

ORDINANCE NO. 331

AN ORDINANCE AMENDING ORDINANCE NO. 132 AND PROVIDING FOR UNIFORM REQUIREMENTS FOR USERS OF THE CITY'S WASTEWATER TREATMENT SYSTEM.

The City of Coos Bay Ordains as follows:

Section 1. The following definitions in Ordinance No. 132, Section 1, are amended to read as follows:

Collection line. That portion of the wastewater treatment system which collects and transmits wastewater from users to the wastewater treatment plant, excluding private laterals and service laterals, or that portion of the wastewater treatment system which collects and transmits stormwater from users to the receiving waters of Coos Bay.

Director. The director of the Department of Community Services of the city or his/her duly authorized representatives.

NPDES permit. National Pollution Discharge Elimination System permit issued to the city by United States Environmental Protection Agency setting specific requirements for discharge from the city's treatment plants into the waters of Coos Bay.

Private Lateral. An underground pipe, including all connections and appurtenances, owned by a property owner connecting a building to a service lateral or a collection line.

Service Lateral. An underground pipe, including all connections and appurtenances, to which multiple buildings are attached by private laterals, and which connects to a collection line.

User. Any person or governmental entity that discharges wastewater into the City's wastewater treatment system.

Wastewater treatment system. The combined sanitary sewer system and the storm sewer system of the City of Coos Bay, including all appurtenances thereof.

Section 2. Ordinance No. 132, Section 1 is amended to include the following definitions:

Force Main. An underground pipe designed to transport wastewater under pressure from a pump station to a collection line.

Pump Station. A facility designed to pump wastewater into the wastewater system, where such transport may not be made through gravity.

Sanitary Sewer System. That portion of the wastewater treatment system which disposes of the liquid and water-carried industrial or domestic wastes from dwelling, commercial buildings, industrial facilities and institutions.

Storm Sewer System. That portion of the wastewater system which disposes of runoff or other surface water which does not require treatment prior to release into the environment.

Section 3. Ordinance No. 132, Section 1, Definitions "Collections system," and "Wastewater" and Sections 17-34 are repealed and the following new sections 17-47 are added

Section 17. User Fees.

- (1) Fees.** Each user of the wastewater system shall pay a monthly fee sufficient to provide for the costs of operation and maintenance, debt service, costs of capital improvement and replacement, and administrative costs.
- (2) User Classification.** The City Council shall designate "user classifications," which shall be based on types of activities conducted by users of the wastewater system and the typical characteristics of wastewater produced by such types of activities, including, but not limited to, flow, suspended solids and BOD. The City shall assign to each user the "user classification" which most closely conforms to the user's type of activity and typical wastewater characteristics.
- (3) Fee Determination.** The City Council shall establish by resolution a schedule of fees for each user classification. The fees shall be based on the costs of operation and maintenance, debt service, costs of capital improvement and replacement, and administrative costs, and shall be structured so as to ensure equitable allocation among all user classifications for such costs.
- (4) Annual Review of Fees.** The City Council shall review the fee schedule annually and revise the schedule as necessary to ensure adequate revenues are generated to pay the costs of operation and maintenance, debt service, costs of capital improvement and replacement, and administrative costs.

Section 18. Water Usage; Metering.

- (1) Calculation of Fees on Total Volume of Water Consumed.** User fees shall be calculated upon the total amount of water consumed from all sources, public and private. Total amount of water consumed shall be determined by meters upon all public and private sources furnishing water to the user.
- (2) Partial Exemption from Fees.**

 - (A)** A user may apply to the city manager for a partial exemption from the user fee. Any user seeking a partial exemption must submit a written application for an exemption, along with proof that the total amount discharged into the wastewater system by the user is materially less than the total amount of water consumed by the user. As used in this section, the volume of water discharged into the system is "materially less" if the average monthly amount of water discharged is less than sixty percent of the average monthly amount water consumed.
 - (B)** Any user granted a partial exemption shall pay user fees for only that volume of water actually discharged into the wastewater system.
 - (C)** Any user granted a partial exemption shall install and maintain, at the user's sole expense, a meter to measure the volume of water diverted to other uses. The director shall approve the type and location of the meter. At any time when deemed necessary by the director, the meter shall be tested by an approved testing contractor for accuracy, at the user's sole expense. The user shall obtain readings from the meter on a monthly basis and provide them to the City on or before a date specified by the director. The user shall be solely responsible for the expense of all meter reading services. The supplier of such

meter reading services shall be approved by the director.

