

ORDINANCE NO. 456

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 ordains as follows:

ARTICLE I.

Definitions

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

Sec. 1. "Approving authority" shall mean the City Engineer of the City of Stayton, or his duly authorized deputy, agent or representative.

Sec. 2. "ASTM Specifications" All reference 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.

Sec. 3. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

Sec. 4. "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 five (5) feet (1.5 meters) outside the inner face of the building wall.

Sec. 5. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Sec. 6. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Sec. 7. "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.

Sec. 8. "DEQ" shall mean the Department of Environmental Quality of the State of Oregon.

Sec. 9. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Sec. 10. "Industrial Wastes" shall mean the liquid wastes from any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, office of Management and Budget, as amended and supplemented, under Divisions A., B., D., E. and I. A user in the divisions listed may be excluded if it is determined that it will produce primarily domestic waters.

Sec. 11. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Sec. 12. "Person" shall mean any individual, firm company, association, society, corporation, or group.

Sec. 13. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sec. 14. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1.27 centimeters in any dimension.

Sec. 15. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority. It shall also include sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sanitary or

combined sewer system, even though those sewers may not have been constructed with City funds.

Sec. 16. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sec. 17. "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.

Sec. 18. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

Sec. 19. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

Sec. 20. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sec. 21. "Sewer" shall mean a pipe or conduit for carrying sewage.

Sec. 22. "Shall" is mandatory; "May" is permissive.

Sec. 23. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Sec. 24. "Storm Drain" or "Storm Sewer" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Sec. 25. "Superintendent" shall mean the City Works Superintendent of the City of Stayton or his authorized deputy, agent, or representative.

Sec. 26. "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 laboratory filtering.

Sec. 27. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II.

Use of Public Sewers Required

Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Stayton, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

Sec. 2. 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 sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3. 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 city or in any area under the jurisdiction of the city.

Sec. 4. The owner of all houses, buildings, 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 100 meters 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. The Council may, after consideration of said objections, waive present connection to the public sewer if, in the Council's judgment, there would be hardship or an undue expense or difficulty involved to either the objecting party or to the city, or if there are other factors present which would make compliance impracticable. 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.

Sec. 5. Whenever for any reason an exception has been allowed to the requirement to connect to the public sewer, the City Recorder shall make notation thereof in the proper records of the city. The Council may at any time review such exceptions, and if the Council shall decide that an exception should no longer be permitted, official notice to connect shall be sent to the owner of the property in question, and said owner shall be required to connect to the city sewer system as provided in Article II, Section 4, of this ordinance, subject to the provisions therein for objection and hearing.

ARTICLE III.

Private Sewage Disposal

Sec. 1. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Sec. 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee as provided by the County and State schedule shall be paid to the City at the time the application is filed.

Sec. 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made at such time as may be provided by the County Inspector.

Sec. 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of DEQ. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 3,000 square meters. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Sec. 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, 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.

Sec. 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

Sec. 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer or by State law or regulations.

Sec. 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt or 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 Article II, Section 4, approved pumping facilities shall be installed to pump the septic tank effluent into the available sanitary sewer system.

ARTICLE IV.

Building Sewers and Connections

Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) 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. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of Five Dollars (\$5.00) for a residential or commercial building sewer permit and Twenty-five Dollars (\$25.00) for an industrial building sewer permit shall be paid to the city at the time the application is filed. No permit shall be issued until the connection charges have been paid.

Sec. 3. All costs and expense 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 of the building sewer.

Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back-filling the trench, shall all conform to the requirements of the "standard specifications for public works" as adopted by the city.