



PO Box 2171, Terrebonne Oregon 97760  
[terrebonnesanitary@gmail.com](mailto:terrebonnesanitary@gmail.com)  
<https://tsdor.specialdistrict.org/>  
(425) 224-2458

## Terrebonne Sanitary District Ordinance No. 202X-00X Sewer Use Regulations Ordinance

### AN ORDINANCE CONCERNING THE TERREBONNE SANITARY DISTRICT SEWER SYSTEM; ADOPTING CERTAIN RULES, REGULATIONS, RATES, AND CHARGES CONCERNING THE SEWER SYSTEM.

The Terrebonne Sanitary District ordains as follows:

**1. Short Title.** This Ordinance may be referred to and cited as the “Sewer Use Regulations Ordinance”.

**2. Purpose and Policy:**

- (a) This ordinance sets forth uniform requirements for users of the District’s public wastewater system and enables the District to comply with all applicable state and federal laws, and the City of Redmond pretreatment requirements in Code Sec. 4.337. The objectives of this ordinance are:
- (1) To prevent the introduction of pollutants into the wastewater facility that will interfere with its operation, including interferences with its use or disposal of domestic wastewater residuals;
  - (2) To prevent the introduction of pollutants into the wastewater facility that will pass through the water reclamation facility, inadequately treated, into receiving waters, or otherwise be incompatible with the water reclamation facility;
  - (3) To protect both the general public and wastewater facility personnel who may be affected by wastewater and sludge in the course of their employment;
  - (4) To implement a low-pressure sewage collection system program utilizing septic tank effluent pump (STEP) systems as an alternative to failing onsite wastewater systems.
  - (5) To enable the District to comply with its wastewater disposal requirements, and any other federal, state, or local laws to which the wastewater facility is subject.
- (b) This ordinance authorizes the issuance of sewer service permits; describes requirements for connections and pretreatment; authorizes monitoring, compliance and enforcement activities; requires industrial user reporting; establishes administrative review procedures; and provides for the setting of fees for the equitable distribution of costs resulting from the program established in this ordinance.
- (c) This ordinance shall apply to persons within the District and to persons outside the District who are, by contract or agreement with the District, users of the District's wastewater facility.

**3. Use of Public Sewers Required.**

- 3.1 Constructing or replacing septic systems within the District Boundary is prohibited unless connection to the public sewer system is unavailable.
- 3.2 The public sewer system is considered available if a sewer main exists along the property frontage and the property is within the District.
- 3.3 Existing onsite wastewater systems serving a single-family residence may continue to be used if:
- a) Constructed within the last 25 years, based on certificate of satisfactory completion (COSC) date, and

- b) Properly functioning and compliant with DEQ regulations.
- 3.4 All residential properties with two or more dwelling units, and non-residential properties that generate wastewater must connect to the public sewer system if available, unless otherwise permitted by the Board.
- 3.5 Properties must connect to the public sewer system if:
- a) The property is primarily non-residential and relies on an onsite wastewater system,
  - b) The property has two or more residential units and relies on an onsite wastewater system,
  - c) The onsite wastewater system is older than 25 years, based on COSC date,
  - d) A reasonable repair permit was issued for the onsite wastewater system at least 5 years ago,
  - e) The property relies on a waste injection well,
  - f) The onsite system is documented as failing by the County or DEQ, or
  - g) New construction or additions requiring sewage disposal occur on the property.
- 3.6 Properties are exempt from the connection requirement if:
- a) The property is a single-family residence,
  - b) The onsite wastewater system was constructed within the last 25 years, based on COSC date, and
  - c) The owner provides documentation of proper function and compliance with DEQ/County regulations.
- 3.7 Properties required to connect must do so at the owner's expense within 180 days of receiving notice.
- 3.8 Property owners may apply for a temporary waiver under special circumstances, which may include time limits for compliance. Owners who object to the connection requirement can either file a written objection with the Board within 30 days of receiving notice or present their objection verbally during the public comment period of board meetings. The Board will review objections and make decisions within 60 days. The Board's decision is final, but appeals are allowed as provided by law.
- 3.9 It is prohibited to deposit human or animal waste, garbage, or other objectionable waste on public or private property within the District in an unsanitary manner.
- 3.10 Discharging wastewater to storm drains or surface waters in the District is prohibited.
- 3.11 Property owners connected to the public sewer system must install and maintain suitable toilet facilities, building sewer, and sewer connections at their expense.

