



AGENDA

MOLALLA CITY COUNCIL MEETING

May 9, 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*

1. CALL TO ORDER

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

2. PUBLIC COMMENT/COMMUNICATIONS AND PRESENTATIONS

- A. Presentation by Natalee Litchfield, regarding the use of plastic bags and the impact on our environment.

(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 25, 2018
- B. Correspondence – 2018 Legislative Review

5. ORDINANCES, RESOLUTIONS, PROCLAMATIONS

- A. Resolution 2018-01 Setting Business License Late Fee
- B. Ordinance 2018-03 Amending Chapter 13.04 Water Service 2nd reading
- C. Ordinance 2018-06 Amending Chapter 13.08 Sewer Service 2nd reading
- D. Ordinance 2018-07 Creating Chapter 13.02 Utility Payment Regulations

6. NEW BUSINESS

- A. **Discussion and/or Action** on Ratification of Clackamas County Peace Officers Association (CCPOA) Contract.
- B. **Discussion and/or Action** on City of Molalla Alarm Process.
- C. **Discussion and/or Action** on Possible Truck Route and Costs Involved.

7. OLD BUSINESS

- A. **Discussion and/or Action** regarding Business License Procedure.



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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

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
Molalla Adult Center
315 Kennel Ave., Molalla, OR 97038
Wednesday, April 25, 2018**

1. CALL TO ORDER OF THE MOLALLA CITY COUNCIL MEETING; the regular meeting of April 25, 2018 was called to order by Mayor Jimmy Thompson at 7:01 P.M.

COUNCIL ATTENDANCE:

Mayor Jimmy Thompson – Present
Councilor Elizabeth Klein – Present
Councilor Leota Childress – Absent
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
Kelly Richardson, City Recorder - Present
Rob Lucich, Police Chief - Absent
Diana Hadley, Library Director - Absent
Chad Jacobs, City Attorney - Absent

2. COMMUNICATIONS, PRESENTATIONS, and PUBLIC COMMENT

- a) Mike Dahlberg, Vice President with Molalla River BMX, 920 Toliver Rd Molalla, OR 97038 Along with President of Molalla River BMX, Mark Trerise Mr. Dahlberg spoke to Council about this year’s support of the sponsorship program and the importance of the sponsorship program. Dahlberg went on to inform Council of the success of the track and of the riders who participated in last year’s events.

Council thanked both men for everything that they do to make this program a success. Council Acknowledged approval of the advertising program.

3. ADOPTION OF THE AGENDA

MOTION by Councilor Klein: To approve the April 25, 2018 agenda as presented. Second by Councilor Boreth. Motion carries all ayes (6-0).

4. CONSENT AGENDA

- a) City Council Minutes – April 11, 2018
b) Library Board Minutes – N/A



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c) Correspondence – N/A

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

5. ORDINANCES, RESOLUTION AND PROCLAMATIONS

- a) **Ordinance 2018-03 Amending Chapter 13.04 Water Service to Delete Text Referencing Dollar Amount of Late Fee.** Council directed CR Richardson to remove the late fee payment section 13.04.240 in its entirety. Council's direction was to have section 13.04.240 to be in its own section and encompass the entire utility bill not specific to water or sewer.

MOTION by Councilor Boreth: To amend Ordinance 2018-03 and direct staff as discussed. Second by Councilor Swigart. Motion carries all ayes (6-0).

MOTION by Councilor Swigart: To approve the first reading of Ordinance 2018-03 as amended. Second by Councilor Boreth. Motion carries all ayes (6-0).

- b) **Ordinance 2018-04 Amending Chapter 5.24 Business License Deleting Text Referencing Dollar Amount of Late Fee.** Mayor Thompson stated that when Council direct staff to bring an item back a certain way, please do so. Council briefly discussed the September 1 deadline and none of the Councilors thought it necessary. Council directed CR Richardson to place the business license renewal fee on the May 9 agenda for discussion.

MOTION by Councilor Palumbo: To approve the second reading of Ordinance 2018-04 as discussed. Second by Councilor Dragowsky. Motion carries all ayes (6-0).

MOTION by Councilor Swigart: To adopt Ordinance 2018-04. Second by councilor Dragowsky. Motion carries all ayes (6-0).

- c) **Ordinance 2018-06 Amending Chapter 13.08 Sewer Service to Delete Text Referencing Dollar Amount of Late Fee.** Council directed CR Richardson to remove the late fee payment section 13.08.760 in its entirety. Council wanted section 13.08.760 to be in its own section and encompass the entire utility bill not specific to sewer or water.



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MOTION by Councilor Boreth: To approve the first reading of Ordinance 2018-06 as amended. Second by Councilor Swigart. Motion carries all ayes (6-0).

- d) Proclamation 2018-01 Regarding Loyalty Day.** Mayor Thompson explained to Council how this Proclamation came about and why. Following a brief discussion Mayor Thompson read *Proclamation 2018-01 "Loyalty Day"* in its entirety for the record.

MOTION by Councilor Dragowsky: To adopt Proclamation 2018-01 as presented. Second by Councilor Palumbo. Motion carries all ayes (6-0).

6. NEW BUSINESS

- a) Discussion and/or Action Related to Heritage Art Walk.** CM Huff presented and update which included the Clackamas County Tourism Grant information. Councilor Klein added information regarding the process.
- Identified specific individuals or groups to create a series of artworks to create an art walk.
 - Art to be in conjunction with the heritage of Molalla and Molalla Tribal history.
 - Enhance Molalla's environment by integrating outdoor are artwork into public spaces.
 - Promote public participation and interaction with the artists and artwork.
 - Looking for dates and have identified locations.

