

## **ORDINANCE NO. 681**

### **AN ORDINANCE ADOPTING REGULATIONS FOR USE OF THE CITY'S SANITARY SEWER SYSTEM AND REPEALING ORDINANCE NO. 570.**

**WHEREAS, the City of Aumsville is updating its municipal code;**

**WHEREAS, the City Council believes it timely, appropriate, and in the interest of the public's health, safety and welfare to adopt updated provisions for the use of its sanitary sewer system and matters relating thereto;**

**NOW THEREFORE, based on the foregoing, the City of Aumsville ordains as follows:**

#### **Section 1. Unlawful disposal or discharge.**

No person shall, except as herein provided, place, deposit, permit, suffer, or otherwise allow the open placement or deposit of the following on public or private property within the City or areas under the City's jurisdiction:

- (A) Untreated human excrement;
- (B) Animal excrement, garbage, or other similar objectionable material in other than an appropriate closed container or other authorized space; or
- (C) Sewage or other polluted water not having received suitable treatment thereof compliant with applicable federal, state, and local regulation, including those found in this chapter.

#### **Section 2. On-site disposal restricted.**

Except as authorized by this Chapter, no person shall construct or maintain a privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, human or animal excrement, or waste.

#### **Section 3. Use of public sanitary sewers required.**

- (A) The owner of a house, building, or other property designed or used for human occupancy, education, employment, recreation or other purpose situated within 150 feet of a public sanitary sewer shall install and maintain suitable toilet facilities therein with connection to the public sanitary sewer consistent with this chapter.
- (B) Connection to the public sanitary sewer shall be completed within 60 days of either:
  - 1. official notice by the City to do so; or
  - 2. prior to the construction or use of the house, building, or other property designed or used for human occupancy, education, employment, recreation, or other purpose.
- (C) The owner is responsible for the cost of the connection, including installation and the ongoing maintenance of any and all necessary pumps, pipelines, or equipment.

**Section 4. Notice to connect.**

The official notice by the City described in Section 3(B) above to connect to the public sewer shall be by first-class mailed notice to:

- (A) the owner(s) of property not connected to the sewer abutting a street, alley, or right-of-way in which there is a public sanitary sewer; and
- (B) the owners of property having public sewer service available within 150 feet of the affected property.

**Section 5. Objections to notice.**

In the event the owner of the affected property believes a sewer connection is either not possible or feasible, said owner may, during the 60-day period noted in Section 3(B) above, file written objections with the city administrator setting out the reasons why the property owner believes a connection to the public sanitary sewer should not be required. The City shall not enforce the requirement after the filing of objections until the objections to the requirements are heard by Council and a written decision thereon has been made and sent to the owner.

**Section 6. Hearing on objections.**

The objection shall be heard by Council not less than 30 nor more than 60 days from the date of the submission of objections to the city administrator. Not less than seven days prior to the date set by Council for hearing the objection, the city recorder shall notify the owner as to that date. The Council's decision shall be final; no exception to the connection requirement may be granted by the Council based solely on inconvenience or expense.

For good cause shown by the owner, Council may allow for a delay in making connection to the public sanitary sewer; notwithstanding the Council's authority to delay the connection, in no event shall a delay result in public health hazard to exist or be maintained.

**Section 7. Sanitary sewer connection charges.**

- (A) Applicants for a sanitary sewer connection permit must pay all required sanitary sewer connection and inspection fees as well as any and all system development charges (SDCs) prior to the issuance of a sanitary sewer connection permit by the City.
- (B) If connection to the sanitary sewage system is not effected prior to expiration of the sanitary sewer connection permit, said permit shall become void; to connect thereafter, the owner must apply for a new sanitary sewer connection permit and pay all appropriate sanitary sewer connection fees charges and additional SDCs, if any, that may be appropriate.

