or fact.~~ Cooling water means water other than sewage or industrial waste which is used as a medium for carrying away excess heat from any apparatus, appliance, mechanism, device, or thing, and which, in the course of such cooling process, is not mixed or commingled with any other substance or used as a means of carrying off any other substance, in suspension or in solution, thereby exiting such cooling process in

1 substantially the same condition, save for temperature as when it entered.

2 ~~(e) Private stormwater facility means any facility that is not owned or operated by the~~
3 ~~City that has been installed or constructed for the purpose of removing pollutants from~~
4 ~~stormwater, or for controlling the discharge flow rate, flow duration, or flow quantity of~~
5 ~~stormwater. Defective sewer is any private or building wastewater collection system that:~~

6 (1) Fails a tightness test as described in SRC 73.080; or,

7 (2) Is built in such a way that existing pipe material, condition or installation is
8 found unacceptable by the director; or,

9 (3) Fails to pass low air pressure test or hydrostatically. The test shall last 15
10 minutes; minimum test pressure shall be 3.5 pounds per square inch in either
11 method. A new sewer shall have no loss when tested by either method. When
12 tested, existing building sanitary sewers shall be tested for water tightness in the
13 same manner as new building sanitary sewers except that a 50 percent loss of
14 pressure will be allowed in the 15 minute test; or,

15 (4) Exceeds a maximum allowable infiltration/inflow rate of more than 300 gallons
16 per day per single detached living unit or 1,200 gallons per acre per day; or,

17 (5) Is connected to any plumbing device which introduces stormwater into the
18 sewer system.

19 ~~(f) Service lateral means a pipe connecting a water main to the water meter and water~~
20 ~~main; a pipe connecting a sewer main to the building's sanitary sewer or storm sewer.~~

21 Design storm event means the size of the storm event used to calculate runoff volumes
22 and peak rates of discharge when designing stormwater facilities. The design storm event
23 is the total inches of rainfall, distributed during a 24-hour period using a standard
24 synthetic rainfall distribution identified as Type I-A by the Natural Resources
25 Conservation Service.

26 ~~(g) Utility code means SRC Chapters 70, 71, 72, 73, 74, and 75. Director means the City~~
27 ~~Manager, or the department director charged by the City Manager with the~~
28 ~~implementation and enforcement of this Chapter, or that department director's designee.~~

29 ~~(h) Utility service means water service, wastewater service, stormwater service, or any~~
30 ~~combination of services, provided by the City to customers of the City's water,~~

1 wastewater, and stormwater systems. Drainage waste. Stormwater, ground water,
2 surface drainage, subsurface drainage, spring water, well overflow, roof drainage, or
3 other like drainage other than sewage or industrial waste.

4 (i) Water main means a pipe two inches or larger inside the diameter, installed in a
5 public right of way or an easement, to which a service lateral is connected. Extraneous
6 water. Water entering a building wastewater system from any source except that
7 domestic sewage is not considered extraneous water.

8 (j) Fire protection service means an unmetered connection to the public water mains
9 intended only for the extinguishment of fires and the flushing necessary for its proper
10 maintenance.

11 (k) Flow control facility means a stormwater facility designed to control the flow rate,
12 flow volume, or flow duration of drainage water.

13 (l) Green stormwater infrastructure means a stormwater facility that mimics natural
14 surface hydrologic functions through infiltration or evapotranspiration, or that involves
15 stormwater reuse.

16 (m) Ground disturbing activity means any activity that exposes earth material through the
17 use of mechanical equipment.

18 (n) Illicit connection means any drain or conveyance system that results in a discharge to
19 a stormwater system or receiving water that is not entirely drainage water.

20 (o) Impervious surface means any surface exposed to rainwater from which most water
21 runs off.

22 (p) Improved premises means a unit or units of land containing improvements, such as a
23 parking lot, building or structure, that is connected to a City utility, including stormwater,
24 sewer, or water utilities. Improved premises does not include a unit of land that has no
25 improvements and is connected only to the City water utility for irrigation purposes only.

26 (q) Large project means a project including 10,000 square feet or more of new
27 impervious surface or replaced impervious surface, individually or combined, or 10,000
28 square feet or more of ground disturbing activity.

29 (r) Maximum extent feasible means the extent to which a requirement or standard must
30 be complied with as constrained by the physical limitations of the site, practical

1 considerations of engineering design, and reasonable considerations of financial costs and
2 environmental impacts.

3 (s) Person means an individual, corporation, limited liability company, sole
4 proprietorship, association, partnership, trust, cooperative, governmental unit, estate, or
5 any other entity in law or fact.

6 (t) Pollutant means any substance that affects, or has the potential to affect, water quality
7 in a manner that is detrimental to human health or safety or to the environment.

8 (u) Pollution generating activity means any activity conducted outside with the potential
9 of releasing pollutants into the public stormwater system, a private stormwater system, or
10 receiving waters, and for which source controls may be prescribed.

11 (v) Postdevelopment means the conditions that reasonably may be expected or
12 anticipated to exist after completion of development activity on a site.

13 (w) Predevelopment means the conditions on a site in its natural, undeveloped state,
14 generally characterized by a mixture of trees, brush, weeds, and grass, and which is used
15 to determine the allowable post-development discharge peak rates and flow volumes.

16 (x) Private stormwater facility means any facility that is not owned or operated by the
17 City that has been installed or constructed for the purpose of removing pollutants from
18 stormwater, or for controlling the discharge flow rate, flow duration, or flow quantity of
19 stormwater.

20 (y) Private wastewater collection system means a privately owned wastewater collection
21 system installed on private property that is not controlled by or under the jurisdiction of
22 the City.

23 (z) Project means ground disturbing activity, or the addition or replacement of
24 impervious surface.

25 (aa) Receiving water means the surface water, groundwater, or wetland receiving any
26 discharge of drainage water or pollutants.

27 (bb) Replaced impervious surface means the removal of impervious surface down to
28 earth material and replacement with new impervious surface. Replacement does not
29 include repair or maintenance activities on structures, paved surfaces, or facilities taken
30 to prevent decline, lapse, or cessation in the use of the existing impervious surfaces as

1 long as no additional hydrologic impact results from the repair or maintenance activity.
2 (cc) Service lateral means a pipe connecting a water, wastewater, or stormwater main to a
3 facility's water, wastewater, or stormwater system.
4 (dd) Sewage means the wastewater derived from human habitation and use of buildings
5 for domestic, commercial, institutional, or industrial purpose and free from drainage
6 waste.
7 (ee) Single family residential project means the construction of one single family
8 dwelling or two attached single family dwellings on a single existing unit of land that is
9 zoned Single Family Residential (RS) where the total new and replaced impervious
10 surface is 1,300 square feet or more, but less than 10,000 square feet.
11 (ff) Site means a unit of land, or portions of street, highway, or other right-of-way, or
12 contiguous combination thereof, where a project is proposed or performed.
13 (gg) Source controls means structures or operations that minimize or prevent pollutants
14 from coming in contact with drainage water through physical separation or management
15 of activities.
16 (hh) Stormwater means that portion of precipitation and snowmelt that does not naturally
17 percolate into the ground or evaporate, but flows into receiving water by overland flow,
18 interflow, pipes, and other features of a stormwater system.
19 (ii) Stormwater facility means a facility designed to control the flow rate, flow volume, or
20 flow duration of drainage water, or a facility designed to remove pollutants from drainage
21 water.
22 (jj) Streetlight system means a system of streetlights, poles, fixtures, ancillary equipment,
23 located within the City of Salem, and the provision of electricity therefor, owned or
24 operated by the City of Salem, and the City's provision of electricity for streetlight
25 systems owned for private utilities.
26 (kk) Stormwater system means all stormwater facilities and improvements such as catch
27 basins, curbs, gutters, ditches, manmade channels, and storm drains, that collect, convey,
28 or control the flow of drainage water or remove pollutants from drainage water.
29 (ll) Treatment facility means a stormwater facility designed to remove pollutants from
30 drainage water.

1 (mm) User means any person using the City public water, wastewater, streetlight, or
2 stormwater system.

3 (nn) Utility service means water service, wastewater service, stormwater service,
4 streetlight or any combination of services, provided by the City to customers of the City’s
5 water, wastewater, and stormwater systems.

6 (oo) Utility system means the City’s public water, wastewater, stormwater, and streetlight
7 systems.

8 (pp) Wastewater. All sewage and industrial wastes, treated or untreated, discharged to a
9 collection system.

10 (qq) Water, wastewater, and stormwater main means a pipe installed in a public right-of-
11 way or an easement, to which a service lateral is connected.

12 **Section 2.** Section 70.001 is added to and made a part of the Salem Revised Code, Title VI,
13 Chapter 70, as:

14 **70.001. Title.** Chapters 70 through 73 of the Salem Revised Code shall be known as the
15 “Utility Code.”

16 **Section 3.** Section 70.002 is added to and made a part of the Salem Revised Code, Title VI,
17 Chapter 70, as:

18 **70.002. Intent and Purpose.** The purpose of this this Chapter is to authorize standards, charges,
19 rates, and fees for the use of the City water, wastewater, and stormwater systems and
20 streetlights, to regulate the use of the utilities, to provide a process for voluntary and involuntary
21 discontinuance of service, to avoid those connections to the utilities that may be detrimental to
22 the public and the utilities, and to provide for the collection of charges.

23 **Section 4.** SRC 70.010 is amended to read as follows:

24 **SRC 70.010 Authorization.** The Public Works Department of ~~Public Works~~ shall be
25 responsible for extension, operation and maintenance of ~~the water, wastewater and stormwater~~
26 ~~systems~~ utility systems for the City of Salem.

27 **Section 5.** SRC 70.040 is amended to read as follows:

28 **70.040. Service Areas.** For the purposes of requiring conformance to a master plan, the
29 service area shall be that area within the Urban Growth Boundary so designated by the City
30 Council. Any jurisdiction outside the City that is supplied with ~~water, wastewater or~~

1 ~~stormwater treatment~~utility service by the City shall conform to the appropriate master plan
2 in construction of its facilities.

3 **Section 6.** SRC 70.060 is amended to read as follows:

4 **70.060. Administration; Rulemaking.** The Director shall administer and enforce the
5 provisions of SRC Chapters 70, 72, 73 and 74, the Utility Code and shall have the authority
6 to render written and oral interpretations, to adopt administrative rules and procedures
7 governing use, operations and management of the water, wastewater and stormwater utilities.

8 **Section 7.** SRC 70.065 is added to the SRC to read as follows:

9 **70.065. Authority to Develop and Implement Grant Programs.** The Director shall have
10 the authority to develop and administer grant programs that will protect and preserve natural
11 areas as a benefit to the City's watershed and stormwater system, encourage water
12 conservation, reduce inflow and infiltration into the wastewater system, or other specific
13 programs that, in the opinion of the Director, will enhance the health and safety of the
14 community and the environment. The Director shall develop and publish administrative
15 procedures for submitting and evaluating grant proposals. Individual or categorical grant
16 awards shall be made by the Director.

17 **Section 8.** SRC 70.072 is added to the SRC to read as follows:

18 **70.072 Approval of Plans.** Plans for all public and private water, wastewater, and stormwater
19 systems shall be reviewed and approved by the Director prior to construction. Such plans shall
20 conform to the respective water, wastewater, or stormwater master plan and standards
21 prescribed by the Director. Such approval shall be required in addition to any other approval
22 required by state law.

23 **Section 9.** SRC 70.074 is added to the SRC to read as follows:

24 **70.074. Construction to Conform to Standards.** All public or private water distribution,
25 wastewater collection, and stormwater systems to be connected to the municipal system,
26 whether publicly or privately constructed, shall conform to standards of design, sizing,
27 materials, and workmanship prescribed by the Director. Failure to meet standards shall be
28 grounds for refusal of acceptance. Service connections will not be made until the system is
29 approved and accepted.

30 **Section 10.** SRC 70.076 is added to the SRC to read as follows:

1 **70.076. Inspection and Approval of Construction.** Reasonable notice shall be given to the
2 Director to inspect and test all work in connection with the construction or reconstruction of
3 any water, wastewater, or stormwater system to be connected to the public system. All work
4 must be completed according to the standards of design, materials, and workmanship prescribed
5 by, and subject to the approval of the Director.

6 **Section 11.** SRC 70.080 is amended to read as follows:

7 **70.080. Ownership of Privately Constructed Lines.** All public water mains, sewer
8 ~~lines~~ wastewater mains, and-stormwater conveyance facilities, which are privately constructed
9 within public right-of-way or easements, connected to the water, wastewater, or stormwater
10 systems, and accepted by the Director for City maintenance shall be deemed dedicated to
11 public use and a part of the water, wastewater, and stormwater systems.

12 **Section 12.** SRC 70.100 is amended to read as follows:

13 **70.100. Private Stormwater, Wastewater and Water Systems.** A private stormwater,
14 wastewater or water system may be approved by the Director when the following
15 conditions are met:

16 (a) The system will only serve;

17 (1) developments in commercially and industrially zoned partitions or
18 subdivisions, or

19 (2) multi-building developments located on a single lot or parcel; and

20 (b) Each building under separate ownership in the commercially and industrially
21 zoned partition or subdivision will have a separate water meter and monitoring
22 manhole. The Director may grant exceptions to the requirement for monitoring
23 manholes if the responsible party shows that the proposed uses will not have any
24 likelihood of discharging hazardous or illegal materials; and

25 (c) An agreement is executed by the property owner and recorded against each
26 parcel or lot indicating that the systems serving the property are private; that the
27 City has no responsibility to maintain the systems; that the systems will not be
28 accepted by the City unless the systems are proven by the applicant to conform to
29 the standards of the Department of Public Works; that grants the City a perpetual
30 right of access to read and maintain the meters, inspect the lines from the meters

1 or manholes back to the public mains and that the property owners have assumed
2 responsibility for any repairs required for the City; and

3 (d) The public wastewater and water lines and stormwater conveyance facilities
4 necessary to serve adjacent properties and to provide other needed links in the overall
5 collection or distribution systems are provided; and

6 (e) If the system is a private water system, water from the system cannot be
7 submetered or resold to other parties; and

8 (f) If the system is a private water system, the water lines will conform to the water
9 distribution standards of the City.

10 **Section 13.** SRC 70.120 is amended to read as follows:

11 **70.120. Inspections.**

12 (a) When the Director deems it necessary to make an inspection to enforce the ~~U~~tility
13 ~~C~~ode, or when the Director has reasonable cause to believe a condition exists on a
14 property that is in violation of the ~~U~~tility ~~C~~ode, the Director may, in accordance
15 with this section, enter the property at reasonable times to make inspections or to
16 perform other duties imposed under the ~~U~~tility ~~C~~ode.

17 (b) If the property is occupied, the Director shall first present the Director's
18 credentials to the occupant and request entry. If entry is refused, the Director may
19 seek to obtain permission from any other person entitled to lawful possession of the
20 property, or obtain an administrative search warrant from the municipal or circuit
21 court.

22 (c) If the property is unoccupied, the Director shall first make a reasonable effort to
23 locate the owner or other person with control of the property and request entry. If the
24 Director is unable, after making a reasonable effort, to locate the owner or other person
25 with control of the property, or if entry is refused by the owner or other person with
26 control of the property, the Director shall obtain an administrative search warrant from
27 the municipal or circuit court.

28 **Section 14.** SRC 70.205 is added to the SRC to read as follows:

29 **70.205. Utility Billing Program.**
30

1 (a) The Director shall adopt rules for the administration of the City's utility billing
2 program. The rules shall include, but are not limited to, provisions for:

3 (1) Utility account set-up and conditions of service;

4 (2) Account responsibility;

5 (3) Billing procedures, due dates, delinquent accounts, and collections;

6 (4) Billing errors and adjustment of utility bills;

7 (5) Stormwater utility credits; and

8 (6) Hearings on disputed bills.

9 **Section 15.** SRC 70.210 is amended to read as follows:

10 **70.210. Application for Utility Service; Condition of Service.**

11 (a) A person desiring utility service shall provide ~~the following information in~~
12 ~~making application for service:~~

13 ~~(1) The name of the applicant;~~

14 ~~(2) The location of the property to be served;~~

15 ~~(3) Whether or not the applicant is the owner of the property;~~

16 ~~(4) If the applicant is not the owner of the property, the name and mailing~~
17 ~~address of the owner or the owner's agent;~~

18 ~~(5) The mailing address for utility bills;~~

19 ~~(6) The type of utility service being sought, and, if water service will be~~
20 ~~provided, the intended use of water; and~~

21 ~~(7) Personal identifying information, property information, or any other~~
22 ~~any~~

23 information deemed necessary by the Director to establish an account or to

24 ensure the identity of the account holder. ~~All~~ Personal identifying information

25 shall not be disclosed, except as is otherwise required by Oregon law.

26 (b) Every person, as a condition of receiving utility service, shall agree to
27 comply with all ordinances, laws, rules, and regulations related to such service.

28 ~~(c) Notwithstanding subsection (a) of this section, the obligation to pay for stormwater~~
29 ~~utility charges arises when a person responsible uses stormwater utility services. It is~~
30 ~~presumed that stormwater utility services are used whenever there is an improved~~
premises.

Section 16. SRC 70.220 is amended to read as follows:

70.220. Applicant Responsible for Bills.

1 (a) Except as otherwise provided in this Utility Code ~~provided in subsection (c) and (d)~~
2 ~~of this section~~, payment of utility bills shall be the responsibility of the account holder.
3 ~~person having made application for utility service. The account holder This person~~ may
4 be the owner, tenant, agent, or other authorized representative responsible for occupancy
5 of the premises who made application for utility service.

