

CITY OF MORO, OREGON

ORDINANCE 282

AN ORDINANCE ESTABLISHING SEWER SYSTEM REGULATIONS, INCLUDING GENERAL PROVISIONS, CONNECTION REQUIREMENTS, PERMITS, SEWER USE RULES, MAINTENANCE POLICIES, AND FEES AND CHARGES; AND REPEALING PRIOR INCONSISTENT ORDINANCES.

WHEREAS, the City of Moro operates a municipal sewer system to promote public health and environmental protection; and

WHEREAS, the City Council desires to regulate the use and maintenance of the sewer system in compliance with Oregon Revised Statutes (ORS) and Oregon Department of Environmental Quality (DEQ) requirements;

NOW, THEREFORE, the City of Moro ordains as follows:

GENERAL PROVISIONS

1.01 DEFINITIONS – Key terms include:

APPEAL. (SEWER REPAIR). A written request for discretionary City Council consideration of City participation in sewer repair costs processed in accordance with section 4 of this ordinance.

BUILDING SEWER. The extension from the building drain to the connection with the public sewer service connection or other places of disposal.

CITY. The City of Moro, Oregon, a local government agency of the state having jurisdiction within certain defined boundaries as now or hereafter constituted acting through the City Council or a committee, body, official, or person to whom the City Council shall have lawfully delegated the power to act for or on behalf of the City. Unless a particular committee, body, official, or person is specifically designated in these rules and regulations, wherever herein action by the City is explicitly required or implied it shall be understood to mean action by the City Administrator or Mayor of the City or his or her duly authorized representative.

CITY UTILITY ACCESS AREA. Any area within which the City has a legal right of access to City-owned sewer infrastructure — whether by recorded easement, dedication, statutory grant, license, written consent of the property owner, or court-determined prescriptive easement — together with the public right-of-way. Where City-owned sewer infrastructure is located on private property and no recorded easement or other formal access right exists, the City may enter upon the property only (a) with the property owner's written consent; (b) pursuant to an administrative warrant or court order; (c) in response to a bona fide emergency presenting a risk to public health, safety, or property; or (d) where authorized by Oregon law. Except in emergencies, the City shall provide the property owner not less than seven (7) business days' written notice prior to entry. Entry pursuant to this section does not, by itself, create, expand, or evidence any property interest in favor of the City.

CUSTOMER. The person who receives service from the system and is directly responsible for the user charges assessed for the service received. The CUSTOMER, if not the owner, is deemed to be the agent of the owner in receiving service from the system and does so with the knowledge and under the direction of the owner.

GARBAGE. Solid wastes from the domestic or commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

INSPECTOR. The City of Moro's authorized deputy, agent, or representative.

MAIN LINE- A City-owned public sewer pipe located downstream of the wye, tee or other approved point of connection, that serves multiple properties.

MAINTENANCE. Preservation of functional integrity and efficiency of equipment and structures. This includes preventive maintenance, corrective maintenance, and replacement of equipment.

OPERATION. Control of the unit processes and equipment that make up the collection and treatment works. This includes keeping management records, laboratory, process, safety and emergency operations, employment of attorneys and consultants, payment of court costs, and payment of any costs or fees reasonably associated with any of the above.

OWNER. The owner of record of the property to which service is provided

PRESCRIPTIVE EASEMENT. A non-possessory property interest in real property that arises by operation of Oregon common law upon a showing of open, notorious, continuous, exclusive, and adverse use for the statutory period, as adjudicated by a court of competent jurisdiction. As a matter of City policy, the existence or use of City-owned sewer infrastructure on private property shall not, of itself, constitute an assertion of a prescriptive easement claim, and the City shall pursue formal recorded easements rather than rely on prescriptive use to establish access rights. Nothing in this section waives any rights the City may otherwise possess at law or in equity.

PRIVATE SEWER SERVICE LINE/ LATERAL. The privately owned sewer pipe that conveys wastewater from a structure to the public sewer system, extending from the building sewer to and including the wye, tee, or other approved point of connection with the City's sewer main. The private sewer service line remains the responsibility of the property owner unless otherwise expressly determined by the City Council pursuant to this ordinance.

PUBLIC SEWER. A sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

REPLACEMENT. Obtaining and installing equipment accessories or appurtenances that are necessary during the design or useful life, whichever is longer, of the collection and treatment works to maintain the capacity and performance for which such works were designed and constructed.

SEWAGE. A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments together with such ground, surface, and storm waters as may be present.

SEWER. A pipe or conduit for carrying sewage.

SHALL. The act referred to is mandatory

TRUNK. A primary public sewer conveying flows from multiple sewer mains to downstream facilities.

USER. The owner of the property using any part of the public sewer treatment works of the City including developed properties where a sewer-service tap is available to the property whether or not the property is occupied.