#### **4. Private Sewage Disposal**

- 4.1 Where a public sanitary sewer is not available under the provisions of this Ordinance the building sewer will be connected to a private onsite sewage disposal system complying with and all applicable federal, state, county, and local laws, regulations, and ordinances, including, without limitation, those imposed by the District.
- 4.2. All applicable federal, state, county, and District permits and approvals must be obtained before commencement of construction of a private sewage disposal system.
- 4.3 A private sewage disposal system will not be used until the installation is approved by responsible state and county departments.
- 4.4 The type, capacities, location, and layout of a private sewage disposal system will comply with all state and county regulations. No private sewage disposal system may discharge into any natural outlet.

- 4.5 When a property with a private sewage disposal system is connected to the public sewer, the private sewage disposal facilities must be abandoned and decommissioned in accordance with state and county regulations at the owner's expense.
- 4.6 The owner will operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense of the District.

## **5. Building Sewer Connections**

- 5.1 No unauthorized person may uncover, connect to, use, alter, or disturb any public sewer without written permission from the District.
- 5.2 The District offers three classes of sewer service permits: residential (for single-family residences and duplexes), commercial, and industrial. Owners or their agents must apply for a sewer connection using a form provided by the District, accompanied by necessary plans, specifications, and a properly executed easement. Permit and inspection fees must be paid at the time of application. The District may modify or establish additional permit classifications as needed. The District may require any person to provide plans, specifications, or other relevant information. The District can also impose conditions, including requiring that the actual connection be made in their presence and under their supervision.
- 5.3 Owners are responsible for all costs related to the installation and connection of the building sewer, service connection, and septic tank, if applicable. Owners must indemnify the District against any loss or damage resulting from the installation.
- 5.4 Each lot or parcel must have a separate and independent sewer service.
- 5.5 The size, slope, alignment, materials, and methods for building sewer construction must conform to the Oregon Plumbing Specialty Code or other applicable District regulations. All connections must be gas-tight and watertight.
- 5.6 No connections of roof downspouts, exterior foundation drains, or other sources of surface runoff or groundwater to the building sewer are allowed.
- 5.7 Excavations for sewer installation must be open trench work unless otherwise approved. Backfilling of trenches before District approval is prohibited. Excavations must be adequately guarded with barricades and lights to ensure safety, and disturbed public property must be restored satisfactorily.
- 5.8 The applicant must notify the District when the building sewer, STEP system, control panel, and service connection are ready for inspection and connection to the public sewer. The connection must be made under the supervision of District personnel or an authorized representative. A 30-minute internal hydrostatic test is required before connection to the sewer main, with all necessary materials provided by the applicant. No backfilling of the trench shall be done until receipt of written approval from the District.
- 5.9 Plumbing contractors must post a \$1,000 bond with the District before making connections on behalf of property owners, indemnifying the District and its inhabitants against any potential loss or damage.

## **6. STEP System Program**

- 6.1 A Septic Tank Effluent Pump (STEP) system program is established to facilitate the conversion of properties using private wastewater disposal systems (e.g., septic systems) to a STEP system. This program provides an affordable and convenient method for capturing and transmitting effluent to the City of Redmond wastewater treatment plant for proper treatment and disposal. Each STEP system is a component of the public wastewater system owned by the District and must be constructed, connected, operated, and serviced according to this section and all other applicable codes, laws, regulations, resolutions, and specifications.

