



**Willamina
City Council & Planning Commission
Work Session
Monday November 17, 2025 at 6:00 p.m.**

West Valley Fire Station
825 NE Main Street
Willamina, OR 97396

In-person attendance is allowed at the City Council meeting. The City also provides access via the Zoom platform. Zoom access information is available at the end of this Agenda.

CALL TO ORDER

ROLL CALL

FLAG SALUTE

PRESENTATIONS

AGENDA

1. Food Cart Discussion
2. Illicit Discharge Ordinance

ADJOURN

Next Public Meetings

City Council Regular Meeting on December 9, 2025 at 6:00 p.m.
Planning Commission Regular Meeting & Public Hearing December 16, 2025 at 6:00 p.m.

Information regarding the above meeting(s) and Zoom access information can be found on the City of Willamina website at <https://www.willamina.oregon.gov>

Persons with hearing, visual or manual impairments who wish to participate in the meeting should contact the City of Willamina at least 48 hours prior to the meeting date in order that appropriate communication assistance can be arranged. The City of Willamina Council meetings are accessible to the disabled. Please let us know if you need any special accommodation to attend this meeting.

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DATE: November 17, 2025 Joint Work Session
TO: Willamina City Council and Planning Commission
FROM: Holly Byram, Contract City Planner, MWVCOG
RE: Food Cart Standards Discussion

SUMMARY

The purpose of the Joint Work Session of the Willamina City Council and Planning Commission scheduled for Monday, November 17, 2025 is to discuss adding new standards to allow food carts to operate in Willamina. On October 14, 2025, the Willamina City Council initiated, by motion, Legislative Amendment #LA 2025-03 to begin a discussion about whether food carts should be permitted to operate in Willamina, and if so, what standards, procedures, and fees should apply to them.

BACKGROUND

The City of Willamina does not currently have food cart standards, permits, forms, or fees adopted to allow for this type of business to operate in city limits, outside of a temporary event permit. In recent years, there has been an increase in the number of inquiries from food cart business owners hoping to operate in Willamina. Staff's position has been that if the code does not specifically address food carts, then staff do not have a method to review and approve them to operate in Willamina. Therefore, they cannot be allowed at this time.

DISCUSSION

It is common for small communities to express concerns about competition with existing local restaurants. Food carts are a unique form of business within a local economy because they are mobile, they have a small footprint, and the start-up and operating costs are typically lower than that of a brick-and-mortar restaurant.

Food carts can provide benefits to a community by expanding the variety of local food options in a downtown district, providing local jobs, adding vitality to an otherwise empty corner of a shopping district, and they may "capture" or encourage visitors to linger longer in town rather than passing through quickly.

Perhaps most importantly, food carts can serve as a launch pad for a new restaurant to test recipes and menus, establishing a customer base before investing in a permanent brick and mortar business location. Other Oregon communities have witnessed this business development work effectively.

The following is a summary of a common concept in downtown development philosophy which finds a cluster of shops may be more successful than individual shops; competition can be healthy.

AI Overview of articles about downtown shops stronger together:

The statement "five clothing stores do better than one downtown" is a common principle in urban planning and retail strategy, reflecting the concept of a **retail cluster**. The core idea is that a concentration of similar businesses in one area creates a shopping destination that attracts more customers overall than a single, isolated store would.

Benefits of Multiple Stores Downtown

- **Increased Foot Traffic:** A variety of stores creates a "destination" that draws shoppers, who might not make a special trip for a single store. When customers know they can browse and compare options easily, they are more likely to visit the area.
- **Comparison Shopping:** Customers often prefer to compare styles, prices, and quality before making a purchase. A cluster of stores facilitates this, making the shopping experience more efficient and satisfying.
- **Diverse Merchandise:** Multiple stores can collectively offer a wider range of goods and services, catering to diverse tastes and needs (e.g., high-end boutiques, vintage shops, and general apparel stores).
- **Synergy and Shared Marketing:** Businesses can benefit from each other's presence, as one store might attract a customer who then visits a neighboring shop. They can also collaborate on marketing initiatives or special events for the shopping district.
- **Enhanced Experience:** A vibrant downtown shopping district provides an experience beyond just buying products. It includes opportunities for dining, entertainment, and social interaction, which encourages visitors to stay longer and spend more.

FOOD CART PROCEDURES AND STANDARDS

Overall, Oregon communities regulate food carts in a variety of ways. No two communities researched were identical in their process or standards. "Food carts" were also referred to as: food trucks, temporary vendors, mobile food vendors, transient merchants, mobile food unit, and temporary merchants.

Overall, staff found that many communities permit individual carts on an existing parking lot through an administrative review approved by staff, similar to business licenses and home occupations.