1.02 PUBLIC SEWERS REQUIRED –The owner of any house, building, or property 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 or combined sewer of the City shall, at his or her expense, install suitable toilet facilities therein and 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 said public sewer is accessible and within 200 feet of the property line. There will be a \$200 minimum late fee charged after 90 days from the date of official notice for failure to connect.

1.03 PRIVATE SEWAGE DISPOSAL – Allowed only where no public sewer is available and must receive land use approval and comply with DEQ standards. Compliance with state recommendations. The type capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the state's Department of Environmental Quality. No septic tank or cesspool shall be permitted to discharge to any natural outlet. Upon sewer availability, properties must connect to City's system and abandon septic systems at owner's expense. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.

1.04 DAMAGING OR TAMPERING – No person may damage, destroy, or tamper with equipment that is a part of the City's sewer system.

1.05 INSPECTOR RIGHT OF ENTRY – The Inspector and other duly authorized employees, agents, or contractors of the City shall be permitted to enter upon a City Utility Access Area, as defined in Section 1, for purposes of inspection, observation, measurement, sampling, and testing in accordance with this chapter, subject to the notice and consent requirements set forth in the City Utility Access Area definition. Entry onto private property where no City Utility Access Area exists shall require the property owner's consent, an administrative warrant, or a bona fide emergency.

CONNECTION REQUIREMENTS & PERMITS

1.20 PERMITS REQUIRED – No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer without a permit from the City. (Section 3.05 Penalties)

1.21 COSTS TO BE BORNE BY OWNER – All costs related to installation and connection of the building sewer are the responsibility of the property owner.

1.22 SPECIFICATIONS AND INSPECTION – All construction shall comply with City and State standards, subject to inspection and approval by the City. The Inspector shall approve work before the infrastructure is covered. Any sewer that is covered before it is inspected and approved shall be reopened at the sole expense of the applicant in such manner as to be sufficient to permit a thorough inspection of the work.

1.23 PERSONS PERMITTED TO DO WORK – It shall be unlawful for any person other than a contractor, licensed by the state as such, or employee of the City to make any opening in any sanitary sewer owned and operated by the City or to connect any private sewer therewith. Only licensed contractors or the property owner (for personal residence work) may perform sewer work. All performed work is limited to work upstream of the wye/tee and subject to inspection.

SEWER USE AND REGULATIONS

1.40 PROHIBITED DISCHARGES – No person shall discharge into the public sewer any of the following: (a) storm water, surface water, groundwater, roof runoff, subsurface drainage, or unpolluted cooling water; (b) gasoline, fuel oil, oil, grease, or any other flammable, explosive, or combustible substance; (c) corrosive, toxic, or biocidal substances

in concentrations that may cause damage to the system, its personnel, or the receiving waters; (d) solid or viscous substances in amounts that may cause obstruction of the flow or interference with treatment, including but not limited to plastics, latex, rubber, paper towels, sanitary or “flushable” wipes, feminine hygiene products, diapers, fats, oils, grease, sand, ashes, glass, or metal; and (e) any other substance prohibited by federal, state, or DEQ regulation.

1.41 DISCHARGE OF SPECIAL WASTE AND PRETREATMENT – Industrial or unusual discharges require pretreatment or may be prohibited. Grease, oil, or sand interceptors shall be provided when required by the Inspector.

MAINTENANCE AND OPERATIONS POLICY

2.01 PURPOSE – The City will provide effective and efficient maintenance to its sanitary sewer system in compliance with DEQ and EPA requirements. Maintenance activities will be documented and records retained per City policy.

2.02 MAINTENANCE RESPONSIBILITY – The City will maintain public mains, manholes, and treatment facilities. Property owners are responsible for private laterals up to the connection point with the public system and lift stations, if applicable. Maintenance by owner, where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, shall be maintained continuously in satisfactory and effective operation by the owner at the owner’s expense.

A. Property owners shall be financially responsible for the maintenance, repair, and replacement of their private sewer service connection, including but not limited to clogs, tree root intrusion, blockages, settling, or pipe failure from the structure to and including the point of connection with the City’s main sewer line.

B. The City recognizes that unique conditions exist within the municipal sewer system, including parcels where a single private service line crosses beneath the State highway or other street result in a financial hardship for the owner. The City may review each situation on a case-by-case basis, considering engineering, location, and historic installation considering these lines function as an extension of the City’s main line.

C. Nothing in this section obligates the City to assume responsibility; however, the City Council may determine responsibility in specific, documented circumstances where private ownership is impractical or inequitable due to system layout.

D. Inspection, review, maintenance activities, emergency response, temporary repair, or discretionary participation by the City with respect to any sewer facility or service line shall not be construed as acceptance of ownership, creation of an easement, or assumption of ongoing maintenance responsibility, unless expressly approved by the City Council in writing.

2.03 INSPECTION AND VIDEO RECORDING – Sewer mains may periodically be inspected in conjunction with street or utility projects. All inspections shall be recorded and retained by the City for at least 12 years.

2.04 INFLOW AND INFILTRATION – The City will periodically inspect manholes and use various methods to reduce inflow and infiltration.

