



**AGENDA**  
**MOLALLA CITY COUNCIL MEETING**

**April 25, 2018**  
**7:00 PM**  
**Molalla Adult Center**  
**315 Kennel Ave., Molalla, OR 97038**

*Mayor Jimmy Thompson*

*Council President Elizabeth Klein*  
*Councilor Leota Childress*  
*Councilor DeLise Palumbo*

*Councilor Glen Boreth*  
*Councilor Cindy Dragowsky*  
*Councilor Keith Swigart*

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**1. CALL TO ORDER**

- A. Convene Regular Meeting and Roll Call
- B. Pledge of Allegiance

**2. PUBLIC COMMENT/COMMUNICATIONS AND PRESENTATIONS**

- A. Molalla River BMX Update (presented by Martin Trerise and Mike Dahlberg)

*(Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Council does not generically engage in dialog with those making comments, but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Council.)*

**3. ADOPTION OF AGENDA**

**4. CONSENT AGENDA**

- A. City Council Minutes – April 11, 2018
- B. Correspondence –

**5. ORDINANCES, RESOLUTIONS, PROCLAMATIONS**

- A. Ordinance 2018-03 Amending Chapter 13.04 Water Service to Delete Text Referencing Dollar Amount of Late Fee.
- B. Ordinance 2018-04 Amending Chapter 5.24 Business License Deleting Text Referencing Dollar Amount of Late Fee, second reading.
- C. Ordinance 2018-06 Amending Chapter 13.08 Sanitary Sewer to Delete Text Referencing Dollar Amount of Late Fee.
- D. Proclamation 2018-01 Regarding Loyalty Day.

**6. NEW BUSINESS**

- A. Discussion and/or Action Related to Heritage Art Walk.

**7. OLD BUSINESS**

- A. N/A

**8. REPORTS AND ANNOUNCEMENTS**

- A. City Manager and Staff
- B. City Councilors
- C. Mayor

## **9. EXECUTIVE SESSION**

Held pursuant to Oregon Public Record Law, ORS 192.660(2):

- (a) To consider the employment of a public officer, employee, staff member or individual agent.
- (b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
- (c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063 and 441.196 including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.
- (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.
- (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- (f) To consider information or records that are exempt by law from public inspection.
- (g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
- (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

## **10. ADJOURN**

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Agenda posted at City Hall, Senior Center, Library and the City Website at <http://www.cityofmolalla.com/meetings>  
This meeting location is wheelchair accessible. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-829-6855

**Minutes of the Molalla City Council Regular Meeting**  
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**315 Kennel Ave., Molalla, OR 97038**  
**Wednesday, April 11, 2018**

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- 1. CALL TO ORDER OF THE MOLALLA CITY COUNCIL MEETING;** the regular meeting of April 11, 2018 was called to order by Mayor Jimmy Thompson at 7:02 P.M.

**COUNCIL ATTENDANCE:**

Mayor Jimmy Thompson - Present  
Councilor Elizabeth Klein – Absent  
Councilor Leota Childress – Present  
Councilor DeLise Palumbo - Present  
Councilor Glen Boreth – Present  
Councilor Cindy Dragowsky - Present  
Councilor Keith Swigart – Present

**STAFF IN ATTENDANCE:**

Dan Huff, City Manager - Present  
Gerald Fisher, Public Works Director - Present  
Chaunee Seifried, Finance Director - Present  
Rod Lucich, Police Chief - Absent  
Kelly Richardson, City Recorder – Present  
Diana Hadley, Library Director - Absent  
Chad Jacobs, City Attorney – Absent

**2. COMMUNICATIONS, PRESENTATIONS, and PUBLIC COMMENT**

- a) There were no presentations.

**3. ADOPTION OF THE AGENDA**

MOTION by Councilor Childress: To approve the April 11, 2018 agenda as presented.  
Second by Councilor Boreth. Motion carries all ayes (6-0).

**4. CONSENT AGENDA**

- a) City Council Minutes – March 28, 2018  
b) Library Board Minutes – N/A  
c) Correspondence – N/A

MOTION by Councilor Swigart: To approve the Consent Agenda as presented. Second by Councilor Dragowsky. Motion carries all ayes (6-0).

**5. ORDINANCES, RESOLUTION AND PROCLAMATIONS**

- a) **Ordinance 2018-03** Amending Chapter 13.04 Water Service to Remove Late Fee. Council discussed the ordinance briefly and directed staff to bring it back before them next Council meeting in its entirety.
- b) **Ordinance 2018-04** Amending Chapter 5.24 Business License Late Fee Removal. Council discussed briefly and directed staff to reinsert the original language regarding proration of the new business license. Council went forward with the first reading of the ordinance.

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MOTION by Councilor Swigart: To approve the first reading by title only of Ordinance 2018-04 with reinsertion of proration language. Second by Councilor Dragowsky. Motion carries ayes 5-1, Councilor Palumbo voted nay.

c) **Ordinance 2018-05** Creating Chapter 2.06 Land Use Hearing Bodies and Duties (previously known as chapter 16.2) CR Richardson explained this chapter was removed at the last Development Code update and needs to be placed back in the correct section of the code. Council agree with staff's proposal.

MOTION by Councilor Palumbo: To approve the first reading of Ordinance 2018-05. Second by Councilor Boreth. Motion carries all ayes (6-0).

MOTION by Councilor Swigart: To approve the second reading of Ordinance 2018-05. Second by Councilor Dragowsky. Motion carries all ayes (6-0).

MOTION by Councilor Swigart: To adopt Ordinance 2018-05. Second Councilor Palumbo. Motion carries all ayes (6-0).

d) **Resolution 2018-05** A Resolution Setting Business License Late Fee (Currently in Chapter 5.24). This resolution is on hold until after the second reading of Ordinance 2018-04.

**6. NEW BUSINESS**

a) N/A

**7. OLD BUSINESS**

a) **Discussion and/or Action on Council Goals** CM Huff presented Council an overview of the goals discussed at the goals session. Council liked the goals presented.

MOTION by Councilor Dragowsky: To adopt the Council Goals as presented. Second by Councilor Childress. Motion carries all ayes (6-0).

**8. REPORTS AND ANNOUNCEMENTS**

- a) **City Manager** Huff had a few items to present to Council.
- Memo regarding recent misinformation circulating on Facebook.
  - New City website has been launched.

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- Clackamas County Business and Economic Development partnership opportunities.
- Clackamas County Association dinner this Thursday, April 26.
- Town Hall meetings have been scheduled June 19 and October 16, both at 6:30 pm.
- Recent post to clarify we will not discuss employee issues.
- Reminded Council the CIS Attorneys along with the City Attorney is available to Council if ever needed.

**b) Staff**

- PWD Fisher informed Council he had attended the American Public Works Association Conference. PWD Fisher brought back stickers that stated, “(“not drunk just avoiding potholes”)”.
  - In the attached comments/misinformation circulating on Facebook hopefully the following addresses those comments.
  - Flow Study regarding infiltration and inflow issues in our sanitary sewer system.
  - Continued maintenance and repair on manholes, 58 to date completed.
  - With the pending update of the *Wastewater Facility and Collection System Master Plan* update, smoke testing report, and I&I flow mapping report, public works and contractors are successfully addressing issues even before the plan is complete.
  - Wastewater Improvements Pathway to Regulatory Compliance flyer shows the issues and what the City is doing about it.
  - To report potholes on highway 211 or 213, contact ODOT at 503-665-4193.
- FD Seifried had nothing.
- CR Richardson had nothing.

**c) City Councilors**

- Councilor Palumbo thanked the public for participating in the meeting process along with thanking staff for all their hard work.
- Councilor Swigart thanked staff for getting the name tags ordered.
- Councilor Childress informed Council that the final grant request of \$32,000 has been submitted to Ford Foundation. In September, there will be a community celebration to present information to the public. Meetings with the Chamber are going well. At the next meeting, we will be discussing volunteer needs during the Buckeroo season and parade. Childress went on to thank staff for all the hard work that has gone into the website updates.

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- Councilor Boreth reminded Councilors to get there (SEI) Statement of Economic Interest completed before the April deadline.
- d) **Mayor Thompson** informed Council about an on-going pedestrian safety issue regarding crosswalk in front of Stone Place Apartments. Recently, this month a child was struck while attempting to cross the road. Fortunately, this time it was not a fatal accident. Council went on to discuss various options and voice more of their concerns.

**9. EXECUTIVE SESSION**

Held pursuant to Oregon Public Record Law, ORS 192.660(2):

- a) N/A

**10. ADJOURN**

MOTION by Councilor Childress: To adjourn the meeting of April 11, 2018 at 8:39 pm. Second by Councilor Swigart. Motion carries all ayes (6-0).

\_\_\_\_\_  
Mayor, Jimmy Thompson

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Kelly Richardson, CMC  
City Recorder



**Administration – City Records Office**  
117 N Molalla Avenue, PO Box 248, Molalla, Oregon 97038  
Phone: (503) 829-6855 Ext. 291 Fax: (503) 829-3676

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**DATE:** April 25, 2018  
**TO:** Mayor and Council  
**FROM:** City Recorder  
**SUBJECT:** Molalla Municipal Code Amendments

Included with this memo are three Municipal Code amendments regarding three separate sections of the Code. As previously discussed with Council, all three of the Ordinances delete text referencing dollar amounts identified within Code language.

Within the Council packet, you will find the three Ordinance amendments as follows:

1. **Water System Fee** - In *Ordinance 2018-03*, Other than deleting the text referencing the dollar amount of Utility Billing late fee, you will notice one change regarding violation of Chapter 13.04. This is to make it consistent with other sections of the code.
2. **Business License** - In *Ordinance 2018-04*, as instructed at the April 11, 2018 meeting staff reinserted the original half price language however staff felt July 1 to early in the year to begin proration and inserted September 1 for discussion.
3. **Sanitary Sewer System Fee** – In *Ordinance 2018-06*, Other than deleting the text referencing the dollar amount Utility Billing late fee, you will notice one change regarding violation of Chapter 13.08. This is to make it consistent with other sections of the code.