Most communities have a more intensive review procedure for food cart "pods" or clusters of two or more carts. The reason for this is that food cart pods generate higher vehicle and foot traffic, more parking demand, more utility usage, more accessory amenities (tables, canopies, garbage cans, restrooms, hand washing, signage, heaters, umbrellas, storage sheds, tanks, etc). Some food cart pods can also have permanent structures as a central eating and restroom area.

Speaking from experience in other communities, one of the most challenging aspects of food cart permitting and regulation is not usually the food cart units themselves, it's all the other site amenities described above that often expand over time. Of these features, covered seating is often the most complex issue because they can evolve from umbrellas to awnings to vinyl canopies to aluminum canopies to enclosed pre-fab metal structures. Somewhere along that spectrum, there are triggers for structural permits.

Utilities are another challenging component for regulating food carts. What utilities are allowed to be split from neighboring businesses? What utilities are permitted to serve a vacant site? When are separate meters required? When do System Development Charges (SDCs) apply?

STATE, COUNTY, AND FIRE STANDARDS

It is important to note that while the City may adopt standards for food carts operating within city limits, there are also applicable standards adopted by state and county agencies which continue to apply, reviewed separately by partner agencies, these include some of the following:

- OHA. <https://www.oregon.gov/oha/ph/healthyenvironments/foodsafety/documents/muguide.pdf>
- FIRE. https://www.oregon.gov/osfm/safety/pages/mobile_food_units.aspx
- YAMHILL CO. HEALTH DEPT. <https://www.yamhillcounty.gov/599/Restaurant-Licensing>
- POLK CO. HEALTH DEPT. <https://www.co.polk.or.us/cd/eh/restaurantsmobile-unitstemporary-restaurants-and-outdoor-mass-gathering-events>

CITY STANDARDS - PROCEDURAL CONSIDERATIONS

STANDARD	FOR DISCUSSION	NOTES & QUESTIONS
Type	Allow food and beverage vendors only, includes fresh produce.	
Definition	Refer to food carts as “mobile food vendors” to include both driven and towed units on inflated wheels, capable of being moved at any time.	
Process	Process 1 food cart per property administratively, similar to business licenses and home occupations. Process food cart pods and significant site improvements through the Site Development Review.	
Code language	Will food cart standards be located in the Development Code or the municipal code?	
Form & Fee	Generate new food cart application form and adopt new fees for 1) initial application and 2) renewal application. Incomplete applications forms will not be processed until all the required information is received by the City.	
Duration	Permit good for one year or shorter timeframe? Must be applied for at least 30 days prior to the opening of business.	
Renewal	Unlimited permit renewal permitted as long as business remains in good standing with city.	
Transferability	Permits are non-transferable between vendors or locations.	
Revocation	Permits can be revoked when the vendor fails to comply with the signed standards. How is this enforced? Are vendors subject to penalties?	
Appeal	If a permit is denied for any reason by staff, it can be appealed to the PC or CC.	
Other permits	Business license, County Health Dept, Building permits? Fire District propane inspection.	
Application requirements	Application form with point of contact information, written permission from property owner, site plan showing dimensions and setbacks, photo of the unit, copies of applicable other permits, signage information, description of proposed equipment,	

CITY STANDARDS - FOOD CART LOCATION & SITE STANDARDS

STANDARD	FOR DISCUSSION	NOTES & QUESTIONS
Zone	Allow in Commercial Zones only. Wherever restaurants are permitted. There are some Industrial properties facing Main Street. Should those be considered?	
Setbacks	All setbacks of the underlying zone apply. Food carts may not be located in a public right of way.	
Site improvements	When is paving required for the vendor pad, pedestrian circulation, and parking?	
Water	Tanks, split connections, or new connections? When do SDCs apply? Can water be approved without sewer? Connection to existing exterior hose bib allowed?	
Gray water /sewer	State rules prohibit external free-standing tanks. Self-contained or new utility connections? Split utilities with existing or new meter? Oil/grease separator required if connected.	
Electricity	No generators allowed besides emergency back-up. Extension cords and/or new services permitted?	
Parking	No new off-street parking is required for individual carts. Assumed to share parking lot with existing businesses. Pods require paved parking as a new restaurant would when permanent structures?	
Hours of Opp	Consistent with City Noise Ordinance?	
Garbage	Garbage service and recycling receptacles required.	
Restrooms for employees & customers	Are porta-potties permitted in city limits outside of an active construction site? Could neighboring business grant permission to share restrooms?	
Handwashing	Handwashing stations permitted.	
Seating	Outdoor seating permitted.	
Covered seating area	Temporary umbrellas, canvas, and vinyl awnings are permitted. Enclosed tents may be permitted with fire department approval (regarding space heaters). Wood or metal framed canopies and enclosed structures are subject to building permits. How large can these structures be?	
Signage	Per sign code? Signage limited to mobile unit? Sandwich boards, temporary signs, and feather flags are often used and become problematic near street ROW.	
Storage	No accessory storage shed permitted on site.	
Fencing	Subject to fence code.	
Skirting	Optional	
Other Furnishings	Additional furnishings such as bike racks, planters, heat lamps may be allowed?	
Drive-throughs	Can these be permitted with review of vehicle circulation, paving, and stacking distance.	
Lighting	Per City sign code – not to shine into street right-of-way.	

