

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 8, 2015

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2015-2784 No.

SUBJECT: An Ordinance amending Chapter 13 of the Newberg Municipal Code to reference utility Master Plans and require permits for connection

Contact Person (Preparer) for this
Motion: Kaaren Hofmann, P.E., City Engineer
Dept.: Engineering Services Department

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Adopt Ordinance No. 2015-2784

EXECUTIVE SUMMARY:

Chapter 13 of the Newberg Municipal Code addresses public utilities and services in the City. It works in conjunction with Chapter 15 which is the City's Development Code.

The track changes version of the proposed amendments is attached at Exhibit A. The changes include:

- Referencing that the most recent Wastewater, Water and Storm Drainage Master Plans are incorporated by reference;
- That construction of the City's infrastructure will occur in accordance with said Master Plans;
- Removed sections that might conflict with the Building Code on private laterals;
- Added a policy and purpose section to Chapter 13.15 Water; and
- Added Section 13.15.045 on water connection procedures.

The proposed changes will allow for consistency and transparency in land use and other decisions by referencing the most recent master plans and requiring projects to connect to the City's infrastructure via permit and plans that comply with the Public Works Design and Construction Standards.

FISCAL IMPACT:

There is no fiscal impact to the City.

STRATEGIC ASSESSMENT:

This amendment furthers the City Council's goals to maintain and modernize the City's transportation and utilities infrastructure.



ORDINANCE No. 2015-2784

AN ORDINANCE AMENDING CHAPTER 13 OF THE NEWBERG MUNICIPAL CODE TO REFERENCE UTILITY MASTER PLANS AND REQUIRE PERMITS FOR CONNECTION

RECITALS:

1. WHEREAS, Chapter 13 of the Newberg Municipal Code addresses public utilities and services in the City. It works in conjunction with Chapter 15 which is the City's Development Code.
2. WHEREAS, the proposed changes will allow for consistency and transparency in land use and other decisions by referencing the most recent master plans and requiring projects to connect to the City's infrastructure via permit and plans that comply with the Public Works Design and Construction Standards.
3. WHEREAS, this amendment furthers the City Council's goals to maintain and modernize the City's transportation and utilities infrastructure.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Chapter 13 of the Newberg Municipal Code is amended as follows:

Section 1. Section 13.10.020 is amended as follows:

13.10.020 Purpose and policy.

This chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the City of Newberg and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this chapter are:

- A. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
- B. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
- C. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- D. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- E. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- F. To provide for equitable distribution of the cost of the municipal wastewater system in compliance with the Environmental Protection Agency's requirements;

- G. To assure the financial self-sufficiency of the POTW;
- H. To improve the existing POTW to provide adequate service during peak demand periods;
- I. To reduce inflow and infiltration into the POTW;
- I. To improve the existing POTW to control and eliminate wastewater overflows to the extent practicable and
- J. The most current Sewerage Master Plan and Wastewater Treatment Plant Facilities Plan are incorporated by reference as supporting technical documents.

This chapter shall apply to all users of the POTW. This chapter authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Section 2. Section 13.0.303 is amended as follows:

13.10.030 Administration.

A. Except as otherwise provided herein, the director shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the director may be delegated by the director to other city personnel.

B. In achieving the objectives of this chapter, it shall be the policy of the city to actively promote the health of the industrial community through accommodation, assistance and cooperation, consistent with the city's responsibility to protect the waters of the state from pollution and to secure the health, safety and welfare of the residents of the community. To that end, this chapter shall be implemented using good business practices, abidance of the CWA and general pretreatment regulations, and best professional judgment; with associated decisions taking all known facts into consideration.

C. This chapter provides for the regulation of direct and indirect contributors to the POTW through the issuance of permits to certain nondomestic users (primarily significant industrial users (SIUs)), and through enforcement activities; assures that existing customers' capacity will not be preempted; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the programs established herein. [Ord. 2713 Exh. B, 4-20-09; Ord. 2684 § 1, 12-17-07; Ord. 2150, 8-28-84. Code 2001 § 51.03.]

D. The construction and expansion of the POTW shall be in accordance with the most current Master Plan and Public Works Design and Construction Standards.

Section 3. Section 13.10.070.B.3 is amended as follows:

In any case, the owner or an agent of the owner shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Director. Connection fees and systems development charges for residential, commercial and industrial building wastewater system permits payable to the director shall be in such amounts as provided for in subsection (F) of this section.

