

**ROGUE VALLEY SEWER SERVICES
JACKSON COUNTY, OREGON**

**ORDINANCE NO. 24-01
AN ORDINANCE TO AMEND TITLE 9 OF THE
ROGUE VALLEY SEWER SERVICES CODE**

WHEREAS, Rogue Valley Sewer Services first codified its major resolutions and ordinances in 2005, and

WHEREAS, the code has been amended by ordinance from time to time, and

WHEREAS, Title 9 of the Code addresses Rates and Fee Schedules, and

WHEREAS, the current definitions for Mobile Home Parks and RV Parks are inconsistent with the definitions adopted by the Regional Rate Committee, and

WHEREAS, the current code language addressing the determination of flow is vague and does not properly address user accounts that do not have water meters,

NOW BE IT ORDAINED that Title 9 of the Rogue Valley Sewer Services Code is hereby amended as follows:

[see attached]

AND, BE IT FURTHER ORDAINED, that because this provision is should be in effect when rates change on July 1, 2024 an emergency is declared, making this ordinance effective on July 1, 2024.

ADOPTED BY THE Board of Directors of Rogue Valley Sewer Services at its Regular Meeting held June 19, 2024.

ROGUE VALLEY SEWER SERVICES



Kay Harrison, Chair
Board of Directors

COUNTERSIGNED:



Carl Tappert, Manager

First Reading:	May 15, 2024
Second Reading and Approval:	June 19, 2024
Effective Date:	July 1, 2024

Chapter 9.05 Service Classification Schedules

Sections:

9.05.010 Sewer service charges.

9.05.020 Stormwater charges.

9.05.025 Storm drain charges.

9.05.030 Service classifications.

9.05.040 Rate schedules for sanitary sewer and stormwater charges.

9.05.050 Minimum charges.

9.05.060 Determination of quantities for establishing gallonage rates.

9.05.070 Temporary service.

9.05.080 Uncollectible and delinquent accounts.

9.05.090 Annual review of rates.

Code reviser's note: Ord. 94-3 has been revised by Ords. 96-4, 96-10, 98-7, 99-3, 99-5, 01-02, 02-01, 04-04, 0405, 04-06 and 04-09.

9.05.010 Sewer service charges.

All sewer users within Rogue Valley Sewer Services (RVSS) shall pay an incurred sewer service charge to RVSS in accordance with the service classifications and rate schedules determined by the regional rate committee and board of directors of Rogue Valley Sewer Services as in this chapter established.

The term sewer user includes the owner of the property when the property is occupied by another party. Upon request by the owner, the bill may be sent to the occupant; but the owner and occupant are jointly and severally liable for all charges.

[Ord. 943 § 1, 1994.]

9.05.020 Stormwater charges.

1) A. All properties in jurisdictions that contract with RVSS to manage stormwater quality under the DEQ National Pollution Discharge Elimination Permit (NPDES) for Municipal Separate

Storm Sewers (MS4) are subject to stormwater charges as provided by resolution of the Board.

2) Unless an owner installs onsite mitigation (see Chapter 4.05 RVSC), the owner shall be responsible for service charges. The term "sewer user" includes the owner of the property. Upon request, the bill may be sent to the occupant, but the occupant and owner are jointly and severally liable for all charges. [Ord. 94-3 § 2, 1994.]

9.05.025 Storm drain charges.

1) All properties within a storm drain area defined in Chapter 5 of this code are subject to stormwater charges as provided by resolution of the Board.

2) Storm drain charges will be based on the area of the property measured to the nearest 1/10 acre. The charges shall be established by resolution of the Board.

a) Primary charge will be assessed based on the total area of the developed impervious surface area of the property.

b) Secondary charge will be assessed based on the total area of the property.

c) Minimum charge – all properties, regardless of size, shall be charged a minimum charge equivalent to a secondary charge of one acre.

9.05.030 Service classifications.

1) Residential. Rate Schedule A, codified in RVSC 9.05.040, shall apply to each dwelling with one ownership on one building site, and all dwelling units regardless of their grouping or number which receive separate billing for sewer service charges. (Excluding special areas covered under Rate Schedule F and Surcharge Schedule G, codified in RVSC 9.05.040).

