

PCC Chapter 17.36
2023 Update Summary of Changes

Chapter Title

- Focused changes to the title provide clarity and predictability regarding the intent of this Chapter.

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- Focused changes reflect updated section numbering and headings.

17.36.010 Intent.

- Focused changes improve clarity regarding the intent of this chapter to align terms with charter and code content language, and reflect the full scope of BES charges.

17.36.020 Definitions.

The following definitions were removed from Chapter 17.36:

- **“Branch”** This charge has been eliminated. Accordingly, this definition is no longer needed to support PCC Chapter 17.36.
- **“Branch Charge”** This charge has been eliminated. Accordingly, this definition is no longer needed to support PCC Chapter 17.36.
- **“Congregate Housing Facility”** Updates to sanitary SDC methodology are based on DFUs, not EDUs assigned to various structure or development types. As such, this definition is no longer needed to support PCC Chapter 17.36.
- **“Groundwater”** The same definition is also included in PCC Chapter 17.38. Removed from PCC Chapter 17.36 to avoid redundancy and to minimize the potential for inconsistent definitions resulting from future code updates to 17.38. A unique definition for this term is not needed for PCC Chapter 17.36.
- **“Groundwater Discharge”** The same definition is also included in PCC Chapter 17.38. Removed from PCC Chapter 17.36 to avoid redundancy and to minimize the potential for inconsistent definitions resulting from future code updates to 17.38. A unique definition for this term is not needed for PCC Chapter 17.36.
- **“ITE Manual”** Updates to Stormwater SDC methodologies no longer rely on vehicle trips or frontage. As such this definition is no longer needed to support PCC Chapter 17.36.

- **“Line Charge”** This charge has been eliminated. Accordingly, this definition is no longer needed to support PCC Chapter 17.36.
- **Net New Vehicular Trips”** Updates to Stormwater SDC methodologies no longer rely on vehicle trips or frontage. As such this definition is no longer needed to support this chapter.
- **“Non-Routine Discharge.”** Updates to the ESC section no longer require this definition. This term and associated policies are included in current BES Administrative Rule ENB-4.25.
- **“Sanitary Sewer Conversion Charge”** This charge will be removed from Chapter 17.36. Accordingly, this definition is no longer needed to support PCC Chapter 17.36.
- **“Seed”** This definition relates to the Extra Strength Charge Program but is not needed to support PCC Chapter 17.36.
- **“Stormwater Management Facility”** The current definition of this term is included in PCC Chapter 17.38. The definition in Chapter 17.36 is obsolete and has been removed for clarity.
- **“Transportation SDC Study”** Updates to Stormwater SDC methodologies no longer rely on vehicle trips or frontage. As such this definition is no longer needed to support PCC Chapter 17.36.

The following definitions were added to Chapter 17.36:

- **“Equivalent Service Unit (ESU)”** This definition was added to support updates affecting the basis of charge for stormwater management user charges.
- **“High-Strength Wastewater”** The existing definition from ENB-4.25 was added to Chapter 17.36 because this term is fundamental to extra strength sewer charges.

The following four definitions were edited or added to clarify and describe the area on a site that is subject to stormwater management charges:

- “Impervious Area” - edited
- “Impervious Surface” - added
- “Stormwater Billable Area” - added

Minor editorial changes to the following definitions were needed to improve clarity and minimize ambiguity:

- “Billing Error”

- “Equivalent Dwelling Unit”
- “Extra Strength Charge”
- “Connection Charge”
- “Rate”
- “System Development Charge”
- “Temporary Structure”
- “User Charge”

Edits to the definition of “Ratepayer” were needed to facilitate levying special tax assessments on property owners for past due tenant bills.

17.36.030 Annual Rate Ordinance.

Minor editorial changes were made to improve clarity and minimize ambiguity.

17.36.040 System Development Charges (Former section heading: “Sewer System Connection Charges”)

Changes to this section:

- Rename the title of this section from “Sewer System Connection Charges” to “System Development Charges.” The term "Connection Charges" as defined in current 17.36 includes line, branch, and SDCs. The elimination of line and branch charges reduce this section to just SDC policies. As a result, this section has been retitled and updated to consolidate sanitary and stormwater SDC policies under a single heading.
- Include updated policy language for sanitary SDCs. As proposed, sanitary SDC calculations are based on the net increase of sanitary flow to the public sanitary sewer system as measured by proposed drainage fixture units (DFU).
- Include updated policy language for calculating stormwater SDCs. As proposed, stormwater SDCs for residential and commercial development are based on the net increase of impact on the storm system using measured square feet of stormwater billable area on a site.
- Retain policy language regarding SDC credits for prior purchases. No substantive policy changes were made.
- Retain policy language regarding payment, prepayment, and deferral of SDCs. No substantive policy changes were made.

- Retain policy language for temporary uses. No substantive policy changes were made.
- Add existing policy language from current administrative rule regarding SDC exemptions for transparency. No substantive policy changes were made.
- Add references to associated BES administrative rule where customers can access implementing guidelines and decision-making criteria.
- Remove obsolete language regarding “True-ups.” Existing code provisions no longer reflect current program elements.
- Remove obsolete language regarding SDC calculations for groundwater. Existing code provisions no longer reflect current program elements.
- Removed sections on sanitary line charge, branch charge, and sewer conversion charge because the bureau will no longer be imposing these charges. These charges supported expansion of the sanitary sewer system to serve properties on septic systems. The number of properties without sanitary sewer service is now small enough that a programmatic charge for system expansion is no longer needed.