6 (b) In the event the account holder is not the owner of the property for which utility
7 service is being provided, the property owner may be held responsible for the account
8 balance, past due amounts, charges, and fees related to the account if, within thirty days
9 from the date the payment is due on the account, the City provides written notice of the
10 delinquent status to the tenant and sends a copy of the notice by first class mail to the
11 property owner at the last known address of the owner or owner's agent that is on file
12 with the Director.

13 (c) Unless another person ~~responsible~~ has agreed in writing to pay all or a portion of the
14 utility bill, and a copy of that writing is filed with the City, the ~~person(s) paying water~~
15 ~~utility charges shall pay the stormwater utility charges~~ account holder shall pay all utility
16 charges, including any administrative fees. If there is no water service to the property or
17 if water service is discontinued, the person(s) having the right to possess the property
18 shall pay the stormwater and streetlight utility charges, and any administrative fees shall
19 ~~be paid by the person(s) having the right to possess the property.~~

20 (d) For properties with a history of delinquent utility accounts, meaning one or more
21 accounts in delinquent status within the past five years, the Director may require the
22 owner of the property to submit a written statement indicating the owner agrees to be
23 responsible for payment of future utility bills for the property as a condition of service.
24 ~~The Director may alternatively require that the owner of a property with a history of~~
25 ~~delinquent utility accounts agree in writing to be held liable for the unpaid account~~
26 ~~balance of their tenant, agent or other authorized representative pursuant to subsection (b)~~
27 ~~of this section.~~

28 **Section 17.** SRC 70.240 is repealed:

29 **70.240. Bills, When Due.** ~~Utility service bills are due and payable twenty five days from the~~
30 ~~billing date, and shall be delinquent thereafter.~~

1 **Section 18.** SRC 70.245 is amended to read as follows:

2 **70.245. Application of Payments, How Applied.**

3 ~~(a) For customers receiving only one utility service, payments made by the customer to~~
4 ~~the City shall be.~~ Payments shall be first credited first against any administrative
5 ~~services charges until 100% of the~~ to the oldest ~~balance on the administrative services~~
6 ~~charges are paid and then to the streetlight fee, then to the customer's utility account.~~
7 Customers cannot specify which charges the payment covers.

8 ~~(b) For customers receiving two or more utility services, payments made to the City will~~
9 ~~be credited in the following manner:~~

- 10 ~~(1) First to any administrative services charges until 100% of the balance on the~~
11 ~~administrative services charges is paid;~~
12 ~~(2) After the administrative services charges are fully paid, next to the streetlight~~
13 ~~fee until 100% of the balance of the streetlight fee is paid;~~
14 ~~(3) After the administrative services charges are fully paid and the streetlight fee is~~
15 ~~fully paid, next to the account connected with the stormwater utility until 100% of~~
16 ~~the balance on the stormwater utility account is paid;~~
17 ~~(4) After the administrative services charges, streetlight fee and stormwater utility~~
18 ~~account is fully paid, then to the wastewater utility account, until 100% of the~~
19 ~~balance on the wastewater utility account is paid;~~
20 ~~(5) After the administrative services charges, streetlight fee, stormwater utility~~
21 ~~account, and wastewater utility account are fully paid, then to the water utility~~
22 ~~account until 100% of the water utility account is paid.~~

23 **Section 19.** SRC 70.250 is amended to read as follows:

24 **70.250. Delinquent Accounts.**

25 (a) When a person's account is delinquent, the person will be provided a notice of
26 delinquency by electronic communications or first class mail and given no fewer than
27 seven calendar days in which to make payment or request a hearing as provided in
28 SRC 70.260. If payment is not received; or a hearing requested; by the due date shown
29 in the notice of delinquency, the user will be provided a notice of discontinuation
30

1 of services by electronic communication or first class mail, stating that service to the
2 premises will be discontinued if payment is not received within five days from the date
3 set forth in the notice of discontinuation of service.

4 (b) Water service may be discontinued to users having delinquent wastewater,
5 stormwater, streetlight, or administrative service charges, when in the judgment of
6 the Director such action is necessary to enforce collection of such delinquent
7 amounts.

8 (c) Unless other arrangements have been approved by the Director under
9 subsection (d) of this section, service shall not be reinstated until the delinquent
10 account, including all user fees and account fees, have been paid in full.

11 (d) If the Director finds that the public's interest can be protected and, at the same
12 time, an undue financial burden on the user can be reduced, the Director may accept a
13 payment arrangement for delinquent user charges, and may adjust account fees as
14 appropriate under the circumstances.

15 **Section 20.** SRC 70.260 is repealed:

16 **70.260. Hearing on Disputed Bills.**

17 ~~(a) Any person who is responsible for payment of a utility bill who disputes the~~
18 ~~amount of the charges may submit a request for hearing in writing on such disputed~~
19 ~~bill. The request for hearing shall be filed with the Director within seven calendar~~
20 ~~days of the date of the notice of delinquency provided to the person pursuant to SRC~~
21 ~~70.250. Upon the filing of a request for hearing, all proceedings relative to~~
22 ~~collection of the utility bill shall be stayed until the final decision is made as~~
23 ~~hereinafter provided.~~

24 ~~(b) The Director shall schedule a hearing on the disputed bill and shall notify the~~
25 ~~user in writing or in person of the time, place, and date of such hearing. Upon~~
26 ~~conclusion of the hearing, the Director shall make a final determination as to the~~
27 ~~amount due and owing on the disputed bill and shall notify the user in writing of the~~
28 ~~decision.~~

29 ~~(c) If the Director finds that charges are due and owing, the person shall have seven~~
30 ~~calendar days from the date set forth in the notice of the decision to make full~~

1 payment. If payment is not received within in such seven day period, the person
2 shall be provided a notice of discontinuation of services by first class mail, stating
3 that service to the premises will be discontinued if payment is not received within
4 five days from the date set forth in the notice of discontinuation of services.
5 Discontinuance of water service for failure to make payment pursuant to this
6 subsection shall not take place unless notice is given as provided in this subsection.

7 **Section 21.** SRC 70.270 is repealed:

8 ~~**70.270. Temporary Suspension of Service.** A person may request a temporary suspension~~
9 ~~of utility service for a period not to exceed ninety days. The person must submit a suspension~~
10 ~~request in writing and pay a suspension fee. If the Director grants the request, the person's~~
11 ~~account will be frozen and all service to the person's property will be discontinued for the~~
12 ~~period of time allowed by the Director for the suspension.~~

13 **Section 22.** SRC 70.280 is amended to read as follows:

14 **70.280. Denial of Utility Service.**

15 (a) Utility service may be denied to any person for one or more of the following reasons:

16 (1) The person has an unpaid utility bill or account fees at the current or another
17 address;

18 (2) The person ~~caused damage or loss of revenue resulting from~~
19 ~~tampering~~tampered with or ~~bypassing~~bypassed water meters, locking devices,
20 or otherwise ~~interfering~~interfered with any City equipment; or

21 (3) The person fails to provide adequate personal identifying information,
22 including a valid lease or rental contract, to establish a new account or to
23 resume utility service where service has been disconnected.

24 (b) Utility service may be denied to any property owner and subsequent tenant of
25 the property owner, if a former tenant at the property has:

26 (1) An unpaid water bill or account fee, ~~or caused damage or loss of revenue~~
27 ~~resulting from tampering~~tampered with or ~~bypassing~~bypassed water meters,
28 locking devices, or otherwise ~~interfering~~interfered with any City equipment;
29 and
30

1 (2) If, within thirty days from the date the payment was due on the account, the
2 City provided written notice of the delinquent status to the tenant and sent a
3 copy of the notice by first class mail to the property owner at the last known
4 address of the owner or owner's agent that is on file with the Director.

5 (c) Upon rectification of the cause of the denial of service by the person or property
6 owner and paying any past due amounts, and account fees, ~~the Director may reinstate~~
7 service may be reinstated.

8 **Section 23.** SRC 70.290 is amended to read as follows:

9 **70.290. Billing Errors; Adjustment of Bills.**

10 ~~(a) The Director may adopt administrative rules governing the adjustment, refund, or~~
11 ~~waiver of utility billings where such adjustment, refund or waiver is necessary for the~~
12 ~~proper conduct of business. Adjustments shall be limited to credits to an active account~~
13 ~~or to additional charges to an active account. When the adjustment would result in a~~
14 ~~credit to a person who has no active account, a refund shall be issued if the person can~~
15 ~~be reasonably located.~~

16 ~~(b) The Director may make adjustments to water or wastewater use charges where the~~
17 ~~user demonstrates that a leak exists between the meter and the final point of delivery to~~
18 ~~the user. No adjustment shall be made unless the person made reasonable efforts within~~
19 ~~thirty days from the date the leak was first detected to initiate repairs, and the repairs~~
20 ~~were completed within ninety days of detection of the leak.~~

21 ~~(c) The Director may make adjustments to a stormwater account where the user~~
22 ~~demonstrates that the City erred in calculating the impervious area used to determine~~
23 ~~the user's stormwater bill.~~

24 ~~(d)~~ The Director may authorize the adjustment of a utility billing when a billing error
25 has occurred. Adjustments shall not be made for after a period greater than 10 ~~of two~~
26 years from the date the Director received notice of the error. Notwithstanding any other
27 provision in this subsection, eligibility to receive an adjustment on an account shall
28 terminate six months after the date a final bill was issued for that account.

29 ~~(e)~~ (b) A person who receives a back billing or a delayed billing will be offered the
30 opportunity to pay the balance due over a period of time determined by the Director.

1 **Section 24.** SRC 70.295 is amended to read as follows:

2 **70.295. Disposition of Utility Funds.** ~~All funds derived from the collection of utility service~~
3 ~~charges shall be credited to the utilities fund. As far as is practical,~~ Utilities Fund. ~~All funds~~
4 ~~earned by each utility derived from the collection of the streetlight fee shall be segregated.~~
5 ~~Each utility may expend funds for the construction, operation, maintenance, payment of~~
6 ~~principal and interest of any bonds issued, and other expenses related~~ credited to that
7 ~~utility~~ the Streetlight Fund.

8 **Section 25.** SRC 70.300 is amended to read as follows:

9 **70.300. Water, Wastewater, and Sewer~~Stormwater~~ Utility Franchise Fee.**

10 (a) For the right and privilege to place, lay, maintain and operate in, upon and under
11 the streets, alleys, public highways, and other public places a water, wastewater and
12 stormwater system, there shall be annually charged to and collected from the ~~utilities~~
13 ~~fund~~ Utilities Fund established pursuant to SRC 70.295 an amount equal to five percent
14 of the gross revenues derived from utility service charges ~~collected inside the City.~~
15 collected inside the City, the cost of which may be passed along to the customer.

16 (b) The payment of the franchise fee set forth in subsection (a) shall be made
17 periodically, but not less than annually, by transferring the appropriate sum of monies
18 from the ~~utilities fund~~ Utilities Fund established pursuant to SRC 70.295 to the General
19 Fund.

20 (c) ~~The City streetlight system is not considered a utility as that term is used in this~~
21 ~~Chapter, and~~ owned or operated streetlights are not subject to the fee established in this
22 section.

23 **Section 26.** SRC 70.310 is amended to read as follows:

24 **70.310. Stormwater Credits.**

25 (a) The Director is authorized to implement and administer a program to allow
26 customers to reduce their stormwater ~~utility bill~~ charges through the installation of
27 approved stormwater management facilities.

28 (b) ~~The Director shall promulgate administrative rules to implement the program, which~~
29 ~~shall contain the following:~~

30 (1) ~~Definitions for all terms and concepts applicable to the program;~~

- 1 ~~(2) Criteria to be used to determine eligibility for the credit;~~
2 ~~(3) Methods and means for calculating the amount of the credit to be awarded;~~
3 ~~(4) Procedures for verifying the validity and accuracy of the credits;~~
4 ~~(5) Requirements that stormwater facilities be properly maintained and operated~~
5 ~~and that the City must be granted access to the property for limited inspections of~~
6 ~~stormwater facilities;~~
7 ~~(6) Methods of enforcing the administrative rules; and~~
8 ~~(7) Procedures for review and reconsideration of the Director's decisions~~
9 ~~regarding the credits.~~

10 **Section 27.** SRC 70.320 is added to the SRC to read as follows:

11 **70.320. Falsifying Information.** No person shall knowingly make any false statement,
12 representation, or certification in any application, record, report, plan, or other document filed
13 or required to be maintained pursuant to the Utility Code, or falsify, tamper with, or
14 knowingly render inaccurate any monitoring device or method required under the Utility
15 Code.

16 **Section 28.** SRC 70.330 is added to the SRC to read as follows:

17 **70.330. Appeals.** Any person adversely affected by any decision, action, determination, or
18 order, made by the Director interpreting or implementing the provisions of the Utility Code
19 may appeal to the Hearings Officer as set forth in SRC Chapter 20J, and such appeal shall be
20 initiated by filing a notice of intent to appeal, along with an appeal fee as may be established
21 by City Council, with the City Recorder within fifteen business days after notice of the
22 Director's final decision has been sent. The notice of appeal shall satisfy the requirements of
23 SRC Chapter 20J, and the appeal shall proceed as a contested case under the procedures
24 established in SRC Chapter 20J. Unless otherwise stayed by order of the Hearings Officer, the
25 Director's decision, action determination or order, shall remain in effect during the pendency
26 of the appeal to the Hearings Officer.

27 **Section 29.** SRC 70.340 is added to the SRC to read as follows:

28 **70.340. Civil Penalties.** Any person who is found to have violated an order of the Director,
29 or who willfully or negligently failed to comply with any provision of the Utility Code, and the
30 orders, rules, and regulations issued hereunder, shall forfeit and pay not more than \$1,000 for

1 each offense as determined by the Hearings Officer. Each day on which a violation shall occur
2 or continue shall be deemed a separate and distinct offense.

3 **Section 30.** SRC 70.350 is added to the SRC to read as follows:

4 **70.350. Violations.** Violation of any provision of the Utility Code, in addition to any civil
5 forfeitures, shall be an infraction.

6 **Section 31.** SRC 70A.001 is repealed:

7 ~~**70A.001. Definitions.** Unless the context otherwise specifically requires, as used in SRC~~
8 ~~Chapter 70A the following mean:~~

9 ~~(a) City means the City of Salem, Oregon.~~

10 ~~(b) Director means the City Manager, or the department head charged by the City~~
11 ~~Manager with the implementation and enforcement of this Chapter, or that department~~
12 ~~head's designee.~~

13 ~~(c) Improved premises means a unit of land containing improvements, such as a parking~~
14 ~~lot, building or structure, that is connected to a City utility, including stormwater, sewer,~~
15 ~~or water utilities. Improved premises does not include a unit of land that has no~~
16 ~~improvements and is connected only to the City water utility for irrigation purposes only.~~

17 ~~(d) Person means an individual, corporation, limited liability company, sole~~
18 ~~proprietorship, association, partnership, trust, cooperative, governmental unit, estate, or~~
19 ~~any other entity in law or fact.~~

20 ~~(e) Streetlight system means a system of streetlights, poles, fixtures, ancillary equipment,~~
21 ~~located within the City of Salem, and the provision of electricity therefor, owned or~~
22 ~~operated by the City of Salem, and the City's provision of electricity for streetlight~~
23 ~~systems owned for private utilities.~~

24 **Section 32.** SRC 70A.020 is repealed:

25 ~~**70A.020. Administration; Rulemaking.** The Director shall administer and enforce the~~
26 ~~provisions of SRC Chapter 70(A), and shall have the authority to render written and oral~~
27 ~~interpretations, to adopt administrative rules and procedures governing installation, use,~~
28 ~~operations and management of the streetlight system.~~

29 **Section 33.** SRC 70A.050 is amended to read as follows:

30 **70A.050. Billing.**

1 (a) A streetlight fee shall be billed to and collected from the owner, tenant, agent, or other
2 authorized representative responsible for occupancy of an improved premises.

3 ~~(b) Administrative services charges may be charged to the customer's account and~~
4 ~~included in the monthly billing.~~

5 (eb) A streetlight fee shall be included and separately identified in an utility billing
6 statement for an improved premises, if one exists, and shall be due and payable on the
7 same schedule as that set for the statement. Payments on the utility billing statement
8 shall be applied in a priority consistent with SRC 70.245. An owner, tenant, agent, or
9 other authorized representative responsible for the occupancy of an improved premises
10 that does not have an utility account shall be sent a separate streetlight billing statement,
11 which may be sent monthly, or other longer interval not to exceed one year, at the
12 convenience of the City.