COMBINED FEEDBACK ABOUT FOOD CARTS, FROM OTHER OREGON COMMUNITIES [LIST SERVE]

INDEPENDENCE

We are in the process of updating our mobile vending code to better manage food trucks. Ours is going to be a two track process (single pad or pod) that requires the property owner to certify the location - we currently require the food truck to apply, so this will enable food trucks to rotate through an approved site more easily. Polk County handles the health inspections and we require any food truck to be approved by them before opening.

We've had some concerns from brick and mortar restaurants so we will likely be capping the number of food truck sites in our downtown. We have seven currently (I wouldn't have guessed that many until we added them up) and will be grandfathering the existing locations. We don't have a true pod yet, although the brewery typically has three or four, but we're treating a pod more like a restaurant - need to have a restroom, parking, ADA access, etc. One thing to consider is when and how to charge System Development Charges. If someone built a new brick and mortar restaurant, they would need to pay SDCs. We decided that if a food truck location was going to create a permanent connection to water and sewer, that would trigger SDCs - which are still less than if you built a restaurant. A food truck with its own water and grey water tank would not trigger SDCs. If you were so inclined, SDCs would be a different way to limit the number of food trucks without putting a cap on it. If you wanted to incentivize bringing food trucks to the community, not charging SDCs would be a good way to do that.

Other things to watch out for: Water connections need to be commercial grade - a garden hose isn't good enough. Some food truck operators aren't very discriminating about where they dump their grey water or grease. We've had problems with folks dumping tubs into storm drains or running their drain lines onto neighboring (city park) properties. For that matter, we had a property owner put in a couple illegal sewer connections for his food trucks. Think about how you want them to handle their grey water - and grease. How do you want them to get electricity? Lots have generators but that's not great for a downtown environment. Also, make sure to require a site plan and take a hard look at it. Food trucks tend to pop up in random places and you need to think through how pedestrians will get to the truck, where the line will form, where people will hang out/wait/eat, etc. and make sure there is no conflict with driveways and parking areas - or neighboring businesses.

This is our first attempt to craft a code specifically for food trucks, so we'll see how it goes. Personally, I think food trucks add a lot to the character of a downtown and a community. I understand why brick and mortar folks don't like them, but they're a great placemaking tool and it's something people are looking for now.

I should add that food trucks can also be a stepping stone to a brick and mortar business. NY Squares started as a food truck downtown and now occupies a brick and mortar location. Food trucks can also build foot traffic in a downtown which ends up benefitting everyone. It seems counter-intuitive but one restaurant alone probably won't do as well as five restaurants in the same area. Food trucks are a relatively easy way to create a destination feel within a downtown.

INDY COMMONS (owner)

I would encourage everyone interested in looking at this to engage their health inspector early in the process. Polk County has been great, and there are some new food truck codes that have recently been rolled out. Many of them have to do with propane tank safety, which frankly relieved our local fire department. There are also different classes of trucks, with some being more self-sufficient than others.

ESTACADA

Estacada only allows up to two food carts per lot, here's our code section regarding them: [Chapter 16.66 Food Carts](#).

There's been an interest in food cart pods here in the past but recently we received a conditional use application for a 10-cart pod in town. It was approved with conditions. There was concern and opposition from the public and brick-and-mortar businesses. There has been some contention between food carts and brick-and-mortar businesses here in the past too, but it has seemed to resolve for the most part. This pod may start up some heat again.

I wasn't here when this code was created, but I do recommend having licensing requirements for food carts. I've attached the food cart requirements Estacada's Fire District sends all food cart applicants and what our food cart business application looked like before we moved it to an online system.

CANYONVILLE

We addressed this with our city council a couple years ago. Our brick and mortar restaurants were very against it and just about all of the owners attended a council meeting when it was discussed to voice their concerns. That might have been a first! We are a small community, and most restaurants are closed Mon-Wed so the council voted on adopting an ordinance allowing food trucks to come in on those days only. If I remember correctly, the city had to determine what type of business licensing was needed, but beyond that, left the oversight of the trucks to the county and state regulators.