7. OLD BUSINESS

- a) N/A**

8. REPORTS AND

- a) City Manager** had nothing more.
- b) Staff**
- PWD Fisher gave Councilors an updated project list of both public and private projects. Fisher also informed Council he had received a voice message from Oregon Department of Transportation (ODOT) regarding Mayor Thompsons email in reference to the child



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struck on State Highway 211. ODOT was looking into the matter and would provide a letter later in the week.

- FD Seifried had nothing.
- CR Richardson had nothing.
- Chamber Liaison Tracy Cox reiterated the need for volunteers for the upcoming Fourth of July parade.

c) City Councilors

- Councilor Dragowsky thanked PWD Fisher for the tour of the various Molalla facilities. Dragowsky also thanked PWD Fisher for contacting Mr. Ritter with Molalla Youth Sports and working with them.
- Councilor Swigart requested information regarding a truck route be brought back to Council. PWD Fisher informed Council he has made some enquiries into the process and he will have more information at the May 9 meeting.
- Councilor Boreth thanked the Molalla River BMX President and Vice President for coming this evening and for all they do in the community.

d) Mayor Thompson had nothing more.

9. EXECUTIVE SESSION

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

(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.

(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.

MOTION by Councilor Swigart: To enter into Executive Session pursuant to the above at 8:14 pm. Second by Councilor Boreth. Motion carries all ayes (6-0).

MOTION by Councilor Palumbo: To adjourn Executive Session at 9:38 pm. Second by Councilor Boreth. Motion carries all ayes (6-0).



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10. ADJOURN

MOTION by Councilor Boreth: To adjourn the meeting of April 25, 2018 at 9:39 pm. Second by Councilor Swigart. Motion carries all ayes (6-0).

Mayor, Jimmy Thompson

Date

ATTEST:

Kelly Richardson, CMC
City Recorder

2018 Legislative Session

What Cities Must Do to Comply with New Laws

The 2018 Oregon Legislative Assembly adjourned *sine die* on March 3. Cities now need to review legislation enacted during the session to determine actions that must be taken to comply with new state law. The League's "2018 Legislative Session Summary of Bills" provides comprehensive coverage of bills of interest to cities, and is now available at www.orcities.org.

In order to further assist cities in understanding the impact of bills that have been or soon will be enacted, the following is a summary of legislation requiring city action or review.

HB 4006: Housing Reporting and Rent-Burden Discussions

Effective Date: April 3, 2018

Summary: HB 4006 contains three components. First, the bill requires cities with a population of 10,000 or more and with more than 25 percent of city households severely rent burdened—defined as spending 50 percent or more of household income on rent—to hold an annual meeting to discuss the causes of and options for addressing rent burden; and to annually complete a survey regarding city policies related to affordable housing. For all cities with a population greater than 10,000, the Oregon Housing and Community Services Department (OHCS) will provide data about the percentage of rent burdened households within those cities. OHCS will also determine which of these cities have a percentage of severely rent burdened households that exceeds 25 percent and provide them with the survey that must be completed. The survey will be developed by the OHCS and the Oregon Department of Land Conservation and Development (DLCD).

Second, HB 4006 requires cities with a population of 10,000 or more to provide the DLCD information related to the number of permits and units developed in the prior year for the following types of housing: a) residential units; b) regulated affordable residential units; c) multi-family residential units; d) regulated affordable multifamily residential units; e) single-family units; and f) regulated affordable single-family units.

Third, the bill allocates \$2 million for housing research and technical assistance, of which \$1.73 million is designated for the DLCD to provide technical assistance to local governments, prioritizing cities with a high percentage of severely rent burdened households.

What Cities Must Do: Cities with a population greater than 10,000 need to ensure they can track both the types of housing and the number of units actually developed, not just the number

of units included in the development application. This means cities will need to collect additional information about certificates of occupancy and create a connection to the housing type included on the development application.

Additionally, cities that are notified by the OHCS that they have a high population of severely rent burdened households will need to hold a public meeting and respond to a survey until the percentage of households drops below 25 percent. Guidelines for the required meetings will be developed by OHCS, but likely will be flexible. (LOC Staff Contact: Erin Doyle)

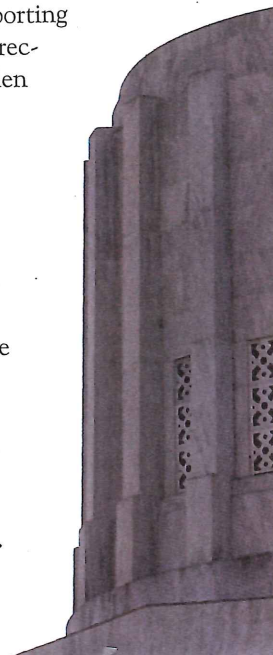
HB 4059: Omnibus Transportation Corrections Bill

Effective Date: June 2, 2018

Summary: SB 4059 provides both technical and policy fixes to the comprehensive transportation funding package approved by the Legislature in 2017. Of note to cities is the amendment sought by the League clarifying what had been a conflict between existing statute and the new law passed last year.