13 ~~(d) Appeals of disputed streetlight fees may be made as set forth in SRC 70.260.~~

14 **Section 34.** SRC 71.005 is repealed:

15 **71.005. Definitions; Rules of Construction.**

16 ~~(a) Unless the context specifically indicates otherwise, as used in this Chapter the~~
17 ~~following mean:~~

18 ~~(1) Best management practice (BMP) means activities, prohibitions of practices,~~
19 ~~operational and maintenance procedures, structural facilities, or managerial~~
20 ~~practices or devices that, when used singly or in combination, prevent, reduce, or~~
21 ~~treat contamination in drainage water, prevent or reduce soil erosion, or prevent or~~
22 ~~reduce other adverse effects of drainage water on receiving waters. BMPs~~
23 ~~prescribed by the Director, whether or not adopted by ordinance, shall be the~~
24 ~~BMPs required for compliance with this Chapter.~~

25 ~~(2) Design storm event means the size of the storm event used to calculate runoff~~
26 ~~volumes and peak rates of discharge when designing stormwater facilities. The~~
27 ~~design storm event is the total inches of rainfall, distributed during a 24-hour~~
28 ~~period using a standard synthetic rainfall distribution identified as Type I-A by the~~
29 ~~Natural Resources Conservation Service.~~

30 ~~(3) Director means the Director of Public Works, or the Director's designee.~~

1 ~~(4) Drainage water means stormwater and all other discharges that are not~~
2 ~~prohibited by this Chapter.~~

3 ~~(5) Earth material means all naturally occurring rock and soil, or combination~~
4 ~~thereof, including clay, silt, sand, gravel-size particles, and naturally occurring~~
5 ~~and naturally formed aggregates. The term does not include manmade materials~~
6 ~~such as fill, concrete, or asphalt.~~

7 ~~(6) Flow control facility means a stormwater facility designed to control the flow~~
8 ~~rate, flow volume, or flow duration of drainage water.~~

9 ~~(7) Green stormwater infrastructure means a stormwater facility that mimics~~
10 ~~natural surface hydrologic functions through infiltration or evapotranspiration, or~~
11 ~~that involves stormwater reuse.~~

12 ~~(8) Ground disturbing activity means any activity that exposes earth material~~
13 ~~through the use of mechanical equipment. By way of illustration, but not of~~
14 ~~limitation, ground disturbing activity includes: grading, excavating, filling,~~
15 ~~clearing, or working of land. Such disturbance may be permanent, such as gravel~~
16 ~~mining, farming, gardening, sports fields; or short-term duration, such as~~
17 ~~construction, excavation, fill, grading, landscape installation, or other vegetative~~
18 ~~clearing activities.~~

19 ~~(9) Illicit connection means any drain or conveyance system that results in a~~
20 ~~discharge to a stormwater system or receiving water that is not entirely drainage~~
21 ~~water.~~

22 ~~(10) Impervious surface means any surface exposed to rainwater from which most~~
23 ~~water runs off. By way of illustration, but not of limitation, impervious surfaces~~
24 ~~include: rooftops, walkways, patios, driveways, parking lots, storage areas,~~
25 ~~concrete or asphalt paving, gravel surfaces subjected to vehicular traffic, compact~~
26 ~~gravel, packed earth material, oiled macadam, or other surfaces that similarly~~
27 ~~impede the natural infiltration of stormwater.~~

28 ~~(11) Large project means a project including 10,000 square feet or more of new~~
29 ~~impervious surface or replaced impervious surface, individually or combined, or~~
30 ~~10,000 square feet or more of ground disturbing activity.~~

1 ~~(12) Maximum extent feasible means the extent to which a requirement or~~
2 ~~standard must be complied with as constrained by the physical limitations of the~~
3 ~~site, practical considerations of engineering design, and reasonable considerations~~
4 ~~of financial costs and environmental impacts.~~

5 ~~(13) NPDES municipal stormwater permit means the National Pollutant~~
6 ~~Discharge Elimination System Municipal Separate Storm Sewer System discharge~~
7 ~~permit issued to the City by the Oregon Department of Environmental Quality~~
8 ~~under the federal Clean Water Act.~~

9 ~~(14) Pollutant means any substance that affects, or has the potential to affect,~~
10 ~~water quality in a manner that is detrimental to human health or safety or to the~~
11 ~~environment. By way of illustration, but not of limitation, pollutants include:~~

12 ~~(A) Acids or bases;~~

13 ~~(B) Ammunition and explosives;~~

14 ~~(C) Animal carcasses;~~

15 ~~(D) Antifreeze;~~

16 ~~(E) Bark and other fibrous materials, compost, collected lawn clippings,~~
17 ~~leaves, or branches;~~

18 ~~(F) Batteries;~~

19 ~~(G) Chemicals not normally found in unpolluted stormwater;~~

20 ~~(H) Chlorine and bromine based disinfectants;~~

21 ~~(I) Construction or excavation materials and spoils;~~

22 ~~(J) Degreasers and solvents;~~

23 ~~(K) Dirt, soil, silt, sand, sediment, sod, gravel, or rock;~~

24 ~~(L) Domestic animal wastes;~~

25 ~~(M) Drain cleaners;~~

26 ~~(N) Dyes;~~

27 ~~(O) Flammable or explosive materials;~~

28 ~~(P) Feces;~~

29 ~~(Q) Food waste;~~

30 ~~(R) Hazardous materials, as defined by ORS 466.605;~~

~~(S) Metals in either particulate or dissolved form;~~
~~(T) Paints, stains, resins, lacquers, or varnishes;~~
~~(U) Pesticides, herbicides, or fertilizers;~~
~~(V) Petroleum products, including but not limited to oil, gasoline, grease, fuel oil, and heating oil;~~
~~(W) Radioactive material;~~
~~(X) Recreational vehicle waste;~~
~~(Y) Sewage or sludge;~~
~~(Z) Soaps, detergents, or ammonia;~~
~~(AA) Steam cleaning wastes;~~
~~(BB) Swimming pool backwash; and~~
~~(CC) Trash, garbage, or debris.~~

~~(15) Pollution generating activity means any activity conducted outside with the potential of releasing pollutants into the public stormwater system, a private stormwater system, or receiving waters, and for which source controls may be prescribed. By way of illustration, but not of limitation, pollution generating activities include:~~

~~(A) Transferring fuel from bulk storage tanks to vehicles, equipment, or mobile containers;~~
~~(B) Storing fuel above ground in bulk containers;~~
~~(C) Storing solid or liquid chemicals, food products, waste oils, solvents, process wastewaters, or petroleum products other than fuel in above ground containers;~~
~~(D) Storing solid wastes in compactors, dumpsters, and garbage cans;~~
~~(E) Storing material that is soluble or can be mobilized in water and that is known to contain pollutants;~~
~~(F) Operating equipment and vehicle washing facilities; and~~
~~(G) Conducting ground disturbing activity on property with known or suspected contamination from hazardous substances.~~

1 ~~(16) Post-development means the conditions that reasonably may be expected or~~
2 ~~anticipated to exist after completion of development activity on a site.~~

3 ~~(17) Predevelopment means the conditions on a site in its natural, undeveloped~~
4 ~~state, generally characterized by a mixture of trees, brush, weeds, and grass, and~~
5 ~~which is used to determine the allowable post-development discharge peak rates~~
6 ~~and flow volumes.~~

7 ~~(18) Private stormwater system means a stormwater system that is not owned or~~
8 ~~operated by the City of Salem.~~

9 ~~(19) Project means ground-disturbing activity, or the addition or replacement of~~
10 ~~impervious surface.~~

11 ~~(20) Public stormwater system means a stormwater system owned or operated by~~
12 ~~the City of Salem.~~

13 ~~(21) Receiving water means the surface water, groundwater, or wetland receiving~~
14 ~~any discharge of drainage water or pollutants.~~

15 ~~(22) Replaced impervious surface means the removal of impervious surface down~~
16 ~~to earth material and replacement with new impervious surface. Replacement~~
17 ~~does not include repair or maintenance activities on structures, paved surfaces, or~~
18 ~~facilities taken to prevent decline, lapse, or cessation in the use of the existing~~
19 ~~impervious surfaces as long as no additional hydrologic impact results from the~~
20 ~~repair or maintenance activity.~~

21 ~~(23) Single family residential project means the construction of one single family~~
22 ~~dwelling or two attached single family dwellings on a single existing unit of land~~
23 ~~that is zoned Single Family Residential (RS) where the total new and replaced~~
24 ~~impervious surface is 1,300 square feet or more, but less than 10,000 square feet.~~

25 ~~(24) Site means a unit of land, or portions of street, highway, or other right-of-~~
26 ~~way, or contiguous combination thereof, where a project is proposed or~~
27 ~~performed.~~

28 ~~(25) Source controls means structures or operations that minimize or prevent~~
29 ~~pollutants from coming in contact with drainage water through physical~~
30 ~~separation or management of activities.~~

1 ~~(26) Stormwater means that portion of precipitation and snowmelt that does not~~
2 ~~naturally percolate into the ground or evaporate, but flows into receiving water by~~
3 ~~overland flow, interflow, pipes, and other features of a stormwater system.~~

4 ~~(27) Stormwater facility means a facility designed to control the flow rate, flow~~
5 ~~volume, or flow duration of drainage water, or a facility designed to remove~~
6 ~~pollutants from drainage water.~~

7 ~~(28) Stormwater system means all stormwater facilities and improvements such as~~
8 ~~catch basins, curbs, gutters, ditches, manmade channels, and storm drains, that~~
9 ~~collect, convey, or control the flow of drainage water or remove pollutants from~~
10 ~~drainage water.~~

11 ~~(29) Treatment facility means a stormwater facility designed to remove pollutants~~
12 ~~from drainage water.~~

13 ~~(b) Words and phrases not defined in this section shall be construed according to their~~
14 ~~customary and usual meaning unless the context indicates a special or technical meaning.~~
15 ~~Words used in the present tense include the future, the singular number includes the~~
16 ~~plural, and the word "shall" is mandatory and not discretionary.~~

17 **Section 35.** SRC 71.010 is repealed:

18 **71.010. Authority of Director.**

19 ~~(a) The Director shall administer and enforce the provisions of this Chapter, and may~~
20 ~~adopt administrative rules for the implementation hereof. By way of illustration, but not~~
21 ~~limitation, the Director's authority includes the authority to:~~

22 ~~(1) Establish and conduct inspection and monitoring programs to evaluate and~~
23 ~~enforce compliance with this Chapter;~~

24 ~~(2) Take enforcement actions;~~

25 ~~(3) Abate nuisances;~~

26 ~~(4) Issue written and oral interpretations of this Chapter, and rules promulgated~~
27 ~~hereunder;~~

28 ~~(5) Review, approve, condition, revoke, or disapprove submittals, applications,~~
29 ~~plans, and permits;~~

30 ~~(6) Set and collect fees as prescribed by resolution of the City Council.~~

1 ~~(7) Sample and analyze a discharge to the public stormwater system or receiving~~
2 ~~water. If a prohibited discharge is determined to occur on a recurring basis, the~~
3 ~~Director is authorized to conduct ongoing monitoring, and is authorized to require~~
4 ~~the responsible party to conduct ongoing monitoring at the responsible party's~~
5 ~~expense.~~

6 **Section 36.** SRC 70.015 is amended to read as follows:

7 **71.015. More Stringent or Additional Best Management Practices Required.**

8 (a) The Director is authorized to issue an order requiring more stringent or
9 additional best management practices if:

10 (1) A discharge to a public stormwater system, a private stormwater system,
11 or a receiving water cannot be adequately addressed by the required best
12 management practices, and the discharge:

13 (A) Exceeded, exceeds, or will exceed water quality standards, or

14 (B) Caused or contributed, is causing or contributing, or will cause or
15 contribute to a prohibited discharge or a known or likely violation of
16 water quality standards in the receiving water or a known or likely
17 violation of the City's NPDES municipal stormwater permit.

18 (b) An order issued by the Director may be appealed to the Hearings Officer pursuant to
19 SRC Chapter 20J.

20 **Section 37.** SRC 71.020 is repealed:

21 ~~**71.020. Approval of Plans and Conformance to Standards.**~~

22 ~~(a) Plans for all public and private stormwater systems shall be reviewed and approved~~
23 ~~by the Director prior to construction. Such plans shall conform to the Stormwater Master~~
24 ~~Plan and standards prescribed by the Director. Such approval shall be required in addition~~
25 ~~to any other approvals required by state law.~~

26 ~~(b) All public or private stormwater systems, whether publicly or privately constructed,~~
27 ~~shall conform to standards of design, material, and workmanship prescribed by the~~
28 ~~Director.~~

29 **Section 38.** SRC 71.025 is amended to read as follows:

30 **71.025. Fee-In-Lieu of Construction Authorized.**

1 (a) The Director may allow a developer to enter into a voluntary agreement with the City
2 for the payment of a fee-in-lieu of constructing a stormwater facility as required by this
3 Chapter if the Director has determined that such an agreement is in the public interest.
4 This determination shall consider the feasibility of constructing the stormwater facility on
5 the site; the costs associated with construction, operations, and maintenance of the
6 stormwater facility; and the benefits provided by the stormwater facility in terms of
7 accomplishing the purposes of this Chapter. In no event shall the Director allow a
8 developer to enter into a fee-in-lieu agreement with the City if the resulting post-
9 development conditions could result in a violation of the City's NPDS municipal
10 stormwater permit.

11 (b) The payment can be used to fund all or a portion of the cost of planning, designing,
12 acquiring land for, or constructing:

13 (1) An existing public stormwater facility that has been determined by the
14 Director to have excess capacity available to meet the applicable performance
15 standards for the drainage water from the site; or

16 (2) A new public stormwater facility that will be constructed in the future and
17 which has been determined by the Director to have excess capacity available to
18 meet the applicable performance standard for the drainage water from the site.

19 (c) The Director may require the developer to complete an engineering analysis to
20 evaluate the available excess capacity in an existing public stormwater facility.

21 (d) No building permits for any structures within the site subject to the condition of
22 development approval will be issued until the fee-in-lieu is paid.

23 (e) The Director of Finance shall deposit the fee-in-lieu into a trust and agency
24 account.

25 (f) An agreement to pay a fee-in-lieu of construction shall be in a form approved by
26 the City Attorney and recorded in the deed records of the appropriate county. The
27 agreement to pay a fee-in-lieu of construction shall not result in an assessment upon or
28 lien against real property, and the fee-in-lieu collected by the City from an applicant
29 are not taxes subject to the property tax limitations of Article XI, section 11(b) of the
30 Oregon Constitution.

1 **Section 39.** SRC 71.060 is amended to read as follows:

2 **71.060. Report of Discharges of Pollutants Required.**

3 (a) Any person owning, engaging in any activity on, or occupying real property shall
4 report the discharge of any pollutant from that property to the Public Works
5 Department~~City~~ if the discharge has introduced, or is likely to introduce, a pollutant into
6 the public stormwater system, a private stormwater system, or receiving water. The report
7 shall be made at the earliest possible time, but in no case later than 24 hours after
8 discovery of the discharge. Reporting pursuant to this section is in addition to, and not in
9 lieu of, any other reporting requirements imposed by federal, state, or local laws.

10 (b) A failure to report a discharge under subsection (a) of this section is an infraction.

11 **Section 40.** SRC 71.070 is amended to read as follows:

12 **71.070. Additional Source Controls Required.** Sites at which pollution generating activity is
13 conducted shall comply with source control best management practices.

14 **Section 41.** SRC 71.115 is repealed:

15 ~~**71.115. Falsifying Information.** No person shall knowingly make any false statement,~~
16 ~~representation, or certification in any application, record, report, plan, or other document filed~~
17 ~~or required to be maintained pursuant to this Chapter, or falsify, tamper with, or knowingly~~
18 ~~render inaccurate any monitoring device or method required under this Chapter.~~

19 **Section 42.** SRC 72.010 is repealed:

20 ~~**72.010. Definitions.** Wherever the following words are used in this chapter they shall have~~
21 ~~the meanings ascribed to them in this section:~~

22 ~~(a) Applicant means any persons, firm, copartnership, association, or corporation, acting~~
23 ~~for himself or through his employee or agent.~~

24 ~~(b) City means the City of Salem, Oregon.~~

25 ~~(c) Commercial user means any customer of the municipal water system who is neither a~~
26 ~~residential, multiple, irrigation, fire, or industrial user. Such term shall include~~
27 ~~institutional and governmental users.~~

28 ~~(d) Customer line means that piping connecting the meter to the building plumbing~~
29 ~~system.~~

30 ~~(e) Department means the department of public works.~~

- 1 ~~(f) Director means the director of public works or his authorized representative.~~
- 2 ~~(g) Dwelling unit means a facility designed for permanent or semipermanent occupancy~~
- 3 ~~and provided with minimum kitchen, sleeping, and sanitary facilities.~~
- 4 ~~(h) Fire protection service means an unmetered connection to the public water mains~~
- 5 ~~intended only for the extinguishment of fires and the flushing necessary for its proper~~
- 6 ~~maintenance.~~
- 7 ~~(i) Irrigation service means a metered connection intended for seasonal use and~~
- 8 ~~delivering water which is not discharged to the sanitary sewer.~~
- 9 ~~(j) Multiple dwelling means a structure housing two or more dwelling units.~~
- 10 ~~(k) Nonsewer service means any metered service using water none of which is~~
- 11 ~~discharged to a sanitary sewer. May include irrigation service.~~
- 12 ~~(l) Person means any natural person and includes firm, corporation, organization, and~~
- 13 ~~agency.~~
- 14 ~~(m) Premise means any lot, parcel, or tract of land owned by a single entity.~~
- 15 ~~(n) Service line means the line or pipe connecting from the water main to the water~~
- 16 ~~meter.~~
- 17 ~~(o) Sewer service charge means a monthly charge for collection and treatment of sewage~~
- 18 ~~as required by SRC 71.160, and normally billed as a part of a water bill.~~
- 19 ~~(p) Temporary service means a line connecting the nearest water main to the premises, in~~
- 20 ~~lieu of a permanent water main adjacent to the user's property.~~
- 21 ~~(q) Water main means a pipe or conduit, two inches or larger in inside diameter laid in a~~
- 22 ~~public street or easement to which a service line is connected.~~

23 **Section 43.** SRC 72.017 is repealed:

24 ~~**72.017. Construction to Conform to Standards.** All public or private water distribution~~

25 ~~systems to be connected to the municipal water system, whether publicly or privately~~

26 ~~constructed, shall conform to standards of design, sizing, materials, and workmanship~~

27 ~~prescribed by the director. Failure to meet standards shall be grounds for refusal of acceptance.~~

28 ~~Service connections will not be made until the system is approved and accepted.~~

29 **Section 44.** SRC 72.019 is repealed:

30

1 **72.019. Inspection, Approval, Etc., of Construction.** Reasonable notice shall be given to the
2 director to inspect and test all work in connection with the construction of water mains by
3 private contractors. Mains shall meet construction standards, leakage tests, and bacteriological
4 tests prior to acceptance.

