

TITLE V: PUBLIC WORKS

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CHAPTER 50: GENERAL PROVISIONS

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city=s connection fee, which is currently \$700, if property owner is willing to convey ownership of his or her or its private system to the city, as well as an accompanying easement by which the city can come on the owners= property to repair, maintain and inspect the system.

(D) This section is in addition to the city=s other sewerage ordinances, and if a conflict exists between these ordinances, then the city=s other sewerage ordinances shall prevail.
(Ord. 125, passed 5-21-1987) Penalty, see ' 50.99

' 50.01 STEP OR STEF PRIVATE SEWER COLLECTIONS.

(A) All properties within the boundaries of the city which have been developed as habitable properties, must install on that property an appropriate sewer disposal system, which must be connected to the city=s sewer collection system, whenever the private property is within 200 feet of the city=s sewer collection system.

(B) The system installed on the private property must be an appropriate system which can efficiently and adequately dispose of sewerage from the private property to the city=s sewer collection system. This means that where a gravity-flow system will not adequately function, due to an uneven or hillside terrain, then the appropriate STEP or STEF system must be installed.

(C) Upon installation of an appropriate STEP or STEF system, and after the city has determined to its own satisfaction that the system has been appropriately and satisfactorily installed, then the city shall, upon application by the property owner, purchase the system from the property owner for the amount of the

' 50.02 CONNECTION TO PUBLICLY PROVIDED WATER SERVICES REQUIRED.

(A) *Connection required.* Commencing on the effective date hereof, all commercial and residential establishments, homes, buildings, lots or premises concurrently located within the boundaries of both the city and the Lakeside Water District which utilize water for purposes other than agriculture or irrigation shall connect to the system of and utilize water by the Lakeside Water District.

(B) *Exemptions.* Future commercial and residential establishments, buildings, lots or premises not situated within 300 feet of a then existing Lakeside Water District water line are exempted from the provisions of division (A) above.
(Ord. 169, passed 7-25-1994) Penalty, see ' 50.99

' 50.03 CAPPING OF UNCONNECTED SEWER INLETS REQUIRED.

(A) *Purpose.* The purpose of this section is to protect the city=s sewage disposal and treatment

system, including the sewage treatment plant, from excessive infiltration of extraneous water, sand, dirt and other foreign substances.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOBILE HOME. A structure transportable in one or more sections which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

RECREATIONAL VEHICLE. A vehicular type unit primarily designed as temporary living quarters for recreational camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

SEWER DRAIN INLETS. The portion of any piping or other conduit connected to city=s sewer system designed to receive, which receives or did receive sewage, drain water or other discharge from a residential structure, commercial structure, mobile home, recreational vehicle or other structure of devise for input into the city=s sewer system. This definition specifically includes all mobile home and recreational vehicle sewer hook-up sites situated within any mobile home or recreational vehicle park, resort or similar facility, or within any city, county, state or federal park or campground.

(C) *Capping of sewer inlets.*

(1) All sewer drain inlets connected to or accessing the city=s sewer system shall at all times be capped and sealed when not appropriately and legally connected to a residential structure, commercial structure, mobile home, recreational vehicle or any other structure or device. The sewer drain inlet shall be capped and sealed in such a manner as will prevent water and foreign substances from entering the sewer drain inlet.

(2) No sewer drain inlet connected to or accessing the city=s sewer system shall be uncapped or unsealed at any time when not appropriately and legally connected to a residential structure, commercial structure, mobile home, recreational vehicle or other structure or device.

(D) *City access to cap sewer drain inlet.* In addition to the other provisions of this section the city or its designates may enter upon any premises upon which a violation of this section exists for the purposes of capping and sealing any sewage drain inlet. All associated and reasonably necessary costs so incurred shall be paid to the city by the owner, occupant and/or other person in charge of the property.
(Ord. 209, passed 2-12-1998) Penalty, see ' 50.99

' 50.04 MAINTENANCE OF SEPTIC TANK EFFLUENT PUMP.

(A) The property owner will pay the regular sewer connection permit fee of \$1,250, of which \$1,000 will be refunded as soon as the STEP/STEG system has been approved by the city.

(B) The City Wastewater Department will maintain and repair all STEP/STEG systems as required by Chapter 52. This maintenance will be on a time and material basis. The cost of this maintenance will be added to the monthly sewer bill.

(C) If the cost of said maintenance is more than the owner can pay at one time, he or she may set up a monthly payment plan not to exceed 12 months from the date of the initial maintenance.
(Ord. 219, passed 8-13-1998) Penalty, see ' 50.99

' 50.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) (1) The landowner, occupant and/or person in charge of the property whereupon a violation of

' 50.03(C), occurs shall be subject to a \$100 fine for each day the violation exists.

(2) In addition to any fine imposed under division (B)(1) above, the landowner, occupant and/or person in charge of the property shall pay all costs and expenses incurred by the city resulting from such violation, including labor, damage, repairs and increased maintenance to city=s sewer system and/or treatment facility.