**Section 8. Connection permit required.**

No unauthorized person may uncover, make connections to, open, use, alter, or disturb any public sewer or City appurtenance thereto without first obtaining a written permit

from the City. Improper or unauthorized connections may be summarily abated by the City. All costs incurred by the City, its employees, and/or agents as a result of the improper or unauthorized connection may be assessed against the property upon which the connection was made and made an assessment lien thereon.

#### **Section 9. Connection permits and fees.**

- (A) The owner or authorized agent of the property for which connection to the sanitary sewerage system is requested shall submit in writing a permit application furnished by the City, which application shall include all plans, drawings, specifications, agreements, or other information the City may reasonably require prior to issuance of any sanitary sewerage system permit. All City-required fees relating to the sanitary sewer connection are to be paid at the time the application is filed.
- (B) By applying for and receiving a sanitary sewer connection permit, the owners of the property for which the sanitary sewer system connection is to be made agree on behalf of themselves, their heirs, successors and assigns to:
  - 1. be bound by the terms of this Chapter as it now exists or as amended in the future;
  - 2. be bound by any rules, regulations, or protocols adopted or used by the City in existence now or as amended or added in the future concerning the use of the public sanitary sewer system; and
  - 3. be responsible for payment of any and all fees, charges, expenses, losses, damages, and/or fines incurred as a result of the use the connection to the public sanitary sewer system.
- (C) A sanitary sewer connection permit is both property specific and not transferable.
- (D) The property owner shall be responsible for and obtain all permits from applicable federal, state, or other local entities/agencies required for opening and/or using a street or highway prior to issuance of the City's sanitary sewer connection permit.
- (E) A sanitary sewer connection permit is valid for 180 calendar days from the permit's issuance date which may be extended for up to a maximum of 180 additional days upon written request by the property owner.

#### **Section 10. Separate connections.**

A separate sewer connection is both required and shall be provided for every building or premises unless otherwise allowed in writing by the City. Should more than one building be permitted by the City to connect via one sewer connection, the fees covered in Section 9(A) above shall be required of and paid for each building or premises served.

#### **Section 11. Sewer connection excavations.**

All excavations for sewer connections shall be open trench unless otherwise approved in writing by the City public works director. No backfill shall be placed in the trench until the installation work has first been inspected.

**Section 12. Use of existing building sewers.**

Old service laterals or building sewers may be used in connection with new buildings only when they are determined after examination and testing to meet all requirements of this Chapter with the costs associated therewith being borne by the applicant/customer.

**Section 13. Construction standards.**

The size, slope, alignment, materials of construction of a service lateral, 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 the City's standards.

**Section 14. Elevation of building sewer.**

Where possible, the building sewer shall be brought to the building at an elevation below the basement floor. In buildings where the building drain is too low to permit gravity flow to the public sewer, sanitary waste carried by the building drain shall be lifted and discharged by an approved pump system to the building sewer.

**Section 15. Connection to the public sewer.**

Connection of the building sewer to the public sewer is to conform to the requirements of the then most current Oregon State Plumbing Code.

**Section 16. Inspection.**

The applicant for the building sewer permit shall notify the City not less than 24 hours in advance of the need for building sewer inspection and connection to the public sewer. No installation shall be covered until the building sewer is both inspected and approved.

**Section 17. Barricades required.**

All excavations for building sewer installations located within public rights-of-way shall be appropriately barricaded and lighted so as to protect members of the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the excavation and installation shall be restored to the condition existing prior to said excavation and installation and in a manner satisfactory to the City.

**Section 18. Public sanitary sewer charges – Fee in lieu of assessment.**

(A) Except as provided in subsection (B) below, if property benefits from a public sanitary sewer, that property shall be assessed a proportionate share of the costs associated with the construction of that public sanitary sewer. Property shall not be assessed a public sanitary sewer charge for existing public sanitary sewer if:

1. Property had been assessed for that existing public sanitary sewer through a local improvement district (LID); or
2. Evidence of an approved connection to the existing public sanitary sewer is found in the City's records.

- (B) All sanitary sewer charges shall be paid prior to the City's issuance of a sanitary sewer connection permit.