5 **Section 45.** SRC 72.030 is amended to read as follows:

6 **72.030. Connections and Tampering With Pipe to the Public Water System.**

7 (a) All connections made to the public water system in the City shall be in accordance
8 with Public Works Design Standards.

9 (b) Connections to active water distribution mains for the purpose of extending such lines
10 or providing water service or for providing water service shall be made only by
11 employees of the department Department in the normal performance of their duties, or
12 private parties with the written consent of the Director.

13 (c) It shall be unlawful for any person to attach to or to detach from any water main or
14 connection through which water is supplied by the city City from the municipal public
15 water system, or to interfere in any manner or tamper with such pipes or connections,
16 without having first obtained the written consent of the department. written permission
17 from the Director.

18 **Section 46.** SRC 72.035 is added to the SRC to read as follows:

19 **72.035. Payment of Fees Prior to Connection.**

20 (a) No connections shall be made to the public water system until all applicable
21 connection fees, system development charges, assessments, meter installation fees, or
22 other applicable fees, are paid in full.

23 (b) Those fees eligible for installment payments as provided in the Bancroft Bonding Act
24 shall be considered paid in full when all requirements of SRC 21.340(c) are fulfilled.

25 **Section 47.** SRC 72.040 is amended to read as follows:

26 **72.040. Unlawful to Operate Fire Hydrants, Valves, and other Appurtenances.**

27 (a) It shall be unlawful for any person, other than an employees of the
28 department Department, or the Fire Department in the normal performance of their duties,
29 to operate fire hydrants, valves, and other appurtenances connected with to the municipal
30 public water system.

1 ~~(b)~~In addition, fire hydrants may be operated by personnel of the fire department in
2 performance of their regular duties.

3 ~~(eb)~~Fire hydrants shall ~~not~~ be used only for authorized municipal for purposes other than
4 fire fighting, flushing mains, and filling street cleaning and similar equipment, unless
5 application for service has been made and a meter set to measure water used for private
6 purposes, as provided in SRC 72.143. Operation of fire hydrants by use of any wrench
7 other than the standard fire hydrant wrench designed for that purpose is prohibited

8 **Section 48.** SRC 72.045 is repealed:

9 ~~**72.045. Public Fire Protection.** Consistent with its primary purpose of providing adequate~~
10 ~~potable water for residential, commercial, and industrial use, the water distribution system shall~~
11 ~~be designed to provide public fire protection by means of fire hydrants located as directed by~~
12 ~~the chief of the fire department. Fire hydrants shall be installed and maintained at the expense~~
13 ~~of the fire department, except that hydrants in new subdivisions shall be paid for by the~~
14 ~~developer. The main system shall be designed insofar as possible to provide fire flows~~
15 ~~recommended by the Insurance Services Office. All mains, constructed or reconstructed, upon~~
16 ~~which fire protection depends shall be a minimum of six inches in diameter and wherever~~
17 ~~possible shall be looped to provide flow from two or more directions.~~

18
19 **Section 49.** SRC 72.060 is amended to read as follows:

20 **72.060. Contamination.**

21 (a) It shall be unlawful for any person to in any way contaminate or pollute the water in
22 the reservoirs ~~or~~, pipes, or treatment works of the ~~municipal public~~ water system or in
23 any fountain, hydrant, or ~~source or~~ place of storage of the water supply of the ~~city~~City or
24 any of its inhabitants.

25 (b) It shall be unlawful for any person to throw any rubbish, debris, or any other thing
26 into any water reservoir belonging to the ~~e~~City.

27 **Section 50.** SRC 72.065 is repealed:

28 ~~**72.065. Special Contracts.** Notwithstanding the provisions of this Code, the council may at~~
29 ~~its discretion, enter into special contracts to sell water at other than the water rates established~~

1 by this Code in situations where special considerations exist justifying charges other than
2 regular rates.

3 **Section 51.** SRC 72.067 is repealed:

4 ~~**72.067. Extension of Water Main by Developer.** As an alternative to the city constructing an
5 extension to the municipal water system, the director may, under conditions specified in SRC
6 72.069 to 72.086, permit a developer to make such an extension.~~

7 **Section 52.** SRC 72.069 is repealed:

8 ~~**72.069. Filing for Preliminary Consent.** Preliminarily, the developer shall file with the
9 director a request to construct a water main extension, setting forth generally the proposed size
10 and location of the water main and the purpose for which it is to be constructed. After
11 receiving consent from the director that the proposed extension may be constructed by
12 developer under the terms of this chapter, developer may proceed within six months of the
13 consent to file an application with the director as provided in SRC 72.072. If the director
14 determines that such request is not in the best interest of the city, he shall withhold such
15 consent and his decision shall be final on the matter.~~

16 **Section 53.** SRC 72.072 is repealed:

17 ~~**72.072. Application by Developer.** A developer who has received the director's consent to
18 construct an extension to the municipal water system and desires to proceed therewith, shall
19 make application with the director, which application shall provide the following information:~~

- 20 ~~(a) Detailed plans and specifications conforming to adopted standards of the city;~~
- 21 ~~(b) Cost estimates for the project, certified to by a professional engineer;~~
- 22 ~~(c) Legal description and property owners' names and addresses of all property that~~
23 ~~would be benefitted by the project;~~
- 24 ~~(d) Name of the contractor who shall be doing the extension project;~~
- 25 ~~(e) Such other information the director deems necessary to the approval of the project.~~

26 **Section 54.** SRC 72.074 is repealed:

27 ~~**72.074. Approval by Director.** Upon approval of the application by director and execution of
28 an improvement agreement, developer may proceed with the water main extension in
29 accordance with the approved plans and specifications. Developer shall notify director when
30 construction commences and the construction shall be completed within one year of the day of~~

1 the approval. All permits required under city and state law shall be obtained by developer or
2 his contractor.

3 **Section 55.** SRC 72.076 is repealed:

4 ~~**72.076. Filing Statement of Cost by Developer.** Upon completion of the water main~~
5 ~~extension project, developer shall file with director an itemized cost statement thereof. If the~~
6 ~~total cost shown on said statement exceeds the approved engineer's estimate, the director may~~
7 ~~approve the overage for the purposes of calculating front foot costs if he is satisfied the~~
8 ~~overage was due to conditions not readily foreseen at the time of the construction. Any costs of~~
9 ~~developer attributed to water mains in excess of eight inches shall not be considered in arriving~~
10 ~~at total cost figures.~~

11 **Section 56.** SRC 72.078 is repealed:

12 ~~**72.078. Apportioning the Cost of the Extension Project.**~~

13 ~~(a) When the total cost of the project has been filed with the director, the director shall~~
14 ~~calculate the pro-rata share of the cost for each property benefitted and shall file same in~~
15 ~~the director's office and in the office of the director of finance. No owner of property~~
16 ~~benefitted shall be permitted to connect to the water main extension without first paying~~
17 ~~or arranging to pay the pro-rata share of the cost.~~

18 ~~(b) The pro-rata share of the cost determined under subsection (a) of this section shall be~~
19 ~~annually adjusted (indexed) for inflation using the Engineering News Record (ENR)~~
20 ~~index approved by Council for the systems development charge methodology.~~

21 **Section 57.** SRC 72.082 is repealed:

22 ~~**72.082. Ordinance Declaring Costs: Notice to Property Owners.** When the cost of making~~
23 ~~the water main extension has been ascertained and determined and the proportionate share~~
24 ~~thereof is apportioned to each lot, part of lot, or parcel of land as provided in this chapter, the~~
25 ~~council shall declare the same by ordinance and include a statement, that the declared costs~~
26 ~~shall be indexed and may increase as determined by the Engineering News Record index, and~~
27 ~~direct the director of finance to enter a statement thereof in an appropriate ledger of the office~~
28 ~~of the director of finance. Upon passage of said ordinance, the director of finance shall notify~~
29 ~~by mail each affected property owner of the owner's apportioned share of the cost and that said~~
30 ~~sum shall be required to be paid if the property is connected to the municipal water system.~~

1 **Section 58.** SRC 72.084 is repealed:

2 ~~**72.084. Payment of Connection Fees.** Except as provided in SRC 72.086(c), any owner of~~
3 ~~property required to make payment to the city before connecting to the municipal water system~~
4 ~~pursuant to SRC 72.082 shall not have the right and privilege to make such payments in semi-~~
5 ~~annual installments over a period of ten years.~~

6 **Section 59.** SRC 72.086 is repealed:

7 ~~**72.086. Reimbursement of Developer.** Reimbursement to any person constructing a qualified~~
8 ~~public improvement shall be as provided in SRC Chapter 66.~~

9 **Section 60.** SRC 72.089 is repealed:

10 ~~**72.089. Sizing of Service Lines and Meters.** The size of the service line and meter shall~~
11 ~~generally be at the option of the user. The director shall insure that the size of the connection~~
12 ~~requested is reasonable for the use intended and is within the capabilities of the distribution~~
13 ~~system without diminishing the quality of service to other users in the vicinity. Minimum size~~
14 ~~of connection shall be three-quarters of an inch inside diameter. The size of meter shall not~~
15 ~~exceed the size of service line.~~

16 **Section 61.** SRC 72.091 is amended to read as follows:

17 **72.091. Service ConnectionsMeters Owned by City.**

18 (a) The City owns the water meter and its connection to the water main. All water meters
19 shall be owned and maintained by the department. Meters may be tested, repaired,
20 relocated, and interchanged as required without regard to who paid the initial cost of the
21 meter and installation so long as the property continues to be supplied through a meter
22 adequate for its needs.

23 (b) Every connection to the water main shall be metered. Multiple buildings on the same
24 parcel may be served through a master meter if under common ownership

25 (1) The service connection to a parcel of land shall not be used to supply an
26 adjoining parcel of a different owner, or to supply a separate parcel of the same
27 owner for which proper application for service has not been made. When
28 property provided with a service is subdivided, the service connection shall be
29 considered as supplying the parcel of land which it directly enters.
30

1 (2) The use of hoses and other non-permanent delivery systems to convey water
2 for the purpose of providing water service to adjacent parcels is strictly
3 prohibited.

4 (c) The Director shall ensure that the service lateral and water meter serving the premise
5 is of adequate size to supply the estimated use by the premise.

6 (d) The size of the meter serving a premise may be changed at the request of the user if
7 the Director concurs that the requested size is appropriate. The user shall pay the
8 estimated cost of making the change and any additional system development charges.
9 Meter size will not be changed for any premise more frequently than once per year.

10 (e) Meters and pipelines damaged or contaminated by the carelessness or negligence of
11 the owner or occupant of the premises will be repaired at the expense of the person or
12 persons responsible for the damage.

13 (f) Failure to comply with the provisions of this section may result in the immediate
14 discontinuance of water service.

15
16 **Section 62.** SRC 72.093 is repealed:

17 ~~**72.093. Users Individually Metered.** Each premise served shall be individually metered.~~
18 ~~Service to more than one user, or multiple meters for the same user, shall not be combined for~~
19 ~~the purpose of obtaining a more favorable water rate. Multiple housing complexes,~~
20 ~~condominiums, mobile home parks, and similar users may be served through master meters if~~
21 ~~under common ownership or homeowners association.~~

22 **Section 63.** SRC 72.095 is repealed:

23 ~~**72.095. Meter Accuracy.** All meters used to measure quantities of water for determining~~
24 ~~charges shall be maintained in such condition as to register within an accuracy of plus or minus~~
25 ~~2 percent the amount of water passing through the meter. Meters used and accuracy of~~
26 ~~registration shall conform to standards set by the American Water Works Association. If a~~
27 ~~meter is found upon test to register water used with an error greater than 2 percent, billings~~
28 ~~shall be adjusted to correct the error for a period not exceeding six months.~~

29 **Section 64.** SRC 72.097 is repealed:
30

1 ~~**72.097. Change in Meter Size.** Size of the meter serving a premise may be changed at the~~
2 ~~request of the user upon payment of the estimated cost of making the change. Increase in size~~
3 ~~will require increase in the size of the service line in most cases. Meter size will not be changed~~
4 ~~for any premise more frequently than once per year. Meter size shall determine the minimum~~
5 ~~charge.~~

6 **Section 65.** SRC 72.099 is repealed:

7 ~~**72.099. Access to Premises.** Employees of the department shall have access, upon proper~~
8 ~~identification, to all premises at which city water is being used for the purpose of determining~~
9 ~~that no hazard exists to the public water supply as a result of the manner in which the water is~~
10 ~~being used. Such access shall be at reasonable hours and shall not interfere with the customer's~~
11 ~~normal use of his premises.~~

12 **Section 66.** SRC 72.101 is repealed:

13 ~~**72.101. User Responsible for Damage to Facilities.** Each user of water shall so protect his~~
14 ~~facilities that hot water cannot be returned to the water mains. Meters and pipelines damaged~~
15 ~~by hot water will be repaired at the expense of the user.~~

16 **Section 67.** SRC 72.103 is amended to read as follows:

17 **72.103. Private Booster Pumps Prohibited.** No booster pumps shall be installed by the user
18 for the purpose of increasing water pressure or delivery without the express written permission
19 of the ~~director.~~Director.

20 **Section 68.** SRC 72.105 is amended to read as follows:

21 **72.105. Interruption of Service, Notification.** Wherever practicable, users will be notified in
22 advance of any planned interruption of service or shutdown of mains for repair or alterations.
23 The ~~city~~City assumes no responsibility for providing uninterrupted water service and will not
24 be liable for damages resulting from such interruptions.

25 **Section 69.** SRC 72.107 is amended to read as follows:

26 **72.107. Plumbing to be Kept in Repair.** It shall be the responsibility of the user to keep his
27 piping and fixtures in good repair to prevent damage to premises and waste of water. The
28 ~~city~~City shall not be responsible for damage to property resulting from turning on or
29 continuing water service to premises having defective plumbing

30 **Section 70.** SRC 72.109 is amended to read as follows:

1 **72.109. Electrical Grounding.** The ~~city~~City shall not be responsible for the use of its water
2 distribution system for grounding of electrical circuits. Use of nonmetallic materials in mains
3 and service lines precludes reliance on the water system for electrical grounding.

4 **Section 71.** SRC 72.111 is repealed:

5 **~~72.111. Temporary Service Connections.~~**

6 ~~(a) In certain instances where, in the judgment of the director, construction of a water~~
7 ~~main to serve a given piece of property is not advisable or feasible, water service may be~~
8 ~~provided by a temporary connection to some other main, pending construction of a~~
9 ~~permanent main to serve the property.~~

10 ~~(b) The applicant shall be required to pay a connection fee in lieu of assessment as~~
11 ~~provided by SRC 21.340, SDC fees as provided by SRC 41.110, and meter installation~~
12 ~~fees as prescribed by resolution of the council prior to permit issuance.~~

13 **Section 72.** SRC 72.113 is amended to read as follows:

14 **72.113. Abandonment of Service Lines~~Laterals and Water Mains.~~**

15 ~~(a) The director may cause the removal or abandonment of any u~~Unused service
16 ~~laterals~~ines may be removed or abandoned when ~~its~~their further need is not apparent and
17 ~~when in his judgment removal is appropriate to reduce leakage or future maintenance~~
18 ~~responsibility. If a service line to a property has been abandoned, S~~subsequent service to
19 the property shall be treated as a new service ~~as provided in SRC 72.145.~~

20 ~~(b) Within ninety days of written notice customers shall connect at their expense to the~~
21 ~~new meter location provided at the customer's property line where a new water main is~~
22 ~~constructed to serve the property and there is an abandonment of the existing water main.~~

23 **Section 73.** SRC 72.115 is repealed:

24 **~~72.115. Installation of Temporary Water Pump Stations.~~**

25 ~~(a) In certain instances where, in the judgment of the director, it is not practicable to~~
26 ~~provide adequate water flows to any area through the use of traditional water service~~
27 ~~methods, the city may, at the option of the director, elect to serve said area through the~~
28 ~~installation and operation of a temporary water pump station by the city.~~

29 ~~(b) As used in SRC 72.115 and 72.116, unless the context otherwise requires, a~~
30 ~~"temporary water pump sation," or "temporary pump station" shall mean any self-~~

1 contained pump station designed, constructed, and installed with the intent of future
2 relocation.

