

ORDINANCE NO. 323

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, REQUIRING APPLICATION, PERMITS, AND FEES: PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND DECLARING AN EMERGENCY.

The City of Stayton does ordain as follows:

SECTION 1. Definitions:

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- A. "Sewage Works" shall mean all City-owned facilities for collecting, pumping, treating, and disposing of sewage.
- B. "Superintendent" shall mean the City Works Superintendent of the City of Stayton or his authorized deputy, agent, or representative.
- C. "Sewage" shall mean a combination of the water-carried wastes, from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- D. "Sewer" shall mean a pipe or conduit for carrying sewage.
- E. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.
- F. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.
- G. "Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- H. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- I. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- J. "Garbage" shall mean solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- K. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow and conditions normally prevailing in public sewers, with no particle greater than $\frac{1}{2}$ inch in any dimension.
- L. "Service Connection" shall mean a public sewer which has been constructed to the property line or right of way line from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.

M. "Building Drain" shall mean that part of the lowest horizontal piping of 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.

N. "Building Sewer" shall mean the extension from the building drain to the property line or right of way line and connection with the public sewer service connection.

O. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in 5 days at 20 degrees C. expressed in parts per million by weight.

P. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Q. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by the laboratory filtering.

R. "ASTM Specifications" All references to the form ASTM shall mean the Standard Specifications or Methods of the American Society for Testing Materials of the serial designation indicated by the number and unless otherwise stated, refer to the latest adopted revision of said specification or method.

S. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

T. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

U. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

V. "Connection Charge" shall mean the fee levied by the City of Stayton to cover the cost of inspection and construction of the public sewer lateral to the property which is to be serviced, and for a portion of the construction cost of the lateral sewers, and other administrative costs.

SECTION 2. Use of Public Sewers Required:

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

B. It shall be unlawful to discharge to any natural outlet within the City of Stayton, or in any area under the jurisdiction of said City, any unsanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

C. Except as hereinafter provided, 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 of Stayton, or in any area under the jurisdiction of said City.

D. The owner of all houses, building, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City of Stayton 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 of Stayton, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with the provisions of this ordinance, within ninety (90) days after the date of official notice to do so, provided that said public sewer is available to or on the property and/or at a property line of said property and the structures or buildings are within 300 feet of the public sewer. In the event that, during the said period of 90 days, the said owner shall file his written objections with the City Recorder against so being required to install said facilities, the City shall not enforce the provisions of this subsection upon said owner, so filing his objections, until the Council shall have, at a meeting thereof, heard the said objections of said owner, and rendered its decision thereon. The said meeting of the Council shall be held not less than 10 days or more than 45 days from and after the date of the filing of said objections with the City Recorder. Not less than 7 days prior to the date set by the Council for said meeting, the City shall give due notice of the date set therefor to said owner. The decision of the Council shall be final and no appeal shall be taken therefrom by said owner except as is provided by law.

Amended by
Ord # 363
1-9-67
Ord # 363
→ E. added
SECTION 3. 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 ordinance shall pay a connection charge for each separate service connection provided to the property.

Amended
Ord # 335
6-1-64
B. The connection charge for all existing services to persons given notice on or before August 1, 1963, to connect to the initial sewer system shall be the sum of \$60.00. The connection charge for all persons given notice or required to connect to the system under the provisions of this ordinance after August 1, 1963, shall be \$150.00, until November 1, 1964. All persons required to connect to the initial sewer system shall have the option of paying the connection charge in cash within 30 days from date of notice, or may make application for installment payments for the connection charge until the due date of November 15, 1963. Vacant property developed along the initial sewer system during the period from the date of this ordinance to August 1, 1963, shall pay a \$60.00, connection charge.