(Ord. 209, passed 2-12-1998)

CHAPTER 51: SOLID WASTE

Section

51.01	Short title	(1) Ensure safe, economical and comprehensive solid waste service;
51.02	Purpose, policy and scope	
51.03	Definitions	
51.04	Exclusive franchise and exceptions	(2) Ensure rates that are just, fair, reasonable and adequate to provide necessary public service and to prohibit rate preference and other discriminatory practices; and
51.05	Franchise term	
51.06	Franchise fee	
51.07	Franchise responsibility	
51.08	Supervision	
51.09	Suspension, modification or revocation of franchise	(3) Provide for technologically and economically feasible resource recovery by and through franchisee in coordinated county-wide program.
51.10	Preventing interruption of service	
51.11	Termination of service	
51.12	Subcontracts	(B) Except for the franchisee under this chapter, no person shall:
51.13	Public responsibility	
51.14	Resource recovery license	
51.15	Construction	(1) Provide service for compensation or offer to provide or advertise for the performance of such service; and
51.16	City enforcement	
51.99	Penalty	(2) Provide service for compensation to any tenant, lessee or occupant of any real property of such person. (Ord. 135, passed 3-17-1989) Penalty, see ' 51.99

' 51.01 SHORT TITLE.

This chapter shall be known as the ASolid Waste Management Ordinance@, and may be so cited and pleaded, and shall be cited herein as Athis chapter@.
(Ord. 135, passed 3-17-1989)

' 51.02 PURPOSE, POLICY AND SCOPE.

(A) It is declared to be the public policy of the city to regulate solid waste management to:

' 51.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMPENSATION. Includes:

(1) Any type of consideration paid for service including, but not limited to, rent, the proceeds from resource recovery and any direct or

indirect provision for payment of money, goods, services or benefits by tenants, lessees, occupants or similar persons;

(2) The exchange of service between persons; and

(3) The flow of consideration from the person owning or possessing the solid waste to the person providing service to the person owning or possessing the same.

COUNCIL. The City Council of the City of Lakeside, Oregon.

FRANCHISEE. The person granted the franchise by ' 51.04, or a subcontractor to such person.

PERSON. An individual, partnership, association, corporation, trust, firm, estate or other private legal entity.

RESOURCE RECOVERY. The process of obtaining useful material or energy resources from solid wastes including energy recovery, materials recovery, recycling and reuse of solid wastes.

SERVICE. Collection, transportation or disposal of or resource recovery from solid wastes.

SOLID WASTE.

(1) All putrescible and nonputrescible waste including, but not limited to, garbage, rubbish, refuse, ashes, swill; waste paper and cardboard; grass clippings; compost; residential, commercial and industrial appliances, construction wastes; discarded residential, commercial and industrial appliances, equipment and furniture; discarded, inoperable or abandoned vehicle parts and vehicle tires; manure, vegetable or animal solid or semi-solid waste, dead animals and all other wastes not excepted by this definition.

(2) **SOLID WASTE** does not include:

(a) Hazardous wastes as defined by or pursuant to O.R.S. Chapter 459 or by the city or by the franchisee, the latter for good cause;

(b) Sewer sludge and septic tank and cesspool pumping or chemical toilet waste; or

(c) Reusable beverage containers as defined in O.R.S. 459A.725.

SOLID WASTE MANAGEMENT. Management of service.

WASTE. Material that is no longer directly usable by or that is no longer wanted by the source of the material, which material is to be disposed of or be resource recovered by another person.
(Ord. 135, passed 3-17-1989)

' 51.04 EXCLUSIVE FRANCHISE AND EXCEPTIONS.

(A) The exclusive right, privilege and franchise to provide service in and for that purpose to utilize the streets and facilities of the city for the provision of sanitary solid waste service, shall be accorded to a franchise named by a resolution of the Council.

(B) Nothing in the franchise or this section or chapter shall:

(1) Prohibit any person from transporting wastes he or she produced himself or herself to an authorized disposal site or resource recovery facility providing he or she complies with ' 51.13. Solid waste produced by a tenant, licensee, occupant or similar person is produced by such person, not the landlord or property owner;

(2) Prohibit any person from contracting a state or federal agency to provide service to such agency; provided, however, such person shall apply for a franchise for that service only and shall comply

with all applicable requirements imposed on the franchisee under this chapter with the exception of rates or terms of service set by contract with such agency where they are in conflict;

(3) Prohibit any person from collecting, transporting and conveying solid waste or waste over and upon the streets of the city for the purpose of resource recovery, provided such person has obtained a license therefor under ' 51.14; or

(4) Prohibit any person from engaging in a charitable, civic or benevolent activity, however, merely operating as a non-profit entity does not qualify under this exception and for purposes of deciding upon exclusions hereunder, the decision of the City Council shall be final and binding upon all persons. (Ord. 135, passed 3-17-1989; Ord. 162B, passed 4-14-1994)

' 51.05 FRANCHISE TERM.

The term of this franchise is ten years. Unless the City Council within 90 days of January 1 of any year by resolution terminates further renewals, the term shall be renewed on January 1 of each year for a full ten years from that January 1. If the Council terminates renewals, the franchise shall be valid for the remaining term unless grounds exist for the suspension, modification or revocation of the franchise pursuant to ' 51.09. Procedure for a refusal to renew for cause as in ' 51.09 shall be the same as for action taken under that section. (Ord. 135, passed 3-17-1989)

' 51.06 FRANCHISE FEE.