All three of the Ordinances do not raise a fee or add an additional fee. Staff is proposing the deletion of the text referencing a dollar amount, which will be set by Resolution.

  
Kelly Richardson, CMC  
City Recorder



**ORDINANCE NUMBER 2018-03**

**AN ORDINANCE OF THE CITY OF MOLALLA, OREGON,  
AMENDING CERTAIN PORTIONS OF CHAPTER 13.04 OF THE MOLALLA  
MUNICIPAL CODE, CONCERNING WATER SYSTEM.**

**WHEREAS**, Section 13.04.160 of the Molalla Municipal Code establishes rate schedules for water service within the City shall be set by resolution and adjusted from time to time ; and

**WHEREAS**, the City desires to have the Molalla Municipal Code line up with this policy; and

**WHEREAS**, there are various sections of title 13.04 that need changed to line up with that policy.

**Now, Therefore, the City of Molalla does ordain as follows:**

Section 1. Title 13.04 of the Molalla Municipal Code is hereby amended as shown in Exhibit A.

Section 2. Effective date. This ordinance is effective 30 days after its passage by Council and approved by the Mayor this date\_\_\_\_\_.

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

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Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

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Jimmy Thompson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Beery Elsner & Hammond, LLP

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Kelly Richardson, CMC, City Recorder

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City Attorney

EXHIBIT A ORDINANCE 2018-03

- 13.04.010 Definitions.
- 13.04.020 Ownership of system.
- 13.04.030 Jurisdiction and operation.
- 13.04.040 Responsibility and liability of City.
- 13.04.050 Use of water.
- 13.04.055 Restricted use of water.
- 13.04.060 Furnishing water.
- 13.04.070 Water service—Application requirements.
- 13.04.080 Water service—Payment of installation charges in advance.
- 13.04.090 Water service—Spider connections prohibited.
- 13.04.110 Water service—Connection and meter required.
- 13.04.120 Location of meters—Pipes and meters to be City property.
- 13.04.130 Size of service connections.
- 13.04.140 Larger service connections for fire protection. (Repealed Ord. 2002-02 §3)
- 13.04.150 Service outside City.
- 13.04.160 Establishment of rate schedules.
- 13.04.170 Temporary service.
- 13.04.180 Discontinuance of service or change of occupancy.
- 13.04.190 Contracts.
- 13.04.200 Deposits and establishment of credit.
- 13.04.210 Meter reading and billing. (Repealed Ord. 2002-02 §7)
- 13.04.220 Leakage within premises.
- 13.04.230 Water damages or injuries within property.
- 13.04.240 Payments for service.
- 13.04.250 Turning on water services and meters.
- 13.04.260 Maintenance and repair of customer's lines.
- 13.04.270 Cross connections or physical connections with other water supplies or systems. (Repealed 2002-02 §10)
- 13.04.271 Cross connection control and backflow prevention policy—Purpose.
- 13.04.272 Records and reports.
- 13.04.273 Discontinuance of service for violations of policy.
- 13.04.274 Notification to City when water treated.
- 13.04.275 Backflow prevention—When required.
- 13.04.276 Approved devices and installation thereof—Methods of backflow prevention required.
- 13.04.277 Testing required.
- 13.04.280 Plumbing. (Repealed 2002-02 §10)
- 13.04.290 Maintenance, repair and testing of meters.
- 13.04.300 Service interruptions.
- 13.04.310 Pressure regulation.
- 13.04.320 Maintenance and repair of service lines.
- ~~13.04.320 Maintenance and repair of service lines.~~
- 13.04.330 Maintenance and replacement of mains.
- 13.04.340 Water main extensions—Responsibility for payment.
- 13.04.350 Water main extensions—To be made by City.
- 13.04.360 Water main extensions—Size.
- 13.04.370 Water main extensions—Advance payment by property owner—Cost assessment by City.
- 13.04.380 Water main extensions—Maintenance and operation by City.
- 13.04.390 Water main extensions—Reimbursement to persons paying for extensions on property owned by others. (Repealed Ord. 2002-02 §13)

Field Code Changed

- 13.04.391 Water main extensions—Reimbursement to persons paying for extensions.**  
**13.04.400 Water main extensions—Collection of costs from prospective users. (Repealed Ord. 2002-02 §13)**  
**13.04.410 Water main extensions—City to pay for installation of larger mains.**  
**13.04.430 Water rates and charges. (Repealed Ord. 2002-02 §16)**  
**13.04.460 Violation—Penalty.**

**13.04.010 Definitions.**

**13.04.010 Definitions**

Field Code Changed

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For the purposes of this chapter, the words set out in this section shall have the following meanings:

- A. “City” means the City of Molalla.
- B. “Council” means the Mayor and City Council of the City of Molalla, Oregon.
- C. “Customer” means any person granted water service after due application.
- D. “Customer line” means the pipe, valves and fittings leading from the water meter into the premises served.
- E. “Director” means the Director of Public Works of the City of Molalla, employed by the City of Molalla.
- F. “Main” or “water main” means the pipe in the street, alley or right-of-way owned and maintained by the City for the purpose of distributing water to customers and servicing fire hydrants.
- G. “Person” means and includes any natural person, firm, co partnership, association or corporation.
- H. “Service line” or “service connection” means the pipe, valves, stops and fitting from a main to and including the meter and meter box.
- I. “System” means all or any part of the water system owned and operated by the City and includes all service lines to and including all meters. (Ord. 1976-3 §1)

**13.04.020 Ownership of system.**

The water system is owned by the City of Molalla and the people residing therein, and none of the properties may be disposed of except as by Charter or ordinance provided. (Ord. 1976-3 §2)

**13.04.030 Jurisdiction and operation.**

- A. The entire system including all mains, service lines, meters, reservoirs, pumping stations, treatment plants, and all facilities and appurtenances shall be operated only by regularly employed and authorized personnel of the City.
- B. No person shall connect to any main or service of the system or interfere with the operation of any of the facilities whatsoever, or turn on any meter or service, or operate any valves or fire hydrants; provided, however, that members of regularly constituted fire departments shall be permitted to connect to and use fire hydrants for the express purpose of fighting fire, testing and use consistent therewith. (Ord. 1976-3 §3)

**13.04.040 Responsibility and liability of City.**

A. The City shall maintain and repair its mains, service pipes, meters, structures, facilities and all appurtenances so as to keep them in repair and operative condition at all times insofar as practical and reasonable.

B. The City shall not be liable for damages or otherwise responsible because of interruptions or discontinuance of water service. The Council shall have the right in cases of inadequate supply or shortages of water to determine how water shall be used, and give preference to those uses determined to be in the best interest of the public health and public convenience or necessity. (Ord. 1976-3 §4)

**13.04.050 Use of water.**

The City shall furnish water for ordinary domestic, business and community use and for such sprinkling, irrigation, industrial, commercial and firefighting purposes as the system may reasonably supply and as may be approved by the Council. (Ord. 1976-3 §5)

**13.04.055 Restricted use of water.**

A. The City Council may, by resolution, at such times as it deems appropriate, restrict the use of City water.

B. It is unlawful for anyone to use water in violation of the terms of a water restriction resolution duly imposed by the City Council. Violation of such restrictions may be punishable by a fine not exceeding \$100.00 for each day of the violation. (Ord. 1988-1 §1)

**13.04.060 Furnishing water.**

The City shall not be obligated to furnish and install at its expense system facilities for all property within the City. The City shall, so far as reasonable and practicable and within its financial means, however, provide adequate source of supply, necessary primary feeder mains, storage facilities and other improvements necessary to make water service generally available to all areas within the City. Extensions to furnish water to areas at present not now obtaining water from the system shall, at the expense of those persons requesting service, be made by the City or by those expressly authorized to do so. (Ord. 1976-3 §6)

**13.04.070 Water service—Application requirements.**

A. Application for water service shall be made in writing by the owner of the premises to be served, or the owner's agent duly authorized in writing on regular application forms furnished by the City. No service will be rendered until such application has been completed and the required payments made. All applications shall include signature of applicant, locations of premises for which service is requested, address to which all bills shall be sent, and such additional data as the Council from time to time may require.

B. Applications for service shall be considered merely as a request for service, and they shall not bind the City or Council to provide service. (Ord. 1976-3 §7)

**13.04.080 Water service—Payment of installation charges in advance.**

Charges made for the installation of water services shall be paid in full and in advance of installation by the City. (Ord. 1976-3 §7)

**13.04.090 Water service—Spider connections prohibited.**

Water service shall be provided only from pipes or mains located within streets, alleys, or rights-of-way controlled by the City, and to-property or premises abutting such mains. So-called “spider connections” which would provide service from one street or road to property or premises abutting another street or road shall not be permitted, and requests for such service shall be disapproved. (Ord. 1976-3 §7)

**13.04.110 Water service—Connection and meter required.**

A. Each dwelling or building, or building complex under the same ownership shall be provided with its own water service connection and meter. Multifamily dwellings and other multi-occupancy units under the same ownership shall be provided with one meter, unless the customer requests and pays for additional meters.

B. No person shall furnish water to either buildings or premises without making application for water service with the City, and then only under the specific terms of any such authorization which might be granted.

C. No City water customer may furnish City-supplied water to a noncustomer by means of a hose, pipe or similar conveyance. A de minimus temporary use of City water does not constitute a violation of this subsection. (Ord. 2011-01 §1; Ord. 2002-02 §1; Ord. 1976-3 §7)

**13.04.120 Location of meters—Pipes and meters to be City property.**

Meters shall be set at property lines, and the service pipe from the main to the meter as well as the meter and meter box shall be the property of the City and not the person owning the premises or paying for the installation. (Ord. 1976-3 §7)

**13.04.130 Size of service connections.**

A. Unless otherwise requested, approved, and paid for, service connections shall be three-fourths inch and meters shall be first quality five-eighths inch to three-fourths inch meters, together with such corporations stop, fittings, connections, yoke or setter, meter box, shutoff cocks, etc., as the City shall require.