(D) In order to defray the administrative costs incurred by the City in calculating a partial exemption of fees, as provided for in subparagraphs “A” through “C” above, the City shall assess an administrative fee of ten percent (10%) of the partial exemption, that will be deducted from the fee returned to the user.

(3) Users Not on Water System. If a user's property is not connected to the municipal water supply system and the director determines it is unnecessary to install a wastewater meter, for the purpose of determining the user fee the volume of water discharged may be estimated by the director. The estimate shall be based on the activity conducted on the premises, number of fixtures producing wastewater, number of residents or persons contributing to the production of wastewater, and such other factors deemed necessary by the director to estimate the volume of water discharged.

(4) Excessive Treatment Charge. If the director determines a user is discharging or has discharged wastewater on a sustained, periodic, or accidental basis, in a volume or with characteristics which cause the City to incur additional costs above normal costs associated with treating wastewater, the user shall be billed for any additional costs resulting from that user's discharge.

(5) Adjustment to User's Fee.

(A) If a water line serving the user's premises is broken, and subsequently the water does not enter the sanitary sewer system, resulting in a user fee which is materially greater than the user's average monthly user fee, the user may apply to the director for an adjustment to the user fee charged for the month or months during which the break occurred. Any such application shall be made within three months of the date of repair of the break.

(B) The user shall present evidence to the director of the break, repair of the break, and the user's average monthly user fee. Upon satisfaction that a break has occurred, been repaired and that the user fee was materially greater than the user's average monthly user fee, the director shall rebate an amount to the user equal to the difference between the user fee actually charged and the average monthly user fee for a period not to exceed twelve (12) months. As used in this subsection, a user fee is "materially greater" if the user fee is one hundred and thirty percent of the average monthly user fee.

Section 19. Collection Procedures.

(1) Collection of User Fees. The City may use the Coos Bay/North Bend Water Board to bill users and collect user fees from users who are customers of the municipal water system; all other users will be billed and user fees collected by the City. All payments shall be deposited into the City of Coos Bay wastewater fund.

(2) Review of Fees. Any user who believes his or her user fee is based on inaccurate measurements or has grounds to contest the director's estimate of volume of wastewater discharged may file a written request for review of his or her user fee with the city manager. The request for review shall state the basis for the user's objection and shall include a statement of the

user's measurement or estimated volume of discharge and shall state the method whereby the user's measurements or estimates were made. If the user demonstrates inaccurate measurements or estimates, the user fee shall be adjusted upwards or downwards, as the case may be, and the new fees shall be charged commencing with the following month's billing.

(3) Failure to Pay.

(A) All user fees charged are debts due the city. Payments more than fifteen (15) days delinquent may be recovered by civil action against the property owner.

(B) In addition, failure to pay shall subject the user to discontinuance of water service, and the Coos Bay/North Bend Water Board is hereby authorized to enforce these provisions as to any and all delinquent users.

(4) Perpetual Lien. Until paid, all charges imposed by Sections 18 and 19 shall constitute a perpetual lien on and against the property connected to the wastewater treatment system

[Sections 20 to 24 reserved for expansion]

CONNECTIONS AND PRIVATE WASTEWATER DISPOSAL

Section 25. Initiation of Connection to the Wastewater System.

(1) A connection to the wastewater system may be initiated as follows:

(A) Any person may request a connection to the wastewater system to serve property owned by that person;

(B) The City Council may initiate a connection to the wastewater system to serve property owned by any person, upon finding that connection is necessary to protect public health and safety.

(2) A request to connect to the wastewater system shall be in writing and shall contain a map of the property to be served by connection to the system, identifying the property by address and tax map and lot number and any other relevant information required by the director.

Section 26. New Connections to Wastewater System.

(1) Permits. Any person who intends to connect a private lateral, service lateral or new collection to an existing collection line shall apply to the director for a connection permit. The application shall include plans, specifications, or other information deemed necessary by the director to determine compliance with all ordinances, regulations, or rules relating to the wastewater system.

(2) Construction. The size, slope, alignment, and materials for private laterals and service laterals, and the methods to be used for excavating, placing pipes, jointing, testing, and backfilling trenches, shall conform to all applicable rules and regulations.

(3) Excavations. A permit shall be obtained from the director for any work performed within a public right of way. All excavation for installation or repair of private laterals, service laterals, force mains, collection lines or other connections or appurtenances shall be adequately guarded with barricades and lights and shall meet all applicable safety standards. Streets, sidewalks, parkways, and other public property disturbed in the course of installation or repair shall be restored in a manner satisfactory to the director.

