There was some discussion on repair bills from the Police Department. The City Manager said he would check into the matter. Richmond requested information regarding services rendered by Metro and other organizations to which the city pays annual dues. It was MOVED by Hall, SECONDED by Kinsella to extend the meeting 1/2 hour. MOTION CARRIED unanimously. On the MOTION to approve the bills, MOTION CARRIED unanimously.

It was MOVED by Graf, SECONDED by Kinsella to read Ordinance 1546 the second time by title only. MOTION CARRIED unanimously.

It was MOVED by Graf, SECONDED by Kinsella to adopt Ordinance 1546 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1438 BY ADDING ADULT ENTERTAINMENT PROVISIONS, ADOPTING STANDARDS FOR CONDITIONAL USES, RESTRICTING CERTAIN COMMERCIAL USES AND DECLARING AN EMERGENCY.) MOTION CARRIED with the following roll call vote: AYES: Burgess, Richmond, Kinsella, Graf, Hall. NOES: none.

It was MOVED by Graf, SECONDED by Kinsella to read ordinance 1547 the second time by title only. MOTION CARRIED unanimously.

It was MOVED by Graf, SECONDED by Kinsella to adopt Ordinance 1547 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NO. 1438 BY ADDING PROVISIONS FOR MANUFACTURED HOUSING, MANUFACTURED HOUSING SUBDIVISION, PRE-FABRICATED CONSTRUCTION (MODULAR UNITS). MOTION CARRIED with the follwing roll call vote: AYES: Burgess, Richmond, Kinsella, Graf, Hall. NOES: none.

<u>Ordinance and resolution re city sanitary sewers</u>

Public Works Director has requested adoption of ordinance revising sewer regulations and a resolution adopting storm drainage surcharge. This is in response to Council request that staff revise current city ordinance which does not provide options to property owners as to illegal connections. The resolution provides for effective cost recovery for illegal connections found within the city. It was MOVED by Hall, SECONDED by Graf, to read the ordinance the first time by title only. There was some discussion regarding the powers and authority of inspectors. City Attorney suggested adding the words "consistent with city ordinances" after the word regulation under Section 6 G. He said the most significant change is that all existing property is required to be connected. On the MOTION to read the ordinance the first time by title only, MOTION CARRIED unanimously.

It was MOVED by Graf, SECONDED by Hall, to read the ordinance the second time by title only. MOTION CARRIED unanimously.

It was MOVED by Hall, SECONDED by Graf, to adopt Ordinance 1548 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, PROVIDING FOR THE USE OF CITY SANITARY SEWERS AND STORM DRAINS AND DECLARING AN EMERGENCY) MOTION CARRIED with the following roll call vote: AYES: Burgess, Richmond, Kinsella, Graf, Hall.

Section 3. Permits and Construction of Sanitary Sewers and Storm Sewers.

A. No person, firm or corporation shall construct, or reconstruct any sanitary or storm drains within the city on private property or in public ways without first making application and securing a permit from the department.

B. Applications for permits to construct, or reconstruct, sanitary sewers or storm drains shall be made in writing in a form prescribed by the Director, giving the location of the property, the name of the owner, the name of the person or firm engaged to construct, or reconstruct, the proposed sanitary sewer or storm drain and such other information and plans as may be prescribed by the Director.

C. The applicant upon approval of permit shall pay all applicable feesestablished by Resolution of the City Council. If excavation work in the public right-of-way is required, the applicant shall deposit a cash bond in the amount designated by the Department.

D. All costs and expense incidental to the installation of the building sewer connection shall be borne by the owner. The owner shall indemnify the City of Milwaukie from any loss or damage that may directly or indirectly be occasioned by the installation.

E. A separate building sewer connection shall be provided for every building, unless otherwise authorized in writing by the Director.

F. Existing building sewers may be used in connection with new buildings only when they are found, on examination and tests, to meet all the requirements of the Department.