3 **Section 74.** SRC 72.135 is repealed:

4 ~~**72.135. Irrigation and Nonsewer Accounts.** Water service connections used solely for
5 irrigation or for other uses which do not discharge water to a sanitary sewer may be billed for
6 water service only, without payment of a sewer service charge. Seasonal irrigation accounts
7 after each time opened will be billed for a minimum period of five months.~~

8 **Section 75.** SRC 72.137 is repealed:

9 ~~**72.137. Water Not to be Resold.** Except for water districts, associations, or municipalities
10 engaged in the business of distributing water, water supplied from the water system shall not
11 be resold by the user to other persons. Specific agreements shall exist with each of the water
12 districts, associations, or municipalities authorizing the resale of water.~~

13 **Section 76.** SRC 72.139 is repealed:

14 ~~**72.139. Meters Billed Individually.** Except where multiple meters have been installed for the
15 convenience of the department, each metered service will be billed separately where more than
16 one meter serves an individual premise or user. Meter readings will not be combined for the
17 purpose of obtaining a lower billing.~~

18 **Section 77.** SRC 72.143 is repealed:

19 ~~**72.143. Water Supplied Through Fire Hydrants.** Where water service of a temporary
20 nature can be supplied through a fire hydrant connection without jeopardizing service to other
21 users or interfering with fire protection all such water use shall be metered. The charges for this
22 service shall be as prescribed by resolution of the council. The user will be billed for costs
23 incurred with repairing damaged meters and fire hydrants.~~

24 **Section 78.** SRC 72.145 is repealed:

25 ~~**72.145. Charges for Service Connections.**~~

26 ~~(a) A charge will be made for each premise not previously served with water for the cost
27 of labor and materials of providing the main tap, service line, and meter installation, as
28 prescribed by resolution of the council.~~

29 ~~(b) Cost of the meter will be paid by the user for all meters and they become property of
30 the city. Cost of any nonrevenue producing meter installed for city owned facilities will~~

1 be paid by the using department.

2 ~~(c) Where service lines have been previously installed by the developer to the user's side~~
3 ~~of the street, connection charges for 3/4" and one inch meters shall be the current "drop-~~
4 ~~in" rate as prescribed by resolution of the council.~~

5 ~~(d) Where the service connection involves the tapping or chlorination of a water main~~
6 ~~four inches or larger the charge shall be as prescribed by resolution of the council. In~~
7 ~~formulating such charges, the following stipulations shall apply:~~

8 ~~(1) Contractor to excavate, provide shoring, or other precautions necessary to~~
9 ~~provide trench and work area safety, lower and raise any required equipment,~~
10 ~~backfill, and patch cut. Any delays in tapping due to the contractor's failure to~~
11 ~~prepare the work site will accrue against the tapping cost and may cause~~
12 ~~adjustment of the fee.~~

13 ~~(2) The director of public works is permitted to make an estimate and require a~~
14 ~~deposit for the tapping and chlorination of water mains larger than 12 inches in~~
15 ~~diameter.~~

16 **Section 79.** SRC 72.150 is repealed:

17 **~~72.150. Definitions.~~** As used in SRC 72.150 to 72.210 unless the context indicates otherwise,
18 ~~the following definitions shall apply:~~

19 ~~(a) Air gap separation means the physical vertical separation between the free flowing~~
20 ~~discharge end of a potable water supply pipe line and the open or nonpressure receiving~~
21 ~~vessel.~~

22 ~~(b) Approved backflow prevention assembly means an assembly which has been~~
23 ~~approved by the State of Oregon Department of Human Resources, Health Division, for~~
24 ~~preventing backflow.~~

25 ~~(c) Atmospheric vacuum breaker (AVB) also known as syphon breaker means a~~
26 ~~mechanical device consisting of a valve member opening to the atmosphere when the~~
27 ~~pressure in the line drops to atmospheric and shall be an approved backflow prevention~~
28 ~~assembly.~~

29 ~~(d) Auxiliary water supply means any supply of water used to augment the supply~~
30 ~~obtained through the city water system which serves the premises in question.~~

1 ~~(e) Backflow means the flow of water or other fluids in the direction opposite to the~~
2 ~~normal flow.~~

3 ~~(f) Check valve means a valve that permits flow in only one direction.~~

4 ~~(g) Contaminant means any physical, chemical, biological, or radiological substance or~~
5 ~~matter in water which may render the water nonpotable, as per the Oregon statutes.~~

6 ~~(h) Cross connection means any link or channel between the piping which carries~~
7 ~~potable drinking water and the piping or fixtures which carry or contains nonpotable~~
8 ~~water or other substances.~~

9 ~~(i) Customer system means all plumbing, piping, and appurtenances on the customer's~~
10 ~~side of the point of metering or connection.~~

11 ~~(j) Double check valve assembly (DC) means an assembly of two independently acting~~
12 ~~check valves with shutoff valves on each side of the check valve assembly and test ports~~
13 ~~for checking the water tightness of each check valve and shall be an approved backflow~~
14 ~~prevention assembly.~~

15 ~~(k) Double check detector check valve assembly (DDC) means double check valve~~
16 ~~assembly with an approved meter and double check valve assembly bypassing the main~~
17 ~~line assembly for the purpose of measuring low or proportional flow. Main line assembly~~
18 ~~shall have a higher head loss than the bypass and shall be an approved backflow~~
19 ~~prevention assembly.~~

20 ~~(l) Facility survey means an on-site review of the water source, facilities, equipment,~~
21 ~~operation, and maintenance for the purpose of evaluating the hazards to the drinking~~
22 ~~water supply.~~

23 ~~(m) Pressure vacuum breaker assembly (PVB) means a mechanical device consisting of~~
24 ~~one spring loaded check valves in the supply line and a spring loaded air inlet on the~~
25 ~~downstream side of the check valve(s) which will open to atmosphere when the pressure~~
26 ~~in the device drops below one pound per square inch. The complete assembly consists of~~
27 ~~two shut-off valves and two test ports for checking water tightness of the check valve.~~
28 ~~The Assembly shall be an approved backflow prevention assembly.~~

29 ~~(n) Private or public water distribution system are "public water system" as defined by~~
30 ~~the Oregon Administrative Rules 333-61-020.~~

1 ~~(o) Reduced pressure principle backflow prevention assembly (RP) means a device for~~
2 ~~preventing backflow incorporating two check valves, a differential relief valve located~~
3 ~~between the two valves and two shutoff valves, one on each side of the assembly, test~~
4 ~~ports for checking the water tightness of the check valves and the operation of the relief~~
5 ~~valve. The Assembly shall be an approved backflow prevention assembly.~~

6 ~~(p) Reduced pressure principle detector assembly (RPD) means a reduced pressure~~
7 ~~principle backflow prevention assembly with an approved meter and reduced pressure~~
8 ~~principle backflow prevention assembly bypassing the main line assembly for the~~
9 ~~purpose of measuring low or proportional flow. Assembly shall be an approved backflow~~
10 ~~prevention assembly.~~

11 ~~(q) Safe drinking water (potable water) means water which has sufficiently low~~
12 ~~concentrations of microbiological, inorganic chemical, organic chemical, radiological, or~~
13 ~~physical substances so that individuals drinking such water at normal levels of~~
14 ~~consumption will not be exposed to disease organisms or other substances which may~~
15 ~~produce harmful physiological effects.~~

16 ~~(r) Secondary contaminant means those contaminants which at the levels generally~~
17 ~~found in drinking water do not present an unreasonable risk to health, but do:~~

18 ~~(1) Have adverse effects of the taste, odor, and color of water; and/or~~

19 ~~(2) Produce undesirable staining of plumbing fixtures; and/or~~

20 ~~(3) Interfere with the public water supply.~~

21 ~~(s) Service connection means the point of delivery (water meter) at or near the property~~
22 ~~line. (Ord No. 55 77; Ord No. 1 86; Ord No. 30 97)~~

23 **Section 80.** SRC 72.160 is repealed:

24 ~~**72.160. Customer System Open for Inspection.** The customer system shall be open for~~
25 ~~inspection to perform a facility survey at all reasonable times to the director to determine~~
26 ~~whether cross connections or other structural or sanitary hazards including violations of these~~
27 ~~regulations exist. The director or any police officer shall have the power to enter any premises~~
28 ~~or building, for the purpose of enforcing the regulations contained in this section, and it shall~~
29 ~~be unlawful for any person in charge of any such premises or building to refuse such entrance.~~

30 **Section 81.** SRC 72.170 is renumbered SRC 72.150 and amended to read as follows:

1 **72.17050. Backflow Prevention Requirements.**

2 ~~(a) Backflow prevention assembly(s) shall be installed on each service line of the~~
3 ~~customer's system at or near the property line~~ Customer connections to the public water
4 system may require backflow protection to protect the public water system from activities
5 on the customer's premises. Except where this Chapter provides more stringent
6 requirements, the definitions, standards, requirements, and regulations set forth in OAR
7 333 Division 61 in effect on June 12, 2017 and pertaining to backflow requirements for
8 public water systems are hereby adopted and incorporated by reference.

9 (b) A backflow prevention assembly(s) must be installed on each service lateral of the
10 customer's system at or near the property line or or, with prior approval from the
11 Director, immediately inside the building being served before the hazard, but in all cases,
12 before the first crossing or branch line leading off the service line wherever the following
13 conditions exist:

14 (1) Those circumstances identified in regulations adopted under subsection (a) of
15 this section;

16 (2) Where there is buried piping for irrigation with a permanent connection to the
17 potable water system;

18 ~~(13)~~ There is an auxiliary water supply which is or can be connected to the
19 potable water piping.

20 ~~(2) Where there is piping for conveying liquids other than potable water and~~
21 ~~where that piping is installed and operated in a manner which could cause a cross~~
22 ~~connection.~~

23 ~~(34)~~ There are cross-connections or intricate plumbing arrangements which make
24 it impracticable to ascertain whether or not cross-connections exist.

25 (5) When water for fire protection service is separate from the regular water
26 service to a premise. In such instances the backflow prevention device must have
27 a detector check assembly to register water use.

28 ~~(4) In the case where there has been a history of repeating the same or similar~~
29 ~~cross connection or a backflow even though these have been removed or~~
30 ~~disconnected.~~

1 ~~(5) Where there is a building over three stories in height or any plumbing system~~
2 ~~that is greater than or equal to thirty feet above the city main from which it is~~
3 ~~served. Residential homes excluded.~~

4 ~~(6) Where there is backflow or back siphonage potential.~~

5 ~~(7) Where the system is not open for inspection.~~

6 ~~(8) Where the system is subject to being submerged by hazardous or~~
7 ~~objectionable substance.~~

8 ~~(9) Where there are containers or fixtures containing hazardous or objectionable~~
9 ~~substances which could backflow into the drinking water system.~~

10 ~~(b)~~ **(bc)** The type of protective backflow device required under pursuant to subsection (a**b**)
11 ~~shall~~ must be commensurate with the degree of hazard ~~which~~ that exists as detailed in
12 OAR 333 Division 61. All as follows:

13 ~~(1) An approved air gap of at least twice the inside diameter, but not less than one~~
14 ~~inch, of the incoming supply line measured vertically above the top rim of the~~
15 ~~vessel or an approved RPD assembly shall be installed where the substance which~~
16 ~~could backflow is a contaminant or hazardous to health. Examples of premises~~
17 ~~where these conditions may exist include sewage treatment plants, pump stations,~~
18 ~~sewage piping, chemical manufacturing plants, hospitals, mortuaries, plating~~
19 ~~plants, car washes, medical clinics, and auxiliary water systems.~~

20 ~~(2) An approved DC assembly shall be installed where the substance which could~~
21 ~~backflow is a secondary contaminant.~~

22 ~~(3) An approved PVB assembly or an AVB shall be installed where the substance~~
23 ~~which could backflow is objectionable but does not pose an unreasonable risk to~~
24 ~~health and where there is no possibility of back pressure in the downstream~~
25 ~~piping. A shutoff or control valve shall not be installed downstream of an AVB.~~
26 ~~AVB shall not be under continuous pressure for durations of 12 hours or longer.~~

27 ~~(4) In the case of irrigation systems and with the approval of the director, an~~
28 ~~AVB, an approved PVB assembly or an approved DC assembly may be~~
29 ~~permitted, provided no chemical or material injection or mixing exist.~~

30 ~~(5) In the case of all private fire services, an approved backflow prevention~~

assembly shall be installed at property line to city construction specifications. A monitoring meter or detection system to detect unauthorized use or leakage within the system is required. The type of backflow prevention assembly shall be as follows:

~~(A) An approved DDC assembly shall be required except as specified in subparagraphs B. and C. of this paragraph.~~

~~(B) An approved RPD assembly shall be required for systems with auxiliary water supplies, chemical additives, or contaminant(s).~~

~~(C) Fire sprinkler systems which are served by a domestic water supply within a building may be exempt from backflow prevention assembly requirements if all of the following conditions are met:~~

~~(1) A regularly used fixture (i.e., water closet) is installed at the end of the system (excluding hose bibs).~~

~~(2) No chemicals are added to the water or system.~~

~~(3) No auxiliary water system is interconnected.~~

~~(4) No dead end runs in system.~~

~~(5) All materials, construction, and sizing conform to plumbing code regulations for potable water systems.~~

~~(6) No fire department connection.~~

~~(e) In the case of private or public water distribution systems connected to or served by the city, an approved and progressive cross connection control program shall exist, with quarterly reports on activities to the city; or an approved reduced pressure backflow prevention assembly shall be required at the connection point.~~

~~(d) All installations shall be protected from damage caused by freezing, vandals, or other sources.~~

Section 82. SRC 72.180 is repealed:

72.180. Protective Devices to Have Approval of Director. All backflow prevention assemblies required herein shall be of a type and model approved by the State of Oregon Department of Human Resources, Health Division.

Section 83. SRC 72.190 is amended to read as follows:

1 **72.190. Owner's Duty for Inspection.** It shall be the duty of the owner of any premises
2 where a backflow prevention assembly(s) ~~are~~is installed to have the assembly tested and
3 certified as working immediately upon installation and at least once a year, or more often in
4 those instances where successive inspections indicate repeated failure. The frequency of these
5 tests or the replacement of the assembly(s) because of repeated failure is at the discretion of the
6 ~~D~~director. ~~Oregon, Department of Human Resources, Health Division. Test and repair or~~
7 ~~replacement shall be performed within 30 days from receipt of notice to test. The owner is~~
8 ~~required to contact a tester who can perform the work in the necessary time period. It shall be~~
9 ~~the duty of the director to see that these tests and repairs are made. The tester or owner shall~~
10 ~~notify the director a minimum of 48 hours in advance when the test is to be performed, so that~~
11 ~~he may witness the test if he so desires. Records of such tests, repairs, and overhaul shall be~~
12 ~~kept and a copy submitted to the director within the 30-day time period~~ Tests must be
13 performed by a tester certified by the State of Oregon as required in OAR 333-061-0072.
14 Records of such tests and repairs must be kept and a copy submitted to the Director within 30
15 days from the notice to test.

16 **Section 84.** SRC 72.200 is amended to read as follows:

17 **72.200. Previously Installed Backflow Assemblies Excluded From Requirements.**

18 Backflow prevention assemblies installed before the effective date of SRC 72.150 ~~to 72.210~~
19 which were approved at the time they were installed but are not on the current list of approved
20 assemblies, shall be permitted to remain in service provided they are properly maintained, are
21 commensurate with the degree of hazard, are tested at least annually, and perform
22 satisfactorily. When assemblies of this type are moved, or require more than minimum
23 maintenance, they shall be replaced with an approved assembly.

24 **Section 85.** SRC 72.205 is added to the SRC to read as follows:

25 **72.205. Removal of Backflow Assemblies.** Removal of an installed backflow prevention
26 assembly must have prior approval of the Director. For the removal of the assembly to be
27 allowed, the Director must verify the conditions requiring backflow prevention have been
28 eliminated.

29 **Section 86.** SRC 72.210 is amended to read as follows:
30

1 **72.210. Water Service Denied Upon Failure to Meet Requirements.** The ~~director~~Director
2 shall cause the water service to the premises to be discontinued or denied by a physical break
3 in the service ~~until the customer has corrected the following condition as required in SRC~~
4 ~~72.150 to SRC 72.210.~~for:

5 (a) Failure to remove or eliminate an existing unprotected or potential cross connection;

6 ~~(a) Immediately, in the case of extreme emergency, or where a reduced pressure~~
7 ~~principle backflow device or airgap system is required, or where an immediate threat to~~
8 ~~life or public health is found to exist.~~

9 ~~(b) In other cases after a reasonable length of time allowed as determined by the director,~~
10 ~~the test, repairs and/or replacement of devices, or any other requirement within these~~
11 ~~regulations are not performed.~~ Failure to install a required approved backflow
12 prevention assembly;

13 (c) Failure to maintain an approved backflow prevention assembly; or

14 (d) Failure to conduct the required testing of an approved backflow prevention assembly.

15 **Section 87.** SRC 72.220 is amended to read as follows::

16 **72.220. Service Beyond Corporate Limits.**

17 (a) Except as otherwise provided in this section, any person owning property outside the
18 limits of the city and adjacent to a city water main who desires a connection thereto may
19 make application to the council for permission to connect. Such application shall describe
20 the property to be served, the quantity of water needed and the use to which it will be put,
21 together with such other information as may be requested by the director of public works.
22 The application shall be accompanied by a properly executed petition and consent for
23 annexation to the city of the property described in the application.

24 (b) The council shall consider the application and may either grant or reject the same,
25 and if it be granted, the same shall constitute an agreement by the applicant to abide by
26 all the terms of this section and all the rules, rates, and regulations prescribed by the
27 council by resolution or otherwise.