Previously, cities with a population less than 5,000 were exempt from having to file statutorily-mandated (ORS 366.790) financial reports on the sources and uses of their street and road budgets. Notwithstanding that exemption however, Section 12 of HB 2017 included small cities in that reporting requirement as part of an increased emphasis on accountability by all entities responsible for the receipt and expenditure of state highway funds. The League added language to HB 4059 (Section 22) which continues the exemption for small cities (population less than 5,000) from these detailed reporting requirements on the basis that they are unprecedented and would have put an undue burden on the state's smallest cities, while providing accountability for the management of only a small fraction of the state's highway revenues.

What Cities Must Do: Pursuant to ORS 366.790 and Section 12 of HB 2017 (2017) cities with a population greater than 5,000 will continue to be required to report on the amount of monies received and expended from the state Highway Trust Fund for administration; bicycle paths; construction and expansion; operations and maintenance; other payments; payments to other governments; and repairs and preservation.



However, this information is already collected in the Oregon Department of Transportation's (ODOT) annual "Local Road and Street Questionnaire," in which all Oregon cities with a population greater than 5,000 participate. Therefore, this is not so much about new actions cities must take, but rather a reminder to those cities that must continue to report. The critical nature of this report, however, is now enhanced in that the results will be reformatted by the League and ODOT and posted on a new website being created by the agency for legislative and public review. Failure to report in a timely and accurate fashion could have repercussions related to future increases in the Highway Trust Fund. (LOC Staff Contact: Craig Honeyman)

HB 4120: Lodging Taxes

Effective Date: July 1, 2018

Summary: HB 4120 revises the definition of "transient lodging intermediary" to clarify that all online platforms are subject to lodging tax collection, as well as filing and payment requirements, unless otherwise provided for by a city or county. Voluntary collection agreements to pay local lodging taxes will no longer be necessary to receive payments. HB 4120 will also make it more feasible for the state to collect local taxes on behalf of cities as state and local provisions must be in sync for that to work efficiently.

What Cities Must Do: To take advantage of the new law, cities must synchronize their ordinance definitions with the new transient lodging intermediary definition in Section 1 of HB 4120. Per Section 6 of the bill, the new law applies to all transient lodging tax collectors unless a charter provision, ordinance, resolution of a unit of local government, or an agreement entered into between the transient lodging tax collector and the unit of local government, provides otherwise. Thus, cities should consult their attorney, as they may need to terminate agreements and/or revise ordinances and forms.

The League is working with the Oregon Department of Revenue (DOR) to make an optional, voluntary collection and enforcement agreement available for local lodging taxes. It would be akin to local marijuana tax intergovernmental agreements, whereby the DOR collects and enforces local marijuana taxes at the same time it collects state marijuana taxes. Cities that want to be ready for this service should also synchronize their lodging tax provisions with state law provisions regarding: lodging that is subject to the local tax (see ORS 320.300(11) list); lodging that is exempt (see ORS 320.308 list); the

due date for paying local tax and filing a return (see ORS 320.315 requiring quarterly filing); and state delinquency provisions, including penalties and interest. (LOC Staff Contact: Wendy Johnson)

HB 4145: Firearm Regulation

Effective Date: January 1, 2019

Summary: HB 4145 prohibits persons who are subject to protective orders, and those who have been convicted of misdemeanor violent offenses against romantic partners, from possessing firearms or ammunition. Previously, these restrictions only applied when these crimes were committed against a person who was co-habiting with the offender. The bill also requires the Oregon State Police (OSP) to enter all convictions and court orders that result in a person being barred from owning a firearm or ammunition into Oregon's Law Enforcement Data System, and the database operated by the National Crime Information Center. Finally, HB 4145 instructs the OSP to notify all relevant jurisdictions when a person prohibited from owning a firearm attempts to purchase one, and police agencies to report on the disposition of those notifications.

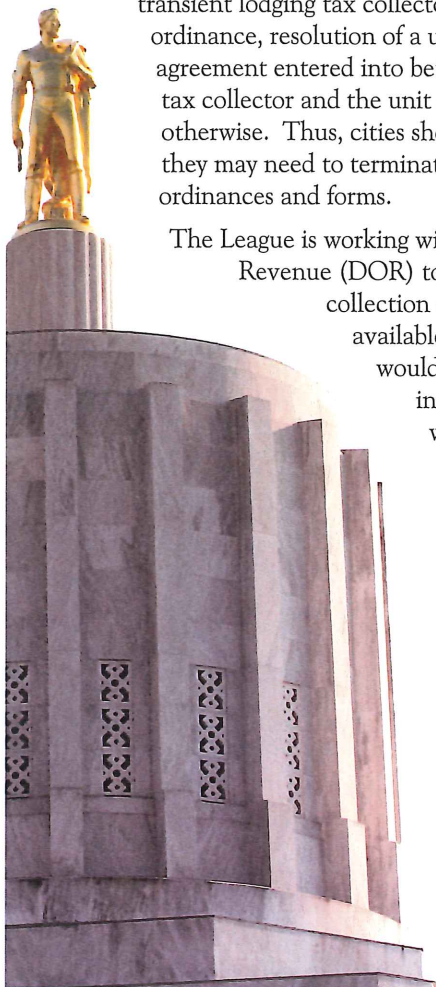
What Cities Must Do: City police departments that respond to the attempted illegal purchase of a firearm must notify the Oregon State Police how the matter was resolved. (LOC Staff Contact: Scott Winkels)

HB 4155: Net Neutrality

Effective Date: April 9, 2018

Summary: HB 4155 prohibits a public body, including a city, from contracting with an internet service provider (ISP) which does not practice net neutrality, except in certain specified circumstances. Among others, this restriction will not apply in instances when there is only one ISP providing services to a particular community. The Oregon Public Utility Commission is given the authority to make determinations as to when exceptions should be granted. HB 4155 was written in the wake of the Federal Communications Commission's overturning of net neutrality regulations effective in April 2018.

