

ORDINANCE NO. 458

AN ORDINANCE ESTABLISHING SANITARY SEWER CONNECTION AND USER CHARGES IN THE CITY OF STAYTON.

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

ARTICLE I.

Definitions

Section 1. For the purposes of this ordinance the definitions set out in the City ordinance regulating the use of public and private sewers and drains shall apply, together with the following definitions:

- a. Residential Dwelling: A single structure or building containing one or more rooms and intended to be occupied by one individual or one family doing its own cooking.
- b. Multiple Dwellings: Single or multiple buildings designed and used for occupancy by two or more separate individuals or families.
- c. Apartments: A structure designed for permanent or semi-permanent occupancy by individuals or families, each rental unit of which contains minimum kitchen, sleeping, and sanitary facilities.
- d. Rooming and/or Boarding House: A structure designed for permanent or semi-permanent occupancy by individuals and/or families, each rental unit of which does not contain minimum kitchen and/or sanitary facilities.
- e. Trailer Court: An area designed for the parking of house trailers and mobile homes, on a temporary rental basis.
- f. Business User: A single structure designed for a single business operation.
- g. Multiple Business User: One structure, housing several separate business enterprises and connected to a single water meter.
- h. Person: Any individual, firm, company, association, society, corporation, or group.
- i. Hotel or Motel: A structure or structures containing essentially single rental rooms for transient occupancy.

j. Industrial User: Any person discharging "industrial wastes."

ARTICLE II.

Non-Industrial User Charges

Section 1. The sanitary sewer user rates shall be as follows:

a. Single residential dwellings, including mobile homes: \$5.50 per month.

b. Multiple residential dwellings, including apartments, mobile home parks, and trailer parks, and single or multiple business users: \$5.50 per month per unit. In the event any unit is empty during an entire billing period (from the 21st of the month to the 20th of the next month), and the owner thereof notifies the City Recorder in writing prior to the end of the billing period, no charge shall be incurred for that period.

c. Laundromats or similar usage businesses: The minimum rate of \$5.50 per month is based on the monthly water meter reading, which entitles the sewer user to 20,000 liters (5,000 gallons) of water for the minimum charge, plus an additional monthly charge of nine cents (\$.09) per thousand liters for any water usage over 20,000 liters (\$.35 per thousand over 5,000 gallons.)

d. Hospital, Rest Home, Nursing Home: \$50.00 per month.

e. Public and Private Schools: \$35.00 per month.

f. Hotel or motel rooms rented on a daily basis: \$5.50 per month, plus \$2.75 per unit regardless of occupancy.

g. Industrial users discharging domestic waste only: \$5.50 per month, plus thirty-five cents (\$.35) per month per employee over the first fifteen (15), and shall furnish the City Recorder with an affidavit on January 1, of each year, as to the average number of employees for the previous twelve months, which shall determine the monthly charge for said user.

Section 2. The rates hereinabove set forth shall apply to all persons to whom service is available.

Section 3. In the event of failure of payment for the services, the City shall have the right to discontinue water service, after reasonable notice, and the said delinquent sewer

charge shall become and constitute a lien against the premises and shall be enforced as provided by State law or City ordinance.

Section 4. Any business firm, person or industry who is aggrieved by any provisions herein set forth, shall state their complaint in writing to the City Council, who shall hold a hearing for the purpose of determining the issue involved and make suitable adjustments, as it may deem fit. That the adjustment so made by the Council shall in no way interfere with the balance of this ordinance and it shall remain in full force and effect.

ARTICLE III.

Admission of Industrial Wastes into Public Sewers

Section 1. APPROVAL REQUIRED. Review and acceptance of the Approving Authority shall be obtained prior to the discharge into the public sewers of any water or wastes having a total of more than 30 pounds of suspended solids in any one day, or a total of more than 30 pounds of B O D in any one day.

Section 2. PRETREATMENT. The person discharging industrial wastes to the public sewer system at his expense shall provide preliminary treatment or processing facilities which are in conformance with the most recent U. S. Environmental Protection Agency guidelines or regulations.

Section 3. SUBMISSION OF INFORMATION. Plans, specifications and any other pertinent information relating to proposed pretreatment or processing facilities shall be submitted for approval to the Approving Authority and to the Oregon State Department of Environmental Quality prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

ARTICLE IV.

