

ORDINANCE NO. 451

AN ORDINANCE AMENDING ORDINANCE NO. 447 OF THE CITY OF STAYTON TO PROVIDE PENALTIES CONSISTENT WITH THE PROVISIONS OF THE OREGON LIQUOR CONTROL ACT FOR VIOLATION OF THE LIQUOR ORDINANCE OF THE CITY OF STAYTON.

The City of Stayton ordains as follows:

Section 1. Section 27 of Ordinance No. 447 of the City of Stayton, entitled "An Ordinance Defining Alcoholic Liquor; Regulating Sale, Possession, Licensed Premises; Prohibiting the Sale or Possession of Alcoholic Liquors by Certain Persons; Providing Penalties and Declaring an Emergency" and enacted June 16, 1975, is hereby amended to read:

Section 27. Penalties.

Violation of any provision of this ordinance shall be punishable as a violation and upon conviction in municipal court by a fine not to exceed \$100.00.

Section 2. The Common Council of the City of Stayton finding that an emergency exists and the adoption of this ordinance is necessary for the immediate preservation of the public peace, health and safety, this ordinance shall be in full force and effect from and after its date of passage.

PASSED by the Council this 15 day of December, 1975.

APPROVED by the Mayor this 17 day of December, 1975.


MAYOR

ATTEST:


CITY RECORDER

Sec. 7. 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 Article I, unless otherwise authorized by the Superintendent. 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 two feet and maximum allowable leakage shall be 4 gallons per hour per 100 feet.

Sec. 8. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

ARTICLE V.

Use of the Public Sewers

Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

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

d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

a. Any liquid or vapor having a temperature higher than sixty five degrees celcius (65°C).

b. Any water or waste containing fats, gas, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between zero and sixty-five degrees celcius (0°C and 65°C).

c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Superintendent.

d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

f. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

h. Any waters or wastes having a pH in excess of 9.0.

i. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to, sodium chloride and sodium sulfate).

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

a. Reject the wastes,

b. Require pretreatment to an acceptable condition for discharge to the public sewers,

c. Require control over the quantities and rates of discharge and/or

d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of the city sewer rate ordinance.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, and laws.

Sec. 6. 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 amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 8. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said 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. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always BOD and suspended solids analyses are obtained for 24-hr. composites of all outfalls whereas pH's are determined from periodic grab samples.)

ARTICLE VI.

Industrial Users

Sec. 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. A total of more than thirty (30) pounds of suspended solids in any one day.

b. A total of more than thirty (30) pounds of BOD in any one day.

Sec. 2. 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.

Sec. 3. Submission of information. Plans, specifications and any other pertinent information relating to proposed pre-treatment 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.

Sec. 4. Any future industrial users shall comply with Section 204 of PL 92-500 and the rules and regulations regarding industrial cost recovery as published in the August 21, 1973 Federal Register Vol. 38 No. 161.

Sec. 5. 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.

Sec. 6. Basic and industrial waste sewer service charges. Each person discharging industrial wastes into a public sanitary sewer with a daily total in excess of two hundred (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 two hundred (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 persons' expense, if the industrial waste loading, based on either BOD or suspended solids, does not exceed two hundred (200) pounds per day. If three consecutive measurements by the city indicate that the two hundred (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.

Sec. 7. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 8. 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 Parshall 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 two per cent (2%). 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 fifty (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.

Sec. 9. Any future industrial users shall be subject to a user charge which will reflect their distribution of the cost of operations and maintenance of the waste treatment facilities serving each user, in proportion to such user's contribution to the total waste water loading of the treatment works. Factors such as strength, volume and delivery flow rate characteristics should be considered as the basis of the user's contribution to ensure a proportional distribution of operation and maintenance cost to each user. Unless otherwise determined or approved, such rate shall be as set out in the City of Stayton sewer rate ordinance, if applicable.

Sec. 10. No statement contained in this article 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.

Sec. 11. 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.

Sec. 12. 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 thirty (30) years or the useful life of the treatment works, whichever is less.

Sec. 13. The city shall retain fifty per cent (50%) 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.

Sec. 14. A minimum of eighty per cent (80%) 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)

Sec. 15. 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.

Protection from Damage

Sec. 1. 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.

ARTICLE VIII.

Powers and Authority of Inspectors

Sec. 1. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Sec. 2. While performing the necessary work on private properties referred to in Article III, Section 1 above, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VI, Section 7.

Sec. 3. The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE IX.

Penalties

Sec. 1. Any person found to be violating any provision of this ordinance except Article VII shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2. Any person or persons violating any of the provisions of Article VII. 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.

Sec. 3. Any person who shall continue any violation beyond the time limit provided for in Article IX., Section 11, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$250.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Sec. 4. 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.

ARTICLE X.

Validity

Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2. 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.

Sec. 3. Ordinance #323 entitled "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," adopted May 6th, 1963; Ordinance #325 entitled "An Ordinance to amend ordinance No. 323, Section 5, Subsection B and O" adopted September 9th, 1963; Ordinance No. 335 entitled "An ordinance providing for the amendment of Ordinance No. 323, relating to regulating the use of public and private sewers and drains, private sewage disposal, the installation and

connection of building sewers, and the discharge of wastes into the public sewer system, requiring application, permits, and fees; providing penalties for violations thereof and declaring an emergency" adopted June 1st, 1964; an Ordinance No. 363 entitled "Amending Ordinance No. 323 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: adopted on January 9, 1967, and an Ordinance No. 441 entitled "An ordinance to amend ordinance No. 325, relating to sewer pipe specifications" adopted on July 22nd, 1974, are hereby repealed.

ARTICLE XI.

Ordinance in Force

Sec. 1. 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