ROCKAWAY BEACH CHAMBER

1. For the food cart pods, investigate the concept and zoning with the local planner and rally for support of the concept. Next, the local health authority in your jurisdiction and that entity's ability to sync with State requirements. These two roles, being supportive and/or experienced, can really make or break a project. Just as permitting can make or break a cart's ability to begin strongly or limp along.
2. Where we are, our towns of Rockaway & Garibaldi had a bit of resistance at first, but it seems to be fine now. No resistance in Wheeler. The fees being charged for Carts here are hefty. \$800 to \$1,200 a month on average, with tight leases to move.

MEDFORD

Our community does not mind them and would love more of them along with our city is willing to work on code. However, our Brick and Mortar are not in favor. I think Bend and West Linn would be great case studies.

SCAPOOSE

We used to only allow food carts through a temp use permit, which did not have any specific requirements related directly to food carts and this permit was only good for 90 days in any calendar year, which could not be extended, per our code language. City Council wanted to allow food carts on a more permanent basis, so they asked staff to create food cart pod development code to regulate this type of use. Please see Chapter 17.126 – Food Cart Pod Permit of the Scappoose Development Code for our 2019 adopted regulations: <https://scappoose.municipal.codes/Code/17.126>. Our first food cart pod, The Lodge, with 11 food carts and a taphouse opened in 2023 using this code language. So far so good and it has been a real asset to the community as a gathering place. You can see more about this location here: <https://lodgecarts.com/>.

[Competition with existing brick-and-mortar restaurants] did come up as public comment and a Council concern during the work sessions with Council as we developed the code language. It wasn't enough to sway Council away from implementing the development code to allow these uses. In hindsight, I think people have seen that those who want the experience of eating at a food cart pod will go there and those who want to sit down inside and be served by staff and not have to clear their own table will still go to a brick and mortar for that. In other words, both types of venues are still desired and both are still thriving.

Parking has been an issue at The Lodge. Some would say that the code should have required more on-site parking, but that would mean fewer food carts on site, which may or may not have penciled for the owners to actually move forward with the development. As it is, folks might have a short walk after using on-street parking a block or two away during very busy times when the parking lot is full. I think that is a fair trade off to get The Lodge built and operating successfully though.

WOODBURN

Woodburn went through a development ordinance amendment last year specifically to update allowed uses and create a review process for food carts and food cart pods. A single food cart is allowed in all commercial and industrial zones as an accessory use, and is reviewed as a Type I Design Review. There are minimal requirements – provide a covered seating area, don't block driveways or sidewalks, and comply with the County Health Dept mobile food unit permit. They are not required to connect to municipal water and sewer. The biggest challenge we are experiencing right now with these single carts is that many of them put up tents/canopies to meet the covered seating requirement without obtaining a building permit (required for any commercial structure that is intended to be occupied).

Food cart pods (a grouping of 2+ carts) are allowed in all commercial and industrial zones as a primary or accessory use, and are reviewed as a Type II or III Design Review depending on the size of structures included in the site plan. There are more extensive requirements for pods – carts must be on a paved surface, pod must provide a seating area (at least 50% covered), provide internal pedestrian circulation and connect to public sidewalk, and provide screening between adjacent residential zones. Each cart must connect to water, sewer, and power (natural gas allowed, LP tanks prohibited). There are also required improvements to the street frontage, minimum parking and landscaping requirements, and standards for exterior light fixtures.

OREGON CITY

Oregon City has two kinds of food cart permits, transitory and non-transitory. Transitory food carts are permitted as a Type I Minor SPDR application. A new food cart "pod" requires a Type II application. Also, food carts only permitted in certain zone districts.

Here is a link to the food cart webpage <https://orcitey.org/751/Mobile-Food-Units-aka-Food-Carts>

They are referred to in our code as "Mobile Food Units", per input from industry reps when we wrote the code in 2019.

The process is fairly straight forward, since most food carts are not considered buildings or structures, they are vehicles. The code essentially regulates the site features adjacent to the cart, stormwater and sewer hook-ups etc.

off all such water service if directed by the Fire Chief or his or her duly authorized representative, and to refrain from this use of water until the fire has been extinguished. Failure to do so in compliance with this regulation will be grounds for discontinuance of service without notice.

(Ord. 529, passed 5-9-1985; Am. Ord. 529-A, passed 1-11-1990)

§ 51.99 PENALTY.

(A) Violation of any provision of this chapter, unless otherwise noted, is punishable by a fine not to exceed \$300. Each violation constitutes a separate offense.