- 6.2 The District retains ownership of the public sewer system up to the property line. Property owners will purchase, install, and retain ownership of sewer infrastructure on their properties.
- 6.3 Abandonment and sealing of the septic tank and other private wastewater disposal facilities are not mandatory if these facilities are operational and used in conjunction with the STEP system.
- 6.4 Property owners must submit a STEP system application form prescribed by the District, including all required permits, coordination letters, and applicable fees. The application must be approved by the District or their designee, ensuring compliance with all provisions of the STEP system program.
- 6.5 The District is responsible for:
- a) Reviewing and approving sewer service applications within 90 days.
  - b) Providing necessary engineering documents and District STEP system standards.
  - c) Inspecting installation and connections before the system is placed into service.
  - d) Maintaining the public sewer system and onsite STEP pumps.
  - e) Pumping onsite STEP tanks at regular intervals to prevent solids buildup.
- 6.6 The property owner is responsible for:
- a) Obtaining all required electrical, plumbing, right-of-way, and building permits, as applicable.
  - b) Providing access for installation, connection, inspection, maintenance, and repairs.
  - c) Ensuring installation by an authorized installer and completing all necessary electrical and plumbing work, in coordination with the District and the County.
  - d) Restoring the property after installation and connection work is completed.
  - e) Establishing and maintaining a continuous supply of electric current to the STEP system
  - f) Maintaining and repairing the building waste plumbing, building sewer, and septic tank.
  - g) Notifying the District of any malfunctions and ensuring timely repairs.
- 6.7 Tanks and Inlet Piping:
- a) Single tanks serving multiple lots under separate ownership will not normally be allowed. Each residence or site should have a separate tank. Exceptions will be considered on a case-by-case basis.
  - b) Systems serving facilities such as RV parks, mobile home parks, apartments, and unit developments may use shared tanks, subject to the Oregon State Plumbing Code.
  - c) Tanks shall be sized according to flow per criteria published in OAR 340-71-220(3). Minimum tank capacity shall be 1000 gallons.
  - d) Construction details and configuration of tanks shall conform with OAR 340-73-050. All tanks shall feature inlet and outlet risers with lockable covers. Inlet riser shall be a minimum of 8" diameter. Outlet risers shall be sized to accommodate and access the equipment installed, with 24" diameter as a minimum. Intermediate 8" risers will be required on large tanks over 3000 gallons.
  - e) Tanks shall be designed for all anticipated structural loads, including soil backfill. Where vehicle access is allowed, the tank shall be protected with an appropriate structural slab. Covers in traffic areas shall be rated for H-20 loading.
  - f) To assure retention of solids and grease in the tank, all tanks shall feature a non-corrodible effluent screen conforming with OAR 340-73-056. No unscreened discharges will be allowed.

- g) Existing watertight tanks in good condition may occasionally be allowed, on a case-by-case basis, to remain in service and under the customer's private control as pretreatment units discharging to a new STEP tank meeting the approved specifications. Existing tanks may be retrofitted to function as STEP tanks if they are less than 25 years old, pass the leakage test, and are practical for retrofitting the STEP pump, effluent screen, flow controls, access risers, and other specified features.
- h) Existing septic tanks not meeting the above requirements for reuse as pretreatment tanks or retrofit STEP tanks should be removed or abandoned in place per State and County requirements.
- i) Pipe connections to tanks shall be made with an approved commercial waterstop manufactured for the intended purpose. Field improvised waterstops or adapters will not be approved.
- j) All sewage from the building including kitchen, laundry, and bath wastes shall be intercepted and conveyed to the STEP tank.
- k) Prior to start-up, tanks shall be smoke-tested to confirm that all connected plumbing is properly vented through external house stacks, in accordance with Oregon Building Code regulations. Internal venting into attics will not be allowed.

#### 6.8 Pumps and Outlet Piping:

- a) To maintain the efficiency of the specified screen, each individual pump discharge and gravity outlet shall be limited to 10 gpm maximum flow rate by means of a flow-control orifice, regardless of influent flowrate or downstream head conditions. Flows exceeding 10 gpm tend to blind the screen over time, requiring them to be cleaned. Flows shall generally be controlled between 5 and 10 gpm.
- b) Effluent pumps shall be submersible turbine pumps and shall generally comply with the provisions of OAR 340-73-055, sized as appropriate for head/capacity conditions of the design. Installed pumps shall be capable of passing a 24-hour wet test in constant operation against shutoff head. Conventional centrifugal sewage pumps are usually less satisfactory for STEP system service because of their flat characteristic curve, but may be considered case-by-case for extremely low-head installations. Grinder pumps are unacceptable for discharge to STEP systems because of solids and grease.
- c) Pressurized service lines from a STEP tank to the common collector sewer shall be minimum 1" diameter. A shutoff valve (gate, plug, or ball) shall be installed in a tamperproof valve vault at property line. Unless otherwise approved, a swing check valve shall be installed in the same vault, and an additional swing check valve shall be installed at the tank outlet. Valves shall be full-port type and constructed of non-corrodible materials such as plastic and stainless steel.
- d) Wastewater flow meters shall be installed on all service lines for Commercial and Industrial users.