(A) In consideration of said franchise, franchisee agrees to provide to the city the following services in lieu of money: removal of garbage belonging to the city at such times as shall be requested by the city, such services by the franchisee to be without charge to the city.

(B) Franchisee shall install at least three cans or street refuse containers, and the franchisee shall also regularly and at suitable periods empty the same without charge to the city.

(Ord. 135, passed 3-17-1989)

' 51.07 FRANCHISE RESPONSIBILITY.

(A) The franchisee shall:

(1) Dispose of wastes collected at a site approved by the local government unit having jurisdiction of or recover resources from the wastes, both in compliance with O.R.S. Chapter 459, and regulations promulgated thereunder;

(2) Provide and keep in force public liability insurance in the amount of not less than \$100,000, for injury to a single person, \$300,000, to a group of persons and \$25,000, property damage, all relating to a single occurrence, which shall be evidenced by a certificate of insurance filed with the City Recorder/Manager;

(3) Provide sufficient collection vehicles, containers, facilities, personnel and finances to provide all types of necessary service or subcontract with others to provide such service pursuant to ' 51.12. Where one a more large volume sources require substantial investment in new or added equipment not otherwise necessary to service the service area, the collector may require a contract with such sources providing that the source hires the collector to provide service for a period of time. This contract exception is intended to assist in financing the necessary equipment and in protecting the integrity of the remaining service should the source or sources voluntarily terminate collectors service; and

(4) Respond to any written complaint on service.

(B) The franchisee shall not:

(1) Give any preference to any person, locality or type of solid waste stored, collected,

transported, disposed of or resource recovered. This division (B) shall not prohibit uniform classes of rates based upon length of haul, type or quantity of waste handled and location of customers so long as such rates are reasonably based upon costs of the particular service and are approved by the Council in the same manner as other rates nor shall it prevent any person from volunteering service at reduced cost for a fraternal, charitable, community, civic or benevolent purpose; and

(2) Transfer this franchise or any portion thereof to other persons without the prior written approval of the City Council, which consent shall not be unreasonably withheld. The City Council shall approve the transfer if the transferee meets all applicable requirements met by the original franchisee. A pledge of this franchise as financial security shall be considered as a transfer for the purposes of this division (B)(2). A transfer, gift, sale or bequest of 50% or more of the outstanding stock of franchisee, including cumulatively all transfers subsequent to the effective date of this chapter, shall be considered as a transfer for the purposes of this subsection. The City Council may attach whatever conditions it deems appropriate to guarantee maintenance of service and compliance with this chapter.

(Ord. 135, passed 3-17-1989)

' 51.08 SUPERVISION.

Service provided under the franchise shall be under the supervision of the Mayor. The franchisee shall, at reasonable times, permit inspection of his or her facilities, equipment and personnel providing service.

(Ord. 135, passed 3-17-1989)

' 51.09 SUSPENSION, MODIFICATION OR REVOCATION OF FRANCHISE.

(A) Failure to comply with a written notice to provide necessary service or otherwise comply with the provisions of this chapter within 30 days after written notice shall be grounds for modification, revocation or suspension of the franchise.

(B) After written notice from the Council that such grounds exist, the franchise shall have 30 days from the date of mailing of the notice in which to comply or to request a public hearing before the Council. Except as provided in division (E) below, such request shall stay any action by the Council under this section until the public hearing. The franchisee shall be given notice of such hearing, in writing, at least five days before the date of said hearing.

(C) If the franchisee fails to comply within the specified time it fails to comply with the order of the Council entered upon the base of findings at the public hearing, the Council may suspend, modify or revoke the franchise, or make such action contingent upon continued noncompliance.

(D) At a public hearing, the franchisee and other interested persons shall have an opportunity to present oral, written or documentary evidence to the Council.

(E) In the event that the Council finds an immediate and serious danger to the public through creation of a health hazard, it may take action within a time specified in the notice to the franchisee and without a public hearing prior to taking such action.

(Ord. 135, passed 3-17-1989)

' 51.10 PREVENTING INTERRUPTION OF SERVICE.

The franchisee agrees as a condition to his or her franchise that whenever the City Council determines that the failure of service would result in creation of an immediate and serious health hazard or serious public nuisance, the Council may, after a minimum of 24 hours actual notice to franchisee and a public hearing if franchise requests it, authorize another person to temporarily provide the service or to use and operate the land, facilities or equipment of the franchisee through leasing at a daily rate based on the fair market value of the franchisee's land, facilities or equipment according to charges in the same or similar industry to provide emergency service. The Council shall return any seized property and business upon

abatement of the actual or threatened interruption of service.

(Ord. 135, passed 3-17-1989)

' 51.11 TERMINATION OF SERVICE.

The franchisee shall not terminate service to all or a portion of his or her customers, unless:

(A) The street or road access is blocked and there is no alternate route and provided that the city shall not be liable for any such blocking of access;

(B) Excessive weather conditions render providing service unduly hazardous to persons providing service or such termination is caused by accidents or casualties caused by an act of God or a public enemy;

(C) A customer has not paid for service provided after a regular billing and after a seven-day written notice to pay; and

(D) Ninety days= written notice is given to the Council and to affected customers and written approval is obtained from the Council.
(Ord. 135, passed 3-17-1989)

' 51.12 SUBCONTRACTS.

