

TIGARD MUNICIPAL CODE

Chapter 12.02 SANITARY SEWER AND SURFACE WATER MANAGEMENT.

Sections:

12.02.010 Rules and Regulations
Applicable to Sanitary Sewer and Surface Water Management Services Policy Title.

~~12.02.020 Definitions.~~

12.02.030 Purpose.

12.02.040 Clean Water Services Rules Adopted.

12.02.050 Use And Operation; Charges Imposed For Use; Appeal Procedures And Enforcement.

12.02.060 Charges, Rates And Fees; Associated Penalties.

12.02.070 Pretreatment By Industrial Users.

12.02.080 Temporary Adoption Of Unified Sewerage Agency Ordinances, Resolutions And Orders.

12.02.090 Immediate Remedial Action Required.

12.02.100 Penalty.

12.02.010 Rules and Regulations
Applicable to Sanitary Sewer and Surface Water Management Services Policy Title.

This chapter shall be known as the "sanitary sewer and surface water management chapter" and may also be referred to as "this chapter." (Ord. 94-19)

1. Adoption of Administrative Rules and Supplemental Regulations.

a. The City Council has the authority to adopt initial administrative rules and supplemental regulations related to the provisions of utility services. Such rules and regulations shall be adopted by resolution.

b. The City Manager or designee has the authority to amend administrative rules and supplemental regulations related to the provisions of utility services as prescribed in Chapter 12.01.100 Rules and Regulations Applicable to Utility Services Code. The City Manager or designee has the authority to administer the rules and regulations. Changes to any administrative rules or supplemental regulations, or any additional interim rules shall follow all procedures as described in Chapter 12.01.100.

1. Adoption of Administrative Rules and Supplemental Regulations.

~~The City Council has the authority to adopt the initial administrative rules and supplemental regulations related to the provisions of the Sanitary Sewer and Surface Water Management Services Policies. Such initial rules and regulations shall be adopted by resolution.~~

~~The Public Works Director has the authority to adopt and amend the administrative rules and supplemental regulations related to the provisions of the Sanitary Sewer and Surface Water Management Services Policies. The Public Works Director has the authority to administer the rules and regulations whether adopted by the City Council or by the Public Works Director. Rules subsequent to the initial rules adopted by City Council will be adopted according to the procedures in this section.~~

2. Permanent Rules. Prior to the adoption of a permanent rule, the Public Works Director will:

~~Publish a notice in a newspaper of general circulation in the City. The notice must be published not less than 14 days before the deadline for receipt of comments. The notice shall provide a brief description of the subjects covered by the proposed rule; the final date for acceptance of written comments; the location to submit~~

Comment [JLD1]: Is 12.02 to be repealed - is this all new?

Comment [JLD2]: new

Comment [JLD3]: What happened to 12.02.020?

Comment [JLD4]: old

Comment [JLD5]: old

Comment [JLD6]: old

Comment [JLD7]: old

Comment [JLD8]: old

Comment [JLD9]: old

Comment [JLD10]: old

Comment [JLD11]: old

Comment [JLD12]: old

Comment [JLD13]: new

TIGARD MUNICIPAL CODE

~~comments and the location where copies of the full set of the proposed rules may be obtained.~~

~~— The Public Works Director will receive written comments regarding the proposed rules. The Director will take into consideration the written comments received and may either adopt, modify or reject the proposed rule.~~

~~— If a substantial modification is made to the proposed rule, the Public Works Director may adopt the modification as an interim rule or provide additional public comments prior to adoption.~~

~~— Unless otherwise stated, all rules will be effective on the 14th day after adoption by the Public Works Director unless a written protest is received by the Director.~~

~~e. If written protest of the proposed rule is received by the Public Works Director on or before the fourteenth day after adoption, the Director shall refer the rule to the City Council for a public hearing. The Council may adopt, modify or reject the rule. The Council's decision on the contents of the proposed rule shall be final and effective upon passage.~~