2) Recreational Vehicle Parks. Rate

Schedule B, codified in RVSC 9.05.040, shall apply to any area or tract of land having a sewer connection, and where sewerage collection pipes are extended to two or more spaces occupied by, or intended to be occupied by a travel trailer or motor home, which are defined as a vehicular type unit primarily designed as temporary living quarters for recreations, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

- 3) Multiple Family Residence (MFR) Dwellings. Rate Schedule C, codified in RVSC 9.05.040, shall apply to a building or a group of buildings housing two or more families, living independently of each other, a family being defined as one or more persons living as a single housekeeping unit or household with sewer service being provided through not more than one sewer connection. This definition includes manufactured and mobile home parks.
- 4) Nonresidential. Rate Schedule D, codified in RVSC 9.05.040, shall apply to all establishments not otherwise defined in this title and includes hospitals, churches, schools, assisted living centers, and commercial operations.
- 5) "Extra strength service" shall be defined as service to a user discharging wastes into the sewer facilities containing a total of more than 60 pounds of biochemical oxygen demand (BOD) or total suspended solids (TSS) in any one day and discharged wastes having an average strength in excess of 300 ppm of BOD or TSS. "Biochemical oxygen demand" shall mean the quantity of oxygen, expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory

conditions for five days at a temperature of 20 degrees centigrade. "Total suspended solids" shall mean solids that either float on the surface or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering in accordance with procedures set forth in Standard Methods. The laboratory determinations shall be made in accordance with the procedures set forth in "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.

- 6) Recreational Vehicle Waste-Dumping Station. Rate Schedule E, codified in RVSC 9.05.040, shall apply to all non-single-family residential establishments that are connected with the sewage collection system and accept liquid waste dumped from holding tanks of recreational vehicles such as travel trailers, motor homes, and campers, where such wastes pass into the RVSS collection system, regardless of whether the wastes are accepted by the operator of the waste-dumping station with or without charge.
- 7) Community Sewage Disposal System. Rate Schedule F, codified in RVSC 9.05.040, shall apply to each user connected to any self-contained community sewage disposal system or pump system for which a homeowners' association is responsible that is operated and maintained by Rogue Valley Sewer Services. Charges are to be determined for each service area based on the operation, maintenance, and repair requirements of the sewage disposal system operated for the benefit of each

service area.

- 8) Metered Customers.
 - a) All users of RVSS sanitary sewer services have the right to have a flow-measuring device installed on their effluent line. This allows the user to have direct control over the amount of any incurred charges. Such devices must be acceptable to RVSS in terms including but not limited to methodology, mechanics, and maintenance; and these devices, their installation, and periodic re-calibration costs shall be paid for entirely by such owners.
 - b) These devices will be read and calibrated by RVSS on a regular schedule with the user paying for the costs of meter reading and calibration established by this title. Such charge shall be as specified in RVSC 9.05.040(G).
 - c) Once installed, the customer will be billed based strictly on flow; Rate Schedule G, codified in RVSC 9.05.040, shall apply.
- 9) Hardship Connections. Rate Schedule "H" shall only apply to temporary dwellings approved by virtue of a temporary medical hardship permit. The rate schedule shall apply only while the permit is valid.

[Ord. 94-3 § 3, 1994.]

9.05.040 Rate schedules for sanitary sewer and stormwater charges.

Rates for the sanitary sewer and stormwater charges shall be set by resolution of the Board, and reviewed annually.

9.05.050 Minimum charges.

The minimum charge for each user, regardless of classification, shall be not less than the rate for a single-family residence.

Any account under any schedule which causes sizable additional expense to RVSS shall be increased by that amount.

[Ord. 94-3 § 5, 1994.]

9.05.060 Determination of quantities for establishing gallonage rates.

- 1) Metered Accounts. The quantity of water delivered to the premises is defined as the actual water consumption as metered monthly or metered sewage discharged to the mainline or estimated discharge to the mainline as determined by the manager or designee.
- 2) Deduct Meters. Commercial and Industrial Users whose process consumes large quantities of water that does not enter the sewer may request that such water be metered separately and deducted from their primary water meter. Such requests will be approved by the manager or designee if it is confirmed that none of the water measured by the deduct meter can enter the sewer. Such meters will be installed at a location approved by RVSS and be read and calibrated as defined in Section 9.05.030 G above.
- 3) Non-Metered Accounts. In the event water consumption metering is not feasible, the quantity of water delivered shall be estimated by converting the use to equivalent residential units (ERU) using the methodology adopted by the Regional Rate Committee. One ERU shall be the equivalent of 6,500 gallons per month.
- 4) Winter Average. Any non-residential whose summer water usage is more than their winter flow may request to be billed based on winter average flow. The manager of Rogue Valley Sewer Services will approve this request if it is determined that the differences between

summer and winter water use can be attributed solely to increased irrigation in the summer which does not enter the sewer. If approved, sewer bills will be based on water consumption averaged for the months of December, January, and February immediately preceding the 12-month period being billed, except in the case of schools, where only January and February will be used.