(Ord. 529, passed 5-9-1985; Am. Ord. 561, passed 11-12-1992)

(B) Any person violating any of the provisions of § 51.05 shall, upon conviction thereof, be punished by a fine of not more than \$50. Each act or violation of this section will be adjudicated as a separate offence and be so punishable.

(Ord. 559, passed 6-25-1992)

CHAPTER 52: SEWER REGULATIONS

Section

General Provisions

- 52.01 Definitions
- 52.02 Use of public sewers required

Connections; Prohibitions

- 52.15 Building sewers and connections
- 52.16 Use of public sewers; prohibited or regulated discharges
- 52.17 Protection from damage
- 52.18 Responsibility of property owners;

Enforcement

- 52.30 Powers and authority of inspectors

Rates and Charges

- 52.45 Connection charges
- 52.46 Sewer user charges
- 52.99 Penalty

GENERAL PROVISIONS

§ 52.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASTM SPECIFICATIONS. All references to the form ***ASTM*** shall mean the standard specifications or methods of the American Society Testing and Materials of the serial designation indicated by the number and, unless otherwise stated, refer to the latest adopted revision of the specification or method.

BOD (denoting ***BIOCHEMICAL OXYGEN DEMAND***). The quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in 5 days at 20°C, expressed in parts per million by weight.

BUILDING DRAIN. That part of the lowest horizontal piping or a drainage system which receives the discharge from soil, waste and other drainage

pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the property line or right-of-way line and connection with the public sewer service connection.

CITY ENGINEER. The City Engineer of the City of Willamina or his or her authorized deputy, agent or representative.

CONNECTION CHARGE. The fee levied by the city to cover the cost of inspection and construction of the public sewer lateral to the property which is to be serviced, for a portion of the construction cost of the lateral sewers, and other administrative costs.

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

INDUSTRIAL WASTES. The liquid wastes from industrial processes, as distinct from sanitary sewage.

NATURAL OUTLET. Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

PERSON. Any individual, firm, company, association, society, corporation or group.

pH. The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of foods that have been shredded to the degree that all particles will be carried freely under the flow and conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

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

SANITARY SEWER. A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SERVICE CONNECTION. A public sewer which has been constructed to property line or right-of-way from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.

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

SEWAGE SYSTEM. All city-owned facilities for collecting, pumping, treating and disposing of sewage.

SEWAGE TREATMENT PLANT. Any arrangement of devices and structures used for treating sewage.

SEWER. A pipe or conduit for carrying sewage.

STORM SEWER and **STORM DRAIN.** A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

SUSPENDED SOLIDS. Solids that either float on the surface or are in suspension in water, sewage or other liquids; and which are removable by the laboratory filtering.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 532, passed 1-30-1986)

§ 52.02 USE OF PUBLIC SEWERS REQUIRED.

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the city or in any area under the jurisdiction of the city any human excrement, garbage or other objectionable waste.

(B) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any unsanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in

accordance with subsequent provisions of this chapter.

(C) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the corporate limits of the city, or in any area under the jurisdiction of the city.

(D) The owners of all houses, buildings or properties 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 sewer of the city, are hereby required at their expense to install suitable toilet facilities therein and to connect the facilities directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with the provisions of this chapter, within 90 days after the date of official notice to do so; provided that the public sewer is available to or on the property and/or at a property line of the property and the structures or buildings are within 300 feet of the public sewer. (Ord. 532, passed 1-30-1986) Penalty, see § 52.99

CONNECTIONS; PROHIBITIONS

§ 52.15 BUILDING SEWERS AND CONNECTIONS.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereto, and no person, firm or corporation shall make any connection to any part of the sewer system without first making an application and securing a permit therefor.

(B) There shall be 2 classes of building sewer permits, one for residential and commercial service, another for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the city. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent to the Engineer's judgment. A permit and inspection fee, set by resolution, shall be paid to the City Recorder at the

time the application is filed, 80% of which shall be refunded after final approval by the Engineer. No permit shall be issued until the connection charge specified in § 52.45 has been paid, or financing arrangements have been made for installment payments on terms allowed by the city.

(C) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation.

(D) Old building sewers may be used in connection with new buildings or new building sewers only when they are found, on examination and testing by the City Engineer to meet all requirements of this chapter.

(E) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the State Plumbing Code and other applicable regulations of the city.

(F) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In a building in which a building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(G) The connection of the building sewer to the public sewer shall conform to the requirements of the State Plumbing Code and other applicable regulations of the city. Each connection shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Engineer before installation.