What Cities Need to Know: Beginning January 1, 2019 and thereafter, a city may not contract with an ISP that engages in paid prioritization, blocks lawful content or applications, or disadvantages lawful internet content, unless that ISP agrees to cease such prohibited activities. The Oregon Public Utility Commission has the authority to waive this restriction if it determines that the contracting ISP is the sole provider of internet access service, or meets any one of a number of other criteria, including, but not limited to, the provision of significant public interest benefits or as a reasonable network management practice. (LOC Staff Contact: Craig Honeyman) ■



City Of Molalla

City Council Meeting

Agenda Category: Ordinances, Resolutions and Proclamations

Subject: *Resolution 2018-01*

Recommendation: *To set removed late fee amount for business license*

Date of Meeting to be Presented: *May 9, 2018*

Fiscal Impact: *None*

Background:

1. At the last Council meeting you adopted Ordinance 2018-04 to remove text for the \$25.00 dollar late fee. This Resolution sets the fee at the same \$25.00 as before no changes are suggested.

SUBMITTED BY: Kelly Richardson, City Recorder
APPROVED BY: Dan Huff, City Manager

RESOLUTION 2018-04

**A RESOLUTION SETTING THE BUSINESS LICENSE LATE FEE FOR SECTION 5.24
GENERAL BUSINESS LICENSING IN THE MOLALLA MUNICIPAL CODE.**

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; and

WHEREAS, the fee for late payments of City business license renewals will be set at \$25.00 a month for each month it is late.

NOW, THEREFORE, the City Council of the City of Molalla Resolves:

Section 1: That this resolution sets the monthly \$25.00 late fee for Molalla Municipal Code section 5.24 General Business Licensing.

SECTION 2: This resolution is effective immediately upon passage.

Adopted this 11 day of April 2018.

Approved:

Jimmy Thompson, Mayor

ATTEST this ____ day of _____ 2018.

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. Chapter 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.

/ / /

/ / /

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Jimmy Thompson, Mayor

ATTEST:

APPROVED AS TO FORM:
Beery Elsner & Hammond, LLP

Kelly Richardson, CMC, City Recorder

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/utility 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 shall be assessed on any accounts, which become delinquent. After a customer's bill is delinquent, the 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;~~
- ~~— 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 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)~~

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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 2018-06

**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.

/ / /

/ / /

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Jimmy Thompson, Mayor

ATTEST:

APPROVED AS TO FORM:
Beery Elsner & Hammond, LLP

Kelly Richardson, CMC, City Recorder

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

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Article IX. Penalties

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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 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 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;~~

~~—— 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 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)~~

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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)



ORDINANCE NUMBER 2018-07

**AN ORDINANCE OF THE CITY OF MOLALLA, OREGON
CREATING CHAPTER 13.02 UTILITY PAYMENTS FOR PUBLIC SERVICES.**

WHEREAS, due to the recent updates to the Molalla Municipal Code Title 13 Public Services; and

WHEREAS, certain sections of the code overlap one another, to make sure this doesn't continue; and

WHEREAS, section 13.04.240 water payments and 13.08.760 sewer payments set late payment provisions.

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

Section 1. Title 13 Public Services will now include Chapter 13.02 Utility Payments for Public Services as shown in Exhibit A.

Section 2. Effective date. This Ordinance is effective 30 days after 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.

/ / /

/ / /

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Jimmy Thompson, Mayor

ATTEST:

APPROVED AS TO FORM:
Beery Elsner & Hammond, LLP

Kelly Richardson, CMC, City Recorder

City Attorney

13.02.010 Payments for utility service.

A. All charges for utility service shall be due and payable monthly on the date of mailing, and become delinquent on the ~~15th day thereafter~~ 16th of each month. A late fee set by resolution shall be assessed on any utility accounts, which become delinquent. After a customer's utility bill is delinquent, the Finance Director shall mail to customer a notice stating:

1. That the utility 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 utility 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.

Commented [KRC1]: This gives a firm date and is currently what we are doing.

If we were to give a due date of the 10th and then delinquent on the 16th there would be issues and Finance Director Chauncey can address those.

Formatted: Superscript



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

May 9, 2018

To: Mayor and Council
From: City Manager

Subject: CCPOA Labor Contract Ratification

Please find the attached Clackamas County Peace Officer Association (CCPOA) labor contract for the 2018-19, 2019-20, and 2020-21 Fiscal Years.

We have previously reviewed the contract; however, City staff is available for questions if you have any. Council action would be to ratify the contract.

Dan Huff

City Of Molalla

City Council Meeting



Agenda Category: New Business

Subject: Local Truck Route Approval Procedure

Recommendation: No Action Required.

Date of Meeting to be Presented: May 09, 2018

Fiscal Impact: None

Background:

Included for discussion is a copy of the 2007 Local Truck Route Approval Procedure from ODOT. Staff will be providing a breakdown of the process at the City Council meeting. Staff has also requested a scope of work and fee from the City's on-call transportation engineering firm DKS Associates. Due to current work load, the scope and fee may not be available until the May 23, 2018 meeting. The focus of this New Business item will be do discuss the process for receiving ODOT approvals for a local truck route. Staff intends to cover the costs to perform this work at the May 23, 2018 meeting.