#### 6.9 Pump Controls:

- a) Power shall be furnished by the user. Pump control panels should be energized through a dedicated breaker in the building served.
- b) Control panels shall be NEMA-4X with a locked door. Panels shall be exterior mounted and should be visible to the owner's service personnel from the public right of way. Electrical conduits shall be sealed gas-tight at the tank and the panel.
- c) Installations shall contain a high-water alarm switch, activating a user-cancellable buzzer and an alarm light. Access to the light reset button shall be restricted to the owner's service personnel. Alarms shall be separately fused so that trip of the pump breaker shall not disable an alarm.
- d) Pump control panels shall be equipped with elapsed time meters, and may also be equipped with event counters at the option of the owner. Operational controls shall be HAND/OFF/AUTO. Dual pumping units shall have operator-cancellable automatic alternators and event counters.

- 6.10 The applicant must notify the District when the building sewer, service connection, and/or septic tank are ready for inspection and connection to the public sewer. The connection must be made under the supervision of the District manager or an authorized representative. A 30-minute internal hydrostatic test is required before connection to the sewer main, with all necessary materials provided by the applicant. No backfilling of the trench shall be done until receipt of written approval from the District.
- 6.11 No changes or modifications to the STEP system are allowed without District approval.
- 6.12 Property owners shall dedicate a 10-ft wide easement along the service line and tank centerline for installation, inspection, maintenance, and repair of the STEP system components by the District.
- 6.13 Property owners participating in the STEP system program agree to release, indemnify, and hold the District harmless from any claims related to the installation, connection, inspection, operation, maintenance, or repair of the STEP system.

## **7. Use of Public Sewers**

- 7.1 No person shall discharge or cause to be discharged any of the following into any public sewer:
- a) Pollutants creating a fire or explosive hazard in the system, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system, be more than five percent nor any single reading over ten percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides;
  - b) Wastewater having a pH less than 5.0, or equal to or greater than 12.5, or otherwise causing corrosive structural damage to the system or equipment;
  - c) Solid or viscous substances in amounts which will cause obstruction of the flow in the system resulting in Interference but in no case solids greater than one-half inch or one and two-tenths centimeters in any dimension;
  - d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the system;
  - e) Wastewater having a temperature greater than 150 degrees F (65.5 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
  - f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
  - g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the system in a quantity that may cause acute worker health and safety problems
  - h) Trucked or hauled pollutants
  - i) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
  - j) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the effluent;

- k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
  - l) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the District;
  - m) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
  - n) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
  - o) Detergents, surface-active agents, or other substances that might cause excessive foaming in the system;
  - p) Materials from cesspools and septic tanks, except as specifically authorized by the District in a wastewater discharge permit.
  - q) Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, glass grinding or polishing wastes, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, and similar substances.
  - r) Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA).
  - s) Where treatment technologies are available (including BMPs), users shall not discharge wastewater without treatment.
  - t) Any water or wastes potentially contaminated with (1) transmissible spongiform encephalopathy agents from diseases such as chronic wasting disease, bovine spongiform encephalopathy, scrapie, Creutzfeldt-Jakob disease, (2) foot-and mouth disease agents, or (3) anthrax, except by written permission of the City.
  - u) Bulk, expired, outdated, concentrated, or unused prescription or non-prescription drugs.
- 7.2 Introduction of any additive into a user's wastewater system for the purpose of emulsifying oil and/or grease, for oil and/or grease remediation, or as a supplement to interceptor maintenance is prohibited without prior written authorization by the District.
- 7.3 Grease, oil, and sand interceptors shall be provided when necessary for the proper handling of liquid wastes containing excessive grease, flammable wastes, sand, and other harmful ingredients. These interceptors are not required for private living quarters. All interceptors must:
- a) Be of a type and capacity approved by the District Engineer.
  - b) Be located for easy access for cleaning and inspection.
  - c) Be maintained by the owner at their expense, in continuously efficient operation at all times.
- 7.4 The admission of certain waters or waste into the public sewers is subject to review and approval by the District Engineer. This includes waters or wastes with a five-day biochemical oxygen demand greater than 300 parts per million by weight, more than 350 parts per million by weight of suspended solids, an average daily flow greater than 2 percent of the average daily sewage flow of the District, or containing any substances described in Section 7.1.
- 7.5 Industrial users must obtain an Industrial Discharge Permit if they discharge pollutants that could interfere with the operation of the Wastewater Pollution Control Facility (WPCF), are subject to national categorical pretreatment standards, or are designated as significant industrial users (SIUs) by the City of Redmond. Industrial users must comply with the City of Redmond Industrial Pretreatment requirements, which ensure

that all water discharged from commercial and industrial users meets pretreatment standards, as outlined in the City of Redmond code Section 4.3 Sewer Service.