[Ord. 94-3 § 6, 1994.]

9.05.070 Temporary service.

- 1) If application for service is made with an expected duration of said service of less than 90 days, standard connection permit procedures and fees will apply together with the rate schedules provided in this chapter. In addition, a temporary service fee in the amount listed in Schedule A, codified in RVSC 9.05.040, shall be charged for each 30-day period or part thereof of such temporary service.
- 2) Temporary Suspension. Owners of residential property may request a temporary suspension of service billings if the property is vacant for more than two months, provided that they:
 - a) Request such suspension at least 14 days prior to the property becoming vacant;
 - b) Provide the exact date of when the property will be reoccupied;
 - c) Are current with all fees due to RVSS, and
 - d) Pay a fee to cover administrative expenses equal to one month's service charge.
[Ord. 94-3 § 7, 1994.]
 - e) Provide proof that water service is temporarily discontinued for the same duration.

9.05.080 Uncollectible and delinquent accounts.

The owner of the property served by the public sewer of Rogue Valley Sewer Services shall be responsible for all sewer service charges incurred therefor. Sewer service charges together with unpaid fees and charges levied in accordance with this chapter and RVSC Title 8, as amended, of Rogue Valley Sewer Services may be collected in accordance with RVSC 8.50.030. In addition, the manager of Rogue Valley Sewer Services is authorized to make such collections in accordance with ORS 450.880 and 454.225.

Accounts are due and payable 15 days after being billed by Rogue Valley Sewer Services.

The manager is authorized to:

- 1) Allow individual accounts to be paid on a monthly basis and receive a monthly bill if it is determined that it is in the best interest of RVSS to do so.
- 2) Send a notice(s) of delinquency to sewer service users with accounts that are past due.
- 3) Charge a late fee on all accounts that are 10 or more days past due. The fee shall be three percent of the amount past due but not less than \$3.00. The late fee shall be calculated at the end of each billing cycle, and the total amount past due, regardless of the number of billings past due, shall be multiplied by three percent and shall not be less than \$3.00. The account balance used to calculate the late charge shall not include previous late charges added to the account balance.
- 4) Have sewer service discontinued, in whatever manner is deemed appropriate, to any user who has a sewer service account that is 60 or more days past due. The manager shall notify the county

health department before having sewer service discontinued to any place(s) of residence. Sewer service may be discontinued for nonpayment of storm drainage charges in accordance with RVSC 5.15.060, as amended.

- 5) To contract with public water purveyors to have water service discontinued to any sewer service user, who is also served by the public water purveyor, and has an account that is 60 or more days past due.
- 6) To charge a reconnection fee of up to \$640.00 before allowing sewer service to be recommenced to any property disconnected from sewer service as a result of non-payment of past due sewer service charges. The amount of the reconnection charge shall be equal to the actual cost of disconnecting and reconnecting the sewer service. Sewer service will not be recommenced to any property until the reconnection fee is paid along with the delinquent sewer service fees and any late charges owing.
- 7) To have legal action commenced to recover unpaid sewer service amounts and all costs incurred to disconnect sewer service on any account that is 60 or more days past due.
- 8) To certify all unpaid amounts including fees to the Jackson County assessor for collection on the tax rolls pursuant to ORS 450.880 and 454.225.
- 9) Property Owner Responsible. Every owner of property within RVSS is responsible for payment of charges under this chapter. RVSS will not recognize any attempt to transfer such responsibility although RVSS will, upon written request, bill occupants other than the property owner as a courtesy. If the

property owner does not provide RVSS with an address for mailing of bills, RVSS may use the mailing address for tax statements shown on the records of the county assessor and/or county tax collector.

- 10) Set up a system to automatically receive sewer service charges through the banking system's automatic clearing house (ACH) collection system, with the customer's written permission, following all state and federal rules and regulations.
- 11) Work with individual property owners to classify service and bill in a different manner if such change is in the best interest of RVSS. [Ord. 94-3 § 8, 1994.]

9.05.090 Annual review of rates.

Unless otherwise decided by the Rogue Valley Sewer Services board of directors, sewer service rates shall be reviewed annually and revisions made thereto to ensure continued equitability and generation of sufficient revenue. Rates may be adjusted by resolution.