(4) Commencement of Construction. Construction of a building or facility to be served by the wastewater system shall be commenced within one hundred eighty (180) days from the date of the issuance of the connection permit and shall be completed without suspending or abandoning the construction. Failure to commence construction within one hundred and eighty days will result in cancellation of the permit and forfeiture of all fees paid.

(5) Inspection. The permittee shall notify the director when the private lateral, service lateral, force main, or new collection line is ready for connection to the existing collection line. The City shall inspect the connection but shall not be liable for any deficiency or defect in the private lateral, service lateral or force main which is not discovered during inspection. The owner or developer of the property connected to the collection line shall correct any deficiency or defect upon discovery and shall be liable for any damage resulting from deficiency or defect, known or unknown.

(6) Existing Lines. Existing unused private laterals or service laterals may be used to connect new buildings to the wastewater system only when the private lateral or service lateral is found upon inspection and testing by the director to meet all requirements of this section.

(7) Facilities Unable to Utilize Gravity Flow. In any buildings where a building drain is of insufficient elevation to allow discharge of wastewater into the service lateral or collection line by gravity flow, the wastewater discharged by such drain shall be pumped and discharged into the collection line. The means whereby the wastewater is so pumped shall be approved by the director.

(8) Connection to Wastewater System by Gravity Lines. If a pump station and force main is required to serve a development, the wastewater system for that development shall be designed, where possible, so as to permit eventual connection into the wastewater system by gravity lines. If necessary, the developer shall provide easements for eventual connection by gravity lines into the wastewater system. The City may require a deposit from the developer to pay for the eventual connection to the wastewater system by gravity lines.

(9) Costs of Construction. Except as otherwise provided by this Ordinance, a property owner or developer shall pay all costs for construction, maintenance, and repair, of all components of the wastewater system located on or within the owner's or developer's property, or development, and for the cost of any force main connecting a private pump station with the wastewater system.

Section 27. Separate Private Laterals Required; Exceptions.

(1) Separate Laterals Required. Except as otherwise provided in this section, a separate private lateral shall be provided to connect each building to a collection line.

(2) Multiple Building Exception.

(A) Multiple buildings located on a single lot, parcel, or unit of land may be connected to a single service lateral as provided by applicable codes, ordinances, and other regulations.

(B) Subdivision of Lot or Change to Separate Ownership. If the lot, parcel or unit of land upon which the multiple buildings are located is subdivided or the buildings come under separate ownership, separate private laterals shall be provided for each building and connected to a collection line.

(3) Service Lines for Multiple Buildings Not on a Single Lot, Parcel, or Unit of Land. A service lateral for multiple buildings not on a single lot, parcel, or unit of land may be approved by the director, if the property owner or owners demonstrate they have established an entity responsible for the maintenance and repair of the service lateral, and the service line meets all applicable codes, ordinances, and other regulations. Should the entity so established cease to exist or to maintain the service lateral, the owners of the property so served shall immediately notify the director of this fact, at which time separate private laterals shall be provided.

Section 28. Owner Responsibility for Maintenance and Repair of Laterals.

(1) Private Laterals. The owner of a building connected to the wastewater system is responsible for the maintenance and repair of the private lateral and any appurtenances, including the connection to the collection line. The owner shall keep the private lateral in good condition and repair and shall replace, at the owner's expense, any portions which, in the opinion of the director, have become unfit for further use because of damage to or disintegration of the private line.

(2) Service Laterals.

(A) If more than one building is connected to a service lateral, then the owners of the each building shall be jointly and severally responsible for the maintenance and repair of the service lateral as provided in subsection (1) of this section.

(B) The director may impose additional requirements upon any owners of property connected to a service lateral to assure proper maintenance and repair and to allow the monitoring of wastewater quantity or quality.

(3) Permits and Inspections.

(A) Prior to repair or alteration of a private lateral or service lateral, the owner or owners must obtain all required permits from the City. Issuance of a permit shall be conditional upon compliance with all ordinances and regulations applying to the wastewater system.

(B) The City shall inspect the construction, but shall not be liable for any deficiency in the repair or alteration. After inspection, the owner shall return public rights of way to a condition acceptable to the director. The City shall not be liable for any claims for damage resulting from any deficiency or defect in the repair or alteration not reasonably discoverable at time of inspection and shall not be responsible for correction of any

deficiency or defect in the repair or alteration.