- 7.6 Users issued an Industrial Discharge Permit will install an industrial wastewater monitoring station together with each necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such stations, when required, will be accessible and safely located, and will be constructed in accordance with plans approved by the District. The station will be installed and maintained by the owner at the owner's expense, so as to be safe and accessible at all times.
- 7.7 The City of Redmond sets local limits for specific pollutants, regulated by Oregon DEQ and the EPA. All measurements, tests, and analysis of the characteristics of water and wastes to which reference is made in this section will be determined in accordance with the latest City of Redmond standards. Sampling methods, location, times, durations, and frequencies will be determined on an individual basis, subject to approval by the District and the City of Redmond.
- 7.8 No statement contained in this section will be construed as preventing any special agreement or arrangement between District and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore by the industrial concern.
- 7.9 The District's acceptance of any prohibited wastes identified above shall be memorialized in a signed agreement with terms acceptable to the District.

## **8. Access to Premises**

- 8.1 The District will have the right to enter all private properties through which the District holds a duly negotiated easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities laying within the easement. All entry and subsequent work, if any, on the easement will be done in accordance with the terms of the duly negotiated easement and pertaining to the private property involved.
- 8.2 Notwithstanding anything contained in the Ordinance to the contrary, by requesting and receiving sewer service from the District, every customer grants the District and its authorized agents and employees the right and ability at all reasonable times to enter onto the customer's premises to determine the customer's compliance with the District's rules and regulations, including, without limitation, those rules and regulations concerning repairs, maintenance, delivery, and/or the receipt of sewer service.

## **9. Appeals Procedure**

- 9.1 Any person aggrieved by a ruling or interpretation of Sections 1-8 of this Ordinance may appeal the ruling or interpretation by filing a notice of appeal with the District Manager and/or Board. The notice of appeal must be filed within ten (10) business days after the date of notice of the ruling or interpretation is delivered to the person. The notice of appeal must contain (a) the name, address, and telephone number of the appellant, (b) a copy of the ruling or interpretation being appealed, and (c) the basis for the appeal, describing with reasonable specificity why the ruling or interpretation was issued in error.
- 9.2 The District Manager and/or Board will conduct an informal hearing on the matter and after consideration of the material presented by the appellant as well as material from the District, the District Manager and/or Board will decide whether to approve or deny the appeal. If necessary, the Manager will prepare a written decision based upon the Manager's and/or Board's findings. The Manager will send his or her written decision, if applicable, to the appellant and the Board.
- 9.3 If the appellant determines that his or her appeal has not been handled to his or her satisfaction by the Manager and/or Board, he or she may within thirty (30) days after receipt of the District Manager's decision, request



that the council complete an independent review of his or her appeal. The Manager will forward to the Board his or her entire file on the case for review of the Board. The Board will within thirty (30) days after receipt of the request for an independent review, prepare a written decision on the matter and send the decision to the appellant and the District manager. The Board's decision is final, conclusive, and binding.