Control of Admissible Industrial Wastes

Section 1. SUBMISSION OF BASIC DATA. Each person desiring to make a new connection to a public sewer for the purpose of discharging industrial wastes shall prepare and file with the Approving Authority and the Oregon State Department of

Environmental Quality a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged.

Section 2. BASIC AND INDUSTRIAL WASTE SEWER SERVICE CHARGES. Each person discharging industrial wastes into a public sanitary sewer with a daily total in excess of 200 pounds or more of either BOD or suspended solids shall, when directed by the Approving Authority, construct and maintain approved measurement, sampling and sample storage facilities for all waste entering the sanitary sewer. These facilities will be used to obtain flow, BOD, and suspended solids data for use as a basis for an industrial waste sewer service charge.

Persons discharging industrial wastes into a public sanitary sewer with a daily total of 200 pounds or less of either BOD or suspended solids shall have the option of installing measurement and sampling facilities for the purpose of receiving an industrial waste sewer service charge based on quantity and strength of the waste, or may elect to have their industrial waste charge based on total metered water consumption from all sources.

The City shall determine, by at least two composite waste samples a year, taken at the person's expense, if the industrial waste loading, based on either BOD or suspended solids, does not exceed 200 pounds per day. If three consecutive measurements by the City indicate that the 200 pound per day rate is being exceeded, then, when directed by the Approving Authority, the owner must construct and maintain measurement and sampling facilities as herein specified as a basis for computing the sewer service charge.

Section 3. FLOW MEASUREMENT AND SAMPLING FACILITIES. All devices, access facilities, and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be in safe condition, in proper operating condition at all times, and readily accessible to City forces during the operating day.

The flow measurement device can be a Parshal flume, weir, venturi nozzle, magnetic flow meter, or any other type of device providing accurate and continuous flow indication. Pump timers or other indirect measurement devices will not be acceptable.

The flow meter shall be suitable for indicating and totalizing the flow in millions of gallons per day through the device, provided above, with an error not exceeding plus or minus 2 per cent. The instrument shall be equipped with a set of electrical contacts arranged to momentarily close a circuit to energize a process timer and sampling device for every fixed quantity of flow. This quantity should be selected so as to insure a minimum

of 50 samples per operating day. Other control variations will be acceptable if it can be demonstrated that the sampling procedure will result in a waste sample which is proportional to the waste flow. The length of operation of the sampling device shall be dependent on the type of sampling arrangement used, but in no case shall the daily collected sample be less than two (2) quarts in volume.

The method of sampling used can be by continuous pumping past a solenoid-operated valve, direct pumping into the sample container, continuous pumping past a sampler dipper calibrated to remove a constant sample, by a proportional dipper sampler operating directly in the waste flow, or by any other approved means. All samples must be continuously refrigerated at a temperature of 39 degrees Fahrenheit, plus or minus 5 degrees.

The flow measurement and sampling station shall be located and constructed in a manner acceptable to the City of Stayton. Complete plans on all phases of the proposed installation, including all equipment proposed for use, shall be submitted to the City of Stayton for approval prior to construction.

The person discharging the waste shall keep flow records as required by the City and shall provide qualified personnel to properly maintain and operate the facilities.

Section 4. ANALYSES. The waste samples will be collected and tests performed by City forces. Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods." However, alternate methods for certain analyses of industrial wastes may be used.

ARTICLE V.

Industrial Waste Rates

Section 1. The industrial user charge shall be calculated using the standard quantity/quality formula:

$$C_u = V_c V_u + B_c B_u + S_c S_u + P_c P_u$$

where

C_u is the total user charge per month.

V_c is the operation and maintenance cost for transportation and treatment of the waste water volume per month.

V_u is the volume of wastewater from a user per month.

B_c is the operation and maintenance cost for treatment

of a unit of biochemical oxygen demand (BOD).

B_u is the total BOD contribution from a user per month.

S_C is the operation and maintenance cost for treatment of a unit of suspended solids.

S_u is the total suspended solids contribution from a user per month.

P_C is the operation and maintenance cost for treatment of a unit of any pollutant.

P_u is the total contribution of any pollutant from a user per month.