28 (c) Prior to being issued a permit to connect to a city water main, the applicant shall pay
29 to the city all applicable system development charges and connection fees. ~~a connection~~
30 ~~fee equivalent to an average of the current cost experienced for installing a six or eight-~~

1 ~~inch water main. If the property requires a quantity of water greater than supplied by an~~
2 ~~eight inch main, the cost of a main large enough to supply said property's needs shall be~~
3 ~~used in computing the connection fee.~~

4 ~~(d) Where required by state law, application shall be referred to the Marion Polk Local~~
5 ~~Government Boundary Commission for their approval.~~

6 ~~(e) Any person owning property within what is commonly known as the Jan Ree~~
7 ~~Gardens Water Service Area who desires water service from the city, shall make~~
8 ~~application to the director of public works. The director may authorize connection to the~~
9 ~~city water system if applicant meets all requirements Council Policy S-1 and pays all~~
10 ~~fees prescribed by resolution.~~

11 **Section 88.** SRC 72.230 is repealed:

12 ~~**72.230. Water Conservation Incentive Program.** The overall interests of the city are best~~
13 ~~served by encouraging residential, commercial, industrial and institutional water conservation.~~
14 ~~The city shall administer a grant program where the city will reimburse approved applicants up~~
15 ~~to 50 percent of allowable costs for the engineering and construction of systems designed to~~
16 ~~decrease water consumption. This incentive program shall be administered by the director with~~
17 ~~the objective of awarding city grants for cost effective methods of reducing water~~
18 ~~consumption. The director shall develop and publish administrative procedures for submitting~~
19 ~~grant proposals and evaluating grants. Individual or categorical grant awards will be made by~~
20 ~~the council.~~

21 **Section 89.** SRC 72.240 is amended to read as follows:

22 **72.240. Water Waste Prohibited.**

23 (a) It is unlawful to allow waste of City water provided through the public water system
24 by knowingly or negligently causing, authorizing or permitting such water to escape from
25 its intended beneficial use into any river, creek, natural watercourse, depression, lake,
26 reservoir, storm sewer, street, highway, road, or ditch.

27 (b) For the purpose of this section: (1) "waste" means the use of water in excess of the
28 reasonable volume necessary to meet the beneficial use; and (2) "beneficial use" means
29 the reasonable efficient use of water.

30 **Section 90.** SRC 72.250 is amended to read as follows:

1 **72.250. Water Curtailment Authority.**

2 ~~(a)~~ When the ~~director~~Director determines that a ~~critical~~ water supply shortage exists or is
3 imminent or any other emergency exists or is imminent which threatens the ability of the
4 City to deliver essential water to its customers, the ~~director~~Director may curtail the use of
5 water. The Director may adopt, amend, or rescind rules and procedures to establish a
6 curtailment plan to be implemented in times of actual imminent water shortage or
7 emmergency-activate emergency measures in compliance with the entitled "Water
8 Curtailment Plan" adopted by the council on March 27, 1995, and on file with the City
9 Recorder.

10 ~~(b)~~ Upon declaration of a stage three critical water supply shortage by the director:

11 (1) No watering or irrigating of lawns, grass or turf shall occur unless it is:

12 (A) ~~New lawn, grass, or turf that has been seeded or sodded after March 1~~
13 ~~of the calendar year in which any restrictions are imposed, and in such~~
14 ~~cases it may be watered as necessary until established;~~

15 (B) ~~Athletic fields frequently used for organized play;~~

16 (C) ~~Golf course tees and greens; and,~~

17 (D) ~~Park and recreation areas of a particular significance and value to the~~
18 ~~community as approved by the City Manager.~~

19 (2) ~~No use of City supplied water shall be allowed to clean, fill or maintain levels~~
20 ~~in decorative fountains.~~

21 (3) ~~No use of City supplied water shall be allowed to fill swimming pools or~~
22 ~~other pools with a capacity in excess of 100 gallons, provided, however, that~~
23 ~~water may be added to swimming pools to replace volume lost due to evaporation~~
24 ~~and normal loss due to usage.~~

25 (4) ~~No use of City supplied water shall be allowed to wash sidewalks, walkways,~~
26 ~~streets, driveways, parking lots, or other hard surfaced areas except where~~
27 ~~necessary for public health or safety.~~

28 (5) ~~No use of City supplied water shall be allowed to wash vehicles.~~

29 **Section 91.** SRC 72.260 is amended to read as follows:
30

1 **72.260. Withholding of Service.** In the event that a citation is issued during the period of
2 activated emergency measures for a violation of SRC 72.240 or SRC 72.250, and the
3 ~~director~~Director determines that a second violation has occurred after the date of the citation
4 and during the same emergency curtailment period, the ~~director~~Director may:

- 5 (a) Install a flow restrictor on the street side of the water meter; or
6 (b) Terminate water service.

7 **Section 92.** SRC 72.990 is repealed:

8 **72.990. Violations.**

- 9 (a) ~~Violation of SRC 72.060 is a misdemeanor.~~
10 (b) ~~Violation of any other provision of this chapter is an infraction.~~

11 **Section 93.** SRC 73.010 is repealed:

12 **73.010. Intent and Purpose.** ~~The intent and purpose of this chapter is to provide for the~~
13 ~~orderly functioning of the publicly owned treatment works; to set forth uniform requirements~~
14 ~~for direct and indirect contributors to the stormwater and wastewater collection and treatment~~
15 ~~systems for the City of Salem; to enable the City to comply with applicable state and federal~~
16 ~~laws; and to protect the environment.~~

17 **Section 94.** SRC 73.012 is repealed:

18 **73.012. Objectives.** ~~The objectives of this chapter are:~~

- 19 (a) ~~To provide control of construction and use of the municipal wastewater and~~
20 ~~stormwater systems.~~
21 (b) ~~To prevent the introduction of pollutants into the municipal stormwater system, into~~
22 ~~receiving waters, the environment, or the atmosphere or in any manner that is otherwise~~
23 ~~be incompatible with the system;~~
24 (c) ~~To provide for equitable distribution of the cost of the municipal wastewater and~~
25 ~~stormwater systems.~~
26 (d) ~~To protect the health of the City employees working in the wastewater collection and~~
27 ~~stormwater conveyance systems and at the wastewater treatment plant. This chapter~~
28 ~~provides for the regulation of direct and indirect contributors to the municipal~~
29 ~~wastewater and stormwater systems through the issuance of permits to certain users and~~
30 ~~through enforcement of general requirements for the other users, authorizes monitoring~~

1 and enforcement activities, requires user reporting, and provides for the setting of fees
2 for the equitable distribution of costs resulting from the program established herein.

3 **Section 95.** SRC 73.015 is repealed:

4 **73.015. Abbreviations and Definitions.**

5 ~~(a) As used in this chapter, the following mean:~~

6 ~~(1) ASPP. Accidental Spill Prevention Plan.~~

7 ~~(2) CFR. Code of Federal Regulations.~~

8 ~~(3) DEQ. Oregon Department of Environmental Quality.~~

9 ~~(4) EPA. Environmental Protection Agency.~~

10 ~~(5) USC. United States Code.~~

11 ~~(6) POTW. Publicly owned treatment works.~~

12 ~~(7) ORS. Oregon Revised Statutes. (8) UPC. Uniform Plumbing Code. (9) I/I.~~
13 ~~Infiltration and Inflow.~~

14 ~~(10) NPDES. National Pollutant Discharge Elimination System.~~

15 ~~(11) MS4. Municipal Separate Storm Sewer System.~~

16 ~~(12) SRC. Salem Revised Code.~~

17 ~~(13) TMDL. Total Maximum Daily Load.~~

18 ~~(b) For the purposes of this chapter, the following word and phrases shall have the~~
19 ~~meanings hereinafter designated:~~

20 ~~(1) Act or "the Act." The Federal Water Pollution Control Act also known as the~~
21 ~~Clean Water Act, as amended, 33 USC 1251, et seq.~~

22 ~~(2) Available sewer. Any sewer that can be used without the need to acquire~~
23 ~~easements and with sufficient grade to serve the property.~~

24 ~~(3) Building drain. That part of the lowest horizontal piping of a building~~
25 ~~drainage system which receives the discharge from soil, waste, and other~~
26 ~~drainage pipes within or adjoining the building or structure and conveys the same~~
27 ~~to the building sanitary or storm sewer. The building drain is considered to end~~
28 ~~at a point five feet outside the established line of the building or structure.~~

29 ~~(4) Building sanitary sewer. That part of the horizontal piping of a wastewater~~
30 ~~drainage system which extends from the end of the building drain and which~~

receives the discharge of the building drain and conveys it to the POTW, private sewer, individual sewage disposal system or other point of disposal.

~~(5) Building storm sewer. That part of the piping of a storm water drainage system which begins at the connection to the building storm drain at a point five feet outside the established line of the building or structure and conveys storm water, surface water, and other unpolluted water to the public storm sewer or other approved point of disposal.~~

~~(6) City. The City of Salem, Oregon.~~

~~(7) Code. Salem Revised Code (SRC).~~

~~(8) Collection system. Facilities maintained by the City and districts connected thereto for collecting, pumping, conveying, and controlling wastewater or stormwater.~~

~~(9) Commercial user. Any user other than a domestic or industrial user.~~

~~(10) Compliance schedule. The shortest schedule by which the user will correct, cleanup, or provide remedial action to comply with City requirements dealing with the use, release, or disposal of pollutants. This schedule shall include project phases, including specific completion dates for each phase, to meet completion of the schedule.~~

~~(11) Cooling water. Water other than sewage or industrial waste which is used as a medium for carrying away excess heat from any apparatus, appliance, mechanism, device, or thing, and which, in the course of such cooling process, is not mixed or commingled with any other substance or used as a means of carrying off any other substance, in suspension or in solution, thereby exiting such cooling process in substantially the same condition, save for temperature as when it entered.~~

~~(12) Direct discharge. The discharge of treated or untreated waste or stormwater directly to the waters of the State of Oregon.~~

~~(13) Director. The Director of Public Works or the Director's designee.~~

~~(14) Domestic sewage or domestic waste. The liquid and water borne wastes derived from the ordinary living processes, free from industrial wastes, and of~~

such character as to permit satisfactory disposal, without special treatment, into the public sanitary sewer or by means of a private sewage disposal system.

~~(15) Domestic user. Any person who discharges only domestic sewage.~~

~~(16) Drainage waste. Storm water, ground water, surface drainage, subsurface drainage, spring water, well overflow, roof drainage or other like drainage other than sewage or industrial waste.~~

~~(17) Dwellings. A facility designed for permanent or semi-permanent occupancy and provided with minimum kitchen, sleeping, and sanitary facilities for one family.~~

~~(18) Environment. Any naturally occurring river, stream, creek, or other waterway, any land mass, the atmosphere, or any subsurface water, aquifer or ground water or any manmade edifice directly or indirectly connected to waterways, land masses, atmosphere, or ground water as herein listed.~~

~~(19) Extraneous water. Water entering a building sanitary sewer from any source except that domestic sewage is not considered extraneous water.~~

~~(20) Flow. The daily total of wastewater flow from a user.~~

~~(21) Hazardous material. Any material capable of posing an unreasonable risk to health, safety, and property, including but not limited to a substance having one or more of the characteristics of being corrosive, explosive, flammable, spontaneously ignitable, an oxidizer, toxic, or radioactive.~~

~~(22) Holding tank waste. Waste from chemical toilets, campers, trailers, septic tanks, tank trucks, or other vessels.~~

~~(23) In the opinion of the Director. Any opinion rendered on any subject in this chapter by any person duly authorized to render such an opinion. Appointment to an appropriate position will be deemed as being given said authority.~~

~~(24) Indirect discharge. The discharge of nondomestic pollutants from any source regulated under Section 307 (b) or (c) of the Act (33 USC 1317), into the publicly owned treatment works (POTW) including holding tank waste and industrial waste.~~

~~(25) Industrial user. A user that is a source of nondomestic pollutants.~~

1 ~~(26) Industrial waste. Any waste from a non-domestic source which is solid,~~
2 ~~liquid, or gaseous in nature and results from any production, manufacturing, or~~
3 ~~processing operation of whatever nature, including but not limited to the contents~~
4 ~~of chemical toilets, septic tanks, and wasteholding tanks.~~

5 ~~(27) Infiltration. Ground water entering a sewer system and service connection~~
6 ~~by such means as, but not limited to, defective joints, broken or cracked pipes, or~~
7 ~~improper connections.~~

8 ~~(28) Inflow. Stormwater discharged into a sewer system or stormwater~~
9 ~~conveyance system, and service connections from such sources as, but not~~
10 ~~limited to, roof drains or storm drain systems.~~

11 ~~(29) Institution. Any building or group of buildings used as a hospital, correction~~
12 ~~facility, school or training facility, publicly or privately owned.~~

13 ~~(30) Lateral sewer. Any public sewer to which a building sewer connects or may~~
14 ~~connect. (31) Permitted commercial or industrial user. Any user of the POTW~~
15 ~~who is required by the Director to acquire a City permit which may require the~~
16 ~~user to meet pretreatment requirements and provide discharge sampling and flow~~
17 ~~quantities due to the nature of their discharge.~~

18 ~~(32) Person. Any individual, firm, corporation, limited liability company,~~
19 ~~partnership, limited liability partnership, organization, association, agency or~~
20 ~~other entity in law or fact.~~

21 ~~(33) Pollution. The degradation of the chemical, physical, biological, or~~
22 ~~radiological quality of the environment including the ground, the atmosphere,~~
23 ~~surface and subsurface waters, including stormwater. Pollution includes but is~~
24 ~~not limited to changes in temperature, taste, color, turbidity, silt, odor, or such~~
25 ~~discharges of any liquid, gaseous, solid, or radioactive substance into any ground,~~
26 ~~surface, or storm runoff waters which will or tends to, either by itself or in~~
27 ~~connection with any other substance, create a public nuisance or which will or~~
28 ~~tends to render such waters harmful, detrimental, or injurious to public health,~~
29 ~~safety, or welfare, or to domestic, industrial, agricultural, recreational, or other~~
30

legitimate beneficial use or to livestock, wildlife, fish, or other aquatic life or the habitat thereof.

~~(34) Pollutant. Any spoil, waste, residue, sewage, garbage, sludge, munitions, chemicals, biological materials, radioactive materials, heat, rock, sand, dirt, soil, agricultural, municipal, or industrial material discharged to the environment.~~

~~(35) Pretreatment or treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants to a less harmful state prior to discharge. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes or other means, except as prohibited by the Director.~~

~~(36) Private collection system. A privately owned and maintained wastewater or stormwater sewer system normally six or eight inches in diameter, installed on private property.~~

~~(37) Public sewer. Any sewer in public right of way or easement operated and maintained by the City.~~

~~(38) Residential user. The owner, lessee, or occupant of a single dwelling unit in one structure.~~

~~(39) Sewage. The wastewater derived from human habitation and use of buildings for domestic, commercial, institutional, or industrial purpose and free from drainage waste.~~

~~(40) Sewer or sanitary sewer. All sewerage and any and all facilities convenient or necessary to carry away or dispose of sewage.~~

~~(41) Sewer systems. Any system of conduit, pipes, drainage ways, creeks or other waterways which transports either sanitary waste or drainage waste. Hereafter, the words "sewer" and "drains" shall represent components of a sewer system and have the definitions as provided in this chapter.~~

~~(42) Sewer user. Any user producing wastewater flowing to a City or private sewer or who has a residence, commercial building, industrial building, or other structure, containing plumbing, requiring connection to a sanitary sewer, situated within 200 feet of an available sewer.~~

1 ~~(43) Single family dwelling. Any residential building designed to house one~~
2 ~~family.~~

3 ~~(44) Storm sewer or drain. All conduits, ditches, and all facilities convenient or~~
4 ~~necessary to carry away and dispose of drainage, surface waste or unpolluted~~
5 ~~surplus water.~~

6 ~~(45) Unpolluted water. Water to which no sewage, pollutant, or industrial waste~~
7 ~~has been added, such as uncontaminated non-contact cooling water, rain water, or~~
8 ~~drainage waste.~~

9 ~~(46) User or users. Any person using the City sanitary sewer system or storm~~
10 ~~drain system.~~

11 ~~(47) Wastewater. All sewage and industrial wastes, treated or untreated,~~
12 ~~discharged to a collection system.~~

13 ~~(48) Water user. Any person using water through the facilities of the municipal~~
14 ~~water system.~~

15 **Section 96.** SRC 73.017 is repealed:

16 ~~**73.017. Watershed Protection and Preservation Grants.** Subject to council approval of the~~
17 ~~administrative procedures and grant award criteria, the Director is authorized to develop and~~
18 ~~administer a grant program for projects that will protect and preserve natural areas as a benefit~~
19 ~~to Salem watersheds and the stormwater system.~~

20 **Section 97.** SRC 73.020 is amended to read as follows:

21 **73.020. Connection to the Public Sewer Wastewater Collection System Required.**

22 (a) All connections made to any public wastewater collection system in the city shall be
23 made in accordance with Public Works Design Standards.

24 (b) No person shall install, use, or cause to be installed or used a cesspool, septic tank, or
25 other means of sewage disposal upon any property if such property by the terms of this
26 ordinance would be required to connect to the City wastewater collection system.