SUBMITTED BY: Gerald Fisher, Public Works Director
APPROVED BY: Dan Huff, City Manager

ODOT Approval Procedure for Local Truck Routes

July 26, 2007

Purpose

On a regular basis the Oregon Department of Transportation receives inquiries from local governments about how to designate local truck routes. These requests are typically responded to in a variety of ways by various ODOT staff. Based on the outcome of a recent Supreme Court case, ODOT may delegate authority to local jurisdictions to designate local truck routes for safety reasons. In order to ensure consistency and provide a framework for making decisions on local truck route designations, ODOT needs a procedure to guide ODOT staff and local jurisdictions. The purpose of this document is to outline the procedure and lay out the necessary steps to seek approval of a local truck route by the Oregon Transportation Commission (OTC). It also provides additional information on local truck routes so that ODOT and local jurisdictions have a common understanding of the issues.

Background

Federal preemption and court decisions

Since 1980, most trucking has been deregulated. In 1994 the Federal Aviation Administration Authorization Act was passed and contained language to effectively eliminate state authority to regulate intrastate commerce. Economic regulation of intrastate commerce formerly included regulation of entry, price and routes. This federal legislation basically preempted states rights to prescribe routes.

The application of this law was challenged in a couple of instances and one case went to the Supreme Court in 2002. The case was City of Columbus, et al, Petitioners v. Ours Garage and Wrecker Service, et al.

The Supreme court decision says : "We hold that §14501(c) does not bar a State from delegating to municipalities and other local units the State's authority to establish safety regulations governing motor carriers of property, including tow trucks. A locality, as §14501(c) recognizes, is a "political *subdivision*" of the State. Ordinarily, a political subdivision may exercise whatever portion of state power the State, under its own constitution and laws, chooses to delegate to the subdivision. Absent a clear statement to the contrary, Congress' reference to the "regulatory authority of a State" should be read to preserve, not preempt, the traditional prerogative of the States to delegate their authority to their constituent parts."

The Supreme Court decision goes on to say "Local jurisdictions can establish a truck route with specific delegation of authority from the state to do so; however, local regulation that is not genuinely responsive to safety concerns garners no exemption

from preemption.” Once the delegation of authority is given, the only acceptable basis for directing trucks off a given route is for objective safety reasons.

Effect of court decisions on Oregon state law

Prior to 2002, designation of local trucks routes was allowed per ORS 810.040 Designation of Truck Routes (see Attachment D). In general, the statute says that a road authority can designate any of its highways as a truck route and prohibit the operation of trucks upon any other of its highways that serves the same route or area served by the truck route designated.

As a result of the Supreme Court decision, ORS 810.040 has been preempted to the extent that in an addition to receiving a delegation of state authority to proceed, the local jurisdiction now has to also establish a bona fide safety reason to create the truck route and that burden was not created by ORS 810.040. For decision-making purposes, it is necessary to characterize “bona fide safety reasons” and determine how local jurisdictions can show that designation of a local truck route is warranted.

Procedure

1. Local government inquires about a local truck route and submits letter of request

Local government staff meets with Region staff to discuss the request. Region staff provides local government staff with a Local Truck Route Request Packet which includes a flow diagram for OTC approval (Attachment A), templates used to collect data (Attachment B), Impacts to Consider Prior to Designating a Local Truck Route (Attachment C) and Oregon Revised Statutes Pertaining to Truck Routes (Attachment D).

Any local government requesting approval from ODOT for a local truck route that diverts trucks from a state highway shall submit a letter of request along with the completed templates. As stated in the Background section above, before ODOT approves a local truck route, the local government must provide objective safety reasons for the designation of a local truck route. For the purpose of this procedure, the term “safety” shall pertain to safety associated with pedestrians, bicyclists and drivers but not structures. In the letter of request, the local government must make a plausible argument that there is a prospective safety concern. In outlining its case, the local government can refer to events and changes that occurred in the past (i.e. a trend in longer trucks, increase in percent of trucks) and events or changes that will occur in the future (i.e. installation of pedestrian medians to the highway or changes in land use). Legitimate safety issues may include factors such as crashes involving trucks and other reasons. A map or maps should also be included in the submittal that clearly shows the highway segment being diverted and the local street truck route.

2. ODOT Region reviews application

The roles and responsibilities at the Region pertaining to the review of the local truck route will be identified by the Region Manager. The Region needs to involve Motor Carrier Transportation Division (MCTD) staff in their review process. The Freight Mobility Section of ODOT should have the opportunity to provide comments as well. In working with the local government, the Region needs to be timely and keeping the local government informed of the status of the work being reviewed.

ODOT Region conducts initial screening of application. Approval of the local truck route does not change or modify any of the highway designations associated with the section of highway being diverted (National Network, National Highway System or State Highway Freight System.) In addition, none of these designations will transfer over to the local truck route.

The Surface Transportation Assistance Act of 1982 authorized the establishment of a "National Network" for trucks where Federal width and length limits would apply. It includes the Interstate System and other designated highways which were part of the Federal-Aid Primary System in effect at that time.