(C) The City may enter upon any private property to test or inspect private laterals or service laterals. Any such entry shall be made only after a 48-hour notice of inspection has been posted on a conspicuous place on the property or properties. If leaks or unauthorized connections are located, notice will be sent to the property owners directing appropriate repairs or other corrective action be made within a specified time.

Section 29. Disconnection from the Wastewater System. If a user wishes to disconnect his or her building from the wastewater system, the user shall, at his or her sole expense, cap the private lateral at the property line. No new private lateral to replace an existing private lateral to be abandoned shall be approved until the abandoned private lateral is removed and properly capped. Caps shall be sufficiently tight to prevent the escape of wastewater or the infiltration of ground water or stormwater into the wastewater system.

Section 30. Collection Lines in New Developments.

(1) **Plat Approval Required.** No collection lines, private laterals, service laterals, force mains, pump stations or other appurtenances to the wastewater system shall be constructed in any addition or subdivision in the City until the tentative plat therefor has been approved as provided in the City's Land Development Ordinance.

(2) **Extension of System.** Collection lines from and throughout areas of new development shall be extended at the owner and/or developer's sole expense. Private laterals and service laterals shall be extended by the owner and/or developer from the collection line to the property line of the lot or parcel to be serviced thereby. All collection lines and private laterals and service laterals shall be extended in compliance with all applicable codes, ordinances, and other regulations.

Section 31. Private Wastewater Disposal.

(1) Where no collection line is located within three hundred feet from any boundary of a property, the owner shall construct and connect to a private sewage disposal system complying with the provisions of this section. The owner shall operate and maintain the private sewage disposal system at all times in a sanitary manner and at the owner's sole expense.

(2) The owner shall obtain a written permit from the Oregon State Department of Environmental Quality before commencement of construction of a private sewage disposal system. Nothing in this section shall be construed to interfere with any requirement which may be imposed by the Oregon State Department of Environmental Quality as a condition of construction or operation of a private sewage disposal system.

(3) When a collection line or service lateral becomes available within three hundred feet of a property served by a private sewage disposal system, the user shall construct a private lateral to connect the property to the wastewater system, and any septic tanks, cesspools, or other private sewage disposal system shall, at the owner's sole expense, be abandoned in accordance with state law.

Section 32. Unauthorized Connections.

- (1) Collection System.** No person shall make any connection to, openings into, use, uncover, alter, or disturb any collection line, private lateral, service lateral or other appurtenance to the wastewater system, without first obtaining all required permits.
- (2) Payment of fees, charges, liens; permits.** No person may connect to the wastewater system unless inspections required by permits have been conducted, all charges and fees have been paid, or any security required by the City has been applied for and approved.
- (3) Discharge into Manholes.** No person shall discharge any substance into a manhole or other opening into the wastewater system except through an inspected and approved private lateral, service lateral or collection line unless approved by the director.
- (4) Downspouts and Other Surface Runoff to Private Lateral.** No person shall directly or indirectly make or maintain a connection for roof downspouts, exterior foundation drains or any other source of surface runoff or groundwater to the sanitary sewer system.

PERMITS, LINE CHARGES, AND RECOVERY AGREEMENTS

Section 33. Permits Fees. The City Council shall, by resolution, establish a schedule of permit fees for construction, maintenance, or repair of private laterals, service laterals, and collection lines, which shall be paid prior to issuance of a required permit.

Section 34. Line Charges.

- (1)** The City Council may, by resolution, establish a line charge to reimburse the City for each new connection to the wastewater system constructed by the City. The line charge shall be based on the actual costs of construction and shall be revised annually to reflect changes to the actual costs incurred by the City in constructing connections. The line charge shall be in addition to any other applicable permit fees and charges required for connection.
- (2)** The director shall maintain records, documenting payment of the line charge, which shall include the name of the owner and the location of the parcel connected to the wastewater system. No connection permit shall be issued until the line charge has been paid in full or until provision for installment payments or other acceptable security has been made and approved.

Section 35. Recovery Agreements.

(1) Recovery Agreement for Collection Lines, Oversized Construction of Collection Lines, Pump Stations, and Force Mains.

(A) For the purposes of this section, a recovery agreement is defined as an agreement between the owner or developer of property and the City of Coos Bay, whereby the owner or developer may recover part or all of the costs incurred by the owner or developer in acquiring real property or easements for and constructing collection lines, pump stations, and force mains, which are subsequently deeded to the City.