(H) The applicant for building sewer permit shall notify the City Engineer when the building sewer is ready for inspection and connection to the building drain as defined in § 52.01, unless otherwise authorized by the City Engineer. A 30-minute internal hydrostatic test will be required on all building sewers before connection is made to the building drain. All water, plugs and other facilities for making the test shall be furnished by the applicant. Minimum head over the top of the pipe

shall be 2 feet, and maximum allowable leakage shall be 4 gallons per hour per 100 feet.

(I) No plumbing contractors shall be allowed to make connections of building sewers to the sewage works of the city on behalf of any owners of property therein without first posting with the city a bond in a sum set by resolution, indemnifying the city and the inhabitants thereof against any loss or damage which the city or the inhabitants thereof might suffer by reason of the actions of those contractors in making the connections.

(Ord. 532, passed 1-30-1986; Am. Ord. 532-A, passed 12-14-1989; Res. 89-90-5, passed 12-14-1989) Penalty, see § 52.99

§ 52.16 USE OF PUBLIC SEWERS; PROHIBITED OR REGULATED DISCHARGES.

(A) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer.

(B) (1) Stormwater and all other unpolluted drainage shall be discharged to those sewers that are specifically designed as storm sewers or to a natural outlet approved by the City Engineer. Industrial cooling water or unpolluted process water may be discharged, upon approval of the City Engineer, to a storm sewer or natural outlet.

(2) The following categories of non-stormwater discharges to the City storm sewer system shall be conditionally allowed and shall not be considered illicit discharges or sources of pollution, provided such discharges are not determined by the City Engineer to be significant contributors of pollutants to the stormwater system or causes of erosion:

(a) Uncontaminated waterline flushing, fire hydrant flushing, and pipeline hydrostatic testing;

(b) Landscape irrigation;

(c) Diverted stream flows;

(d) Uncontaminated pumped groundwater;

(e) Startup flushing of wells, and discharges from foundation, footing, and crawlspace drains;

(f) Residential car washing and charity car washing events, provided that no detergents, soaps, or other chemical cleaning agents are used for charity car washes;

(g) Dechlorinated potable water discharges;

(h) Dechlorinated swimming pool and hot tub discharges;

(i) Street and pavement wash water;

(j) Routine external building wash-down, provided that no detergents, soaps, or other chemical cleaning agents are used; and

(k) Non-stormwater discharges authorized under a valid National Pollutant Discharge Elimination System (NPDES) permit.

(3) The City may impose additional conditions, limitations, or prohibitions on any of the above-listed discharges as necessary to protect water quality or to comply with State or Federal regulations.

(4) The admission into the storm sewers of any waters or wastes having the following properties in divisions (a) through (i) below shall be prohibited:

(a) Sanitary wastes of any kind;

(b) Flammable materials;

(c) Greases and oils;

(d) Commercial car wash wastewaters;

(e) Radiator flushing disposal;

(f) Laundry wastewater;

(g) Roadway accident spills;

(h) Other toxic materials;

(i) Discharges with excessive

sediment composition; and

(j) Discharges with materials that impact stormwater infrastructure.

(5) Illegal discharges also include storm discharges that are not listed above, as defined by the City Engineer.

(C) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

(1) Any liquid or vapor having a temperature higher than 150°C;

(2) Any gasoline, grease, oils, paint, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(3) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage works;

(4) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant;

(5) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works;

(6) Any waters or wastes containing suspended solids of a character and quantity that unusual attention or expense is required to handle the material at the sewage treatment plant; or

(7) Any noxious or malodorous gas or substance capable of creating a public nuisance, including the contents of septic tanks and cesspools, without written consent of the City Engineer.

(D) Grease, oil and sand interceptors shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid

wastes containing grease in excessive amount, or any flammable wastes, sand and other harmful ingredients; except that these interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the City Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection, and shall be maintained by the owner, at his or her expense, in continuously efficient operations at all times.

(E) (1) The admission into the public sewers of any water or wastes having the following properties in divisions (a) through (c) below shall be subject to the review and approval of the City Engineer:

(a) Having a 5-day biochemical oxygen demand greater than 300 parts per million by weight;

(b) Containing more than 350 parts per million by weight of suspended solids; or

(c) Having an average daily flow greater than 2% of the average daily sewage flow of the city.

(2) Where necessary, in the opinion of the City Engineer, the owner shall provide, at his or her expense, any preliminary treatment as may be necessary. The design and installation of the proposed preliminary treatment facilities shall be subject to the review of the City Engineer, in addition to compliance with the requirements of all applicable codes, ordinances and laws.

(F) When required by the City Engineer, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. This manhole, when required, shall be accessible at all times.

(G) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his or her expense.