3. Develop Local Truck Route Implementation Plan

If application appears reasonable, the Region sends a memo to the local government asking them to prepare a Local Truck Route Implementation Plan (LTRIP) which describes any improvements that are needed to the local truck route. This effort needs to be coordinated with ODOT Region and Motor Carrier Transportation Division (MCTD) staff. During development of the LTRIP, it may be appropriate for the local government to do a limited outreach with stakeholders. The LTRIP is a detailed description of all of the improvements needed to the local streets that need to occur prior to the opening of the local truck route. The LTRIP should include the following:

- A schedule of when improvements will be made
- Street improvements plan,
- Intersection/signal improvements plan ,
- Truck route sign plan (Truck routes signage shall be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) – See Truck Route Sign - Section 2B.45)
- Maintenance plan
- Enforcement strategy.

If the recommended improvements and schedule in the LTRIP are appropriate, the ODOT Region sends a memo to the local government stating so.

4. Local government holds public hearing

It is advisable that the local government meet with stakeholders (residents, local businesses, Oregon Trucking Association, County, MPO or other appropriate

stakeholders) before the public hearing to determine support for truck route. Potential stakeholders include:

- Residents and Neighborhood Associations
- Local businesses
- Local School District
- Oregon Trucking Association
- County, MPO or other agency impacted
- Other appropriate stakeholders

Local government is required to notify public and hold a hearing on the proposed local truck route (see ORS 227.400 in Attachment D). A staff report should be prepared that includes a discussion on the need for the local truck route, the impacts of the truck route and a draft ordinance to implement the local truck route. It would also be helpful to identify any cost associated with improvements needed for the truck route and estimated street maintenance costs due to the truck route. Depending on the situation, a local government may include in the staff report, an amendment to the TSP contingent upon OTC approval of the truck route.

5. Draft Intergovernmental Agreement

A draft Intergovernmental Agreement (IGA) between the local government and ODOT needs to be prepared. The IGA and LTRIP should clearly outline jurisdictional responsibility for each of the elements in the plan. The IGA should include a maintenance agreement that ensures that the local truck route is properly maintained. There should also be a statement in the IGA indicating the possibility that the local truck route designation could be revoked if the roadway is not maintained properly. IGA is then signed by the local government.

6. ODOT meets with its stakeholders on the local truck route

A summary of the local government's action along with the information on the proposed local truck route is provided to ODOT stakeholders including the Oregon Trucking Association and others as appropriate.

7. ODOT Region prepares packet for upcoming OTC hearing

If there appears to be consensus on the request for a local truck route, the packet should be prepared as a consent calendar item. The packet needs to include a summary of the application, summary of the local government's action, summary of discussion with the stakeholders and a map. The staff report that goes to the OTC should state that the proposed local truck route would offer a safer route through town with fewer conflicts. It would be inappropriate for the staff report to state that the

highway section is unsafe or not safe. Staff would be asking the OTC to approve the local truck route and delegate signing of the IGA to appropriate staff.

8. OTC approves or denies request

The request for a local truck route designation is presented to the OTC for approval. There is no appeal process for constituents who disagree with the decision to allow/disallow the local truck route as both the local government and OTC have a public hearing process.

9. Local government makes improvements to per LTRIP

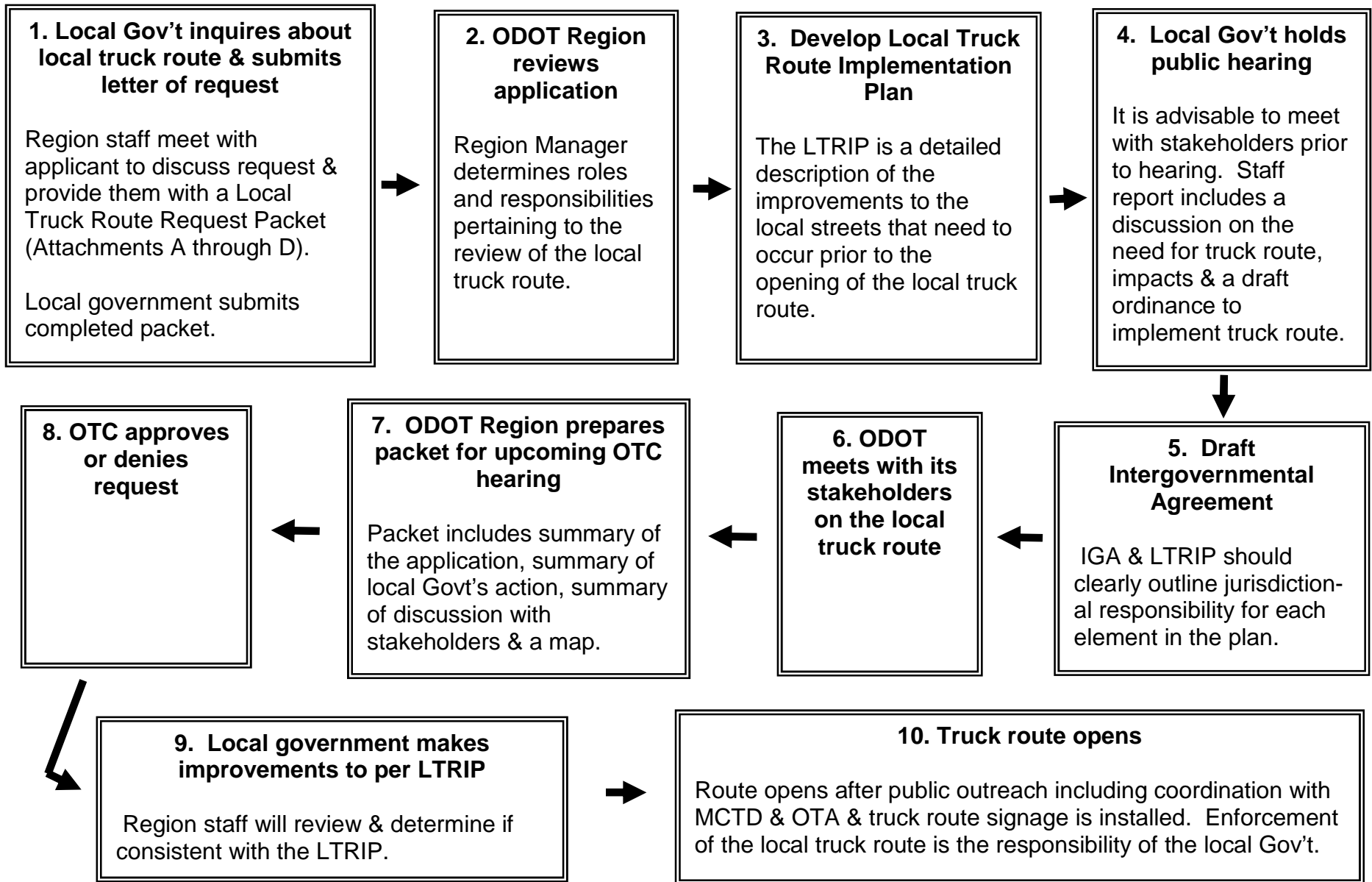
After approval, all street, intersection, signal and signage improvements described in LTRIP need to be completed. Once these improvements are in place, Region staff will review and determine if they are consistent with the LTRIP. The local truck route does not open until all necessary improvements are in place.