**Section 19. Private wastewater disposal.**

No person may construct, maintain, abandon, operate or otherwise use, or have a private wastewater disposal system except as permitted and approved by the Oregon Department of Environmental Quality (DEQ).

**Section 20. Discharge of stormwater.**

- (A) No person may or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (B) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

**Section 21. Prohibited discharges into sanitary sewer system.**

No person may discharge or cause to be discharged, directly or indirectly, any of the following substances into the City's sanitary sewerage system:

- (A) Gasoline, benzene, naphtha, fuel oil, any liquids or any solids, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil or gases which by reason of their nature or quantity are sufficient either alone or by interaction with other matter are capable of:
1. Causing a fire or explosion; or
  2. Damaging in any way the City's sanitary sewer system;
- (B) Solid or viscous substances in quantity, size capable of causing obstruction to the sanitary sewer line flow or other interference with the operation of the sanitary sewerage system including substances such as: grease; fat; waste; oil (whether or not emulsified); either soluble or n-hexane soluble matter or any substance which may solidify or become discernibly viscous at temperatures above 32 degrees Fahrenheit;
- (C) Garbage with particles greater than 1/2 inch in any dimension;
- (D) Animal guts or tissues; manure; bones; hair, hides, or fleshings, entrails, whole blood, feathers;
- (E) Ashes, cinders, sand, spent lime, stone, or marble dust;
- (F) Metal or glass;
- (G) Straw, shavings, grass clippings, spent grains, spent hops;
- (H) Waste paper, wood, plastics, rags, mud grinding, glass grinding, or polishing wastes, paper dishes, cups, paper packaging, plastic packaging, glass packaging, and metal packaging whether whole or ground;
- (I) Any wastewater having:
1. A pH of less than 5.5 or greater than 9.0; or

2. Any other corrosive property capable of causing damage or hazard to structures, equipment, or City personnel;
- (J) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction:
1. To injure or interfere with any wastewater treatment plant process;
  2. To constitute a hazard to humans or animals; or
  3. To exceed the limitations set forth in the categorical pretreatment standards;
- (K) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the public sanitary sewer lines for maintenance and repair;
- (L) Any substance which may cause the sanitary sewerage system's effluent or treatment residues, sludge, or scum to be unsuitable for reclamation and reuse;
- (M) Any substance that would likely cause the City's wastewater treatment plant to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the federal Solid Waste Disposal Act, the Clean Air Act, Toxic Substances Control Act, or Oregon standards applicable to the sludge management method being used;
- (N) Any substance that would cause the City's wastewater treatment plant to violate its National Pollution Discharge Elimination System (NPDES) or other disposal system permits;
- (O) Any substance with objectionable color not removed in the treatment process, such as dye wastes and vegetable tanning solutions;
- (P) Any liquid or vapor having a temperature which:
1. Is higher than 150 degrees Fahrenheit (65 degrees centigrade);
  2. Would inhibit biological activity resulting in interference at the wastewater treatment plant's operation; or
  3. Would cause wastewater entering the wastewater treatment plant to exceed 104 degrees Fahrenheit (40 degrees centigrade);
- (Q) Any pollutant "slug" including those with a biochemical oxygen demand (BOD) released in a single extraordinary discharge episode of a volume or strength as to cause interference to the City's sanitary sewerage system;
- (R) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration which exceeds limits established by applicable state or federal regulations;
- (S) Material from a private wastewater disposal system except material received directly at the wastewater treatment plant; and
- (T) Any wastewater which causes a hazard to human life or creates a public nuisance.

**Section 22. Interceptor use and approval; exception; maintenance obligation.**

- (A) Grease, oil, and sand interceptors shall be provided by the property being served by and using the City's sanitary sewer system when, in the considered belief of the City's public works director, the interceptors are necessary for the handling of the affected waste.