B. Services larger than three-fourths inch may be installed when requested in writing, provided the system is able to adequately service such larger connection without interfering with the meter service of others. The charges made for the installation of larger services shall be sufficient to cover all costs thereof, and the minimum of “ready to serve” charge may be higher than for standard three-fourths inch service connections. (Ord. 2002-02 §2; Ord. 1976-3 §7)

**13.04.140 Larger service connections for fire protection. (Repealed Ord. 2002-02 §3)**

**13.04.150 Service outside City.**

Service to persons residing outside of the limits of the City shall be made only if the City has sufficient surplus water over and above its requirements within the City, and such service, if provided, may be discontinued at any time if the interest and the needs of the City so require. The rate schedule for outside service shall in no instance be less than the rates charged for residents within the City, and it may be more in such additional amount as the Council may from time to time determine. The City may at its discretion require annexation or a waiver of remonstrance to annexation as a condition of providing water service. (Ord. 2011-01 §1; Ord. 1976-3 §7)

**13.04.160 Establishment of rate schedules.**

Rate schedules for water service within and without the City shall be established and may from time to time be revised by the Council by resolution. (Ord. 2002-02 §4; Ord. 1976-3 §7)

**13.04.170 Temporary service.**

For temporary water service a customer shall pay the established charge for installation of the service connections requested plus any additional charge which may be required by the City for the removal or resetting of the service following the termination of the temporary use. He or she shall also pay in advance one month's anticipated or estimated water service charge, and shall continue to do so each month thereafter so long as the temporary service is maintained. (Ord. 1976-3 §8)

**13.04.180 Discontinuance of service or change of occupancy.**

A. At any time a customer wishes to discontinue water service, the City shall read the meter and the bill shall be payable at once.

B. Bills for a portion of a month shall be prorated upon the actual days of use if the amount is less than allowed under the minimum bill.

C. If, at the customer's request, a service is shut off and turned on more than once in a given month, such charge shall be made therefore as the Council shall determine proper from time to time and as set forth in Appendix I to Ordinance No. 1976-3, as amended or modified, on file in the City Recorder's office. (Ord. 2002-02 §5; Ord. 1976-3 §9)

**13.04.190 Contracts.**

A. In case the premises of the applicant for water service are connected for water service as a result of the application made and accepted by the City, the application given in writing shall be considered as a contract in which the applicant agrees to abide by all rules and regulations as are in effect at the time of signing the application, or as may be adopted or modified thereafter by the Council, and to pay all bills promptly.

B. Whenever the applicant's requirements for water service are unusual, large, or subject to a great fluctuation or variation in draft, the City may require a special contract for an extended period of

time, and the City may require reasonable security satisfactory to the City and sufficient to protect the City against loss and to guarantee performance under the terms of the contract.

C. All rules, regulations, rates and charges are subject to change or modification by the Council without notice, except however, special contracts which specify the length of time in which the contract rates shall apply.

D. All special contracts shall be in writing, signed by the proper person or customer and officers of the Council. (Ord. 1976-3 §10)

#### **13.04.200 Deposits and establishment of credit.**

A. At the time a written application is made for a new water service, the applicant shall pay to the City an amount sufficient to cover the cost of the installation in accordance with schedule established by the City. After such installation is made, the facilities shall be the property of the City, and the cost of installation shall not be refunded to the customer or owner of the premises served.

B. Each water service customer shall pay a deposit to secure the payment of water bills, unless exempted under the provisions of subsection C of this section. The amount of the deposit shall be established by the City Council by resolution. After payment of all amounts due for water service, the deposit shall be refunded to the customer upon termination of service or upon the customer's qualification for an exemption from the deposit requirement.

C. Water service customers shall be exempt from the requirement to maintain a water bill deposit if:

1. The customer has maintained a water service account with the City for a continuous period of one year without any delinquencies in payment; or
2. The customer previously had a water service account with the City of Molalla for a period of at least one year, and there were no delinquencies in payment on that account.

D. Notwithstanding the provisions of this section, the City Manager may waive a customer's deposit requirement, extend the period during which a deposit is required, or reinstate a customer's deposit requirement for good cause. (Ord. 2002-02 §6)

#### **13.04.210 Meter reading and billing. (Repealed Ord. 2002-02 §7)**

#### **13.04.220 Leakage within premises.**

All leakage occurring beyond the meter installation shall be at the expense of the user, and he or she shall be responsible for the proper maintenance and repair of the customer's lines, stop and waster valves, gate valves, pressure regulators, plumbing fixtures, etc., within his or her premises. (Ord. 1976-3 §13)

#### **13.04.230 Water damages or injuries within property.**

The City shall not be liable for any damage or injury whatsoever for leakage or the running of water on the premises from the pipe lines, plumbing fixtures, open faucets, valves, fixtures and hoses beyond meters set at property lines. (Ord. 1976-3 §14)

#### **13.04.240 Payments for service.**

A. All charges for water service shall be due and payable monthly on the date of mailing, and become delinquent on the 15th day thereafter. A late fee ~~of five dollars set by resolution~~ shall be assessed on any accounts, which become delinquent. After a customer's bill is delinquent, the Finance Director shall mail to customer a notice stating:

1. That the water bill is delinquent;
2. The amount necessary to cure the delinquency;
3. That the water service to the property will be shut off 20 days after the date of the notice, unless the delinquency is paid in full;
4. The customer's right to a hearing as provided in this section;
5. The amount necessary for restoration of water service after shut-off. If notice is mailed as provided in this section, the City may shut off water service to the property 20 days after mailing of the notice unless the total amount due is paid in full, but subject to the City's compliance with the hearing procedure specified in this section.

B. A customer may appeal a notice of water shut-off by filing a written request for an informal hearing with the City within 15 days after the date of mailing of the notice. The appeal shall be filed with the City Manager and shall specify the reasons for the appeal. If an appeal is so filed, water service shall not be disconnected before the business day after the announcement of the result of the hearing. The informal hearing shall be held as soon as is practically possible before the City Manager or designee. The City shall provide the customer reasonable notice of the date of the hearing. The customer may be represented by an attorney at the hearing, and any probative evidence shall be admissible. The hearing officer may affirm, overrule, or modify the notice of water shut-off, considering applicable law and the nature of any hardship of the customer.

C. Water service disconnected for lack of payment of utility bills shall not be restored until all past-due bills, late fees, and any other water charges or connection fees are paid in full.

D. All payments shall be made to the City either by mail or at the office of the City, or such other place as the Council may from time to time designate. (Ord. 2002-02 §8; Ord. 1991-3 §§10, 11; Ord. 1989-5 §1, 2; Ord. 1976-3 §15)

#### **13.04.250 Turning on water services and meters.**

No person other than an employee of the City shall turn on or off any of the services or meters. Users desiring either discontinuance of service, a new service or restoration of service shall make arrangements therefore with the Council through the office of the City. (Ord. 1976-3 §16)

#### **13.04.260 Maintenance and repair of customer's lines.**

A. Customers shall install, maintain and repair all piping between the meter and the premises served, and shall install same at a depth sufficient to protect from damage and freezing.

B. Customers shall be responsible for the cost of all water lost from leakage in a customer's lines. (Ord. 2002-02 §9; Ord. 1976-3 §17)



**13.04.270 Cross connections or physical connections with other water supplies or systems.  
(Repealed 2002-02 §10)**

**13.04.271 Cross connection control and backflow prevention policy—Purpose.**

As required by the Oregon Health Division pursuant to Oregon Administrative Rules 333-61-070, and in order to prevent any possibility of backflow contaminating the water system, it shall be the policy of the City of Molalla to require the installation of backflow prevention devices, and inspections of those devices, as set forth in this chapter. References herein to “this policy” shall refer to the provisions of Sections 13.04.271 through 13.04.277 of this code. (Ord. 2002-02 §11)

**13.04.272 Records and reports.**

The City shall maintain current records of backflow assemblies installed, inspections completed, and backflow assembly test results, and shall report such data as may be required by state law. (Ord. 2002-02 §11)

**13.04.273 Discontinuance of service for violations of policy.**

A. After proper notice to the customer as required by this chapter, and until the violation has been corrected, the City shall discontinue water service to any premises under any of the following circumstances:

1. For failure to install an approved backflow prevention device;
2. For failure to conduct an annual test on the backflow device;
3. When City staff has reasonable cause to believe that an existing or potential cross connection is located on the user’s premises, until an appropriate backflow prevention assembly is installed or until the cause of the hazard is eliminated;
4. For any other violation of Sections 13.04.271 through 13.04.277 of this code.

B. This section shall not in any way be construed to impair the City’s ability to immediately discontinue water service in the event of imminent threat to the City’s water system or other emergency situations. (Ord. 2002-02 §11)

**13.04.274 Notification to City when water treated.**

The City Public Works Director shall be notified whenever a water user or the owner of the premises obtaining water from the City treats the water in any way or adds any chemical or substance to the water. (Ord. 2002-02 §11)

**13.04.275 Backflow prevention—When required.**

A. Backflow prevention assemblies shall be installed at the service connection to premises where an approved air gap does not exist and:

1. There is an auxiliary water supply which is, or can be, connected to the potable water piping; or

2. There is piping for conveying liquids other than potable water, and where that piping is under pressure and is installed in proximity to potable water piping; or
3. There is intricate plumbing which makes it impractical to ascertain whether or not cross connections exist; or
4. There is back siphonage potential; or
5. Cross connections or potential cross connection exist. (Ord. 2002-02 §11)

**13.04.276 Approved devices and installation thereof—Methods of backflow prevention required.**

A. New Assemblies. All backflow prevention assemblies required under this policy shall be of a type and model approved by the Oregon Health Division, and shall be installed in accordance with Oregon Administrative Rules 333-61-071 Sections (1) through (4), as now existing or later amended. Suitable pressure-relieve devices to prevent damage from thermal expansion shall be required in conjunction with the installation of all new backflow prevention assemblies.