(H) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made above shall be determined in accordance with Standard Methods for the

Examination of Water and Sewage, and shall be determined at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(I) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.
(Ord. 532, passed 1-30-1986)

(J) A storm sewer connected to the sanitary sewer is considered a cross-connection and is prohibited. Any such cross-connection now existing or hereafter installed is hereby declared to be a public hazard and the same shall be abated.

(Ord. 575, passed 6-29-1995) Penalty, see § 52.99

§ 52.17 PROTECTION FROM DAMAGE.

No person or persons shall unlawfully, maliciously, willfully or, as the result of gross negligence on his, her or their part, break, damage, destroy, uncover, deface or tamper with any structure, facility, appurtenance or equipment which is a part of the sanitary sewer system of the city. This section does not apply, however, to any employee of the city during the time he or she is engaged in his or her official employment, nor to any person or persons authorized to work in any manner thereon.

(Ord. 532, passed 1-30-1986) Penalty, see § 52.99

§ 52.18 RESPONSIBILITY OF PROPERTY OWNERS; LIMITATION OF CITY LIABILITY.

(A) (1) It is the responsibility of the property owner to maintain and keep in good repair the building drain and building sewer to assure no sewage is leaked and/or infiltrates into the ground.

(2) Whenever leaks in the building drain and/or building sewer are determined, the Utility Superintendent may, at his or her discretion, report the same to the City Council, designating the

description of the property, the owner or owners of record of the property, the nature of the maintenance that is deemed necessary to be done, and that in his or her judgment repair thereof is necessary. Failure to notify property owner of needed repairs shall not relieve the property owner of liability.

(3) The City Council, upon receipt of this report from the Utility Superintendent and deeming the repair necessary, may direct that the owner or owners make the needed repairs by notifying the owner or owners in writing by mail, if the address of the owner or owners is known; if not known, by posting notice thereof on the property involved. This notice shall direct that owner or owners make and complete the repairs, in the manner described in the notice, on or before 30 days after the mailing or posting of the notice. This notice is to be given or posted by or under the direction of the City Recorder. An error in the name or address of the owner of the property shall not make the notice void.

(4) In the event the owner or owners fails or refuses to make and complete the repairs as notified of within 30 days after the mailing or posting of notice, the City Utility Superintendent may proceed to cause the repairs to be made.

(5) The City Engineer, Public Works Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of repair at a time and during such hours as the Council shall approve.

(6) When repairs are complete, the Superintendent shall report the cost thereof, including 10% thereof for administrative costs, together with the name or names of the owner or owners of record of the real property, to the Recorder and the same shall become a lien against the property and entered in the city lien docket as directed by the City Council to bear interest at the standard rate per annum from the date at the end of the 30-day period.

(B) (1) The City may, at its discretion, assess a corrective or civil penalty, take judicial action, revoke or suspend a permit, or exercise any other rights and remedies available to the City at law or in equity for each violation of this code or any condition of a permit issued hereunder. Each day that a violation continues shall constitute a separate and distinct violation. The City reserves the right to revoke permits as a result of unlawful discharge

and lack of prompt corrective action. Assessment of penalties shall be in accordance with § 52.99. In determining the amount of any civil penalty to be assessed, the City manager shall consider the following factors:

(a) The nature, circumstances, extent, and gravity of the violation, including the degree of harm or potential harm to public health, safety, of the environment;

(b) The nature and extent of the person's involvement in the violation;

(c) Any economic or other benefits derived, or likely to be derived, as a result of the violation;

(d) Whether the violation was isolated and temporary, or repeated and continuous in nature;

(e) The magnitude and seriousness of the violation;

(f) The City's costs of investigation, enforcement, and remediation;

(g) Whether any criminal charges have been or may be issued in connection with the violation;

(h) Any other relevant evidence bearing on the nature, circumstances, and seriousness of the violation.

(2) To determine a violation of this code or a permit, the City may, with reasonable cause and advance notice to the property on which the alleged violation occurred, enter onto any property to conduct its own testing and inspections of the allegedly offending system.

(3) The City Manager may reduce or waive any civil penalty for good cause, according to and consistent with written policies.

(4) A determination made by the City Manager under this chapter is the City's final decision. Appeals from any determination made by the City Manager will be made as provided on ORS 43.010 to 34.100.

(5) When the state or federal government

determines civil penalties against the City, the Public Works Director shall report to the Recorder the cost thereof, including 10% for administrative costs, together with the name of names of owner or owners of record of the real property which contributed the unlawful or offending discharges to the City storm sewer system or sanitary sewer system. The same shall become a lien against the property and entered in the City lien docket as directed by the City Council to bear interest at the standard rate per annum from the date at the end of the 30-day period.