27 ~~(ac)~~ Every building containing plumbing, any portion of which is within ~~200~~ 300 feet of
28 an available ~~sanitary sewer~~ public wastewater main and not connected to a private
29 collection system shall, be connected to a public ~~sewer~~ wastewater main within ~~six months~~
30 180 days after the owner receives written notice from the Director to do so. ~~For the~~

1 ~~purposes of this section, notice shall be deemed to have been received three days after~~
2 ~~mailing the notice by certified or registered mail, addressed to the owner, at the owner's~~
3 ~~address on file with the tax assessor for the county wherein the property is located.~~

4 **(bd)** The written notice to connect shall not be issued until termination of a deferred
5 assessment on the property under SRC 21.210, if such deferment exists. If no
6 deferment exists, connections shall not be made until all applicable connection fees, as
7 required in SRC 21.230, and system development charges, as required in SRC 41.110,
8 are paid in full.

9 (e) Connections to wastewater collection mains for the purpose of extending such lines or
10 for providing wastewater collection service shall be made only by employees of the
11 Department in the normal performance of their duties or private parties with the written
12 consent of the Director.

13 **Section 98.** SRC 73.022 is added to the SRC to read as follows:

14 **73.022. Right to Refuse Connection.** The City may refuse connection, require pretreatment
15 of wastewater, or discontinue service when such action is deemed necessary in order to
16 prevent discharges into the wastewater system which would be harmful to the system.

17 **Section 99.** SRC 73.025 is amended to read as follows:

18 **73.025. Procedure upon Failure to Connect.** Upon failure of ~~said~~the owner, lessee, or
19 occupant to connect ~~said premises to a~~the public sewerwastewater collection system, the
20 Director, after giving ~~said~~the owner, lessee, or occupant an opportunity to be heard, may proceed
21 to connect the premises to ~~a~~the public wastewater system~~sewer~~ and the cost ~~thereof~~ shall be
22 charged and become a lien upon ~~said~~the property.

23 **Section 100.** SRC 73.050 is repealed:

24 **73.050. Permits and Fees.**

25 ~~(a) Building sanitary and storm sewer. A sewer connection permit shall be required~~
26 ~~prior to commencement of construction of building sanitary or storm sewers. A~~
27 ~~separate permit shall be required for each building or connection made to a public~~
28 ~~or private sewer. The Director may approve the application if the proposed work~~
29 ~~meets current City standards. Upon the Director's approval of the application and~~
30 ~~associated set of plans for the proposed work, the City shall issue a permit which~~

1 shall specify the location where the connection shall be made, the manner of
2 making the connection, the nature of the waste to be discharged to the sewer, the
3 name and address of the owner, and the name of the installer who will be doing the
4 work. No permit shall be issued unless the sewer to which connection is requested
5 has been accepted as a part of the public or private sewer system. No permit shall
6 be issued unless the applicant provides a current registration number from the State
7 of Oregon Builders Board, Department of Commerce, or a current license number
8 from the Department of Environmental Quality. The only exception shall be for
9 the owner-builder applicant who performs the actual physical labor. No permit
10 shall be issued if there are unpaid connection fees or delinquent assessments
11 outstanding, as provided in SRC Chapter 21.

12 ~~(b) Industrial, permitted and commercial, and institutional users. Industrial,~~
13 ~~permitted commercial, and institutional users shall not use the public sewer for the~~
14 ~~discharge of industrial or any other wastes either directly or indirectly without first~~
15 ~~obtaining an industrial wastewater discharge permit as provided in SRC 74.220.~~

16 ~~(c) Street opening permit. Applicants for permits to construct, repair, or~~
17 ~~reconstruct any public sewer or storm drain must conform with the provisions of~~
18 ~~SRC 81.010 – 81.110, regulating and requiring permits for making cuts or~~
19 ~~excavations in, on, or under streets and alleys.~~

20 ~~(d) Tapping of sewer lines. If no wye or building sanitary or storm sewer is~~
21 ~~available, connection must be made by tapping the sewer main. Sanitary and storm~~
22 ~~sewers shall not be interconnected. Tapping will be done only by the City. The~~
23 ~~applicant will make the excavation and provide a safe trench in which to work. A~~
24 ~~fee for tapping sanitary or storm sewer mains shall be paid as set forth in SRC~~
25 ~~73.055 and is in addition to the sewer connection permit fee.~~

26 ~~(e) Tapping of manhole. If determined to be necessary by the Director, a building~~
27 ~~sanitary and storm sewer may be connected to the public sewer main by tapping the~~
28 ~~manhole indicated by the Director. Except as provided in SRC 73.090, tapping~~
29 ~~will be done only by the City. The applicant will make the excavation and provide~~
30

1 a safe trench in which to work. A fee for tapping manholes shall be paid as set forth
2 in SRC 73.055 and is in addition to the connection fee.

3 ~~(f) Sewer cap permit. A building storm or sanitary sewer cap permit and evidence~~
4 ~~that a sewer has been properly capped is required before a demolition or moving~~
5 ~~permit shall be issued. All work shall be completed in accordance with SRC~~
6 ~~73.105.~~

7 ~~(g) Sewer repair permit. Every instance of repair or reconstruction of a building~~
8 ~~sanitary or storm sewer will require a sewer repair permit.~~

9 ~~(h) Parking lot storm sewer permit. A parking lot storm sewer permit shall be~~
10 ~~required prior to commencement of construction of a parking lot storm sewer. A~~
11 ~~separate application and permit shall be required for each connection of a parking~~
12 ~~lot storm sewer system to an approved point of disposal. The Director may~~
13 ~~approve the application if the proposed work meets current City standards. Upon~~
14 ~~the Director's approval of the application and receipt of a set of plans for the~~
15 ~~proposed work, the City shall issue a permit which will specify the location the~~
16 ~~connection shall be made, the manner of making the connection, the name and~~
17 ~~address of the owner, and the name of the installer who will do the work. No~~
18 ~~permit will be issued unless the sewer to which connection is requested has been~~
19 ~~accepted as a part of the public or private sewer system.~~

20 ~~(i) Permit fees, time of payment. All permit fees provided for in SRC 73.055 shall~~
21 ~~be paid prior to the issuance of any permit and prior to the commencement of any~~
22 ~~work for which a permit is required. The fee for obtaining a permit to perform~~
23 ~~work commenced prior to payment of the permit fee shall be twice the applicable~~
24 ~~fee as set forth in SRC 73.055.~~

25 ~~(j) Stop work order. Whenever any sewer work is being done contrary to this~~
26 ~~Code, the Director may order the work stopped by notice in writing served on any~~
27 ~~persons engaged in the doing or causing such work to be done, and any such~~
28 ~~persons shall forthwith stop such work until authorized by the Director to proceed~~
29 ~~with the work.~~

1 **Section 101.** SRC 73.055 is repealed:

2 ~~**73.055. Permit and Service Fees.** Each application for a permit or City service as~~
3 ~~required by this chapter shall be accompanied by a fee as prescribed by resolution of the~~
4 ~~council.~~

5 **Section 102.** SRC 73.055 is repealed:

6 ~~**73.060. Approval of Plans.** Plans for all public and private sewer systems shall be reviewed~~
7 ~~and approved by the Director prior to construction. Such plans shall conform to the respective~~
8 ~~Wastewater or Stormwater Master Plan and standards prescribed by the Director. Such~~
9 ~~approval shall be required in addition to any other approval required by state law.~~

10 **Section 103.** SRC 73.065 is amended to read as follows:

11 ~~**73.065. Common Sewer**~~**Independent Connection Required.** The wastewater~~drainage~~
12 ~~system of each new building using an existing sewer shall be separate and independent from that~~
13 ~~of any other building. Every building shall have an independent connection with a public or~~
14 ~~private wastewater collection system.~~

15 **Section 104.** SRC 73.070 is amended to read as follows:

16 **73.070. Existing Private Wastewater Collection Systems.**

17 (a) When property being served by a private collection system is divided into two or
18 more parcels with different ownership or the same ownership:

19 (1) The private wastewater collection system may be transferred to the public
20 system with the consent of the Director ~~when and provided~~ the private collection
21 system meets the current City standards; ~~or;~~

22 (2) ~~The private collection system shall be reconstructed to meet the current~~
23 ~~City standards, or;~~

24 (3) Individual ~~sewer service~~ connections to the public main wastewater
25 collection system will be provided by the private collection system owner.

26 (b) All private collection systems shall have a monitoring structure installed at its
27 junction with the public right-of-way as required by the Director.

28 **Section 105.** SRC 73.075 is repealed:

29 ~~**73.075. Sanitary Sewer and Stormwater Conveyance Construction to Conform to**~~
30 ~~**Standards.** All public or private sanitary and storm sewer systems, whether publicly or privately~~

constructed, shall conform to standards of design, materials, and workmanship prescribed by the Director. Failure to meet tests for water tightness shall be grounds for refusal of acceptance. Permits to connect to such sewers will not be issued until the system is approved and accepted.

Section 106. SRC 73.080 is repealed:

73.080. Inspection, Approval of Construction.

(a) Reasonable notice shall be given to the Director to inspect all work in connection with the construction or reconstruction of any storm drain or public sewer or connection thereof to a City sewer main while the work is still uncovered. In the event the piping is backfilled, it shall be sufficiently exposed so an inspection may be made. All work shall be done according to the standards of design, materials, and workmanship prescribed by, and subject to the approval of, the Director.

(b) Use of the public sewer will not be allowed until the building sewer and/or the public improvement receives final approval from the Director.

(c) All new building sanitary sewers shall be tested for water tightness either by low air pressure or hydrostatically. The test shall last 15 minutes and shall have no loss in either method. Minimum test pressure shall be 3.5 pounds per square inch in either method. When tested, existing building sanitary sewers shall be tested for water tightness in the same manner as new building sanitary sewers except that a 50 percent loss of pressure will be allowed in the 15 minute test.

Section 107. SRC 73.085 is repealed:

73.085. Connection to Sanitary or Storm Sewer Mains or Laterals. Sanitary or storm sewer connections shall be made only to the single wye branch in the lateral sewer for which the connection is designated. If no wye is available, connection shall be made by tapping the sewer main. Tapping of public sanitary or storm sewers shall be done only by the City. No person shall interfere in any manner or tamper with such pipes or connections, without having first obtained the written consent of the Director. The applicant shall obtain the necessary permits, make the necessary excavation, and provide a safe trench in which the work can be accomplished.

1 **Section 108.** SRC 73.087 is repealed:

2 ~~**73.087. Extension of Municipal Sewer Systems by Private Developers.** A developer may~~
3 ~~qualify for reimbursement for extension of municipal sewers by meeting all of the~~
4 ~~requirements applicable to the extension of water systems by developers under the provisions~~
5 ~~of SRC 72.067 to 72.086.~~

6 **Section 109.** SRC 73.090 is repealed:

7 ~~**73.090. Tapping of Manholes.** Tapping of building sanitary and storm sewers directly into~~
8 ~~manholes is prohibited except:~~

9 ~~(a) Where provided for in original design and approved by the Director, or;~~

10 ~~(b) When allowed by written permission of the Director because no other course is~~
11 ~~practical.~~

12 **Section 110.** SRC 73.095 is amended to read as follows:

13 **73.095. Responsibility for Building Wastewater Collection SystemSanitary Sewer.**

14 (a) It shall be the responsibility of the owner, lessee, or occupant of a building to
15 maintain ~~said~~the building ~~sanitary sewer or private~~wastewater collection system in a free
16 flowing and watertight condition, from the structure served to the point of connection
17 on the public ~~sewer~~wastewater main.

18 (b) When the City ~~undertakes the contracts for sanitary sewer~~ reconstruction,
19 replacement or rehabilitation ~~of the wastewater collection system, project or when a~~
20 ~~property owner voluntarily participates in a City positive protection program to prevent~~
21 ~~basement flooding from sanitary sewer backups by modifying existing house plumbing,~~
22 the City will replace any building wastewater service lateral sanitary sewer from the
23 building drain to the public wastewater collection system sewer found to be defective in
24 accordance with SRC 73.100 when:

25 (1) The City moves the location of the wastewater main servicing the property
26 and the current connection is rendered inoperable; or,

27 (2) The building wastewater lateral is defective as that term is defined in SRC
28 70.005(e); or,
29
30

1 (c) If the building wastewater lateral is defective because it is connected to a plumbing
2 device that introduces stormwater into the wastewater system the City will direct the
3 stormwater, at the owner's direction, to either:

4 (1) The stormwater system; or,

5 (2) The owner's property for dispersal or collection.

6 (d) The cost of eliminating the introduction of stormwater into the wastewater system
7 under subsection (c) shall be borne by the property owner. The Director may develop a
8 program, subject to Council approval, by which the costs incurred under subsection (c)
9 may be assessed against the property as a lien, payable upon refinancing of
10 encumbrances on the property or transfer of ownership of the property.

11 (e) In the event the building wastewater lateral is found to be defective and the property
12 owner does not permit the City to perform the above mentioned work redirect the
13 stormwater as set forth in subsection (c) of this section, the City will require the property
14 owner to test the building sewer from the building drain to the property line within one year
15 of the contract project completion with the method described in SRC 73.080. If the building
16 sanitary sewer is found defective in accordance with SRC 73.100, the owner shall
17 immediately proceed to replace the building wastewater service lateral sewer at the owner's
18 expense within 180 days.

19 **Section 111.** Section 73.097 is added to the SRC to read as follows:

20 **73.097. Responsibility for Wastewater Laterals**

21 (a) Except as provided in subsection (b) of this section the owner of real property on
22 which a wastewater service lateral terminates shall be responsible for the costs, expenses,
23 and charges incurred in the repair or replacement of the wastewater lateral.

24 (b) The City shall be responsible for the costs, expenses, and charges for the repair or
25 replacement of a wastewater service lateral if the repair or replacement is made necessary
26 because of work done by or on behalf of the City.

27 **Section 112.** SRC 73.100 is amended to read as follows:

28 **73.100. Infiltration and Inflow Limitations; Private Wastewater Systems Sewers and Building**
29 **Wastewater Service LateralsSanitary Sewers.**

1 ~~(a) New and existing~~ Any private and building sewerswastewater systems shall will
2 be monitored by the property owner for leaks or discharges of extraneous water.

3 This monitoring may take, but is not limited to, the following forms:

- 4 (1) Direct visual observation;
5 (2) Indirect measurement;
6 (3) Television inspection; or
7 (4) Air or water pressure tests, smoke tests, or exfiltration tests.

8 (b) If, in the opinion of the Director, monitoring shows a private or building ~~sanitary~~
9 ~~sewerwastewater system~~ to be defective as that term is defined in SRC 70.005(e), the
10 Director may require the wastewater systemsewer be replaced to current ~~City~~Public
11 Works Design sStandards. ~~Replacement shall be required if:~~

- 12 (1) ~~The sanitary sewer service fails a tightness test as described in SRC 73.080;~~
13 ~~or,~~
14 (2) ~~Existing pipe material, condition, or installation is found unacceptable by the~~
15 ~~Director.~~

16 (c) If the responsible user disputes the Director's requirement that the wastewater
17 systemsewer be replaced, the user may test the service at the user's own expense. The
18 results of the test will be the basis of the Director's final decision.

19 ~~(d) All new construction of private sewer systems including single family dwellings~~
20 ~~shall conform to the UPC Sec. 318.~~

21 ~~(ed)~~ All existing private sanitary-wastewater sewer collection systems shall be
22 maintained in a safe and sanitary condition. Existing private ~~sanitary-sewerwastewater~~
23 collection systems exceeding ~~a~~the maximum allowable infiltration/inflow rate of more
24 than 300 gallons per day per single detached living unit or 1,200 gallons per acre per day
25 are deemed unsafe and unsanitary and shall be repaired.