B. Existing Assemblies. Backflow prevention assemblies installed before the adoption of the policy and which were approved by the Oregon Health Division at the time they were installed, but are not on the current list of approved assemblies, shall be permitted to remain in service provided they are properly maintained, are commensurate with the degree of hazard, are tested at least annually, and perform satisfactorily. When assemblies of this type are moved, or require more than minimum maintenance or are on services that are modified, changed size or remodeled, they shall be replaced by assemblies, which are on the Health Division list of approved assemblies.

C. Methods Required. The method of backflow prevention required under this policy shall at a minimum be commensurate with the degree of hazard which exists, and not less than the following:

1. When the substance which could backflow could be hazardous to health, an approved air gap of at least twice the inside diameter, but not less than one inch, of the incoming supply line measured vertically above the top rim of the vessel shall be installed, or an approved reduced pressure backflow (RPBA) assembly shall be installed.
2. When the substance, which could backflow, is objectionable but does not pose an unreasonable risk health, an approved double check valve assembly (DCVA) shall be installed. An approved double check valve assembly shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or which does not provide for periodic flow through during each 24-hour period.
3. An approved pressure vacuum breaker assembly (PVBA) or an atmospheric vacuum breaker (AVB) shall be installed where the substance which could backflow is objectionable but does not pose an unreasonable risk to health and where there is no possibility of backpressure in the downstream piping. A shutoff valve may be installed on the line downstream of a pressure vacuum breaker but shall not be installed downstream of an atmospheric vacuum breaker. (Ord. 2002-02 §11)

**13.04.277 Testing required.**

A. When Required. The water user or the owner of the premises where one or more reduced pressure assembly (RPBA), double check valve assembly (DCVA), or pressure vacuum breaker (PVBA) have been installed shall have the assemblies tested by a certified tester at least once per year. Assemblies

installed at facilities, which pose an extreme health risk and assemblies, which repeatedly fail, shall be tested on a more frequent basis as determined by the City. Backflow assemblies which have been moved or which have been installed shall be tested before use.

B. Malfunctioning Assemblies. Backflow prevention assemblies found not to be functioning properly shall be promptly repaired by the owner or water user, and failure to do so may result in the denial or discontinuance of service as provided in this policy.

C. Test Procedures and Reports. Tests performed by certified testers shall be in conformance with procedures adopted under OAR 333-061-0070(10), as now existing or later amended. Reports on the tests shall be prepared by the certified tester and copies shall be provided to the City and to the water user or owner of the premises. (Ord. 2002-02 §11)

#### **13.04.280 Plumbing. (Repealed 2002-02 §10)**

#### **13.04.290 Maintenance, repair and testing of meters.**

A. Normal maintenance and repair of meter shall be carried on by the City at its expense. Should a customer wish to have his or her meter tested, the City will make such tests, but should the meter so tested be found accurate within four percent of true delivery, the customer requesting such testing shall pay the cost thereof; provided, however, that should such meter be found to under register in excess of four percent testing shall be at the cost of the City.

B. Charges made for meter testing shall be paid in advance, and the deposit required for the testing shall be set by the Council by resolution.

C. Wherever a meter has been found to over-register more than four percent, an adjustment in reasonable amount shall be made to the customer for past billings, but in no case shall adjustment exceed a period of one year. (Ord. 1991-3 §9; Ord. 1976-3 §20)

#### **13.04.300 Service interruptions.**

The City from time to time must interrupt service for repairing mains, making extensions, repairing valves, pumps, and control devices, etc., and for cleaning, maintaining and reconditioning reservoirs and storage tanks. The City shall not be responsible for any damages caused by such interruptions of service or fluctuations in pressure, but shall, whenever feasible to do so, give customers advance notice whenever it is known that service is to be interrupted for any appreciable length of time, but failure to give such notice shall in no manner cause the City to become liable for loss or damage caused by service interruption. (Ord. 1976-3 §21)

#### **13.04.310 Pressure regulation.**

A. Insofar as it is reasonably possible, feasible and economical for the City to do so, it will furnish water at desirable service pressures. In locations in which service pressures are higher than needed or desired by users, customers shall install and maintain within their premises any pressure regulators required.

B. The City shall not be responsible for damages or difficulties experienced by reason of variations in pressure within the system. (Ord. 1976-3 §22)

**13.04.320 Maintenance and repair of service lines.**

The City shall maintain and repair service piping between mains and meters at its expense. Water users shall be responsible for the maintenance and repair of service piping between meters and premises. Service lines shall be installed at such depth that pipes shall be protected from freezing and traffic. Owners and users shall take all reasonable precautions to protect service lines and meter installations from damage of any kind whatsoever. (Ord. 1976-3 §23)

**13.04.330 Maintenance and replacement of mains.**

The City will maintain and replace mains within the distribution system at its expense, provided the original installation was made by the City or with materials furnished or approved by the City. (Ord. 1976-3 §24)

**13.04.340 Water main extensions—Responsibility for payment.**

The City as a whole shall pay for the cost of supply, pumping stations, storage facilities and primary mains for the general distribution of water within the City, but it shall not pay the cost of main extensions to service additional customers, properties, tracts or subdivisions. Such extensions, when requested, shall be paid for by the person or persons requesting such extensions, at actual cost plus 10% for overhead. (Ord. 1976-3 §25)

**13.04.350 Water main extensions—To be made by City.**

All water main extensions shall be made by the City or by a contractor approved by the City, and shall be constructed to such design standards as the City may designate. (Ord. 2002-02 §12; Ord. 1976-3 §25)

**13.04.360 Water main extensions—Size.**

The City shall determine the size of mains required, and in general they shall not be less than six inches in diameter fittings, valves, valve boxes, and fire hydrants required shall be included in the cost of extensions. Extensions shall be made in the street to the furthestmost point of the property to be served, or to the end of the block if the property to be served extends to an intersection. (Ord. 1976-3 §25)

**13.04.370 Water main extensions—Advance payment by property owner—Cost assessment by City.**

Advance payment for extensions shall be made by the owner or owners of the property for which service is desired. After receipt of a written request for a main extension, the Director of Public Works shall prepare an estimate of cost and furnish the applicant with a copy thereof. The City shall not proceed with the work until payments have been made for the full amount of the proposed work including 10% for overhead. After completion of the work and tabulation of costs of the installation, any excess monies deposited prior to the work shall be refunded and any deficiency shall forthwith be paid to the City by the owner. (Ord. 1976-3 §25)

**13.04.380 Water main extensions—Maintenance and operation by City.**

The facilities after installation shall be the sole property of the City and shall be maintained and operated by the City's personnel exclusively, and all connections for services thereto shall be made in the manner elsewhere set forth in these regulations, and the charges made for service connections and meters shall be as therein set forth. (Ord. 1976-3 §25)

**13.04.390 Water main extensions—Reimbursement to persons paying for extensions on property owned by others. (Repealed Ord. 2002-02 §13)**

**13.04.391 Water main extensions—Reimbursement to persons paying for extensions.**

Persons paying for water main extensions shall be entitled to reimbursement under the provisions of Section 13.12.050 of this code. (Ord. 2002-02 §14)

**13.04.400 Water main extensions—Collection of costs from prospective users. (Repealed Ord. 2002-02 §13)**

**13.04.410 Water main extensions—City to pay for installation of larger mains.**

The City may elect to install a larger main than charged for when extensions are made, and when it does so, it shall bear the additional cost of the pipe, fittings and other materials and equipment used. In no case will a person requesting an extension be expected to pay an amount greater than that which would be incurred by the installation of a six-inch pipeline and appurtenances unless the development to be served, such as a subdivision, commercial development, or industrial enterprise, is such as to require larger mains either for normal use, fire protection, or both. All such cases shall be considered separately, and the requirements for each such development shall be specified to the applicant for extensions or service. (Ord. 1976-3 §25)

**13.04.430 Water rates and charges. (Repealed Ord. 2002-02 §16)**

**13.04.460 Violation—Penalty.**

A. Whenever the City determines that a violation of any of the provisions of this chapter has occurred, the ~~Public Works Director~~ City Manager shall cause a written notice to be mailed to the customer, the owner of the property, and to such other persons as the ~~Public Works Director~~ City Manager may designate, stating the nature of the violation and a ~~reasonable time~~ 14 day limit within upon which the violation must be corrected. Any person who continues any violation beyond the time limit provided for in Section 13.04.460 shall be guilty of a violation and, on conviction thereof, shall be fined in the amount set by Council resolution or subject to fines established per code 1.04.010, general provisions for each violation. Each day in which any such violation continues shall be deemed a separate offense. Failure to comply with a written directive or timeline of the City Manager made under the authority of this chapter is a punishable offense and may result in a temporary loss of City water and

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sewer services. ~~The offender shall, within the period of time specified in such notice, permanently cease such violations.~~

B. If a violation to this chapter is likely to cause damage to the City water system or create a danger to public health, water service shall be cut off without formal written notice. The City shall not be responsible for any damage to private property resulting there from. (Ord. 2002-02 §17; Ord. 1976-3 §30)

**Commented [KRC1]:** This is so it lines up with other sections of the code and so there is uniformity.



**ORDINANCE NUMBER 2018-04**

**AN ORDINANCE OF THE CITY OF MOLALLA, OREGON, AN ORDINANCE AMENDING SECTION 5.24 GENERAL BUSINESS LICENSING IN THE MOLALLA MUNICIPAL CODE ADOPTING THIS AMENDED VERSION OF SECTION 5.24 GENERAL BUSINESS LICENSING.**

**WHEREAS**, City of Molalla revised the Molalla Municipal Code Chapter 5.24 Business Licensing ; and

**WHEREAS**, upon completion of the revision had still left fees in the code; and

**WHEREAS**, fees should be set by Resolution at Council discretion.

**Now, Therefore, the City of Molalla does ordain as follows:**

**Section 1.** That this ordinance amending section 5.24 General Business Licensing in the Molalla Municipal Code in its entirety and adopting this amended version of section 5.245 General Business Licensing as attached in Exhibit A.