(A) The franchisee may subcontract with others to provide a portion of the services where franchisee does not have the necessary equipment or service. Such a subcontract shall not relieve the franchisee of total responsibility for providing and maintaining service and from compliance with this chapter.

(B) Except where emergency service is provided by a subcontractor, such subcontract shall be in writing, shall be filed with the City Recorder/Manager for any service extending more than 90 days and said subcontractor shall have no claim or right of acting whatsoever against the city.
(Ord. 135, passed 3-17-1989)

' 51.13 PUBLIC RESPONSIBILITY.

In addition to compliance with O.R.S. Chapter 459 and regulations promulgated pursuant thereto:

(A) To prevent recurring back and other injuries to collectors and other persons and to comply with safety instructions to collectors from the State Accident Insurance Fund:

(1) No garbage can shall exceed 60 pounds gross loaded weight or 32 gallons in size. Only round garbage cans shall be used. Cans should be tapered with a smaller bottom than top opening;

(2) Sunken refuse cans or containers shall not be used;

(3) To protect against injuries to users or collectors, to protect against damage and spilling during cold weather and to protect against rodent hazards, only metal garbage cans or equivalent shall be used or any other can shall be rigid, rodent and fire proof with adequate handgrips on sides and bottom; and

(4) The user shall provide safe access to the pickup point so as not to jeopardize the safety of the driver of a collection vehicle or the motoring public or to create a hazard or risk to the person providing service. Where the Mayor finds that a private bridge, culvert or other structure or road is incapable of safely carrying the weight of the collection vehicle, the collector shall not enter onto such structure or road. The user shall provide a safe alternative access point or system.

(B) To protect the privacy, safety, pets and security of customers and to prevent unnecessary physical and legal risk to the collectors, a residential customer shall place the container to be emptied outside of any locked or latched gate or in a mutually agreed upon location;

(C) No stationary compactor or other container for commercial or industrial use shall exceed the safe loading design limit or operation limit of the collection vehicles provided by the franchisee to provide subcontract provision for vehicles capable of handling

specialized loads including drop box trucks and systems;

(D) To prevent injuries to users and collectors, stationary compacting devices for handling solid wastes shall comply with applicable federal and state regulations;

(E) Any vehicles used by any person to transport wastes shall be so loaded and operated as to prevent the wastes from dropping, sifting, leaking, blowing or other escapement from the vehicle onto any public right-of-way or lands adjacent thereto;

(F) Any person who receives service shall be responsible for payment for such service. When the property owner of a single or multiple dwelling unit or mobile home or trailer space has been previously notified in writing by the franchisee of his or her contingent liability, the property owner shall be responsible for payment for service provided to the occupant of such unit if the occupant does not pay for the service; and

(G) Provided, however, this section does not create any liability or cause of action against the city or users for any injuries sustained by franchisee, its employees, agents or subcontractors for failure to comply with this section.

(Ord. 135, passed 3-17-1989)

51.14 RESOURCE RECOVERY LICENSE.

Upon compliance with the provision of this section, a person may be permitted to engage in collecting, transporting and conveying solid waste or waste over and upon the streets of the city for the purpose of resource recovery only, subject to the following.

(A) Such person shall make application to the City Council for the issuance of a license to engage in resource recovery activities. The application shall be in writing and shall contain such information and be in such form as the City Council shall require, including a particular description of the service for which a license is sought; the manner in which the applicant proposes to provide such service, the length of time it

will be provided, and such other information as shall be required by the City Council.

(B) The City Council shall review the application and determine the following:

(1) Whether the franchisee hereunder is providing the same or similar service;

(2) Whether the franchisee hereunder has been or is in the process of arranging to provide such service;

(3) If the franchisee is not at the time providing, nor in the process of arranging to provide such service, whether franchisee has any objections to the granting of such license; or

(4) Whether the applicant for such license has the financial and other means to provide such service.

(C) After the review in division (B) above, the City Council may grant or deny the license application. If the license is granted, the City Council may impose upon such approval and make said license subject to reasonable requirements, not unrelated hereto, and it shall protect the interests of the city, the franchisee, and the public. To assure continuity of the proposed service, licensee may be required to post a performance bond in a reasonable amount not exceeding \$10,000, guaranteeing that such service shall be continued for such period of time as the City Council shall determine.

(D) In the event of the granting or denial of the application by the City Council, the franchisee or applicant may, upon written notice filed with the City Recorder/Manager within 30 days of notification of such granting or denial, appeal the decision of the City Council. In like manner, either franchisee or applicant may appeal any condition or requirement imposed by the City Council in case of allowance of the application.

(E) If such license is granted, the same may be an exclusive license for providing such service within the city, if it is determined to be in the best interests of the public and the city; however, such exclusive

license shall not prohibit the city hereunder from engaging in the same or similar service.

(F) The City Council may require as a condition of said license that licensee shall pay annually, or at more frequent intervals, to the city a fee to be determined by the City Council.
(Ord. 135, passed 3-17-1989)

‘ 51.15 CONSTRUCTION.