Amended
Ord # 335
6-1-64
Owners of undeveloped or vacant property may obtain sewer connections constructed to their property line between the date of this ordinance and November 1, 1964, upon making an application at the City Hall and paying in advance a service connection charge of \$150.00

C. After November 1, 1964, all persons desiring or required to connect to the initial sewer system or extensions thereof under the provisions of this ordinance shall, when applying for a sewer connection pay \$150.00, plus \$50.00, per year or fraction thereof, but a sum not to exceed \$350.00. Those persons who have paid the \$150.00 connection fee prior to November 1, 1964, shall when making application for a sewer connection permit pay the additional \$50.00, per year as herein provided, but in no case the total of all charges to exceed \$350.00.

D. 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 State Sanitary Authority 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.

It being further provided that in the event a new service connection to the present sewer facilities of the City of Stayton or in the event of an extension of the sewer system to serve a user who may be a large water user, then and in that event, the Council as provided shall fix the connection charge to be paid by said sewer users, said Council to take into consideration the gallonage of water to be used by said business and any and all other factors which may affect the ultimate use of the sewage works of the City of Stayton.

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.

E. In the event a future expansion of the City sewerage system be made by the City itself, the connection charge shall be as in Section 3, C.

Amended by Ord # 363 1-9-67

~~F. The City Recorder upon receipt of a certificate of destruction or removal of improvements to property connected to the municipal sewer system shall present such certificate at the next Council meeting, and the Council shall then consider the matter; and upon adoption of a resolution removing said property from the sewer service charge rolls, the Recorder shall make proper notation in the proper records of the City and remove said property from the monthly sewer charges until the property is again hooked up to the municipal sewer system.~~

G. Added

SECTION 4. Private Sewage Disposal.

A. Where a public sanitary or combined sewer is not available under the provisions of Section 2-D, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Oregon State Sanitary Authority, the Oregon State Board of Health, and the Plumbing Code of the State of Oregon.

B. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 2-D, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material, except as provided below, or the City Council shall otherwise permit. Where existing buildings are too low to be served by gravity by an available sewer, the existing septic tank facilities shall be maintained in use and, when so ordered by the City of Stayton under Section 2-D, approved pumping facilities shall be installed to pump the septic tank effluent into the available sanitary sewer system.

C. The provisions of this article shall be in addition to and not in derogation of the requirements of general law.

SECTION 5. 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 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 \$10.00 shall be paid to the City Recorder at the time the application is filed, ~~50 percent of which shall be refunded after final approval by the superintendent.~~ No permit shall be issued until the connection charge specified in Section 3 has been paid.

*Amended
by
Ord # 325
rd 9-9-63*

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 tested by the superintendent, to meet all requirements of this ordinance.

E. The building sewer shall be of cast iron soil pipe conforming to Federal Specification WW -P-401, Class B, with poured lead and caulked joints, or rubber ring joints conforming to Federal Specification , asbestos cement pipe with rubber ring joints conforming to Federal Specification SS-P-331a, or clay pipe conform-

ing to ASTM-C-278 and Clay Pipe Institute West Coast Standards. Clay Pipe joints shall be factory-made compression type conforming to ASTM-C-425. Six inch or larger concrete pipe conforming to ASTM-C-14 with approved rubber ringed joints may be used for building sewers where approved by the City Council.

F. Building sewer connections shall be made on the house side of the septic tank to the existing cast iron soil pipe, or approved existing A.C. or Clay pipe. When connecting cast iron soil pipe to asbestos-cement or clay pipe, a special approved adaptor shall be used. Connection of the building sewer to the City sewer at the property line shall be with an approved adaptor.

G. The first fitting at the connection with the public sewer and the building sewer shall be a tee of the same material as the building sewer, furnished by the owner. The tee branch shall extend vertically to within 1 foot of finished ground surface and shall be sealed with an approved cap or plug. This riser shall be used for inserting a test plug for water testing the building sewer and as an auxiliary cleanout. Backfilling around the riser shall be done in such a manner so as not to damage the pipe.

H. The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than 4 inches. The slope of such 4-inch pipe shall not be less than one-eighth ($1/8$) inch per foot.