- (B) Interceptors shall not be required for private living quarters.
- (C) All interceptors shall be of a type and capacity that are approved by the public works director and be located so as to be both readily cleaned and inspected.
- (D) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at the owner's expense, so as to remain in continuously efficient operation.

### **Section 23. Protection from damage.**

No person shall break, damage, destroy, cover or uncover, deface, or tamper with any of the City's sanitary sewer system structures, appurtenances, or equipment absent the written approval of the City's public works director.

### **Section 24. Repair/correction of sewer infiltration.**

- (A) Any building sanitary sewer connected to the City's sanitary sewer system (whether located within the City's right-of-way or on private property) determined by the public works director to allow infiltration of surface, storm, or groundwater into the City's sanitary sewer system, shall be repaired by the affected property owner within 60 days of the date of the official notice to the property owner to do so. All costs for said repair shall be borne by said owner.
- (B) When repairs are made within the City right-of-way, such repairs shall be performed consistent with the City Public Works Design Standards/Specifications.
- (C) Before being covered, each repair must be inspected and approved in writing by the City's public works director.

### **Section 25. Metered water consumption.**

- (A) The premises' metered water consumption, as the same is reflected in the City's records for water meter readings for said premises, shall act as the flow volume used to compute both commercial and industrial wastewater charges for premises engaging in either commercial or industrial uses.
- (B) Notwithstanding subsection (A) above, adjustments to the approach identified therein may be made by the city administrator in the event the user is able to show the metered water flow to the premises is not entirely discharged into or otherwise served by the City's sanitary sewer system.
- (C) If the discharge of waste into the City's sanitary sewer system is (in whole or in part) the result of water sources other than those provided the premises by the City, the owner and/or user of the affected premises shall install and maintain City-approved meters to determine the water volume so obtained alternatively such that the waste volume derived from the other sources which are then discharged into the City's sanitary sewerage system may be determined and thereafter reflected in the waste water charges due.
- (D) The owner, after obtaining the City's approval, may install and operate a City-approved device measuring the volume of wastewater discharged instead of having the City employ the approach described in subsection (A) above. Subject to the periodic inspection of the device by the City, the owner shall own, install and

operate the device and be responsible for the costs associated with the City's inspection thereof.

- (E) All storm sewers (including building storm sewers) on private property connecting to the building sanitary sewer shall be disconnected and capped unless they are then connected to a City-approved storm water disposal system within 60 days of the City's notice to the property owner to make the change.
- (F) If the City-approved alterations required by either subsection (C) and/or (E) are not timely completed by the owner/premises user, the City may elect thereafter enter the affected property and cause the necessary alterations be made. Any and all City costs and expenses related to the alteration and incurred by the City shall become an assessment lien on the property once entered into the City's lien docket which assessment lien shall then have the priority accorded assessment liens under ORS 223.230 (2020). The assessment lien shall be fully due and owing 30 days after the date written notice of said expenses and costs is provided the property owner. The City's notice shall be sent to the owner by registered or certified mail, state the amount of the assessment lien and inform the property owner that the assessment lien will be deemed delinquent if not full paid within 90 days of the date the lien was entered on the City lien docket unless otherwise agreed to in writing by the City. In the event written agreement for payment of the assessment lien are not timely made by and between the City and owner and owner fails to pay the assessment lien within 120 days of the entry of the lien on the lien docket, the City may thereafter enforce or foreclose the lien or lien account in the manner provided by ORS Chapter 223 (2020).
- (G) It is the property owner's responsibility to maintain, replace or repair service connection lines from the point of connection from their property to the City's sanitary sewer collection line.