(B) Recovery agreements are available in the following instances:

- (1)** When an owner or developer finds it necessary to construct collection lines through or adjacent to unserved or undeveloped lands;
- (2)** Where the owner or developer has been required by the director to construct a collection line larger than that required to serve the needs for his or her property or development or to provide service for property adjacent to the owner's or developer's property;
- (3)** Where the owner or developer finds it necessary to construct pump stations and force mains to serve his or her property, or where the director has required the construction of a pump station and force main because it appears to the director that more properties could be served by the pump station and force mains.

(2) Recovery Agreement Requirements.

(A) Any owner or developer wishing to enter into a recovery agreement shall, prior to construction, apply to the director, in writing, to enter into a recovery agreement. The application shall contain a description of the work contemplated and be accompanied by a complete and detailed estimate of all construction costs.

(B) As soon as practicable, the director shall issue a notice of acceptance or denial of the owner or developer's application to enter into a recovery agreement. Upon acceptance, the owner or developer and the City shall enter into a written recovery agreement upon forms prepared by the City for such purpose. All recovery agreements shall be in writing and will provide for payment of interest by the person connecting to the system at the legal rate.

(C) The owner or developer shall begin construction within one hundred twenty (120) days after the date of preliminary acceptance notice by the City. The owner or developer shall provide the City with a complete and final statement of construction costs within ninety days after the date construction of the wastewater facility, which is the subject of the recovery agreement, is substantially complete.

(D) The owner or developer shall only be entitled the actual cost of constructing the wastewater facility or the estimated amount as provided in the recovery agreement. The owner or developer may request an increase in the amount if the developer can demonstrate good cause for the increased cost. As used in this paragraph, "good cause" does not include any increased costs which results from an occurrence or condition which would have been reasonably anticipated at the time the original estimate was provided to the City.

(E) The fact the real property may be subject to a recovery charge shall be recorded in the lien docket of the City of Coos Bay.

(F) The owner or developer shall be entitled to reimbursement under the provisions of the recovery agreement for a period of ten (10) years from date of execution of the

agreement; provided, however, that the Council may approve a one-time extension for an additional ten (10) years.

(G) Failure to file an application for a recovery agreement as provided by this subsection shall be a waiver of the owner's or developer's claim for any and all reimbursement for the costs of construction.

(3) A recovery charge shall be collected from the owner of a property covered by a recovery agreement before the issuance of a connection permit. The recovery charge shall be in an amount which represents the pro rata share of the cost of construction of the line or facility. The fee shall be refunded to the owner or developer within a reasonable time from the date the fee is paid.

[Sections 36 and 40 are reserved for expansion]

VIOLATIONS

Section 41. Enforcement Procedures.

(1) Public Nuisance. Any violation of this ordinance or any act or omission by a user which causes the violation of the conditions of an industrial waste discharge permit or NPDES permit is a public nuisance and may be abated or enjoined as provided by law.

(2) Emergency Suspension of Service.

(A) The city manager may issue a suspension order to discontinue wastewater treatment when the city manager has good cause to believe suspension is necessary to halt actual or prevent threatened discharges which present imminent or substantial danger to health or welfare of the community or the environment, or which causes interference to the wastewater system or a violation of any condition of the city's NPDES permit. A suspension order shall contain specific findings that an emergency exists and direct the user to immediately cease discharge into the wastewater system and that disconnection may occur if the user does not cease such discharge.

(B) Notice of suspension and a copy of the suspension order shall be served upon the user, which shall inform the user of a right to a hearing under subsection (C) of this section. Upon receipt of the notice and order, the user shall immediately cease all discharge into the wastewater system. If the user fails to comply voluntarily with the suspension order, the city manager shall take all steps deemed necessary to prevent or minimize danger or damage, up to and including disconnection to the wastewater system.

(C) If the city initiates disconnection to the wastewater system, a hearing shall be scheduled before the city manager as soon as practicable, but in no event later than ten days after the notice and order of suspension has been served upon the user. The user shall have the opportunity to present evidence to rebut the city manager's finding of emergency.

(D) The city manager shall order reinstatement of wastewater service, upon proof the actual or threatened discharge has been abated. A detailed written statement shall be

submitted by the user within fifteen days of the date of occurrence, describing with particularity the causes of the discharge or threatened discharge and the remedial measures undertaken to correct the condition and prevent future occurrences. If the user fails to submit such report, the City may seek a temporary or permanent injunction to prevent future occurrences, and failure to submit such report shall be prima facie evidence that the user does not intend to undertake remedial measures.

(3) Violations.