2.05 PERSONNEL AND TRAINING – City staff responsible for sewer maintenance shall maintain appropriate DEQ certifications. Training will include safety, operations, and emergency response.

FEES, CHARGES, AND ENFORCEMENT

3.01 USER CHARGES – All users shall be billed to cover operation, maintenance, replacement, debt service, and administration costs. Rates and fees shall be set by City Council resolution and adjusted annually with CPI- in accordance with Ordinance 254.

3.02 RESPONSIBILITY FOR PAYMENT – Property owners are ultimately responsible for all sewer charges, regardless of tenant occupancy.

3.03 DELINQUENCY AND TERMINATION – Accounts unpaid after notice are delinquent, subject to penalties, and may result in termination of service.

3.04 BILLING APPEALS –Billing appeals under this section are limited solely to disputes regarding sewer charges, fees, or billing calculations and shall not apply to, nor be used to challenge, sewer infrastructure ownership, maintenance responsibility, or repair cost determinations.

3.05 PENALTIES – Violations of this Ordinance are subject to fines and liability for damages or costs incurred by the City in accordance with Ordinance 264.

APPEAL PROCESS FOR CITY CONSIDERATION OF SEWER REPAIR COSTS

4.01 PURPOSE- The purpose of this section is to establish a formal appeal process by which a sewer utility customer may request City Council consideration for City participation in the cost of repairs to sewer infrastructure, when extraordinary circumstances are claimed and when such repairs may involve public benefit.

Nothing in this section shall be construed as creating an obligation of the City to assume responsibility for privately owned sewer infrastructure.

4.02 ELIGIBILITY TO APPEAL- A sewer utility customer may submit a written appeal under this section when:

A. The customer believes the sewer failure or repair involves City-owned sewer infrastructure; **or** involves a failure occurring within the public right-of-way; **or** an extraordinary circumstance where strict application of private responsibility would result in undue financial hardship and where City participation may serve a public interest.

4.03 WRITTEN APPEAL REQUIRED- All appeals must be submitted **in writing** to the City Administrator in a written format that includes, at minimum, the following information:

A. Property owner name, service address, and contact information.

B. Description of the sewer issue, including the date the problem was discovered.

- C.** Identification of the location of the failure (private property, right-of-way, or City system, if known).
- D.** Description of repairs completed or proposed;
- E.** Copies of invoices, contractor estimates, or receipts,
- F.** A written explanation of why the customer believes City participation is warranted; and
- G.** The specific relief requested (e.g., full reimbursement, partial reimbursement, direct City repair, or other assistance).

Incomplete appeals may be returned for additional information.

4.04-STAFF REVIEW- Staff review does not constitute approval or denial of the appeal. Upon receipt of a complete written appeal, City staff shall:

- A.** Review available records, including system maps, maintenance history, and inspection reports;
- B.** Determine whether the issue appears to involve City-owned infrastructure or facilities; and
- C.** Prepare a written staff summary and recommendation for City Council consideration.

4.05 COUNCIL CONSIDERATION- Appeals shall be scheduled for consideration at a regular or special City Council meeting. The appellant shall be notified in writing of the meeting date and time and may be invited to present their request verbally; however, the written appeal shall serve as the primary basis for Council consideration.

- A.** Council may consider, but is not limited to, the following factors:
 1. Ownership and location of the sewer infrastructure involved;
 2. Whether the failure originated in City-owned facilities;
 3. The benefit to the public sewer system;
 4. Prior maintenance history;
 5. Financial hardship and extraordinary circumstances; and
 6. Availability of budgeted funds.

4.06 COUNCIL DECISION- After consideration, the City Council may, at its sole discretion:

1. Deny the appeal;
2. Approve partial participation in repair costs;
3. Approve full participation in repair costs; or
4. Authorize City-performed repairs where appropriate.

Each appeal shall be considered on its individual facts. Council decisions are final and subject to review under ORS 34.040.

4.07 LIMITATIONS-

The City shall not reimburse costs incurred prior to Council approval unless expressly authorized by Council. Approval of an appeal shall not be interpreted as an admission of fault or liability by the City, nor shall it result in a duty of the city for ongoing maintenance and repair. This appeal process does not waive any provisions of this ordinance regarding private responsibility for sewer laterals or connections. Within sixty (60) days from the

date the customer discovered, or in the exercise of reasonable diligence should have discovered, the sewer issue giving rise to the appeal.

4.08 SEVERABILITY

If any provision of this ordinance, or its application to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application. REPEALER. All ordinances and parts of ordinances of the City inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after adoption by the Moro City Council and approval by the Mayor.

ADOPTED this ____ day of _____, 2026 by ____ Councilors present and voting in the affirmative.

APPROVED this ____ day of _____, 2026.

Bert Perisho, Mayor

ATTEST: Brittany Wood, City Administrator

Adopted 7/7/2026- In Council meeting. Signed copy available upon request.