**Section 2.** Effective date. This ordinance is effective 30 days after its passage by City Council and approval of the Mayor.

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

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Jimmy Thompson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Beery Elsner & Hammond, LLP

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Kelly Richardson, CMC, City Recorder

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City Attorney

**EXHIBIT A;**

**Chapter 5.24 GENERAL BUSINESS LICENSING**

- 5.24.010 Definitions.
- 5.24.015 Purpose of business license fee.
- 5.24.019 Contractors and subcontractors' responsibility
- 5.24.020 Business license fee imposed.
- 5.24.021 Temporary business license
- 5.24.025 Exemptions.
- 5.24.030 Amount of business license fee.
- 5.24.035 Business license certificate.
- 5.24.040 Misleading statements—Nonpayment.
- 5.24.045 Additional remedies.
- 5.24.050 Period of license.
- 5.24.055 Renewal of licenses.
- 5.24.060 License—Grounds for revocation or suspension.
- 5.24.065 Appeal.

**5.24.010 Definitions.**

As used in this chapter of the Molalla Municipal Code, the following words and phrases mean:

- A. "Business" means an activity carried on by a person predominately for economic profit or livelihood in the city including professions, trades, occupations, and shops. Any person who advertises or otherwise represents themselves to the public as engaged in business is presumed to be so engaged.
- B. "Garage/yard/estate sale" means a commercial activity, open to the public, conducted at a private residence where personal property is sold, or auctioned to others, provided the number of sale days at a particular residence does not exceed three days, and no more than four occurrences per calendar year.
- C. "Home occupation" means a business carried on within a dwelling, and which business is incidental to the use of the dwelling for dwelling purposes.
- D. "License" means the permission granted by the city to engage in a business or activity regulated by this chapter.
- E. "Licensee" means a person who has a valid license issued pursuant to this chapter.
- F. "Peddler" means any person who goes from house to house or from place to place in the city, selling or taking orders for, or offering to sell or take orders for goods, wares, merchandise, or any other article for future delivery, for services to be performed in the future, or the making, manufacturing, or repairing of any article or thing whatsoever for future delivery, excepting interstate commerce.
- G. "Person" includes all natural and legal persons, including but not limited to individuals, corporations, associations, partnerships and societies, whether or not engaged in a profit-making endeavor.
- H. "Valid license" means a license issued pursuant to this chapter, and which license's effective period has not expired. (Ord. 2010-13 §1; Ord. 2008-03 §1)

**5.24.015 Purpose of business license fee.**

- A. The ordinance codified in this chapter is enacted, except as otherwise specified in this section, to provide revenue for municipal purposes including police protection, marketing, tourism promotion,



economic development and to provide revenue to pay for the necessary expenses required to issue the license for and regulate the business licensed.

B. The fee required by this code shall be in addition to general ad valorem taxes now or hereafter levied pursuant to law, and shall be in addition to license fees prescribed in other parts of this code.

C. The levy or collection of a business license fee upon any business shall not be construed to be a license or permit of the City to the person to engage therein in the event such business shall be unlawful, illegal, or prohibited by the laws of the State of Oregon, the United States, or other provisions of this code. (Ord. 2010-13 §1; Ord. 2008-03 §1)

**5.24.019 Contractors' and subcontractors' responsibility.**

It shall be the responsibility of all general contractors, utility companies and subcontractors working in the city to obtain a business license. It shall further be the responsibility of all general contractors and utility companies working in the city to provide a list of all names and addresses of subcontractors under their direction. Failure of any subcontractor to obtain a license may result in a stop work order on any project within the city's jurisdiction.

**5.24.020 Business license fee imposed.**

A. A business license fee is hereby imposed upon the business trades, shops, professions, callings, and occupations specified in Section 5.24.010 of this code. No person may transact and carry on any such business in the city without first having obtained a business license therefore for the current calendar year as herein provided or without complying with any and all applicable provisions of this code.

B. The fee for business licenses shall be due and payable on the first day of January of each year for the calendar year following and shall be delinquent on and after the following first day of February.

Any new business which is not in operation on or before the first day of the license year and which desires to conduct business within the city shall make application for the license required by this chapter to the city before starting a business. As a new business, other processes and fees may apply to determine if business is applicable to the zone. If the application is received on or before June 30, the full license fee is required. An application received on or after ~~July 1~~ September 1, will be charged a half the fee amount.

**Commented [KRC1]:** Originally the code called it out as of July 1 staff felt it should be September 1.

C. Each branch establishment of business or location of a business conducted by any person shall, for the purposes hereof, be a separate business and subject to the license requirements provided in this code; but warehouses used solely incidental in connection with a business licensed pursuant to the provisions of this code and operated by the person conducting such business shall not be separate places of business or branch establishments.

D. The agent or agents of a nonresident proprietor engaged in any business for which a license is required by this code shall be liable for the payment of the fee, and for the penalties for failure to pay the same as provided in Sections 5.24.035 and 5.24.040 of this code, or to otherwise comply with the provisions of this code to the extent and with like effect as if such agent or agents were themselves proprietors. (Ord. 2010-13 §1; Ord. 2008-03 §1)

**5.24.021 Temporary business license**

Any person conducting a business within the city which is not domiciled nor otherwise permanently located in the city but is conducting business within the city for a period thirty (30) days or less annually shall apply for and receive a temporary business license and shall pay the license fee for such temporary business as may be established by council.

**5.24.025 Exemptions.**

A. The provisions of this chapter shall not apply to:

1. Any person transacting and carrying on any business within the City which is exempt from taxation or regulation by the City by virtue of the Constitution of the United States, the State of Oregon, or applicable statutes of the United States or the State of Oregon.

2. Any person whose income is based solely on an hourly, daily, weekly, monthly, or annual wage or salary, and it is the intention that all registration, taxes and fees will be borne by the employer.

3. Any business paying a franchise fee under City ordinances.

4. Any business which does not maintain any offices, storage facilities or other facilities, or inventory in the City, and whose sole business involves delivering merchandise or goods to persons or businesses in the City.

5. A person whose primary activity consists of delivering goods inside the city for a business located outside the city.

6. Nonprofit organizations-civic organizations and clubs wishing to canvass for funds or sell door-to-door to raise funds or conduct fundraising, federally tax-exempt organizations and non-profit religious organizations.

7. Persons whose gross receipts from business conducted both within and without the City amount to less than \$2,500.00 per calendar year; provided that any such person provide written notice to the City that they are exempt and upon demand by the City provide proof verifying the amount. This exemption does not supersede the applicability of the exemption for garage sales as defined in this chapter.

8. Any person operating a business, display or sales space at any special event with a duration of three days or less. A "special event," as used in this chapter, is deemed to be a City-endorsed activity for the benefit of the community.

9. Any person engaged in a garage, yard or estate sale as defined in this chapter.

10. Any producer of farm products raised in Oregon, produced by themselves or their immediate families, who sell, vend, or dispose of such projects within the City.

B. Any person not subject to the business license fee as set forth under subsection A who receives a notice of business license renewal or application must contact the City in writing to claim an exemption. If no exemption is claimed, an individual or business will be subject to the late fees as set forth under Section 5.24.040(B). (Ord. 2010-13 §1; Ord. 2010-07 §1; Ord. 2008-03 §1)

#### **5.24.030 Amount of business license fee.**

A. The license fee shall be set by the City Council by resolution.

B. All fees are on an annual basis. Each business trade, shop, calling or occupation that has multiple departments may apply for a business license under the classification of "general shopkeeper."

C. If any person be engaged in operating or carrying on in the city more than one trade, shop, profession, occupation, business or calling then such person shall obtain licenses prescribed in this chapter for as many of the trades, shops, professions, occupations, businesses or callings as are carried on by such person. (Ord. 2010-13 §1; Ord. 2008-03 §1)

#### **5.24.035 Business license certificate.**

All licenses issued in accordance with this chapter shall be openly displayed in a place of business or kept on the person or on the vehicle of the person licensed and shall be immediately produced and delivered for

inspection to the Chief of Police and their agents or subordinates when requested by the individuals to do so. Failure to carry the license or produce the same on request shall be deemed a violation of this chapter.

A. A business license certificate shall be issued by the City Recorder or designee upon written application therefor.

B. The application for such certificate shall contain the following information:

1. A description of the trade, shop, business, profession, occupation, or calling to be carried on within the city;
2. The name of the applicant, with a statement of all persons having an interest in said business either as proprietors or owners of the business;
3. The location of the place where the business is carried on;
4. Date of application;
5. Amount of money tendered with application;
6. Signature of applicant. (Ord. 2010-13 §1; Ord. 2008-03 §1)

#### 5.24.040 Misleading statements—Nonpayment.

A. No person may willfully make any false or misleading statement to the City Recorder for the purpose of securing a business license certificate; or to fail or refuse to pay before that payment becomes delinquent any business license fee or penalty hereby required to be paid by any such person.

B. In the event any person required to renew a business license fails to pay the license fee, a late fee as set by resolution shall be added to the license fee until paid this same late fee will apply to those persons receiving notice of a failure to renew a business license who have not notified the City of any applicable exemptions as listed in Section 5.24.025 above. If after March 1<sup>st</sup> the business license and/or including late fees (unless a payment arrangement has been made in writing) the business shall be cited into Molalla Municipal Court and prosecuted under the general penalty of Molalla Municipal Code as stated in Chapter 1.04. (Ord. 2010-13 §1; Ord. 2008-03 §1)

**Commented [KRC2]:** To remove fee from ordinance and be set by resolution. Not changing the amount just removing so it can be set by resolution.

