

# TIGARD MUNICIPAL CODE

## **Chapter 12.02 SANITARY SEWER AND SURFACE WATER MANAGEMENT**

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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)

### **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—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)

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## **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 90 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 1.16.150 of this code. (Ord. 12-01 §2; 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 Chapter 1.16 and may be prosecuted in the municipal court of the city. (Ord. 94-19) ■