3. Interim Rules.

~~— Interim rules will be effective for a period of not longer than 180 days.~~

~~— Not more than 30 days after adoption of an interim rule, public notice of the interim rule must be published in a newspaper of general circulation in the City. Such notice must identify the location at which copies of the full set of the interim rules may be obtained.~~

~~4. All permanent and interim rules must be filed in the office of the Public Works Director. (Ord. 09-05 §1)~~

12.02.020 Definitions.

As used in this chapter:

"Responsible party" means the person responsible for curing or remedying a violation of this chapter, and includes:

(a) The owner of the property, or the owner's manager or agent or other person in control of the property on behalf of the owner;

(b) The person occupying the property, including lessee, tenant or other person having possession;

(c) The person who is alleged to have committed the acts or omissions, created or allowed the condition to exist, or placed or transported the eroding soil. (Ord. 94-19)

12.02.030 Purpose.

This chapter adopts the ordinance and rules of Clean Water Services that pertain to the operation and use of sanitary and surface water systems and to systems development charges. This chapter does not regulate the collection of user fees. (Ord., 02-28, Ord. 94-19)

12.02.040 Clean Water Services Rules Adopted.

Clean Water Services Resolution and Orders No. 91-47 (excluding Chapter 2) as amended, Construction Standards and Regulations pertaining to the sanitary sewerage and storm and surface water management systems are adopted and shall be in full force and effect as part of this code. (Ord. 02-28, Ord. 94-19)

12.02.050 Use And Operation; Charges Imposed For Use; Appeal Procedures And Enforcement.

Clean Water Services Ordinance Nos. 26 through 28 as amended are adopted by reference and shall be in full force and effect as part of this municipal code. (Ord. 02-28, Ord. 94-19)

12.02.060 Charges, Rates And Fees;

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TIGARD MUNICIPAL CODE

Associated Penalties.

Clean Water Services Resolution and Order No. 93-33 as amended is adopted by reference and shall be in full force and effect as part of this municipal code. (Ord. 02-28, Ord. 94-19)

TIGARD MUNICIPAL CODE

12.02.070 Pretreatment By Industrial Users.

Clean Water Services Resolution and Order No. 92-60 as amended is adopted by reference and shall be in full force and effect as part of this municipal code. (Ord. 02-28, Ord. 94-19)

12.02.080 Temporary Adoption of Clean Water Services Ordinances, Resolutions And Orders.

The City Manager, without prior Council approval, may adopt and enforce amendments and revisions to any Ordinances and/or Resolutions and Orders promulgated by Clean Water Services to be in effect for a period of no longer than ninety days from the date of adoption by the Manager. In order for such Ordinances and/or Resolutions and Orders to remain in effect permanently, the City Council must adopt them prior to the expiration date of the temporary adoption by the Manager. (Ord. 02-28, Ord. 94-19)

12.02.090 Immediate Remedial Action Required.

If the Code Enforcement Officer determines that there has been a violation of this chapter, or that conditions exist that are likely to result in a violation, the officer may require immediate remedial action by the responsible party. If the Code Enforcement Officer is unable to serve a notice of infraction on the responsible party or, if after such service, the responsible party refuses or is unable to remedy the infraction, the City may proceed to remedy the infraction as provided in Section 1.16.340 of this code. (Ord. 94-19)

12.02.100 Penalty.

(a) Each day that violation of this Chapter is committed or is permitted to continue shall constitute a separate violation.

(b) A finding of a violation of this Chapter and imposition of a fine pursuant to this code shall not relieve the responsible party of the duty to abate the violation. A civil fine imposed pursuant to this Section is in addition to and not in lieu of any other remedies available to the City.

(c) If a provision of this Chapter is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this Section.

(d) A finding of a violation of this Chapter shall not result in imprisonment, nor shall a jury trial be available in the adjudication of an allegation of such violation.

(e) A finding of a violation of this Chapter shall be a civil infraction pursuant to Tigard Municipal Code Section 1.16 and may be prosecuted in the Municipal Court of the City. (Ord. 94-19) •