## **10. Application for Service.**

- 10.1 Application.** Each applicant for sewer service must complete and sign an application form provided by the District. The form will include: date of application, location of premises, whether the applicant has been served before, date on which service is to begin, purpose for which service is requested, address for mailing or delivery of bills, applicant's address, and any other information required by the District. By signing the application, the applicant agrees to abide by the District's rules and regulations for sewer use. The application is a request for service and does not bind the District to provide sewer services.
- 10.2 Non-Owner-Occupied Premises.** Owners of non-owner-occupied premises are jointly and severally liable for all sewer-related fees, charges, expenses, losses, damages, and fines incurred by their tenants, including late and penalty fees. Owners must sign an agreement, approved by the District Manager, acknowledging their liability in case of nonpayment or delinquency by tenants. This agreement also allows the District to transfer claims against tenants to the owner. The Board may establish a process for collecting outstanding charges from responsible parties.
- 10.3 Industrial Discharge Permit.** If the applicant's intended use of the public sewer requires an Industrial Discharge Permit (as described in Section 7), the applicant must provide details about the substances to be discharged and any necessary pre-treatment or flow-equalizing facilities. The District will develop a sewer use agreement outlining the terms and conditions of service. The agreement must be signed and returned to the District, or the application will be deemed incomplete.
- 10.4 Deposit.** The District may require a deposit for sewer service at the time of application or re-application. No interest will be earned on the deposit, which will be calculated to cover all District costs associated with providing sewer service to the applicant. Deposits will be refunded if the customer has paid all amounts due to the District on time for at least twelve consecutive months.
- 10.5 Refusal of Service.** An application may be denied for the following reasons:
- a) The application is incomplete, unsigned, or ineligible.
  - b) The property location requires right-of-way or sewer line extensions that are difficult or impossible to obtain.
  - c) The applicant, owner, or occupant has previously failed to pay charges for District sewer or other services. Service may be refused until adequate financial security is provided.
  - d) The sewer system cannot meet the demand created by the proposed use without capital improvements.
  - e) The applicant has violated water or sewer ordinances, rules, or regulations two or more times.
  - f) The plumbing on the premises does not meet required standards.
  - g) The applicant has not agreed to the terms of a required sewer use agreement (as described in Section 10.3).
- 10.6 Application Denial.** Applicants whose applications are denied will be notified in writing, with reasons for denial and information on the right to appeal. Notice of denial will be mailed to the address shown on the application and will be effective as of the date of mailing.

## 11. Rates and Payments for Services.

- 11.1 **Sewer Rates.** The Board may establish and/or modify from time to time such sewer rates, fees, charges, fines, and penalties (which may or may not be contained in the fee schedule) related to the sewer system as the board deems necessary or appropriate by Board Resolution, including, without limitation, late fees and penalties.
- a) Residential users may be considered to be one class of user and an equitable service charge may be determined for each such user based on a flat monthly fee per Equivalent Dwelling Unit (EDU). The Board reserves the right to adjust individual residential fees if it can be demonstrated that the residential property is discharging more than 300 gallons per day on average, which is double the average household flow.
  - b) Commercial users will be charged the residential base rate per month plus a flow-based surcharge according to monthly sewer meter readings.
  - c) Industrial users will be charged as described above for Commercial users and may also be subject to additional surcharges for higher strength wastewater discharged and monitored under an Industrial Discharge Permit.
  - d) If the District elects, the District may classify certain users not satisfying or meeting the residential or commercial classification as special users. Special users will be placed in an open class and charged according to the user's wastewater contribution, as determined by the District, and fees established from time to time by resolution of the Board.
  - e) The sewer charge for new development will commence immediately upon connection to the sewer system. No sewer charge credit will be given for any vacancy thereafter.
- 11.2 **Place of Payment.** All payments should be mailed to the Terrebonne Sanitary District post office box or through the official District online payment portal.
- 11.3 **Bill Payment.** Bills for use of sewer services and property of the District will be due, payable, and delinquent in accordance with the fee schedule and any related resolution(s) described under Section 11.1. All bills will be due and payable upon receipt. Accounts which have not been paid in full within fifteen (15) days of the due date indicated on the bill will incur the then applicable late fees and penalties. A late notice will be sent out on or about the thirtieth (30<sup>th</sup>) day following the due date indicating the amount of any late fee and penalties. Delinquent accounts assigned to the "delinquent list" will be assessed additional fees established by the District from time to time. Delinquent accounts over 90 days can be reported to the Deschutes County tax assessor in July to impose a tax lien on the property.
- 11.4 **Tenant Accounts.** An owner of any non-owner-occupied premises will immediately notify the District if the non-owner occupied premises (or any unit thereof) become vacant. Until the owner provides the vacancy notice required under the immediately preceding sentence, the owner(s) will be required to pay for the sewer service made available and/or provided to the vacant non-owner-occupied premises (or unit thereof). Prior to transferring delinquent status to the occupant/applicant and mail a copy of the notice of delinquency by first class mail to the last address of the owner's agent that is on file with the District within thirty (30) days from the time the date the notice of delinquent status is mailed to the owner's agent of the premises. The transfer does not relieve the tenant of the obligation to pay the claim.
- 11.5 **System Development Charges.** System development charges will be due from each property owner at the time of initial connection to the system, the upsizing of a water service, or the upsizing of a sewer service to accommodate a substantial increase of use on the property. The amounts, categories, and cost basis for SDC charges will be established by separate Board Resolution.