G. All design, construction and materials and repairs shall conform to the Department design and construction standards.

H. Emergency repairs may be made without first obtaining a permit providing that the owner or his representative shall obtain a permit at the earliest time of the next normal business day of the city immediately following said repairs.

I. The owner at all times shall at his own expense, operate and maintain the service lateral and building sewer in a sanitary manner to the collection, trunk or interceptor sewer at no expense to the city.

Section 4. Powers and Authority of Inspectors.

A. The Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, samplings and testing.

B. It shall be the permittee's or his representative's responsibility to request inspection of the work and to allow reasonable time for the city to schedule said inspection. Inspections shall be requested for and made during the normal business hours of the city. Should inspections be required during non-business hours, the permittee shall reimburse the city for all overtime costs incurred.

Section 5. Business License Required for Sewer Contractors.

A. No person shall receive compensation for the installation or repair of any sanitary sewer or storm drain unless he has a current city business license.

B. This section shall not apply to employees and agents of the city.

Section 6. General Regulations.

A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, cooling water or unpolluted industrial process waters to any sanitary sewer. In the event the property owner fails to comply with any order requiring disconnection or it is impractical to require the disconnection of any storm drain from the sewer system, the property owner shall be required to pay a surcharge for such use of the system as established by Resolution of the Council.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm drains to a natural outlet or into drywells as approved by the Director.

C. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following waters or wastes to any public sewer:

1. Any liquid or vapor having a temperature higher than 150° F.

2. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.

3. Any gasoline, benzine, naptha, fuel oil or other flammable or other explosive liquid, solid or gas.

4. Any garbage that has not been properly shredded.

5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system.

6. Any waters or wastes having pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or constitute a hazard in the receiving waters of the sewage treatment plant.

8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

10. Any material from septic tanks or recreational vehicle holding tanks.

D. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director they are necessary for the handling of such wastes; except that such interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the Director and be located so as to be easily cleaned and inspected.

Where installed all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation. City may inspect facilities at any time for proper operation and maintenance.

E. 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 sewer system.

F. Industrial and commercial sewage shall be monitored in accordance and must comply with the treatment regulations of Clackamas County Service District No. 1.

G. The Director may adopt specifications and additional regulations to carry out the purpose of this ordinance. A copy of such additional material shall be maintained in the Department.

Section 7. Sewer Service Charges.

A. Users of sanitary sewer service shall be charged such fees as are established by resolution of the City Council.

B. In addition to other penalties prescribed by this ordinance, property owners who fail to connect to the sanitary sewer system as required by Section 2 shall be charged at the same rate as those connected.

C. When an owner of property has industrial or commercial waste of unusual strength or character, the city reserves the right to reject the application for service, to require certain pretreatment of such waste or require the owner to pay such charges as may be fixed by the city for such waste disposal.

D. There shall be charged a penalty of 10 percent per year on all delinquent accounts.

E. All charges prescribed by the provisions of this ordinance shall be a lien on the real estate for which the sewer service is supplied or available from and after the date of the billing or entry on the city ledger records and such ledger record shall be made accessible for inspection by anyone interested in ascertaining the amount of such charges against the property.

Section 8. Penalties and Remedies.

A. Any person convicted of violating any provision of this ordinance shall be subject to a fine of not to exceed $500. Each day a violation is allowed to continue shall be considered a separate violation.

B. In the case of a violation which constitutes a health hazard, the city may make use of any legal means to eliminate the hazard, including but not limited to prosecution under this ordinance or state law and civil abatement.

Section 9. Repealer. Ordinance Nos. 981 and 1098 are repealed.

Section 10. Emergency Clause. This ordinance is necessary for the imediate preservation of public peace, health, and safety of the residents of the City of Milwaukie. An emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect immediately upon its passage.

Read the first time on _____, 198___, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____, 198___.

Signed by the Mayor on _____, 198___.

_____
Joy Burgess, Mayor

ATTEST:

_____
Laurie Perkin, City Recorder

Approved as to form:

_____
Greg Eades, City Attorney

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