RVSS Code reviser's note: Ord. 91-12 has been revised by Ords. 92-9, 96-5, 96-9, 98-3, 99-04 and 99-05.

Chapter 9.10 Permits and Service Fees

Sections:

9.10.010 Definitions.

9.10.020 Permit.

9.10.030 Inspection.

9.10.040 Permit and inspection fees.

9.10.050 Service connection and tap construction fees.

9.10.060 Fees for maps and other services.

9.10.070 Fees for plans and specifications.

9.10.080 Fees for excessive maintenance

9.10.010 Definitions.

As used in this chapter, unless the context

requires otherwise:

- 1) “Facsimile signature” may be allowed for permits, agreements or other documents. When practical, the original signature or a statement by the individual allowing the use of his or her facsimile signature should be obtained. Permits may be signed by one owner of the property or a licensed contractor.
- 2) “Person” shall mean any individual, partnership, joint venture, corporation or unit of local, state, or federal government or any agency thereof.
- 3) “Pressure systems” shall mean a method of providing sanitary sewer service which is not a fully gravity system requiring the use of mechanical pumps, and which is not a STEP or STEG system.
- 4) “Service connection” shall mean a public sewer which has been constructed to the approximate property line or right-of-way line from a public sewer for the sole purpose of providing a connection from a building to the sanitary sewer
- 5) “STEP and STEG systems” shall have the meanings as defined by Chapter 6.25 RVSC.
- 6) “Stormwater permits” shall mean the RVSS construction permit or NPDES 1200-C permit which are issued on behalf of the Oregon Department of Environmental Quality, DEQ.
- 7) “Tap” shall mean the preparation and installation of a service connection to the public sewer pipe.
[Ord. 10-03, 2010; Ord. 08-03 § 1, 2008; Ord. 91-12 § 1, 1991.]

9.10.020 Permit.

No person shall connect a structure requiring sewer service to a public sewer of the Rogue Valley Sewer Services without obtaining a permit from RVSS, unless:

- 1) The property is within the City of Medford and there is a sewer lateral extended to the property. In this case, the permit to connect will be issued by the City of Medford.
- 2) The new structure is a manufactured home and there is a sewer lateral extended to the property. In this case, the connection will be covered by the Manufactured Home Setup Permit.
- 3) The new structure is connected by extending the building drain from an existing building.
- 4) The new structure is connected to an internal private sewer system, i.e. within a mobile home park.

Connections that do not require a permit from RVSS are still required to pay appropriate connection fees.

9.10.030 Inspection.

All building sewers that require a permit from RVSS shall pay to an inspection fee.

9.10.040 Permit and inspection fees.

It is the policy of RVSS to charge the actual cost of providing service to its customers. The amounts established by resolution are minimum charges and shall be collected whenever possible prior to performing the service. As needed, additional fees shall be collected in order to cover the actual cost plus 10 percent if these established fees do not adequately cover all costs.

[Ord. 91-12 § 3, 1991.]

The permit and inspection fees shall be adopted by resolution of the Board and

reviewed annually.

9.10.045 Connection without a permit prohibited, penalty.

Unless acceptable arrangements are made in advance with RVSS, if the installation of a service lateral is commenced prior to the issuance of such permit, the owner will be required to pay all fees and charges together with any penalties or additional charges as set forth herein below.

- 1) First offense: service line permit fee is doubled;
- 2) Second offense: \$1,000 or 20 percent of all fees and assessments, whichever is greater.
- 3) Third offense: \$3,000 or 50 percent of all fees and assessments, whichever is greater.
- 4) Fourth and future offenses: \$5,000 or double the total amount of all fees and assessments, whichever is greater.

Notwithstanding an applicant's history of unpermitted installations, an unpermitted installation greater than two years since the last unpermitted installation shall be treated as a first offense.

9.10.050 Service connection and tap construction fees.

If the service connection requires a new tap into a sewer mainline, an additional tap fee will be charged

9.10.060 Fee for maps and other services.

Fees for maps and other services shall be established by a resolution of the Board.

9.10.070 Fee plans and specifications

The fee to obtain RVSS's model engineering plans and specifications and construction contract plans and specifications shall be

established by resolution of the Board.

9.10.080 Fees for Excessive Maintenance

Project developers who construct high-maintenance public facilities when no maintenance options are available shall pay a maintenance fee equivalent to the projected operation and maintenance costs over 20 years. This applies to developers who choose to construct sewer pump stations when gravity options are available; or stormwater quality structures when non-structural options are available; or similar types of development. The amount of the fee shall be established by resolution.