- 12. Declaration of Sewer Emergency-Water Restrictions.** Upon declaration of a sewer emergency, the District manager and/or the Board may impose such restrictions upon the use of the sewer as is deemed necessary or appropriate to protect the health, safety, and welfare of the citizens of the affected area. The District manager will use reasonable means to notify the public of the restrictions imposed. At the next Board meeting following imposition of the restrictions, the District manager will present a report describing the nature of the emergency, the expected duration of the emergency, and the steps taken to alleviate the emergency. The Board may, at any meeting subsequent to the emergency, confirm, alter, amend, and/or terminate the restrictions imposed by the District manager by resolution. No person will violate the terms of any restriction or condition placed upon the use of water by the District manager or the Board pursuant to this section. It will be no defense to a charge of violation that the person cited had no knowledge of the terms of the restriction.
- 13. Sewer Charge Liens.** Sewer service charges will be a lien against the premises served from and after the date of billing and entry on the ledger or other records of the District pertaining to the sewer system, and such ledger or other records will remain accessible for inspection by anyone interested to ascertain the amount of such charges against the premises. Whenever a bill for sewer service remains unpaid ninety (90) days after it has been rendered, the lien thereby created will be collectible using one or more of the following procedures at the District's option; (a) foreclosure in a manner provided for in ORS 450, and ORS 223.610; (b) in a manner provided under ORS 454.225, as amended, by certification and presentation to the Deschutes County Tax Assessor for assessment on the general tax roll; and/or (c) any other manner or action provided for by law or District ordinance.
- 14. Prohibited Acts.** Unless authorized by the District, it is unlawful for any persons to do, commit, and/or assist in committing any of the following things or acts in the District: (a) to make any connection to the District system any structure, appurtenance, or equipment appertaining to the sewer system; (c) to excavate within any area subject to a recorded easement granting District access and installation rights for wastewater facilities without first obtaining the District's approval; (d) to construct any structure over or within ten (10) feet of any wastewater facility without first obtaining the District's approval; (e) to resort to any fraudulent device or arrangement for the purpose of procuring sewer service for a customer or others from private connections on premises contrary to the District regulations or ordinances; and/or (f) to violate any emergency sewer restriction by the District manager or Board.
- 15. District Enforcement, Violation – Civil Penalty; Other Relief.** The District will enforce the provisions of this Ordinance by administrative, civil, and/or criminal action as necessary to obtain compliance with this Ordinance. Any person violating a provision of this Ordinance, will be subject to a civil penalty not to exceed the sum of Two Thousand Five Hundred Dollars (\$2500.00) for each violation. Each violation of any provision of this Ordinance, and every day that such Ordinance violation exists, will be considered a separate violation. In addition to the foregoing civil penalties, the District may seek, in a court of competent jurisdiction, such other and additional relief (including all legal and equitable relief and remedies) available under applicable law as well as recovery of its costs and attorney fees. The District will be entitled to collect from any other fees, costs, and expenses incurred by the District to enforce this Ordinance. The remedies provided in this section are not exclusive and will not prevent the District from exercising any other rights and/or remedies available under law.
- 16. Amend, Replace, and Supersede.** The Board reserves the right to amend, repeal, and/or supersede this Ordinance or any part thereof by resolution at any time as deemed necessary.
- 17. Interpretation; Severability; Errors.** All pronouns in this Ordinance, and any variations thereof, will refer to the masculine, feminine, or neutral, singular or plural, as required by the context. The singular includes the plural, and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a specific law, rule, regulation, code, or ordinance includes any amendments to them. The provisions of this Ordinance are severable. If any section, subsection, sentence,

clause, or portion of this Ordinance is held invalid, unenforceable, or unconstitutional, such part will: (a) be construed to allow enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, or constitutionality of the remaining portions of this Ordinance. This Ordinance may be corrected by order of the council to address editorial and clerical errors.

**IN WITNESS WHEREOF, this Ordinance was passed by the Board by a vote of \_\_\_\_\_ "for" \_\_\_\_\_ "against" and APPROVED by the Board President on \_\_\_\_\_ 202X.**

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**Tim Brown, President of the Board  
Terrebonne Sanitary District**