## **Section 26. Inspection and testing.**

- (A) The City's public works director and other duly authorized City employees or representatives bearing proper credentials and identification shall have the right to enter upon all properties and premises receiving sanitary sewer service at reasonable hours in order to inspect, observe, measure, sample, and test to ensure compliance with the provisions of this Chapter.
- (B) The city administrator, in consultation with the public works director, is authorized to adopt, amend, and thereafter enforce reasonable rules and regulations concerning any matter relative to the connection to and use of the City's sanitary sewer system. The city administrator shall, in advance of the effective date of any such rule, regulation or amendment, submit the matter to Council at one of its regularly scheduled meetings for its review and comment. Said submission shall occur not less than 30 days prior to the rule, regulation, or amendment becoming effective.
- (C) Notwithstanding the provisions of subsection (B) above, in the event a public health emergency has been declared by the City, state, or federal government, the city administrator has the authority to immediately adopt and thereafter enforce rules designed to address issues relating to the public health emergency without having



said rules be first reviewed and commented on by Council. Said rules shall be effective and may be enforced for the period of said health emergency.

**Section 27. Service charges.**

- (A) Service and other charges for use of the City sewage system shall be established by Council resolution following a public hearing thereon.
- (B) The user and property owner (if different) shall each be responsible for payment of all charges provided for by this section. A penalty fee set by Council shall be added each month on all charges that are delinquent to defray the City's costs associated with the delinquency program which fees will be assessed only on accounts with total arrearages of \$10.01 or more on the date of the penalty assessment.

**Section 28. Billing and payments.**

- (A) Sewer service charges shall be billed either monthly or in two months intervals as determined by the City and due on the 15<sup>th</sup> of the month following the billing. If the bill is not fully paid by the due date, the unpaid amounts shall be considered past due unless written arrangements have been made with the City specifying another due date. Any charge not paid by the due date designated on the bill or otherwise as agreed in writing is deemed delinquent. Delinquent accounts may be collected, water and sewer service discontinued, property liens filed as appropriate and late penalties imposed in the manner set forth in the City's sewer and/or water regulation ordinances.
- (B) Recovery of Delinquent Charges for Sewer Accounts Only. The City may certify to the Marion County Tax Assessor's Office the amount of any delinquent user and billing service charges. When the certification is complete, such amount, including interest, will be assessed against the premises served with sewer service in the same manner as other taxes are certified, assessed, collected, and paid.
- (C) Notice to Customers of Placement of Lien. Except in an emergency, the City shall provide written notice to the customer, either mailed or delivered to the customer's last known address, of the City's intention to lien the property. In emergencies, the City may notify by telephone or messenger. The customer shall be notified of and have the opportunity to be heard by a City official or employee empowered to resolve any valid objections prior to City placement of property lien.

**Section 29. User's agreement/owner's agreement for assessment lien.**

- (A) All applicants and/or users of the City's sanitary sewer system shall be required to review and sign an application to use the sewer system. Said application shall include language whereby the applicant and/or user agrees to be bound by any City rules and regulations governing connection to and use of the sanitary sewer system without any reservation or qualification.
- (B) The owner of real property served by the City's sanitary sewer system shall agree in writing with the City that the City may impose an assessment lien on the property in the event there are monies owed associated with the provision of sanitary sewer services to the property.

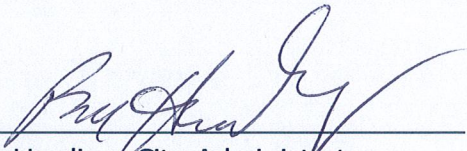
**Section 30. Disposition of payments.**

Payments made on sewer service charges shall be credited and paid to the City's sewer fund.

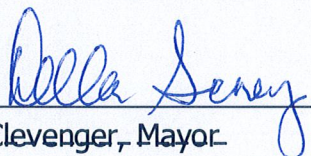
**Section 31. Repeal and Replace.** Ordinance No. 570 is hereby repealed.

**Section 32. Effective Date.** This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26<sup>th</sup> day of October, 2020. READ a second time on the 9<sup>th</sup> day of November, 2020. ADOPTED AND PASSED by the Aumsville City Council on the 9<sup>th</sup> day of Nov., 2020.

  
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Ron Harding, City Administrator

SIGNED by the mayor this 12 day of November, 2020

  
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~~Derek Clevenger, Mayor~~  
Della Seney, Mayor Pro-tem