Section 4. Section 13.10.070.F.6 is amended as follows:

6. Revenue from wastewater system connection fees as defined in subsection (F)(1) of this section shall be paid into the wastewater fund. Revenue from systems development charges shall be identified by special accounting such that the funds can be used to defray the cost of future wastewater facilities improvements.

Section 5. Section 13.10.070.G is amended as follows:

G. Design/Construction Standards. Plans for all public and private wastewater systems shall be reviewed and approved by the Director prior to construction. The plans shall conform to the requirements of the State Department of Environmental Quality, as well as the City's Public Works Design and Construction Standards. All public and commonly maintained private wastewater systems shall be designed by a registered professional engineer.

Section 6. Section 13.10.070.H is amended as follows:

H. Cleanouts. Cleanouts shall be installed on all new building wastewater systems. The cleanout shall be placed vertically above the flow of the pipe and at a point near the connection of the building wastewater system to the building drain. Cleanouts will also be placed at the connection of building wastewater system to the public system.

Section 7. A new section, Section 13.15.005, is added as follows:

13.15.005 Purpose and policy.

This chapter sets forth uniform requirements for users of the publicly owned treatment, storage, pumping and distribution of water for the City of Newberg and enables the city to comply with all applicable state and federal laws. The objectives of this chapter are:

- (1) Plan and construct a City water system that protects the public health, provides cost-effective water service, meets the demands of users and addresses regulatory requirements;
- (2) Require developers to aid in improving the water system by constructing facilities to serve new development and extend lines to adjacent properties;
- (3) Water lines should be looped whenever possible to prevent dead-ends, to maintain high water quality and to increase reliability in the system;
- (4) Improve the water system to provide adequate service during peak demand periods and to provide adequate fire flows during all demand periods; and
- (5) The most current Water System Master Plan is incorporated by reference as a supporting technical document.

This chapter shall apply to all users of the water system. This chapter authorizes the issuance of water connection permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein

Section 8. A new section, Section 13.15.045, is added as follows:

13.15.045 Water Connection Procedures

A. Permit Required. All new construction shall be connected to the city water system. No

unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public water system or appurtenance without first obtaining a written permit from the director. The permit shall specify the location where the connection (or other approved work) shall be made, the manner of making the connection, the name and address of the owner, and the name of the water system installer who will be doing the work. No permit shall be issued unless the water system to which connection is requested has been accepted as a part of the public water system. No permit shall be issued without payment of all appropriate permit, connection, development and inspection fees, including any delinquent assessments against the owner of the property.

B. As set forth in the Water Distribution System Plan, the City has four water service levels. All development applicants shall be required to connect the proposed development site to the service level in which the development site is located. If the development site is located on a boundary line between two service levels the applicant shall be required to connect to the service level with the higher reservoir elevation. The applicant may also be required to install or provide pressure reducing valves to supply appropriate water pressure to the properties in the proposed development site.

C. Design/Construction Standards. Plans for all public water systems shall be reviewed and approved by the director prior to construction. The plans shall conform to the requirements of the Public Works Design and Construction Standards. All public water system improvements shall be designed by a registered professional engineer.

Section 9. Section 13.20.030 is amended as follows:

13.20.030 Drainage master plan.

The city council shall adopt a drainage master plan (“the plan”), which shall be periodically updated on not less than a five-year cycle. Expansion of the system shall be in accordance with the most current Drainage Master Plan. In addition, fees, including systems development charges, shall be adopted to permit implementation of the plan. Systems development charges shall be adopted consistent with Chapter 13.05 NMC, Article I.

Section 10. Section 13.20.040. A is amended as follows:

A. The city, through its public works department, shall have all necessary authority and responsibility for the planning, design, construction, maintenance, administration and operation of the stormwater system.

Section 11. Section 13.20.100 is amended as follows:

The city engineer shall maintain appropriate Public Works Design and Construction Standards for the system that may be periodically approved by the city council. All design shall be in accordance with the most current version of the standards.

Section 12. Codification. Provisions of this ordinance shall be incorporated into the city code and the word ordinance maybe changed to another word, and the sections of this ordinance maybe renumbered, or re-lettered, provided however that any whereas clauses need not be codified and the city recorder is authorized to correct any cross-references and typographical errors.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: September 21, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, this 21st day of September, 2015, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Sue Ryan, City Recorder

ATTEST by the Mayor this 23rd day of September, 2015.

Bob Andrews, Mayor