(A) Notice of violation. Whenever the director finds a user has violated or is violating any provision of this ordinance, the director shall provide the user with a written notice of violation stating the nature of the violation and providing a reasonable time, not to exceed thirty days, for satisfactory correction thereof.

(B) Show Cause Hearing. If the violation has not been corrected within the time period specified in the notice of violation, the director shall order the user to show cause before the city manager why the specified enforcement action should not be taken.

(4) Appeals of Notices of Violation

(A) Any user who has received notice of violation from the director and who denies the alleged violation may request a hearing before the city manager. The request shall be in writing and shall be filed not more than twenty days after the notice of violation has been served. Failure to file a request shall be jurisdictional and shall operate as a conclusive admission of all facts on which the suspension or notice of violation is based.

(B) The city manager shall set a date for hearing at the earliest practical time. Notice of the date for hearing shall be served personally or by certified mail on the user at least ten (10) days before the hearing.

(C) After hearing and upon review of the evidence presented, the city manager may:

(1) Issue an order stating that no violation has occurred;

(2) Issue an order stating a violation has occurred and directing that the wastewater service be discontinued until the violation is corrected;

(3) Issue such other or further orders and directives as are necessary and appropriate.

(D) Reconsideration. Any person aggrieved by any decision of the city manager may file a written request with the city manager for reconsideration within ten (10) days of the issuance of the order. The request for reconsideration shall set forth in reasonable detail the decision or action and the facts and arguments supporting the person's request for reconsideration. The city manager shall render a final written determination within ten (10) days of the receipt of the request for reconsideration. The filing of a request for reconsideration shall be a condition precedent to the right to appeal to the City Council pursuant to this Section.

(5) Appeals to the City Council.

(A) A person may appeal the decision of the city manager to the City Council by filing a written notice of intent to appeal with the city recorder, within ten (10) days after user has been provided with a final written decision.

(B) The notice of intent to appeal shall be on a form provided by the City and shall set forth in reasonable detail the decision or action appealed from, and the facts and arguments supporting the appellant's request for reversal or modification of the city manager's determination.

(C) A hearing shall be conducted by the Council on the appeal according to procedures established by the City. The Council shall affirm, reverse, or modify the order of the city manager.

Section 42. Damages, Penalties and Costs.

(1) Damages. Any person who violates this ordinance shall be liable to the City for all costs resulting from such violation, and any penalties, including grant money withheld, assessed against the City for violation of state or federal permits. As used in this section, costs shall include reasonable attorney's fees included in defending an action brought by a regulatory agency against the City for violation of a wastewater discharge permit or environmental law.

(2) Civil Penalties.

(A) Violations. Any user who is found to have violated an order of the City or to have willfully or negligently failed to comply with any provision of this ordinance, or orders, rules, regulations, and permits issued hereunder, shall, upon conviction, be fined not less than five hundred dollars (\$500) nor more than two thousand five hundred dollars (\$2,500) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

(B) Falsifying Information. Any person who knowingly makes a false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished by a fine of not less than one thousand dollars (\$1,000) and nor more than five thousand dollars (\$5,000).

(3) Lien. Any judgment or order assessing damages, civil penalties, or fines shall be a lien on the real property served by the wastewater system which is the subject of the assessment, and shall be docketed on the City's lien docket.

[Section 43 and 47 reserved for expansion]

Section 4. Ordinance No. 132, Sections 35 and 37 are hereby renumbered as Sections 48 and 50 respectively, and by the enactment of this Ordinance made applicable to the provisions contained herein.

Section 5. Ordinance No. 132, Section 36 is hereby re-enacted, and renumbered as Section 49.

Section 6. Effect of Repeal. Repeal of a code section does not revive a code section or ordinance in effect before or at the time the repealed code section or ordinance took effect. The repeal does not affect a fee, charge, or penalty incurred before the repeal took effect, nor a suit, prosecution, or proceeding pending at the time of the repeal to collect any fee or charge or prosecute any offense committed under the repealed code section or ordinance.

Section 7. Emergency. Because prompt and continuous disposal of wastewater is necessary for the peace, health, and safety of the people of the City of Coos Bay, an emergency is declared to exist, and this ordinance is effective upon its passage by the Council.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay, Coos County, Oregon, this 7th day of January 2003, by the following vote.

Yes:	Mayor Benetti and Councilors Jon Eck, Roger Gould, Anna Marie Larson, Jeff McKeown, and Kevin Stufflebean
No:	None
Absent:	Councilor Cindi Miller

Joe Benetti
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Joyce Jansen
Deputy Recorder of the City of Coos Bay
Coos County, Oregon