Section 2. In the absence of any current breakdown of operation and maintenance figures of the sewer treatment plant for any volume or pollutant component, the rate may be calculated based on the total volume of wastewater per month times the total operation and maintenance cost of the plant as determined each year under the Stayton-Sublimity sewage agreement, plus the regular rate for industrial users discharging domestic waste only.

ARTICLE VI.

Industrial Cost Recovery

Section 1. All industrial users shall be required to pay that portion of the federal assistance grant under PL 92-500 allocable to the treatment of waste from such users.

Section 2. The system for industrial cost recovery shall be implemented and maintained according to the following requirements:

a. Each year during the industrial cost recovery period, each industrial user of the treatment works shall pay its share of the total Federal grant amount divided by the recovery period.

b. The industrial cost recovery period shall be equal to 30 years or the useful life of the treatment works, whichever is less.

c. Payments shall be made by industrial users no less often than annually. The first payment by an industrial user shall be made not later than one year after such user begins use of the treatment works.

d. An industrial user's share shall be based on all factors which significantly influence the cost of the treatment works, such as strength, volume, and flow rate characteristics. As a minimum, an industry's share shall be based on its flow versus treatment works capacity except in unusual cases.

e. An industrial user's share shall be adjusted when there is a substantial change in the strength, volume, or flow rate characteristics of the user's wastes, or if there is an expansion or upgrading of the treatment works.

f. An industrial user's share shall not include any portion of the Federal grant amount allocable to unused or unreserved capacity.

g. An industrial user's share shall include any firm commitment to the City of increased use by such user.

h. An industrial user's share shall not include an interest component.

Section 3. This requirement applies only to those features of wastewater treatment and transportation facilities which have been constructed with Federal assistance administered by the U. S. Environmental Protection Agency under PL 92-500.

Section 4. The City shall retain 50 per cent of the amounts recovered from industrial users. The remainder, together with any interest thereon, shall be returned to the U. S. Treasury on an annual basis.

Section 5. A minimum of 80 per cent of the retained amounts, together with interest earned thereon, shall be used solely for the eligible costs of the expansion or reconstruction of treatment works associated with the project and necessary to meet the requirements of the Act. (PL 92-500)

Section 6. Pending use, the City shall invest the retained amounts, for reconstruction and expansion in: (1) Obligations of the U. S. Government or (2) obligations guaranteed as to principal and interest by the U. S. Government or any agency thereof or (3) shall deposit such amounts in accounts fully collateralized by obligations of the U. S. Government or by obligations fully guaranteed as to principal and interest by the U. S. Government or any agency thereof.

ARTICLE VII.

Sanitary Sewer Connection Charges

Section 1. 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 ordinance shall pay a connection charge for each separate service connection provided to the property.

Section 2. There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City of Stayton. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent to the Superintendent's judgment. A permit and inspection fee of \$5.00 shall be paid to the City Recorder at the time the application is filed. No permit shall be issued until the connection charge specified in Section 3 has been paid.

Section 3. The connection charge shall be the sum of \$350.00 for any lot or parcel connected where the frontage exceeds 100 feet (or 33 meters) and an additional sum of \$3.50 per foot shall be paid. Corner lots where the sewer lies on two sides of said lot shall pay a connection charge based upon the widest lineal side of said lot.

Section 4. The construction, extension, economical feasibility of making any extension of the present sewer facility for any distance is hereby wholly and solely within the discretion of the City Council.

The priority as to any extension shall also be determined solely by the City Council acting in its discretion.

Section 5. The Common Council of the City of Stayton within its judgment may provide that area or areas within the City of Stayton not now served by the sewerage system desiring to be served by sewer facilities may allow the owners of said area or areas to construct the sewer facilities on said properties all in accordance with plans and specifications as approved by the engineer of the City of Stayton and in accordance with plans and specifications approved by the Department of Environmental Quality and installed in a manner satisfactory to and approved by a person authorized to inspect said sewer installations by the City of Stayton; and if said sewer installation is done by private persons other than the City, and all of the cost and expenses of installing said sewer and making the connections to the improvements located on the respective parcels of land or parts of land

served by said sewer, then in that event, each residence and each unit of multiple residences connecting to said sewer shall forthwith pay when they are actually connected to the municipal sewer system of the City of Stayton no sewer connection charge.