#### 5.24.045 Additional remedies.

A. The conviction of any person for violation of any of the provisions of this chapter shall not operate to relieve such person from paying any fee or penalty thereupon for which such person may be liable nor shall the payment of any fee be a bar or prevent any prosecution in the Municipal Court of any complaint for the violation of the provisions of this chapter.

B. Any violation of this chapter shall, in addition to any other remedy prescribed by this chapter, be punishable under the general penalty clause of the Molalla Municipal Code. Each day, which a business is operated in violation of this chapter, shall be deemed a separate offense and may be punishable by a separate fine for each day the license is not paid in an amount to be determined by the City and as authorized under Section 1.04.010(B) of the Molalla Municipal Code. (Ord. 2010-13 §1; Ord. 2008-03 §1)

#### 5.24.050 Period of license.

Business licenses shall be issued on a calendar year basis and shall expire on December 31st of the year in which they are issued. (Ord. 2010-13 §1; Ord. 2008-03 §1; Ord. 1999-15 §2)

**5.24.055 Renewal of licenses.**

At least 30 days prior to the expiration of any license issue under this section, and upon any change in the ownership of a business licensed under this section, the licensee shall apply for renewal by application containing the same information as required for an initial application, or, in the alternative, a statement of the particulars in which the information furnished with the initial application is changed. On such investigation as the City deems proper, the license shall be renewed. (Ord. 2010-13 §1; Ord. 2008-03 §1)

**5.24.060 License—Grounds for revocation or suspension.**

A. The City Recorder determines that a licensee is conducting or has conducted an activity, which would provide grounds for denial of an application for a license, and the City Recorder shall notify the licensee in writing that the City is revoking/suspending the license.

B. If the City Recorder determines that a licensee of any activity of the licensee presents an immediate danger to persons or property, the City Recorder may suspend/revoke such license by issuing written notice. (Ord. 2010-13 §1; Ord. 2008-03 §1)

**5.24.065 Appeal.**

An applicant whose application has been conditioned, denied, suspended or revoked may file a written notice of appeal with the City Administrator. The notice of appeal must be filed within 10 calendar days after the notice of conditioned, denied, suspended or revoked is mailed or delivered, whichever is earlier. The notice of appeal shall include:

- A. The name and address of the appellant, and the business owner if different than the appellant;
- B. The nature of the determination from which an appeal is taken and a copy of the determination;
- C. The reason or reasons why the determination is alleged to be incorrect; and
- D. What the correct determination should be. (Ord. 2010-13 §1; Ord. 2008-03 §1)

When a license has been revoked and the licensee or principal of the licensee reapplies for a license, a bond in the penalty sum deemed necessary under the circumstances, but no to exceed \$10,000, shall be filed with the city recorder. This bond shall be required for the term of the license and shall be forfeited to the city if the licensee is convicted of any violation of federal, state or city laws or ordinance for which such license may be revoked.



**ORDINANCE NUMBER 2018-06**

**AN ORDINANCE OF THE CITY OF MOLALLA, OREGON,  
AMENDING CERTAIN PORTIONS OF CHAPTER 13.08 OF THE MOLALLA  
MUNICIPAL CODE, CONCERNING SANITARY SEWER SYSTEM.**

**WHEREAS**, Section 13.08.360 of the Molalla Municipal Code establishes rate schedules for sewer service within the City shall be set by resolution and adjusted from time to time ; and

**WHEREAS**, the City desires to have the Molalla Municipal Code line up with this policy; and

**WHEREAS**, there are various sections of title 13.08 that need changed to line up with that policy.

**Now, Therefore, the City of Molalla does ordain as follows:**

Section 1. Title 13.08 of the Molalla Municipal Code is hereby amended as shown in Exhibit A.

Section 2. Effective date. This ordinance is effective 30 days after its passage by Council and approved by the Mayor this date\_\_\_\_\_.

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

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Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

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Jimmy Thompson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Beery Elsner & Hammond, LLP

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Kelly Richardson, CMC, City Recorder

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City Attorney

EXHIBIT A ORDINANCE 2018-06

**Article I. Definitions**

**Article II. Use of Public Sewers Required**

**Article III. Private Sewage Disposal**

**Article IV. Building Sewers and Connections**

**Article V. Use of Public Sewers**

**Article IV. Industrial Cost Recovery**

**Article VII. Protection from Damage**

**Article VIII. Powers and Authority of Inspectors**

**Article IX. Penalties**

**Article X. Inspection and Maintenance**

**Article XI. Storm Drains**

**Chapter 13.08 SANITARY SEWERS**

**Article I. Definitions**

**13.08.010 Generally.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as set forth in Sections 13.08.020 through 13.08.230. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1)

**13.08.020 Biochemical oxygen demand (BOD).**

“BOD” (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §1)

**13.08.030 Building drain.**

“Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewers, beginning five feet (1.5 meters) outside the inner face of the building walls. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §2)

**13.08.040 Building sewer.**

“Building sewer” means the extension from the building drain to the public sewer lateral at the public right-of-way or easement. (Ord. 2017-06 §1; Ord. 2016-01 §1; Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §3)

**13.08.050 (Repealed Ord. 2007-07 §1)**

**13.08.060 Garbage.**

“Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, stor-

age, and sale of produce. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §5)

**13.08.070 Industrial wastes.**

“Industrial wastes” means the liquid wastes from any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under the following divisions:

1. Division A, Agriculture, Forestry and Fishing;
2. Division B, Mining;
3. Division D, Manufacturing;
4. Division E, Transportation, Communication, Electric, Gas, and Sanitary Services;
5. Division I, Services.

A user in the divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §6)

**13.08.080 Natural outlet.**

“Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 97)

**13.08.090 Person.**

“Person” means any individual, firm, company, association, society, corporation, or group. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §8)

**13.08.100 pH.**

“pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §9)

**13.08.110 Properly shredded garbage.**

“Properly shredded garbage” means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §10)

**13.08.120 Public sewer.**



“Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §11)

**13.08.130 Sanitary sewer.**

“Sanitary sewer” means a sewer which carries sewage and to which stormwater, surface water, and groundwater are not intentionally admitted. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §12)

**13.08.140 Sewage.**

“Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwater, surface water, and stormwater as may be present. (Ord. 2007-07 §1; Ord. 1976-2, Art. 1 §13)

**13.08.150 Sewage treatment plant.**

“Sewage treatment plant” means any arrangement of devices and structures used for treating sewage. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §14)

**13.08.160 Sewage works.**

“Sewage works” means all facilities for collecting, pumping, treating and disposing of sewage. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §15)

**13.08.170 Sewer.**

“Sewer” means a pipe or conduit for carrying sewage. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §16)

**13.08.180 Shall.**

“Shall” is mandatory; “may” is permissive. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §17)

**13.08.190 Slug.**

“Slug” means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §18)

**13.08.200 Storm drain.**

“Storm drain” (sometimes termed “storm sewer”) means a sewer which carries stormwater and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §19)

**13.08.210 (Repealed Ord. 2007-07 §1)**

**13.08.220 Suspended solids.**

“Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §21)

**13.08.230 Watercourse.**

“Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently. (Ord. 2007-07 §1; Ord. 1976-2 Art. 1 §22)

**Article II. Use of Public Sewers Required**

**13.08.240 Unsanitary deposit of waste.**

It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste. (Ord. 2007-07 §1; Ord. 1976-2 Art. 2 §1)

**13.08.250 Treatment of sewage required.**

It is unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted substances. (Ord. 2007-07 §1; Ord. 1976-2 Art. 2 §2)

**13.08.260 Unlawful sewage disposal facilities.**

Except as provided in this chapter, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. (Ord. 2007-07 §1; Ord. 1976-2 Art. 2 §3)

**13.08.270 Toilet facilities and sewer connections required.**

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is required at the owner’s expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet (30.5 meters) of the property line. (Ord. 2007-07 §1; Ord. 1976-2 Art. 2 §4)

**Article III. Private Sewage Disposal**

**13.08.280 When permitted.**

A. Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Oregon State Department of Environmental Quality, the Oregon State Board of Health, the Plumbing Code of the State of Oregon, and Clackamas County and all other applicable laws, rules and regulations.

B. The provisions of this section shall be in addition to and not lieu of the requirements of other applicable laws, rules and regulations. (Ord. 2007-07 §1; Ord. 1976-2 Art. 3 §1)

**13.08.290 Operation and maintenance.**

The owner of property with a private sewage disposal system shall operate and maintain the system in a sanitary manner at all times, at no expense to the City. (Ord. 2007-07 §1; Ord. 1976-2 Art. 3 §3)

**13.08.300 Upon availability of public sewer—Abandonment of private systems.**

At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 13.08.280, and upon notification to the property owner from the City, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be decommissioned, abandoned and filled with suitable material. All costs associated with decommissioning, abandonment and connection shall be the responsibility of the property owner. (Ord. 2007-07 §1; Ord. 1976-2 Art. 3 §2)

**13.08.310 (Repealed Ord. 2007-07 §1)**

**13.08.320 (Repealed Ord. 2007-07 §1)**

**Article IV. Building Sewers and Connections**

**13.08.330 Unauthorized connections and disturbances.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director of Public Works. (Ord. 2007-07 §1; Ord. 1976-2 Art. 4 §1)

**13.08.340 Service connection charges—Generally.**

A. There is levied and imposed upon the owner of any property connecting to the sanitary sewer system of the City of Molalla a connection charge, which shall be paid prior to such connection. The charge shall be established by the City Council by resolution.

