



Staff Report

File #: 17-163

Version: 2

Date: 5/8/2017

Item #: 7.1 a.

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Peter Fernandez, PE, Public Works Director

SUBJECT:

Utility Code

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

ISSUE:

Shall City Council schedule a public hearing on May 22 regarding Ordinance Bill No. 7-17, relating to the Utility Code and amending Salem Revised Code Chapters 70, 70A, 71, 72, and 73?

RECOMMENDATION:

Schedule a public hearing on May 22 regarding Ordinance Bill No. 7-17, relating to the Utility Code and amending Salem Revised Code Chapters 70, 70A, 71, 72, and 73.

SUMMARY AND BACKGROUND:

Salem Revised Code (SRC) Chapters 70 (Utilities General), 70A (Streetlights), 71 (Stormwater), 72 (Water), and 73 (Wastewater), collectively referred to as the Utility Code, address the management and operation of the City of Salem's water, wastewater, stormwater, and street light systems. The Public Works Department is tasked with operating these utilities and with implementing and enforcing the provisions of the Utility Code. Over the course of several years, these chapters have been amended multiple times, business practices have changed, new SRC chapters have been promulgated, and the use of administrative rules has expanded, with the result that the Utility Code is in need of a major rewrite.

Ordinance Bill No. 7-17 includes revisions and updates to the Utility Code that provide coherence and consistency across the chapters while, at the same time, remove extraneous details and repetitive elements. Additionally, many subsections that were formerly in the Utility Code will now be contained in new administrative rules, which have been developed to more appropriately detail

certain programmatic procedures and policies.

FACTS AND FINDINGS:

The proposed revisions to the Utility Code will provide a more concise, coherent, and articulate regulatory framework for managing and operating the City's public utilities. Attachment 1 contains the complete set of changes. Revisions of note include:

1. All definitions used throughout the Utility Code are relocated to SRC 70 (Utilities General), ensuring consistency while providing a central location for ease of use.
2. General authority is given to the Director of Public Works to develop and administer grant programs for the benefit of the City, the utility, and the environment.
3. Construction standards and inspection requirements are consolidated in SRC 70, eliminating unnecessary redundancy elsewhere in the Utility Code.
4. Procedures for development-driven extensions of the utilities are removed from the Utility Code. These procedures are detailed in SRC 41 (Development Fee), SRC 200 (Urban Growth Management), and SRC 802 (Public Improvements).
5. All stormwater sections are eliminated from SRC 72 (formerly "Sewers" and now "Wastewater"). SRC 73 (Stormwater) was adopted in 2013 and addresses requirements for discharges into the stormwater system.
6. New administrative rules have been developed to regulate the utility billing, water curtailment, and cross-connection control programs. Authority for these programs remains in the Utility Code, but details have been removed from code and incorporated into the new administrative rules.
7. Ordinance Bill No. 7-17 contains an emergency clause and will become effective immediately upon adoption. Administrative Rules corresponding to the changes in the Utility Code will appear as an information report on the same Council agenda as second reading of this ordinance, and both the ordinance and administrative rules will be effective on the same date, so there will be no gaps in continuity of regulatory authority or practices.

Robert D. Chandler, PhD, PE
Assistant Public Works Director

Attachment:

1. Ordinance Bill No. 7-17

April 6, 2017