In all those areas where sewer expansion is done by private persons under supervision of the City as hereinabove provided for in this section, the City and the persons doing the work shall agree as to the time within which said sewer extension work shall be done and upon completion of said work and acceptance thereof by the City, said sewer mains, laterals, and connections shall be turned over to the City free and clear of any and all expenses for the construction and installation thereof. The person, persons, or company doing the work before turning over the sewers, mains, and laterals to the City shall prepare a map or plat showing all of the property served by said facilities and the lots, parts of lots, or parcels of ground actually hooked up to said sewers.

It is further provided that all other properties served by said sewer installation, but which do not have a service connection running from the sewer mains or laterals to the property lines shall, when connecting up, pay a lump sum connection charge of \$150.00 or such other sum as the Common Council may from time to time provide.

Section 6. At any time when any improvement which is connected to the municipal sewer system is wholly destroyed by fire or other casualty or is torn down and is no longer connected to the sewer system, the owner thereof shall notify the City Recorder in writing, stating the date of destruction or removal of said improvement and shall pay up all sewer service charges that have accrued to the date of said notice. Thereafter there shall be no monthly service charge made to said property until new improvements are placed on the premises and are connected to the sewer system.

The City Recorder, upon receipt of a notice of destruction or removal of improvements to property connected to the municipal sewer system and verification by him of such destruction or removal, shall make proper notation of such destruction or removal in the appropriate records of the City and remove said property from the monthly sewer charges until the property is again connected to the municipal sewer system.

ARTICLE VIII

Penalties; Effective Date

Section 1. Penalties: Any person violating any provision of this Ordinance or who shall fail to do any act he is required to do under the provisions of this Ordinance, shall, upon conviction, be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding 100 days, or by both such fine and imprisonment. Each day any violation of this Ordinance shall continue shall constitute a separate offense.

Section 2. All the remedies legally provided to the City of Stayton for the collection for sewer service charges shall be applicable to this Ordinance. In addition thereto, the City of Stayton may recover any sewer service charges due by a civil action brought in the name of the City against the person from whom the service charges are owing in either the District Court, Circuit Court, or in the City Municipal Court.

Section 3. Any person or persons who, as a result of violating any of the provisions of this Ordinance, cause any expenses, loss or damage to the City of Stayton shall immediately become liable to the City for the full sum of such expense, loss, or damage in the amount of said loss or damage shall constitute a lein against the property of the violator. The Council may, at its discretion, instruct the City Attorney to proceed against any such person or persons, in any Court of competent jurisdiction, including the City Municipal Court, in a civil action to be brought in the name of the City of Stayton, for the recovery of the full sum of any such expense, loss or damage sustained by the City.

Section 4. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.


Section 5. Ordinance No. 326 entitled "AN ORDINANCE ESTABLISHING SEWER RATES AND CHARGES FOR THE CITY OF STAYTON SEWER SYSTEM, MAKING SAID CHARGES A LEIN ON THE PROPERTY SERVED, PLEDGING THE NET REVENUES THEREFROM FOR OPERATION, MAINTENANCE, AND DEBT RETIREMENT, AND DECLARING AN EMERGENCY." adopted September 9, 1963; Ordinance No. 411 entitled "AN ORDINANCE AMENDING ORDINANCE NUMBER 326 OF THE CITY OF STAYTON TO INCREASE THE SEWER USER CHARGES AND DECLARING AN EMERGENCY." adopted January 17, 1972; and Ordinance No. 436 entitled "AN ORDINANCE

COVERING THE DISCHARGE OF INDUSTRIAL WASTES INTO THE PUBLIC SEWERS OF THE CITY OF STAYTON, OREGON, ESTABLISHING SERVICE CHARGES FOR SAID DISCHARGE, PROMULGATING REGULATIONS AND PROCEDURES THERETO APPERTAINING, AND DECLARING AN EMERGENCY." adopted December 17, 1973, are hereby repealed.

Section 6. It is hereby adjudged and decreed that existing conditions are such that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Stayton, and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect from and after its passage.

PASSED by the Common Council this 19 day of APRIL, 1976.

SIGNED by the Mayor this 21 day of APRIL, 1976.



Mayor of the City of Stayton

ATTEST:



City Recorder