17.36.050 User Charges.

Changes to this section:

- Consolidate all sanitary sewer charges under the subheading of “Sanitary Sewer Services.” While this section was reformatted and updated to improve clarity and ease of use, no substantive policy changes affecting sanitary sewer user charges were made.
- Include references to applicable BES administrative rule for details regarding implementing decision-making criteria, guidelines, and methodologies.
- Reorganize and consolidate policy language pertaining to ‘Meters Required’ and ‘Credits’ to more appropriate subsections within Chapter 17.36, including sewer user Charges, Submeter Program, and Clean River Rewards.
- Add existing policy language from current administrative rule regarding residential and nonresidential sanitary sewer user charges to improve clarity and transparency.
- Move the Extra Strength Charge information from subsection 17.36.060 to subsection 17.36.050. As part of this change, existing policy language was consolidated by removing obsolete information and information that is already included in, and more appropriate for, BES Administrative Rule ENB-4.25.

- Consolidate policy language regarding submeters and credits by removing obsolete information and information that is already included in, and more appropriate for, BES Administrative Rule ENB-4.32.
- Provide updated policy language for how stormwater management user charges are calculated. As proposed, stormwater user charges are calculated based on the site's measured or estimated stormwater billable area, and equivalent service units. The stormwater billable area is the sum of the impervious area and area of pervious pavement, excluding areas covered by compacted soils and compacted gravels.
- Specify the City's authority to apply unique rates for drainage districts.
- Updates and consolidates policy language for clean river rewards.
- Retains existing policy language for the Portland Harbor Superfund Charge.

17.36.060 Additional Service Fees. (Former section heading: "Special User Charges")

Updates to this section:

- Rename this section from "Special User Charges" to "Additional Service Fees and Charges."
- Remove fees and charge descriptions that are more closely related to user charges, including Extra Strength Charges and Submeter Program fees and charges. The Extra Strength and Submeter Program language was moved to Section 17.36.050 User Charges. These changes are intended to consolidate and organize related fees and charges to improve usability and predictability.
- Include non-substantive changes to improve clarity regarding the following fees and charges: development review fees, industrial wastewater permits, discharge and batch discharge authorization review, construction dewatering permit review, and additional sampling charges.
- Add the ability to reduce or waive development review fees. This code authority was added so BES could consider reducing fees for affordable housing development.
- Acknowledge the City's existing authority to change administrative fees and penalties for, but not limited to, the collection of delinquent utility bills, processing special tax assessments, denial of entry, or falsification of records.
- Add a provision authorizing the ability to charge for services not otherwise specified in this chapter. Charges for services not otherwise specified are based upon cost-of-service principles and recover the cost of materials and services provided by the Bureau.

17.36.070 Service Outside the City.

Minor editorial changes were made to improve clarity and minimize ambiguity.

17.36.080 Collection of Charges.

Updates to this section:

- Add clarifying language regarding the collection of delinquent user charges, fees, and penalties.
- Add code authority for an account for which the City does not have the ability to curtail water service, the City may certify to the appropriate County Tax Assessor the amount of any delinquent user charges, fees, and penalties associated with services provided. Those charges, fees, and penalties will then be assessed and collected in the same manner as property taxes.

17.36.090 Adjustments, Corrections, and Refunds. (Former section heading: “Adjustment of Bills”)

Updates to this section:

- Rename this section from “Adjustment of Bills” to “Adjustments, Corrections, and Refunds” to better align with the intended purpose of this section.
- Authorize the Director to authorize adjustments up to \$5,000, sperate from the of in addition to the amount of a billing error correction.

17.36.100 Financial Assistance (Former section heading: “Inspections and Enforcement”)

Updates to this section:

- Add authority to provide financial assistance to eligible property owners. Similar financial assistance language appears in PCC Section 17.33.075. Elimination of line and branch charges, and nonconforming sewer conversion charges require comprehensive updates to Chapter 17.33, including Section 17.33.075. In recognition of the anticipated changes to PCC Chapter 17.33, the broad nature of the financial assistance program, and the relevance of the financial assistance program to PCC Chapter 17.36, financial assistance language has been incorporated into Chapter 17.36.
- Separate the information in the former “Inspections and Enforcement” section to create two distinct sections: Inspections, and Enforcement, respectively. Enforcement-related items were moved from former Section 17.36.100 to Section 17.36.120. This change is consistent with the content and structure found in other Title 17 Chapters administered by BES.

17.36.110 Inspections. (Former section heading: “Administrative Review and Appeal”)

Updates to this section:

- Move existing Administrative Review and Appeal language to [new] Section 17.36.130.
- Retain and update existing inspection language formerly included as part of Section 17.36.100.

17.36.120 Enforcement.

Updates to this section:

- Retain and update existing enforcement language formerly included as part of Section 17.36.100.
- Add standardized language regarding violations. This change is consistent with the content and structure found in other Title 17 Chapters administered by BES.
- Clarify that denying the City's legal right to entry is a violation of Chapter 17.36 and may be subject to enforcement.
- Add clarifying language that the City can suspend reduced charges or credits, and can suspend or disqualify a ratepayer's participation from the applicable program as possible enforcement actions.
- Adds, and updates, existing code language regarding non-operational submeters and the City's ability to bill for the full amount of water passing through the public supply meter (or an amount deemed appropriate by the Director).
- Clarify that civil penalties are assessed pursuant to Administrative Rule ENB-4.15.

17.36.130 Administrative Review and Appeal (formerly Section 17.36.110)

No Change.