Any findings by a court of competent jurisdiction that any portion of this chapter is unconstitutional or invalid shall not invalidate any other provision of the ordinance.
(Ord. 135, passed 3-17-1989)

‘ 51.16 CITY ENFORCEMENT.

The city shall enforce the provisions of this chapter by administrative, civil or criminal action as necessary to obtain compliance with this chapter.
(Ord. 135, passed 3-17-1989)

‘ 51.99 PENALTY.

(A) Violation of a provision of this chapter, except by a franchisee or licensee, is punishable by a fine not to exceed \$500.

(B) Violation of a provision of this chapter by a franchisee or licensee shall be as provided in this chapter.
(Ord. 135, passed 3-17-1989; Ord. 162B, passed 4-14-1994)

' **52.02 SHORT TITLE.**

This subchapter may be referred to as the ACity of Lakeside Sewer Ordinance@.
(Ord. 05-252, passed 6-9-2005)

' **52.03 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. ' ' 1251 et seq.

APPROVAL AUTHORITY. The Director in an NPDES state with an approved state pretreatment program and the Administrator of the EPA in a non NPDES state or NPDES state without an approved state pretreatment program.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.

BUILDING DRAIN. The 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 feet outside the inner face of the building wall.

BUILDING SEWER. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

CATEGORICAL STANDARDS. National Categorical Pretreatment Standards or Pretreatment Standard.

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the publicly owned treatment work=s

NPDES permit, where the publicly-owned treatment work is designed to treat such pollutants, and in fact, does treat such pollutants to the degree required by the POTW=s NPDES permit.

CONNECTION SERVICE CHARGE. A charge levied on connections of a treatment works, for the connection=s proportionate share of the cost of operation and maintenance (including replacement) of such works under ' ' 204(b)(1)(a) and 201(h)(2) of the Act, as shown in the Federal Register, page 20458, Vol. 47 No. 92, dated May 12, 1982.

COMBINED SEWER. A sewer intended to serve as a sanitary sewer and a storm sewer, or as an industrial sewer and a storm sewer.

FLOATABLE OIL. Oil, fat or grease in a physical state such that it will deplete by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE. Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL CONNECTION.

(1) Any non-governmental, nonresidential connection of a publicly owned treatment work which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the *Standard Industrial Classification Manual*, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- (a) Division A - Agriculture, Forestry and Fishing;
- (b) Division B - Mining;
- (c) Division D - Manufacturing;

(d) Division E - Transportation, Communication, Electric, Gas and Sanitary Services; or

(e) Division I - Services.

(2) In determining the amount of a permittee's discharge for purposes of industrial cost recovery, the grantee may exclude domestic wastes or discharges from sanitary conveniences.

INDUSTRIAL WASTE. The portion of the wastewater emanating from an industrial connection which is not domestic waste or waste from sanitary conveniences.

NATURAL OUTLET. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

pH. The logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a **pH** value of 7 and a hydrogen-ion concentration of 10^{-7} .

POTW. A publicly owned treatment works, and refers to a treatment works as defined in federal law, owned by the city, which includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. **POTW** also includes any sewers that convey wastewater's to the POTW from persons outside the city who are by contract or agreement with the city, connected to the city's POTW.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking and dispensing of foods 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 one-half inch in any dimension.

PUBLIC SEWER. A common sewer controlled by a governmental agency or public utility.

SHALL. Mandatory; **MAY** is permissive.

WASTEWATER SUPERVISOR. The Wastewater Supervisor of the City of Lakeside, or the Wastewater Supervisor's designate.

SANITARY SEWER. A sewer intended to carry only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants and institutions.

SERVICE CONNECTION. A sanitary sewer or collection system which has been constructed to the property line or right-of-way line from a sewer main for the sole purpose of providing a connection for the lot/building sewer.

SERVICE CONNECTION CHARGE. The fee levied to cover the cost of inspection and/or construction of the sanitary sewer from the sewer main to the property line which is to be serviced, such charges to be itemized on a miscellaneous billing form.

SEWAGE. The spent water of a community.

SEWER. A pipe or conduit that carries wastewater or drainage water.

SLUG. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more the five times the average 24-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN. Sometimes termed **STORM SEWER**, means a sewer intended to carry only storm waters, surface runoff, street wash waters and drainage.

SUPERINTENDENT. The Superintendent of the wastewater treatment works of the city or the person's authorized representative.

SUSPENDED SOLIDS. Total suspended matter that either floats on the surface of, or is in suspension

in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater*, and referred to as non-filterable residue.

SYSTEM IMPROVEMENT FEE. That fee which each customer shall pay for the right to connect to the sanitary sewer system.

UNPOLLUTED WATER. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present. **WASTEWATER** means sewage.

WASTEWATER FACILITIES. The structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with **WASTE TREATMENT PLANT** or **WASTEWATER TREATMENT PLANT** or **WATER POLLUTION CONTROL PLANT** or **SEWAGE TREATMENT PLANT**.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.