10. Truck route opens

Truck route opens after public outreach including coordination with MCTD and the Oregon Trucking Association (OTA) and truck route signage is installed. In some cases, the local government may need to complete an update of its Transportation System Plan (TSP) so that the local truck route is consistent with the plan. As mentioned in Attachment C, enforcement of the local truck route is the responsibility of the local government.

The OHP Plan Manager with support from the Road Inventory and Classifications Section will be responsible for maintaining the inventory of the local trucks routes associated truck traffic diverted off of state highways.

Attachment A – Flow Diagram - Process for ODOT Approval of a Local Truck Route



Attachment B - Highway Segment and Local Street Truck Route Templates

Template 1 - Highway segment to be diverted

If more than one highway segment being diverted, please fill out one template per highway. *Response column filled out as an example.*

Highway Segment Attribute	Response	Comments
Local government/Applicant Name	Mayberry	
State highway name & route number	Oregon Coast/US 101	
Length of highway segment	2,900 feet	
Milepoints of highway segment (To look up current MPs please see web site at https://www.oregon.gov/odot/data/pages/road-assets-mileage.aspx#reports)	MP 28.34 to MP 32.55	
STA designation	Yes	
Commercial Center designation	no	
OHP highway classification	Statewide	
OHP freight route	no	
National Highway System	Yes	
National Network	yes	
Average Daily Traffic - most recent year	29,000	
Estimated percent trucks	23.5%	
Average number of trucks per day	1,650	
Number of recorded crashes during the most recent last 3 years involving trucks	3	
Number of recorded crashes with fatalities during the most recent 3 years involving trucks	0	
Number of highway travel lanes in each direction and widths	1 lane, 12' wide	
Highway segment is a couplet	no	
Posted speed for most of the highway segment	25 mph	
Other posted speeds	35 mph	
Number of signalized intersections	6	
Number of intersections with stop signs, flashing yellow lights etc.	2	
Striped bicycle lanes present on most of	yes	

Highway Segment Attribute	Response	Comments
highway segment		
Sidewalks present on highway segment	yes	
Median present on highway segment	no	
Pedestrian crossing striping present at most intersections	no	
Highway segment with on-street parking	no	
Other attributes as appropriate for the request		

Template 2 - Local Street Truck Route

If local truck route involves more than one street, please fill out one template per street.
Response column filled out as an example.

Local Street Attribute	Response	Comments
Local government/Applicant Name	Mayberry	
Street name, classification and Federal Functional Classification (See maps at https://www.oregon.gov/ODOT/Data/Pages/Maps.aspx)	Cherry Ave./ Arterial	
Length of street segment	2,900 feet	
Number of travel lanes in each direction and widths	1 lane, 12' wide	
Pavement condition (very good, fair, poor)	good	
Pavement design is compatible with trucks	yes	
Street segment is a couplet	no	
Posted speed for most of the street segment	25 mph	
Other posted speeds	35 mph	
Number of signalized intersections	6	
Number of intersections with stop signs or other control devices such as flashing yellow lights	2	
Striped bicycle lanes present on most of street segment	yes	
Sidewalks present on most of street segment	yes	
street segment has on-street parking	no	
Name and weight limit any bridges	Clear Creek Bridge, 3 Tons	
Primary adjacent land use	industrial	
Turn radii at intersections connecting to state highway	1 st and Willow St. – 25 feet 4 th and Fir St. - 50 feet	
Railroad grade crossings	none	
Other attributes as appropriate for the request		

Attachment C – Impacts to Consider Prior to Designating a Local Truck Route

Maintenance issues

Maintenance needs to be considered. The pavement needs for truck route roadways deteriorates faster than other local streets. The cost to maintain truck routes may differ from local streets when utilized by a significant number of trucks.