B. The connection charge is levied upon a property based upon the existing or intended use of the property at the time of application for connection. If the property is improved, expanded, subdivided or otherwise modified so as to increase the connection charge due from that property, a connection charge shall be levied for the modified portion of the property based upon connection charges in effect at the time of the modification. (Ord. 2007-07 §1)

**13.08.350 (Repealed Ord. 2007-07 §1)**

**13.08.360 Rates—Generally.**

A. All users of the City's sewage system shall pay to the City the rates for sewer service as provided by this chapter.

B. Sewer service charges shall commence at the time a water meter is installed at a property. If no water meter is installed at a property, the sewer service charge shall first be levied for the month following the first month in which the property is permitted to connect to the sewer.

C. The sewer service charge for an individually billed service shall be based on that customer's use of the system as measured through winter average water consumption and that customer's allocated share of the sewer system's fixed cost of providing service.

D. Each sewer service customer shall pay a deposit to secure the payment of sewer/utility bills, unless exempted under the provisions of paragraph 1 of this subsection D. The amount of the deposit shall be established by the City Council by resolution. After payment of all amounts due for sewer service, the deposit shall be refunded to the customer upon termination of service or upon the customer's qualification for an exemption from the deposit requirement.

1. Sewer service customers shall be exempt from the requirement to maintain a deposit if:

a. The customer has maintained a sewer service account with the City for a continuous period of one year without any delinquencies in payment; or

b. The customer previously had a sewer service account with the City of Molalla for a period of at least one year, and there were no delinquencies in payment on that account.

c. Notwithstanding the provisions of this section, the City Manager may waive a customer's deposit requirement, extend the period during which a deposit is required, or reinstate a customer's deposit requirement for good cause. (Ord. 2007-07 §1)

**13.08.370 Rates.**

Sewer rates shall be set by resolution of the Council. Rates shall be based on generally accepted rate-making principles, including the City's true costs in upgrading the system to accommodate regulatory requirements and to provide adequate collection and treatment capacity for system users. (Ord. 2007-07 §1; Ord. 1992-2 §1; Ord. 1984-5 §1; Ord. 1981-2 §2; Ord. 1976-2 Art. 4 §5)

**13.08.380 (Repealed Ord. 2007-07 §1)**

**13.08.390 Costs of building sewer borne by owner.**

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 2007-07 §1; Ord. 1976-2 Art. 4 §6)

**13.08.400 Building sewer for each building.**

A separate and independent building sewer shall be provided for every building. Any property which is located so as to require the sewer lateral to cross any other property or parcel shall provide evidence of a duly recorded perpetual easement for such lateral, appurtenant to the property to which such lateral will provide service, before any sewer connection is made. (Ord. 2007-07 §1; Ord. 1976-2 Art. 4 §7)

**13.08.410 Reuse of old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director of Public Works, to meet all requirements of this chapter. (Ord. 2007-07 §1; Ord. 1976-2 Art. 4 §8)

**13.08.420 Materials and connections—Specifications.**

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in connecting, excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code and all other applicable rules and regulations. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply, or the most current version thereof. All connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director of Public Works before installation. (Ord. 2007-07 §1; Ord. 1976-2 Art. 4 §9)

**13.08.430 Elevation.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the property owner's expense. (Ord. 2007-07 §1; Ord. 1976-2 Art. 4 §10)

**13.08.440 Connection of sources of surface runoff.**

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. 2007-07 §1; Ord. 1976-2 Art. 4 §11)

**13.08.450 (Repealed Ord. 2007-07 §1)**

**13.08.460 Inspection—Connection to public sewer.**

The applicant for the building sewer permit shall notify the Director of Public Works when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director of Public Works or representative. (Ord. 2007-07 §1; Ord. 1976-2 Art. 4 §13)

**13.08.470 Protection of excavations—Restoration of public property.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (Ord. 2007-07 §1; Ord. 1976-2 Art. 4 §14)

**Article V. Use of Public Sewers**

**13.08.480 Unlawful discharge of storm and other waters.**

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. (Ord. 2007-07 §1; Ord. 1976-2 Art. 5 §1)

**13.08.500 Prohibited discharges.**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singularly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l or CN in the wastes as discharged to the public sewer.
- C. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Ord. 2007-07 §1; Ord. 1976-2 Art. 5 §3)

**13.08.510 Certain discharges subject to approval.**

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Director of Public Works that such wastes can harm either the sewer, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or

her opinion as to the acceptability of these wastes, the Director of Public Works will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewer, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than 150°F (65°C);
- B. Any water or waste containing fats, gas, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150°F (0°C and 65°C);
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director of Public Works;
- D. Any waters or wastes containing strong acid from pickling wastes, or concentrated plating solutions whether neutralized or not;
- E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Director of Public Works for such materials;
- F. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Director of Public Works as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction of such discharge to the receiving waters;
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director of Public Works in compliance with applicable state or federal regulations;
- H. Any waters or wastes having a pH in excess of 9.5;
- I. Materials which exert or cause:
  1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate),
  2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions),
  3. Unusual BOD, biochemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works,
  4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein;
- J. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. 2007-07 §1; Ord. 1976-2 Art. 5 §4)

**13.08.520 Decision of Director of Public Works regarding harmful wastes.**

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances, or possess the characteristics enumerated in Section 13.08.510 and which, in the judgment of the Director of Public Works, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, nuisance, the Director of Public Works shall:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and/or
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 13.08.570. If the Director of Public Works permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director of Public Works, and subject to the requirements of all applicable codes, ordinances and laws. (Ord. 2007-07 §1; Ord. 1976-2 Art. 5 §5)

**13.08.530 Grease, oil and sand interceptors.**

Grease, oil and sand interceptors shall be provided when, in the opinion of the Director of Public Works, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director of Public Works, and shall be located as to be readily and easily accessible for cleaning and inspection. All maintenance and cleaning shall be performed at the owner's expense, and as required by the Director of Public Works. (Ord. 2007-07 §1; Ord. 1976-2 Art. 5 §6)

**13.08.540 Preliminary treatment facilities—Maintenance.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. (Ord. 2007-07 §1; Ord. 1976-2 Art. 5 §7)

**13.08.550 Industrial wastes—Control manhole.**

When required by the Director of Public Works, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Director of Public Works. The manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times. (Ord. 2007-07 §1; Ord. 1976-2 Art. 5 §8)

**13.08.560 Tests of wastes—Location of sampling.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard



Methods for the Examination of Water and Waste-Water,” published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.) (Ord. 2007-07 §1; Ord. 1976-2 Art. 5 §9)

**13.08.570 (Repealed Ord. 2016-01 §1)**

**Article VI. Industrial Cost Recovery**

**13.08.580 Reporting of harmful discharges.**

Businesses are required to accurately report chemical discharges to the sewerage system and other discharges that may affect the sewerage system as directed by the Public Works Director via survey or other means as pre-approved by the City Manager or designee. (Ord. 2016-01 §1)

**13.08.590 (Repealed Ord. 2007-07 §1)**

**13.08.600 (Repealed Ord. 2007-07 §1)**

**Article VII. Protection from Damage**

**13.08.610 Damage to sewage works prohibited.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. (Ord. 2007-07 §1; Ord. 1976-2 Art. 7 §1)

**Article VIII. Powers and Authority of Inspectors**

**13.08.620 Entry on property.**

The Director of Public Works and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The Director of Public Works or representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment. (Ord. 2007-07 §1; Ord. 1976-2 Art. 8 §1)

**13.08.630 Observance of safety rules—Liability of City.**

While performing the necessary work on private properties referred to in Section 13.08.620, the Director of Public Works or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 13.08.550. (Ord. 2007-07 §1; Ord. 1976-2 Art. 8 §2)

### 13.08.640 Entry and work on easements.

The Director of Public Works and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. 2007-07 §1; Ord. 1976-2 Art. 8 §3)

## Article IX. Penalties

### 13.08.650 Violation—Notice.

Any person found to be violating any provision of this chapter, except Section 13.08.610, shall be served by the City with written notice stating the nature of the violation and providing ~~a reasonable 14 day~~ time limit for the satisfactory correction thereof. ~~The offender shall, within the period of time stated in such notice, permanently cease all violations.~~ (Ord. 2007-07 §1; Ord. 1976-2 Art. 9 §1)

### 13.08.660 Violation—Penalty.

~~Any person who continues any violation beyond the time limit provided for in Section 13.08.650 shall be guilty of a violation and, on conviction thereof, shall be fined in the amount set by Council resolution or subject to fines established per code 1.04.010. general provisions for each violation. Each day in which any such violation continues shall be deemed a separate offense. Failure to comply with a written directive or timeline of the City Manager made under the authority of this chapter is a punishable offense and may result in a temporary loss of City water and sewer services. Any person who continues any violation beyond the time limit provided for in Section 13.08.650 shall be guilty of a violation and, on conviction thereof, shall be fined in the amount set by Council resolution for each violation. Each day in which any such violation continues shall be deemed a separate offense. Failure to comply with a written directive or timeline of the Public Works Director made under the authority of this chapter is a punishable offense and may result in a temporary loss of City water and sewer services.~~ (Ord. 2016-01 §1; Ord. 2007-07 §1; Ord. 1976-2 Art. 9 §2)

### 13.08.670 Violators liable to City.

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Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss, or damage occasioned by the City of Molalla by reason of such violation. (Ord. 2007-07 §1; Ord. 1976-2 Art. 9 §3)

## **Article X. Inspection and Maintenance**

### **13.08.680 Definitions.**

The definitions listed in Article I of this chapter apply to this article. (Ord. 2007-07 §1; Ord. 1983-1 §1)

### **13.08.690 Responsibility.**

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City, wherein such facilities are connected to the proper public sewer in accordance with Articles I through IX, are responsible for the maintenance and cost of maintaining the private service lateral and the connection to the City main. (Ord. 2016-01A §3; Ord. 2007-07 §1; Ord. 1983-1 §2)

### **13.08.700 Testing—Cleanouts—Right of entry.**

A. The Director of Public Works and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties referred to in Section 13.08.690, upon prior written notice, to make tests of private service lateral piping to determine whether such piping is adequately watertight.