26 ~~(fe)~~ Those users of systems identified as defective in subsection (e) of this section who
27 do not comply with the infiltration/inflow regulations shall have a period of time as
28 determined by the Director, but not to exceed 180 days ~~12 months~~ to reach compliance
29 with the regulations.
30

1 **Section 113.** SRC 73.105 is amended to read as follows:

2 **73.105. Capping Abandoned ~~Service Sewers~~ Laterals Required.**

3 ~~(a) Before the moving or wrecking permit is allowed to be issued, evidence must be~~
4 ~~presented showing the sewer has been properly capped and inspected. No exceptions~~
5 ~~will be allowed.~~

6 ~~(ab) All building sanitary laterals to be abandoned sewers shall be capped with a~~
7 ~~watertight permanent plug at the property line in accordance with the City's Standard~~
8 ~~Construction Specifications an approved manner by the applicant or his contractor and~~
9 ~~inspected by City forces prior to closure of the excavation. The City will chemically seal~~
10 ~~the sewer service line at the main. The permit fee will cover the inspection and the~~
11 ~~chemical sealing cost.~~

12 ~~(be) It is the property owner's applicant's responsibility to ensure that no other~~
13 ~~structure is connected to the service sewer service lateral being abandoned. If the~~
14 ~~service line lateral to be abandoned is serving more than one structure, a new service~~
15 ~~connection to the wastewater collection system for the structure(s) still using the~~
16 ~~service must be provided for the structure(s).~~

17 ~~(d) If a sewer service is to be reused, adequate proof must be shown to the Director~~
18 ~~that the service is in usable condition. If the service line is allowed to be reused, a~~
19 ~~temporary plug is required on the service line.~~

20 **Section 114.** SRC 73.110 is repealed:

21 ~~**73.110. Abandonment of Septic Tanks.** In every instance in which use of a septic tank or~~
22 ~~cesspool is discontinued upon connection of plumbing facilities to a public or private sewer,~~
23 ~~the septic tank or cesspool shall be pumped out and emptied of sewage and sludge and refilled~~
24 ~~with clean sand or gravel.~~

25 **Section 115.** SRC 73.125 is repealed:

26 ~~**73.125. Water Not Reaching Sewer.** Water supplied to any commercial user which is not~~
27 ~~discharged to a public sewer may be separated from other uses in the establishment and~~
28 ~~supplied by a separate water meter. The water account for such service shall not carry with it~~
29 ~~a sewer charge if such water is clearly not discharged to a public sewer. Internal metering~~
30 ~~within the establishment for the purpose of separating uses will not be recognized.~~

1 **Section 116.** SRC 73.140 is repealed:

2 ~~**73.140. Industrial Rates.** Industrial billing shall be based on the wastewater characteristics~~
3 ~~of the use. Opening bills shall be based on estimated flow and characteristics based on past~~
4 ~~experience with the type of waste discharged, the information supplied on the sewer use~~
5 ~~permit, and such additional information as may be available to the Director.~~

6 **Section 117.** SRC 73.160 is repealed:

7 ~~**73.160. Discharges to Stormwater System.**~~

8 ~~(a) Discharges allowed to enter the stormwater system are those permitted in the~~
9 ~~connection permit consisting of unpolluted drainage waste.~~

10 ~~(b) No person shall cause pollution of any waters of the state or cause any waste to be~~
11 ~~placed in a location where such wastes are likely to escape or be carried into the~~
12 ~~stormwater system and by the stormwater system into the waters of the state.~~

13 ~~(c) No person shall discharge any material into the stormwater system which may cause~~
14 ~~pollution.~~

15 **Section 118.** SRC 73.165 is repealed:

16 ~~**73.165. Discharges to the Environment.**~~

17 ~~(a) No person shall discharge any sewage, domestic or industrial waste, pollutant, or~~
18 ~~hazardous material, to the environment.~~

19 ~~(b) Dischargers shall notify the Director immediately upon discharging material in~~
20 ~~violation of this or other applicable sections of this Code to enable countermeasures to~~
21 ~~be taken to minimize damage to the environment. Notification of the Director does not~~
22 ~~absolve the discharger of their responsibility to notify state and federal agencies under~~
23 ~~state and federal programs.~~

24 ~~(c) Above ground chemical tanks shall be protected by approved methods to prevent~~
25 ~~accidental discharge to sewers or the environment. All below ground tanks shall be~~
26 ~~installed in accordance with ORS Chapter 539.~~

27 ~~(d) When dikes or impounding basins are used to contain chemicals, impervious~~
28 ~~materials shall be used to provide a liquid tight enclosure.~~

29 ~~(e) The party responsible for the discharge of hazardous materials or pollutants to the~~
30 ~~environment shall be responsible for all clean up costs. The City's costs during the~~

1 emergency for identification, hazard assessment, and containment will also be
2 reimbursed.

3 ~~(f) The Director may require clean up at such incidents as:~~

4 ~~(1) Illegal disposal of hazardous materials or pollutants.~~

5 ~~(2) Improper handling of hazardous materials or pollutants at any site.~~

6 ~~(3) Spills of hazardous materials or pollutants to the environment.~~

7 ~~(4) Discharge of hazardous materials or pollutants during a fire or other accident.~~

8 ~~(g) In general, reimbursement costs are those incident costs that are eligible, reasonable,~~
9 ~~necessary, and allocable to the incident. Costs allowable for reimbursement may~~
10 ~~include, but are not limited to (hereafter referred to as the response):-~~

11 ~~(1) Disposable materials and supplies provided, consumed, and expended~~
12 ~~specifically for the purpose of the response for which reimbursement is being~~
13 ~~requested.~~

14 ~~(2) Compensation of the employees for the time and efforts devoted specifically~~
15 ~~to the response.~~

16 ~~(3) Rental or leasing of equipment used specifically for the response.~~

17 ~~(4) Replacement costs for equipment owned by the City that is contaminated~~
18 ~~beyond reuse or repair.~~

19 ~~(5) Decontamination of equipment that was used during the response.~~

20 ~~(6) Special technical service specifically required for the response.~~

21 ~~(7) Other special services specifically required for the response.~~

22 ~~(8) Laboratory costs for the purpose of analyzing samples taken during the~~
23 ~~response.~~

24 **Section 119.** SRC 73.170 is amended to read as follows:

25 **73.170. Connection of Drainage Waste and Cooling Water Prohibited.** Notwithstanding
26 any other provision of this Code, it shall be unlawful for any person to knowingly cause, suffer,
27 or permit the continuance of any condition whereby any drainage waste or non-contaminated
28 cooling water may at any time be discharged into or enter any public ~~sanitary sewer~~wastewater
29 system from property of which he is either the owner or person in possession.
30

1 **Section 120.** SRC 73.180 is amended to read as follows:

2 **73.180. Connections Prohibited.** Any direct or indirect connection or entry point for
3 persistent, deleterious, or hazardous waste or material to the user's plumbing or drainage system
4 ~~or to the storm drainage system~~ shall be prohibited.

5 **Section 121.** SRC 73.185 is repealed:

6 **~~73.185. Accidental Discharges and Spill Prevention Plans.~~**

7 ~~(a) Each user shall provide protection from accidental discharge of prohibited materials~~
8 ~~or other substances regulated by this chapter. Facilities to prevent accidental discharge~~
9 ~~of prohibited materials shall be provided and maintained at the owner or user's own cost~~
10 ~~and expense. An accidental spill prevention plan (ASPP) showing facilities and~~
11 ~~operating procedures to provide this protection shall be submitted to the City for review,~~
12 ~~and shall be approved by the City before construction of the facility and implementation~~
13 ~~of procedures. The City shall determine which user is required to develop an ASPP and~~
14 ~~require said user to submit the ASPP within 60 days after notification by the City.~~
15 ~~Review and approval of such plans and operating procedures shall not relieve the user~~
16 ~~from the responsibility to modify the user's facility as necessary to meet the~~
17 ~~requirements of this chapter. In the case of an accidental discharge, it is the~~
18 ~~responsibility of the user to immediately notify the Director of the incident by telephone~~
19 ~~or other means. The notification shall include location of discharge, type of waste,~~
20 ~~concentration, volume, and corrective actions.~~

21 ~~(b) Within five days following an accidental discharge, the user shall submit to the~~
22 ~~Director a detailed written report describing the cause of the discharge and the measures~~
23 ~~to be taken by the user to prevent similar future occurrences. Such notification shall not~~
24 ~~relieve the user of any expense, loss, damage, or other liability which may be incurred as~~
25 ~~a result of damage to sewers or to the environment, fish kills, or any other damage to~~
26 ~~person or property; nor shall such notification relieve the user of any fines, civil~~
27 ~~penalties, or other liability which may be imposed by this article or other applicable law.~~

28 **Section 122.** SRC 73.190 is repealed:

29 **~~73.190. Compliance Schedule.~~** ~~Following a release to the environment, the Director may~~
30 ~~require the discharger to submit a compliance schedule. This schedule will be a detailed~~

outline of actions to be taken to correct, clean, mediate, or restore the environment, structures, or property harmed by the release. The schedule will also address measures to prevent recurrence of the problem. The following conditions shall apply to this schedule:

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the user meeting applicable standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction).

(b) No increment referred to in paragraph (a) shall exceed nine months.

(c) 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 Director 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 nine months elapse between such progress reports to the Director.

(d) Any other information as may be deemed by the City to be necessary to evaluate the schedule. The schedule shall be signed by an executive officer and, when required by the City, a qualified engineer, where applicable. Within 30 days after full evaluation and acceptance of the data furnished, the City shall notify the user of the City's acceptance or rejection thereof.

Section 123. Section 73.200 is added to and made a part of the Salem Revised Code, Title VI, Chapter 73:

Section 124. SRC 73.240 is repealed:

73.240. Harmful Discharges.

(a) The City may suspend the stormwater service when such suspension is necessary, in the opinion of the Director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial threat to the health or welfare of persons, or to the environment. (b) Any person notified of a suspension of the service shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the

1 ~~suspension order, the Director shall take such steps as deemed necessary including immediate~~
2 ~~severance of the sewer connection, to prevent or minimize damage to the sewer system or~~
3 ~~endangerment to any individual or the environment. The Director shall reinstate the service~~
4 ~~upon proof of the elimination of the noncomplying discharge. A detailed written statement~~
5 ~~submitted by the user describing the causes of the harmful discharge and the measures taken to~~
6 ~~prevent any future occurrence shall be submitted to the Director within 5 days of the date of~~
7 ~~occurrence.~~

8 **Section 125.** SRC 73.185 is repealed:

9 **73.250. General Requirements.**

10 ~~(a) Streams within the City of Salem's stormwater management service area that have~~
11 ~~been, or may be, identified as "water quality limited" by DEQ will be subject to DEQ~~
12 ~~Total Maximum Daily Load (TMDL) regulations at a future date. At such times as DEQ~~
13 ~~adopts TMDL regulations, water quality limited streams and stormwater systems~~
14 ~~contributing to the water quality limited streams will be the subject of additional~~
15 ~~evaluation by the Direct to ensure compliance with the City's NPDES MS4 Permit. The~~
16 ~~DEQ regulatory programs associated with the water quality limited streams and NPDES~~
17 ~~MS4 Permit and TMDL Implementation Plan requirements will prescribe specific site~~
18 ~~and stormwater management design, construction, and post-construction considerations~~
19 ~~and measures to address stormwater quantity and quality. To ensure stormwater~~
20 ~~quantity and quality, no person shall make any new connection or modify any existing~~
21 ~~connection to the City's stormwater system without first obtaining the City's written~~
22 ~~approval of construction plans in accordance with SRC 77.091 and the issuance of the~~
23 ~~permits required by SRC 77.090. Construction plans shall conform to the City's~~
24 ~~applicable Design Standards For Stormwater Management prescribed by the Director~~
25 ~~pursuant to SRC 70.050~~

26 ~~(b) All discharges into the City's stormwater system shall comply with the more~~
27 ~~stringent of any local, state, or federal requirement.~~

28 **Section 126.** SRC 73.255 is repealed:

29 **73.255. Treatment Required.** ~~Users shall provide necessary stormwater treatment as~~
30 ~~required to comply with this Chapter, and shall achieve compliance with all standards within~~

1 the time limitations as specified by state or federal regulations. Any facilities required to treat
2 stormwater drainage to a level acceptable to the City shall be provided, operated, and
3 maintained at the user's expense. Detailed plans showing the treatment facilities and
4 operating procedures shall be submitted to the City for review, and must be deemed
5 acceptable to the City before construction of the facility. The review of such plans and
6 operating procedures shall in no way relieve the user from the responsibility of modifying the
7 facility as necessary to produce an effluent acceptable to the City under the provisions of this
8 Chapter, or any applicable state or federal regulations. Any subsequent changes in the
9 treatment facilities or method of operation shall be reported to and be approved by the
10 Director prior to the initiation of the changes.

11 **Section 127.** SRC 73.260 is repealed:

12 **73.260. Mill Creek Industrial Park Stormwater Management Requirements.**

13 (a) The requirements of this section shall be applicable to that certain land located
14 within the corporate limits of the City of Salem south of Highway 22 and east of
15 Kuebler Boulevard, designated "Employment Center" pursuant to SRC Chapter 161, and
16 commonly known as "The Mill Creek Industrial Park" (MCIP).

17 (b) All development within the MCIP shall be in accordance with the provisions of this
18 Chapter, and shall include stormwater management for both quantity and quality. Site-
19 specific stormwater management requirements, in conformance with the City's
20 Standards for Stormwater Management, shall be developed to address quantity and
21 quality of stormwater that will enter the wetlands located within the MCIP and subject to
22 the Section 404 Permit No. 200400803-2 issued to the State of Oregon Department of
23 Administrative Services by the U.S. Army Corps of Engineers (COE) and the Oregon
24 Department of State Lands (DSL) for development occurring within the MCIP, and to
25 address the quantity and quality of water entering the water quality limited streams
26 known as Mill Creek and the Little Pudding River from the wetlands and from
27 development occurring within the MCIP.

28 (c) No person shall construct any improvements within the MCIP, or make any new
29 connection or modify any existing connection to the City's stormwater system from
30 within the MCIP, without first obtaining the City's written approval of construction

1 plans in accordance with SRC 77.091 and the associated permits required by SRC
2 77.090. Construction plans shall conform to the City's Design Standards for Stormwater
3 Management as prescribed by the Director pursuant to SRC 70.050.

4 **Section 128.** SRC 73.287 is repealed:

5 **73.287. Issuance of Cease and Desist Orders.**

6 ~~(a) When the Director finds that a spill or discharge has taken place, or is threatening to~~
7 ~~take place, in violation of prohibitions or limitations of this chapter, the Director may~~
8 ~~issue an order to cease and desist, and direct that those persons not complying with such~~
9 ~~prohibitions, limits, requirements, or provisions to:~~

10 ~~(1) Comply forthwith; or~~

11 ~~(2) Comply in accordance with a time schedule set forth by the Director.~~

12 ~~(b) When the affected user fails to comply with an order to cease and desist, the Director~~
13 ~~may, when a violation is occurring or has a high probability of occurring, enter the~~
14 ~~premise and block the flow of drainage waste or turn off at the meter all affected City~~
15 ~~water. Whenever a premise has been disconnected from the City's water or sewerage~~
16 ~~system for a violation hereof, reconnection of said premise shall be in accordance with~~
17 ~~City regulations.~~

18 ~~(c) The affected user may appeal in accordance with SRC 73.294.~~

19 **Section 129.** SRC 73.291 is repealed:

20 **73.291. Damage to the Storm Water System.**

21 ~~(a) When a discharge causes an obstruction, damage, or other impairment to the~~
22 ~~stormwater system, or could result in a violation of the City's NPDES MS4 Permit, the~~
23 ~~Director may charge the user for the work required to be undertaken to clean or repair~~
24 ~~the stormwater system and place the system in a good and properly functioning~~
25 ~~condition. The service charge shall be added to the user's wastewater treatment charges.~~
26 ~~Notice of imposition of the charge shall be made to the user, in writing, not more than~~
27 ~~thirty days after the stormwater system is placed in good and properly functioning~~
28 ~~condition.~~

29 ~~(b) The affected user may appeal the charge within ten days of the notice provided~~
30 ~~pursuant to subsection (a) of this section, as provided in SRC 73.294~~

1 **Section 130.** SRC 73.294 is repealed:

2 **73.294. Appeals.**

3 ~~(a) Any user affected by any decision, action, or determination, including cease and~~
4 ~~desist orders, made by the Director, interpreting or implementing the provisions of this~~
5 ~~chapter, may file with the Director a written request for reconsideration within ten days~~
6 ~~of such decision, action, or determination setting forth in detail the facts supporting the~~
7 ~~user's request for reconsideration. If the ruling made by the Director is unsatisfactory to~~
8 ~~the person requesting reconsideration, the user may, within ten days after notification of~~
9 ~~the Director's decision, file a written appeal to the council. The council shall, within 30~~
10 ~~days after receipt of said written notice of appeal, upon proper notice hold a hearing to~~
11 ~~make a final determination of the issue submitted.~~

12 ~~(b) The Director's decision, action, or determination shall remain in effect during such~~
13 ~~period of reconsideration.~~

14 **Section 131.** SRC 73.287 is repealed:

15 ~~**73.295. Falsifying Information.** Any person who knowingly makes any false statements,~~
16 ~~representation, or certification in any application, record, report, plan, or other document filed~~
17 ~~or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or~~
18 ~~knowingly renders inaccurate any monitoring device or method required under this chapter,~~
19 ~~shall, upon conviction, be punished as established by this chapter.~~

20 **Section 132.** SRC 73.300 is repealed:

21 ~~**73.300. Civil Penalties.** Any user who is found to have violated an order of the council, or~~
22 ~~who willfully or negligently failed to comply with any provision of this chapter, and the~~
23 ~~orders, rules, and regulations issued hereunder, shall forfeit and pay not more than \$1,000 for~~
24 ~~each offense as determined by the council. Each day on which a violation shall occur or~~
25 ~~continue shall be deemed a separate and distinct offense~~

26 **Section 133.** SRC 73.305 is repealed:

27 ~~**73.305. Violations.** Violation of any provision of this chapter, in addition to any civil~~
28 ~~forfeitures, shall be an infraction.~~

1 **Section 134.** SRC 73.310 is repealed:

2 ~~**73.310. Severability.** If any provision, paragraph, word, section, or article of this Ordinance~~
3 ~~is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs,~~
4 ~~words, sections, and chapters shall not be affected and shall continue in full force and effect.~~

5 **Section 135. Codification.** In preparing this ordinance for publication and distribution, the City
6 Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such
7 limitations, may:

8 (a) Renumber sections and parts of sections of the ordinance;

9 (b) Rearrange sections;

10 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;

11 (d) Delete references to repealed sections;

12 (e) Substitute the proper subsection, section or chapter, or other division numbers;

13 (f) Change capitalization and spelling for the purpose of uniformity;

14 (g) Add headings for purposes of grouping like sections together for ease of reference; and

15 (h) Correct manifest clerical, grammatical or typographical errors.

16 **Section 136. Severability.** Each section of this ordinance, and any part thereof, is severable,
17 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the
18 remainder of this ordinance shall remain in full force and effect.

19 **Section 137. Emergency Clause.** This act being necessary for the immediate preservation of
20 the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be
21 in full force and effect from and after the date of its passage.

22 PASSED by the City Council this _____ day of _____, 2017.

23 ATTEST:

24
25
26 City Recorder

27 Approved by City Attorney: _____

28
29 Checked by: T.Cupani