(Ord. 05-252, passed 6-9-2005)

52.04 GENERAL DISCHARGE PROHIBITIONS.

(A) No person shall discharge or cause to be discharged, or contribute or cause to be contributed,

any of the following described waters or wastes to any public sewers:

(1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; including any liquids, solids or gases by reason of their nature or quantity are or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW;

(2) Any waters or wastes containing toxic or poisonous solids, liquids or gasses 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 mg/l or CN in the wastes as discharged to the public sewer;

(3) 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;

(4) 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 (or garbage with particles greater than one-half inch in any dimension), whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders;

(5) Noxious or malodorous liquids, gases or solids that either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair; or

(6) Substances that will cause the POTW to violate its NPDES and or state disposal system permit or receiving water quality standards.

(B) 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, having an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming the person's 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, and other pertinent factors; the substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F (65°C);

(2) Any water or waste containing fats, gas, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150°F (0 and 65°C);

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;

(4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not;

(5) 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;

(6) 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 of such discharge to the receiving waters;

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the applicable state or federal regulations;

(8) Any waters or wastes having a pH in excess of 9.5;

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

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

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works; or

(d) Unusual volume of flow or concentration of wastes constituting slugs as defined in ' 52.03.

(10) 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.

(Ord. 05-252, passed 6-9-2005) Penalty, see ' 52.99

' 52.05 SPECIFIC POLLUTANT LIMITATIONS.

No person shall discharge wastewater containing in excess of:

- (A) 0.03 mg/l arsenic;
- (B) 0.01 mg/l cadmium;
- (C) 0.03 mg/l copper;
- (D) 0.2 mg/l cyanide;
- (E) 0.05 mg/l lead;
- (F) 0.03 mg/l mercury;
- (G) 0.3 mg/l nickel;
- (H) 0.03 mg/l silver;
- (I) 1.00 mg/l total chromium;
- (J) 0.03 mg/l zinc;
- (K) 100.0 mg/l oil and grease; or

(L) 1.0 mg/l phenolic compounds that cannot be removed by the city's wastewater treatment processes. (Ord. 05-252, passed 6-9-2005) Penalty, see ' 52.99

' 52.06 DILUTION.

No nonresidential connection shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the standards contained in this subchapter. (Ord. 05-252, passed 6-9-2005) Penalty, see ' 52.99

' 52.07 ACCIDENTAL DISCHARGE.

(A) Each person shall provide protection from accidental discharge of prohibited materials or other substances regulated by this subchapter.

(1) Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained in the owners/persons own cost.

(2) Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city prior to the construction of the facility. All persons who commences contributions to the POTW after the effective date of this subchapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city.

(B) *Telephone notice.* Any nonresidential connection becoming aware of a discharge in violation of this subchapter into the city sewerage system shall report such discharge immediately by telephone to the Wastewater Supervisor.

(1) Prompt notification of such discharges will allow the city to take necessary precautions to minimize hazards and to prevent damage to the receiving waters, thereby avoiding or minimizing discharge violations and fines from state and federal regulatory agencies.

(2) The notification shall include the location of the discharge, type, concentration and volume of pollutant and corrective actions proposed and/or taken.

(C) *Written notice.* Within five days following such a discharge, the nonresidential connection shall submit to the Wastewater Supervisor a detailed written report describing the cause and location of the discharge, the type, concentration and volume of pollutant discharged, and any hazards which may be posed to life or property and the measures taken or to be taken to prevent similar future occurrences.

(D) *Notice to employees.* Each nonresidential connection subject to pretreatment standards shall permanently post a notice on its bulletin board or other prominent place advising employees whom to call in the event of a discharge in violation of this subchapter. Employers shall ensure that all employees who may cause or suffer such a discharge to occur or who are likely to detect such discharge are advised of the emergency notification procedure. (Ord. 05-252, passed 6-9-2005) Penalty, see ' 52.99

' 52.08 FEES.

(A) It is the purpose of this section to recover the city=s costs of operating the sewer through a system of equitable charges or fees for certain services to be paid by the persons connected to the city sewerage system. The applicable charges or fees shall be set forth in a schedule of fees adopted by the City Council.

(B) All tax-exempt organizations shall be required to pay a fee that is equal to 200% of the standard connection and sewer rate fees.

(C) All sewer connections and monthly sewer charges for outside of the city limits shall be required to pay a fee that is equal to 200% of the standard connection and sewer rate fees.
(Ord. 05-252, passed 6-9-2005)

' 52.09 SPECIFIC FEES.

The City Council may adopt fees to reduce the city=s cost of providing the following services:

(A) Setting up and operating the pretreatment program;

(B) Sampling, monitoring, inspection and surveillance procedures;

(C) Reviewing accidental discharge procedures and construction;

(D) Reviewing and acting upon permit applications; and

(E) Other services as the Wastewater Supervisor may deem necessary to carry out the requirements contained herein.
(Ord. 05-252, passed 6-9-2005)

' 52.10 IMPOSITION OF CHARGES; PURPOSE.

Charges for connections to the public sewer system and subsequent sewer services shall be levied

and imposed by the city for the purpose of funding operations, maintenance and improvements thereto.
(Ord. 05-252, passed 6-9-2005)

' 52.11 CHANGES TO FEES, RATES AND CHARGES.

All fees, rates and charges stated within this subchapter may be changed at any time in the future by resolution of the City Council.
(Ord. 05-252, passed 6-9-2005)

' 52.12 CHARGES; REVIEW BY CITY.