Location issues

The designation of a truck route in or near residential neighborhoods, school areas, hospitals and some business areas may raise concerns from some residents and business owners. The increase in noise, especially at stop signs and signals may not be compatible with certain land uses.

Design and safety issues

The proposed route should be easy to follow, avoid low-clearance and weight-limited sections of road and not include much out-of-direction travel. In order for the truck route to function adequately, it should be comprised of arterial streets or a higher, avoid sharp turns and stay clear of residential areas. In designing the local truck route, public safety should receive primary attention. In some cases, the designation of a local truck route may create new safety issues. Keeping the truck route as direct as possible minimizes public exposure.

The design features and structural strength of the streets selected for the truck route must accommodate the anticipated truck traffic. The critical design features that influence truck route design include vertical clearance, lateral clearance, weight limits and turning radii. Many local government intersections are not designed to accommodate the turning movement of large tractor-trailer combinations. It is difficult at some intersections for trucks to stay in their travel lane during turning movements. Right turn movements for trucks are the most difficult.

On-street parking on some parts of the truck route limits sight distance which decreases driver reaction time if pedestrians walk out on to the street.

In some areas, a truck route would require controls (stop signs and traffic signals) at intersections that otherwise would have not need the controls.

Congestion issues

Sometimes a truck route creates more congestion at its intersections with the state highway partly because of the turn movements. Dedicated turn lanes are sometimes needed.

Impacts to freight movement

The circuitry of the route and travel time should be evaluated. However, the time it takes a truck driver to traverse the truck route is usually more important than the distance. The trucking industry should support the truck route.

In some cases, it may be appropriate for the truck route to be in effect during certain times. Deviations from the route allowed for certain hours of the day or days of the week may need to be explored.

Enforcement issues

An integral component to a well working truck route is to mark and sign the truck route clearly and possibly make truck route maps readily available. Depending on the situation, some trucks may not use the local truck route for a number of reasons. Enforcing trucks to use the local truck route is the responsibility of the local government. Using the truck route will rely upon self-compliance given the limited capability of local police departments. Some trucks will continue on to the “diverted highway” to service business located there, because the signage was confusing or other reason.

Other issues and considerations

In 1994, the North Central Texas Council of Governments developed a very informative report on local truck route issues which includes a comprehensive discussion on impacts. The report is on the National Transportation Library’s webpage. The report also contains a sample truck routing ordinance. The link to the report is <https://ntl.bts.gov/DOCS/TEX.html>

Attachment D – Oregon Revised Statutes Pertaining to Truck Routes

ORS 810.040 Designation of Truck Routes; limitations.

Each road authority may designate any of its highways or any section of any of its highways as a truck route and may prohibit the operation of trucks, machinery or any other large or heavy vehicles upon any other of its highways that serves the same route or area served by the truck route designated. The authority granted under this section is subject to all of the following:

- (1) The governing body of an incorporated local government shall not designate a truck route or prohibit the operation of any vehicle on a:
 - (a) State highway that is within the boundaries of the local government without the written consent of the Department of Transportation.
 - (b) County road that is within the boundaries of the local government without the written consent of the governing body of the county.
- (2) Any designation or prohibition made under authority of this section must be imposed by appropriate order, resolution or ordinance.
- (3) A road authority exercising authority under this section shall erect and maintain signs in a conspicuous manner and place at each end of the highway or section of highway where a designation or prohibition is imposed to give notice of the prohibitions or designations imposed. The road authority shall erect and maintain signs giving notice of any prohibitions or designations imposed under this section at such other places as may be necessary to inform the public.
- (4) A prohibition or designation imposed under this section is effective when signs giving notice thereof are posted as required by this section.
- (5) Penalties are provided under ORS 811.450 for violation of requirements imposed under this section. [1983 c.338 §148]

ORS 227.400 Public Meetings for Designating Truck Routes

- (1) A local government council shall not establish a new truck route or revise an existing truck route within the local government unless the council first provides public notice of the proposed truck route and holds a public hearing concerning its proposed action.
- (2) The local government council shall provide notice of a public hearing held under this section by publishing notice of the hearing once a week for two consecutive weeks in some newspaper of general circulation in the local government. The second publication of the notice must occur not later than the fifth day before the date of the public hearing.

(3) The notice required under this section shall state the time and place of the public hearing and contain a brief and concise statement of the proposed formation of the truck route, including a description of the roads and streets in the local government that will form the truck route.

(4) As used in this section:

(a) "Truck" includes motor truck, as defined in ORS 801.355, and truck tractor, as defined in ORS 801.575.

(b) "Truck route" means the roads or streets in a local government which have been formally designated by the local government council as the roads or streets on which trucks must travel when proceeding through the local government. [1985 c.564 s.1]

ORS 811.450 Violation of Posted Truck Routes; Defense; Penalty.

(1) A person commits the offense of violation of posted truck routes if appropriate signs designating truck routes are posted and the person does not operate a vehicle in compliance with the posted requirements.

(2) Authority to establish and change truck routes for purposes of this section is established in ORS 810.040.

(3) It is a defense to a charge of violation of this section if the person so charged can establish that the person could not reach the person's destination without traveling upon the street, road or highway prohibited under the posted requirements.

(4) The offense described in this section, violation of posted truck routes, is a Class B traffic violation. [1983 c.338 §647; 1985 c.393 §39; 1995 c.383 §70]
(Rail Crossings)