B. The property owner shall be responsible to supply cleanout at or adjacent to the house or buildings upon 10 days' written notice by the City. Such cleanout shall be the same size as the service lateral piping and shall conform to the City of Molalla standard specifications for service lateral cleanout.

C. The City may elect at its cost to construct a service lateral cleanout on public right-of-way for use in testing and/or repairing of service lateral piping. The cleanout shall conform to City standards. (Ord. 2007-07 §1; Ord. 1983-1 §3)

### **13.08.705 Grease traps and interceptors maintenance—Inspection.**

Where grease, oil and sand interceptors are required under Section 13.08.530, monthly cleaning records of traps and interceptors and monthly disposal records of grease, oils and sand shall be maintained and made available for inspection in a form established by the City. (Ord. 2006-07B; Ord. 2000-07 §1)

### **13.08.710 Improper connection—Notice to repair—Inspection.**

A. Where the City finds that any private service lateral piping is leaking or not legally connected, the property owner will be notified in writing by the City to make necessary repairs. The notification shall include the type of repairs to be made and the date, no less than 30 days from the date of the notice, by which the repairs shall be completed.

B. The property owner shall notify the Director of Public Works when repairs have been made, but before any piping is buried, and the City shall inspect and retest the private service lateral for leaks. The lateral will be considered repaired when it passes the retest by the City. (Ord. 2007-07 §1; Ord. 1983-1 §4)

**13.08.720 Improper connection—Correction by City.**

The property owner may elect to have the City repair or replace private service laterals by notifying the Director of Public Works in writing.

- A. The property owner may then contract with the City for such repairs.
- B. The City shall charge for labor and materials so furnished.
- C. Upon completion of repairs, the City shall provide a written accounting to the property owner prepared by the Director of Public Works.
- D. The property owner shall pay the City for the repairs by paying a \$20.00 surcharge on the sewer bill until the outstanding amount has been paid in full. The City shall charge no interest on the unpaid balance. (Ord. 2015-01 §1; Ord. 2007-07 §1; Ord. 1983-1 §5)

**13.08.730 Liability.**

The City does not assume any obligation for reasonably necessary damage to landscaping, vegetation and walkways caused by repair work, and the property owner shall be solely responsible for repairing or replacing such damages. (Ord. 2007-07 §1; Ord. 1983-1 §6)

**13.08.740 Nonconformance—Notice.**

- A. Any property owner who fails to comply with the provisions of Sections 13.08.680 through 13.08.730 of this article or Articles I through IX shall be deemed to possess a private service lateral not in conformance.
- B. The Director of Public Works shall notify by mail each property owner he or she determines is in violation of Sections 13.08.680 through 13.08.730 or Articles I through IX at the address of such owner as listed on the latest tax rolls of the Tax Assessor for Clackamas County, Oregon. The notice shall set forth the basis for such alleged violations along with an explanation of the consequences of having a service lateral not in conformance. The notice shall include notification of the right to a hearing as described in this section.
- C. Within 10 days of the mailing of the notice described in subsection B of this section, the property owner may request a hearing before the City Recorder. At such hearing the City Recorder shall determine whether or not the property is in violation as alleged. Unless such request for a hearing is filed within the time provided by this article, the property owner shall be deemed to possess a service lateral not in conformance. If the property owner is found to be in violation at the hearing by the City Recorder then the property owner's service lateral shall be deemed not in conformance. The property owner may appeal the decision of the City Recorder within 10 days of such decision by filing a written notice of appeal with the City Recorder. Appeals shall be heard by the City Council. (Ord. 2007-07 §1; Ord. 1983-1 §7)

**13.08.750 Nonconformance—Charges.**

Any property owner who maintains a private service lateral not in conformance with the maintenance requirements of this article shall be assessed a monthly sewer charge triple the normal rate until the private service lateral is brought into conformance with the requirements of this article and Articles I through IX. (Ord. 2007-07 §1; Ord. 1983-1 §8)

**13.08.755 City may assume cost of repairs.**

At such times that the City Council shall determine by resolution that it is in the public interest to repair a service lateral or group of service laterals without delay the City may repair such lateral at the City's expense without prior testing of such lateral and with the consent of the property owner without notice as provided in Molalla City Municipal Code Sections 13.08.680 through 13.08.750. (Ord. 2007-07 §1; Ord. 1985-4 §1)

**13.08.760 Payments for service.**

A. All charges for sewer service shall be due and payable monthly on the date of mailing, and become delinquent on the 15th day thereafter. A late fee ~~of five dollars set by resolution~~ shall be assessed on any accounts which become delinquent. After a customer's bill is delinquent, the City shall mail to the customer a notice stating:

1. That the sewer utility bill is delinquent;
2. The amount necessary to cure the delinquency;
3. That water service to the property will be shut off 20 days after the date of the notice, unless the delinquency is paid in full;
4. The customer's right to a hearing as provided in this section;
5. The amount necessary for restoration of water and sewer service after shut-off. If notice is mailed as provided in this section, the City may shut off water service to the property 20 days after mailing of the notice unless the total amount due is paid in full, but subject to the City's compliance with the hearing procedure specified in this section.

B. A customer may appeal a notice of water and sewer shut-off by filing a written request for an informal hearing with the City within 15 days after the date of mailing of the notice. The appeal shall be filed with the City Manager and shall specify the reasons for the appeal. If an appeal is so filed, water service shall not be disconnected before the business day after the announcement of the result of the hearing. The informal hearing shall be held as soon as is practically possible before the City Manager or designee. The City shall provide the customer reasonable notice of the date of the hearing. The customer may be represented by an attorney at the hearing, and any probative evidence shall be admissible. The Hearing Officer may affirm, overrule, or modify the notice of water shut-off, considering applicable law and the nature of any hardship of the customer.

C. Water service disconnected for lack of payment of utility bills shall not be restored until all past-due bills, late fees, and any other water and sewer charges or connection fees are paid in full.

D. All payments shall be made to the City either by mail or at the office of the City, or such other place as the Council may from time to time designate. (Ord. 2007-07 §1)

**Commented [KRC2]:** Because this appears in both water and sewer does council want the late fee resolution that you previously set make a change to \$10.00 or leave it at the \$5.00 2015-12. At the time council approved the resolution I think they were unaware of the \$5.00 fee being in both water and sewer Is my guess.

**Commented [KRC3]:** I have made changes both in water and sewer to reflect the correct terminology. The resolution 2015-12 calls it out as a utility bill and late fee.

**Commented [KRC4]:** Again correct terminology

**13.08.770 (Repealed Ord. 2007-07 §1)**

**Article XI. Storm Drains**

**13.08.800 Connections—Disturbances—Permit required.**

No unauthorized person shall make any connections with or opening into, uncover, use, alter or disturb any public storm drain or appurtenance thereof without first obtaining a permit from the Director of Public Works. The fee for such permit, if any, shall be set by the Council by resolution. (Ord. 2007-07 §1; Ord. 1987-6 §1)

**13.08.810 Connection requirements.**

A. The Director of Public Works shall review storm drain permit applications and may impose such conditions and restrictions on the permit as he or she deems necessary for the proper completion of the project. The permit applicant shall comply with any such conditions and restrictions in performing the work for which the permit application was made.

B. The permit applicant shall be responsible for the installation of the storm drain connection, at his or her own expense, from the point of collection to the City's existing storm drain facilities. All such work shall be done in conformance with applicable codes and regulations, and in conformance with applicable permit and inspection requirements. (Ord. 2007-07 §1; Ord. 1987-6 §1)

**13.08.820 Maintenance.**

The owner of any property connected to the City's storm drain system shall be responsible for the maintenance of all private storm drain laterals on the property. (Ord. 2007-07 §1; Ord. 1987-6 §1)

**13.08.840 Discharges into storm drains.**

No person shall discharge or cause to be discharged into any storm drain any matter other than unpolluted runoff or storm drainage. (Ord. 2007-07 §1; Ord. 1987-6 §1)



**PROCLAMATION NUMBER 2018-01**

**A PROCLAMATION OF THE CITY OF MOLALLA, OREGON,  
"LOYALTY DAY"**

**WHEREAS**, "Loyalty Day" was first recognized by the U.S. Congress on April 27, 1955, and made an official recurring holiday on July 18, 1958; and

**WHEREAS**, an official proclamation has been issued every year by every president since its inception as a legal holiday; and

**WHEREAS**, it is a day set aside for the reaffirmation of loyalty to the United States and for the recognition of the heritage of American Freedom; and

**WHEREAS**, that freedom has not been "Free," but rather has come at the cost of countless lives, sacrificed for ideals which we hold dear; and

**WHEREAS**, the founding principles of our nation, first articulated in the Declaration of Independence: that all men are created equal; that they are endowed by their Creator with certain unalienable Rights; that among these are Life, Liberty and the Pursuit of Happiness; are still the principles which guide us as a nation today; and

**WHEREAS**, in honor of the many sacrifices made in preserving our nation, and in hopes that our continued dedication further advances the ideals which have made the United States of America a great nation, it is fitting and proper that as a nation, and as a city, we reaffirm our commitment to those principles and the shared ideals that bind us together,

**Now, Therefore, the City of Molalla and the City Council of Molalla proclaims as follows:**

Section 1. do hereby join with our fellow Americans in observing May 1, 2018 and do solemnly proclaim the day as "Loyalty Day" in Molalla. Council urges our fellow citizens to reaffirm their loyalty today, and to recognize while we may all come from different places and lead different lives, we are all one nation, indivisible.

Section 2. IN WITNESS WHEREOF, Mayor Thompson have here unto set his hand this 25th day of April, 2018.

Section 3. This proclamation takes effect immediately upon passage.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Jimmy Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Richardson, CMC, City Recorder

\_\_\_\_\_  
Date