The connection service charges shall be reviewed and revised at least biennially to reflect actual costs of operation and maintenance, replacement and financing of the treatment works, and to maintain the equatability of connection service charges with respect to proportional distribution of the costs of operation and maintenance according to each connection=s contribution to the total wastewater loading of the treatment works.
(Ord. 05-252, passed 6-9-2005)

' 52.13 CHARGES; DETERMINATION GENERALLY.

A connection service charge shall be levied on all connections served by public sewer, and the charge shall be determined as set out in this subchapter.
(Ord. 05-252, passed 6-9-2005)

' 52.14 MINIMUM BASE RATE.

A minimum base rate shall be charged monthly for each residential dwelling unit (connection) and each commercial business (connection), as provided in this subchapter.
(Ord. 05-252, passed 6-9-2005)

' 52.15 CONNECTION CLASSIFICATIONS.

Connection classifications shall be comprised of, but not limited to the following:

(A) *Residential.*

- (1) Single-family (per dwelling unit);
- (2) Multiple-family (per dwelling unit);
- (3) Mobile home park (per dwelling space);
- (4) Travel trailer park (per dwelling space).

and

(B) *Commercial I.*

- (1) Barbershops and beauty shops (each);
- (2) Car dealers (each);
- (3) Churches (each, without garbage disposal);
- (4) Department stores (each);
- (5) Drive-in restaurants (each, without garbage disposal);
- (6) Fraternal clubs (each, without food service);
- (7) Grocery stores (each, without meat cutting);
- (8) Hardware stores (each);
- (9) Hotels and motels (each);
- (10) Laundromats (each);
- (11) Light industrial (each, flow less than 25,000 gpd, BOD less than 400 mg/l, SS less than 450 mg/l);

(12) Medical, dental and veterinary clinics (each);

(13) Pharmacies (each);

(14) Print shops (each);

(15) Professional offices (each business);

(16) Schools (each, without food preparation);

(17) Service stations (each);

(18) Taverns (each); and

(19) Warehouses (each).

(C) *Commercial II.*

- (1) Churches (each, with garbage disposal);
- (2) Drive-in restaurants (each, with garbage disposal);
- (3) Full-service restaurants and fraternal clubs (each, with food service, no garbage disposal, with grease trap); and
- (4) Institutions (each, hospitals, schools, nursing homes).

(D) *Commercial III.*

- (1) Bakeries (each);
- (2) Full-service restaurants and fraternal clubs (each, with food service, no garbage disposal, without grease trap);
- (3) Grocery stores (each, with meat cutting and/or bakery); and
- (4) Meat markets (each).

(E) *Commercial IV.* Septic haulers (each).

(F) *Industrial*. Any facility that discharges effluent to the sanitary sewer for any 24-hour period which equals or exceeds any one of the following criteria:

- (1) Flow greater than 25,000 gpd;
- (2) BOD greater than 1,500 mg/l;
- (3) SS greater than 1,500 mg/l;
- (4) pH greater than 9.0; or
- (5) pH less than 6.0.

(Ord. 05-252, passed 6-9-2005)

‘ **52.16 BILLING; ADDRESS.**

Bills for connection service charges shall be mailed to the address specified in the application for permit to make the connection, unless or until a different owner or connection of the property is reported to the city. Notwithstanding the billing address, the responsibility for payment of any unpaid balance shall be the responsibility of the property owner and may be placed as a lien against the premises as authorized by this subchapter.

(Ord. 05-252, passed 6-9-2005)

‘ **52.17 APPLICATION FOR SERVICE**

Applications for sewer service shall contain the signature of the owner of the property, or authorized representative of the owner. The application may also contain the name of other persons, who may also be liable. Nothing herein shall interfere with the rights of landlords/tenants or owners/sellers to allocate responsibility among each other for sewer charges.

(Ord. 05-252, passed 6-9-2005)

‘ **52.18 RESTORATION OF SERVICE CHARGE.**

(A) The city shall charge a customer for restoration of sewer service when service has been discontinued under the provisions of city ordinances.

(B) For the restoration of service, the customer shall pay a fee of \$75 for each hour of staff time necessary to restore the service.

(C) This charge shall not apply to newly installed service connections unless the applicant may have outstanding charges in another account.

(Ord. 05-252, passed 6-9-2005)

‘ **52.19 COMPUTATION AND COLLECTION OF CHARGES.**

All collections for connection service charges shall be made by the appropriate city department. Connection service charges shall be computed and payable as provided in this subchapter.

(Ord. 05-252, passed 6-9-2005)

‘ **52.20 REVENUES; USE.**

The City Manager/Recorder is directed to deposit in the Sewer Fund all the gross revenues received from charges, rates and penalties collected for the use of the sewer system as herein provided. The revenues thus deposited in the Sewer Fund shall be used exclusively for the operation, maintenance, improvements of the sewer system, and payments of the principal and interest on any bonded indebtedness of the city sewer system.

(Ord. 05-252, passed 6-9-2005)

‘ **52.21 BILLING; PAYMENT RESPONSIBILITY.**

The property owner of record shall be responsible for payment of all charges prescribed in this subchapter.

(Ord. 05-252, passed 6-9-2005)

‘ **52.22 TIME AND PAYMENT DATE; BILLING.**

(A) Sewer service charges shall reflect a base charge. Sewer service shall be billed at a monthly rate.