(C) This section shall not be construed to hold the city responsible for any damage to persons or property by reason of the inspection or testing, or the failure to inspect or test by reason of approval of sanitary sewers.

(Ord. 575, passed 6-29-1995)

ENFORCEMENT

§ 52.30 POWERS AND AUTHORITY OF INSPECTORS.

The City Engineer and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter at the times and during those hours as the Council shall approve.
(Ord. 532, passed 1-30-1986)

RATES AND CHARGES

§ 52.45 CONNECTION CHARGES.

(A) All houses, buildings or properties used for human occupancy, employment, recreation or other purposes which are required to connect to the public sewer under the provisions of this chapter, including those houses, buildings, or properties that are vacant but remain connected to the City's public sewer system, shall pay all connection charges for each separate service connection to the property while the property remains connected to the City's sewer system.

(Am. Ord. 672, passed 5-08-2018)

(B) When 1 service connection serves 2 or more property owners, each property owner shall pay a connection charge.

(C) Any person making connections to the public sewer system shall pay a service connection charge of \$150, the charge being a fee to defray the cost of permitting and inspection of the service connection. In addition, the installation or and associated cost of installation of the service connection from the public main to the building sewer shall be the sole responsibility of the person making the service connection. The \$150 service connection charge will be waived if the owner can show that a per square foot assessment has previously been paid on the property.

(Am. Ord. 532-A, passed 12-14-1989; Res. 89-90-5, passed 12-14-1989; Am. Ord. 569, passed 10-27-1994)

(D) At any time when any improvement which is connected to the municipal sewer system is destroyed by fire or is torn down and no longer connected to the sewer system, the owner thereof shall file a certificate with the City Recorder stating to the date of destruction or removal of the improvements and pay up all sewer service charges from the date of the destruction or removal, and thereafter there shall be no monthly service charge made to the property until new improvements are placed on the premises and connected to the sewer system; and it is further provided that when the property which is removed from the sewer service charges is reconnected to the sewer, the City Recorder shall check in the records and determine whether or not the property has paid into the Sewer User Fund an amount equal to the sums set up as of the date the property is reconnected to the sewer system, then no additional charges will be made. If not, then in that event, upon re-hooking up the property to the municipal sewer system, the owner of the property shall pay the difference between the amount theretofore paid into the city and the amount accruing under this section.

(E) The City Recorder, upon receipt of a certificate of destruction or removal of improvements to property connected to the municipal sewer system, shall present the certificate at the next Council meeting; and the Council shall then consider the matter and, upon adoption of a resolution removing the property

from the sewer service charge rolls, the Recorder shall make proper notation in the proper record of the city and remove the property from the monthly sewer charges until the property is again hooked up to the municipal sewer system.

(Ord. 532, passed 1-30-1986)

§ 52.46 SEWER USER CHARGES.

(A) (1) The just and equitable charges aforesaid are hereby established, determined and declared to be as set by resolution. (Am. Ord. 532-A, passed 12-14-1989; Res. 89-90-5, passed 12-14-1989)

(2) If amounts remain unpaid after 30 days, the clerk shall report the amount due, including 10% thereof for administrative costs, together with the name or names of the owner or owners of record of the real property, to the Recorder, and the same shall become a lien against the property and entered in the city lien docket as directed by the City Council to bear interest at the standard rate per annum from the date at the end of the 30-day period. (Am. Ord. 561, passed 11-12-1992)

(B) When no water is used in a building or residence because the building or residence has been vacated, sewer charges will be terminated until a new tenant or owner deposits the required amount to reinstate water service. At that time, the appropriate sewer charges will be included with the monthly water bill as stated in division (A) of this section. (Ord. 532, passed 1-30-1986)

§ 52.99 PENALTY.

(A) Violations of any provision of this chapter, except §§ 52.17, 52.18(A), and 52.18.(B)(5) is punishable by a maximum fine of \$1,500 for each offense or violation thereof. In addition to this fine amount, the City may recover from the violator administrative costs associated with the violation, which in no event shall exceed 10% of the total fine amount. The City reserves all other rights and remedies available to it at law or in equity if a property owner violates this chapter. (Am. Ord. 561, passed 11-12-1992)

(B) Any person or persons violating any of the provisions of § 52.17 of this chapter shall be guilty of disorderly conduct and, upon conviction thereof, shall

be punished by a fine as set by resolution.
(Ord. 532, passed 1-30-1986; Am. Ord. 532-A,
passed 12-14-1989; Res. 89-90-5, passed 12-14-
1989)



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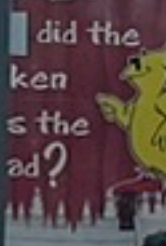


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