I. Building sewers serving buildings with basements shall, whenever possible, be brought to the building at an elevation below the basement floor.

J. The building sewer shall be laid at uniform grade and in straight alignment insofar as is possible. Changes in direction shall be made only with curved pipe no greater than "45-degree long radius bends." No 45-degree or 90-degree short radius elbows shall be used. All pipe shall be laid on a 4-inch granular base of $3/4$ -minus rock, pea gravel, sand, or combination thereof.

K. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer except as provided in Section 4 B.

L. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. Pipe laying and backfill shall be performed in accordance with regulations of the Oregon State Sanitary Authority. No backfilling of the trench shall be done until receipt of written approval from the City.

M. All joints and connections shall be made gastight and watertight.

N. The applicant for building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. After final approval and testing of the building sewer by the Superintendent, the owner shall make the final connection to the building drain as defined in Section 1, unless otherwise authorized by the Superintendent. A 30-minute internal hydrostatic test will be required on all building sewers be-

fore 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 two feet and maximum allowable leakage shall be 4 gallons per hour per 100 feet.

O. No contractors shall be allowed to make connections of ~~private~~ ^{building} sewers to the sewage works of the City of Stayton on behalf of any owners of property therein without first posting with the City a bond in the sum of \$3,000.00, 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 said contractors in making said connections. *Amended Ord #325 9-9-63*

SECTION 6. Use of the Public Sewers.

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

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process water may be discharged, upon approval of the Superintendent, to a storm sewer or natural outlet.

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 degrees C.

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

(3) Any ashes, cinders, sand, mud, straw, shavings, wool waste, 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 such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

(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 superintendent.

D. Grease, oil, and sand interceptors shall be provided, when, in the opinion of the Superintendent, 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 such interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the superintendent 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 expense, in continuously efficient operation at all times.

E. The admission into the public sewers of any waters or wastes having (a) a 5-day biochemical oxygen demand greater than 300 parts per million by weight, or (b) containing any quantity of substances having the characteristics described in Section 1, or (c) containing more than 350 parts per million by weight of suspended solids, or (d) having an average daily flow greater than 2 percent of the average daily sewage flow of the City shall be subject to the review and approval of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary. Plans, specifications, and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the Oregon State Sanitary Authority, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

F. When required by the Superintendent, 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. Such 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 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 article shall be construed as preventing any special agreement or arrangement between the City of Stayton 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.

SECTION 7. Protection from Damage.

A. No person, or persons, shall unlawfully, maliciously, willfully, or, as the result of gross negligence on his 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 of Stayton. This section does

not apply, however, to any employee of the City during the time he is engaged in his official employment, nor to any person or persons authorized to work in any manner thereon.

SECTION 8. Powers and Authority of Inspectors.

A. The Superintendent 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 ordinance at such times and during such hours that the Council shall approve.

SECTION 9. Penalties.

A. Any person or persons violating any of the provisions of Section 7 of this ordinance shall be guilty of disorderly conduct and, upon conviction thereof, shall be punished by a fine not to exceed \$300.00 or by imprisonment for not more than 100 days, or both.

B. Any person or persons violating any of the provisions of this ordinance, except Section 7, shall upon conviction thereof be punished by a fine of not to exceed \$100.00, or imprisonment of not to exceed ten days, or both.

SECTION 10. Recovery of Damages.

A. Any person or persons who, as the 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 and the amount of said loss or damage shall constitute a lien 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, 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 11. Validity

A. 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 12.

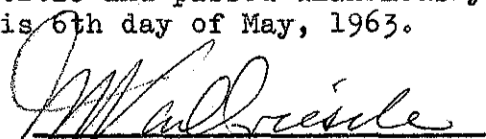
It is hereby adjudged and decreed that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Stayton, and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and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

Read by title and in full and twice by title and passed unanimously by all of the Common Council present this 6th day of May, 1963.

Attest:



City Recorder



Mayor