(B) Each connection on a customer=s premises shall be billed separately, and two or more connections shall not be combined unless the city=s operating convenience requires.

(Ord. 05-252, passed 6-9-2005)

' 52.23 ADJUSTMENT OF ACCOUNTS.

Customer accounts shall be adjusted for accounts receiving less than one month of service on a pro rata basis according to connection type.

(Ord. 05-252, passed 6-9-2005)

' 52.24 DELINQUENT ACCOUNTS.

(A) Utility bills for sewer service shall be due and payable on the twenty-fifth day of the month following the month in which they were mailed.

(B) Utility bills shall be delinquent if not paid by the due date and a late fee set by Council resolution shall be added to the account on the next working day following the due date.

(C) Delinquent utility accounts may be discontinued after providing the owner and occupants with written notice.

(1) Written notice shall be sent to the occupant and person responsible for the account (if they are different) stating that sewer service shall be discontinued unless the delinquent account balance is paid by 5:00 p.m. on the fifth day of the month or a later specified date and time. The notice shall be mailed a minimum of ten days prior to the date the sewer is to be turned off. Sewer services shall not be discontinued after 2:00 p.m. in the afternoon, nor shall sewer services be turned off on Fridays, weekends or the day before a regular holiday.

(2) In addition to the information given in division (C)(1) above, the notice shall also indicate that responsibility for payment of any unpaid balance shall be the responsibility of the property owner and may be placed as a lien against the premises as authorized by ' 52.25.

(D) If the full payment of the delinquent amount is not made by the date designated on the notice, the sewer may be immediately discontinued. At the time sewer service is discontinued, a notice shall be posted on the premises indicating the sewer service has been discontinued, and it may be restored by payment of the delinquent amount and a restoration fee as stipulated by ' 52.18.

(E) Prior to the restoration of service by the city, the delinquent bill and restoration fee shall be paid, unless a deferred payment schedule is approved by the City Recorder/Manager or their designees.

(F) Delinquent utility accounts totaling less than \$25 shall not be turned off unless circumstances indicate the service has been abandoned.

(Ord. 05-252, passed 6-9-2005; Ord. 13-274, passed 7-11-2013)

' 52.25 SEWER CHARGE LIENS.

Sewer service charges shall be a lien against the premises served from and after the date of billing and entry on the ledger or other records of the city pertaining to the sewer system, and such ledger or other records shall remain accessible for inspection by anyone interested to ascertain the amount of such charges against the property. Whenever a bill for sewer service remains unpaid 90 days after it has been rendered, the lien thereby created may be foreclosed in a manner provided for in O.R.S. 223.610, or in any other manner provided for by law or by city ordinance.

(Ord. 05-252, passed 6-9-2005)

' 52.26 APPEAL PROCEDURES.

A sewer connection who feels their fee or charge is unjust or inequitable, as applied to their premises, within the intent of the foregoing provisions, may make a written appeal to the City Council requesting a review of the fee or charge. Review of the request shall be made by the appropriate city staff, who shall determine if it is substantiated or not, including recommended action to the Council if necessary. If the

City Council substantiates the request, the fee or charge for that connection shall be re-computed based on the approved, revised flow. The Council shall have the final responsibility for determining equatability of charges where special circumstances are found, and for the adjusting of such charges in a consistent and equitable manner.

(Ord. 05-252, passed 6-9-2005)

' 52.27 APPLICATION AND PERMIT TO DISCHARGE.

(A) No person shall without a city permit discharge to any natural outlet within the city, or any area under the jurisdiction of the city, and/or to the POTW any wastewater except as authorized by the PW Director in accordance with the provisions of this subchapter.

(B) Each nonresidential connection discharging, proposing to discharge or having the potential to discharge significant contributions of wastewater containing restricted substances into the city sewerage system shall secure a wastewater discharge permit from the city if the nonresidential permittee:

(1) Is subject to national categorical pretreatment standards as promulgated by the EPA under ' 307(b) or (c) of the Clean Water Act (C.W.A.), being 33 U.S.C. ' 1317(b) or (c);

(2) Has in its waste toxic pollutants as defined pursuant to ' 307 of the Clean Water Act, being 33 U.S.C. ' 1317 and ' 502 of the Clean Water Act, being 33 U.S.C. ' 1362;

(3) Has a non-domestic flow of 25,000 gallons or more per average work day;

(4) Contributes more than 5% of the average dry weather hydraulic, organic or solids handling load to the city's wastewater treatment plant; or

(5) Is determined by the state or city to have a significant impact or potential for significant impact to adversely affect the city sewerage system by either upset, inhibition, pass through of pollutants,

sludge contamination or other means.

(Ord. 05-252, passed 6-9-2005) Penalty, see ' 52.99

' 52.28 PRETREATMENT PERMIT APPLICATION.

(A) Existing nonresidential permittees shall apply for a wastewater discharge permit within 180 days after becoming subject to the pretreatment requirements of this subchapter.

(B) New nonresidential permittees subject to said requirements shall apply at least 90 days prior to connecting to or discharging to the city sewerage system.

(C) Any nonresidential connection with a valid permit and proposing to make a change in its existing discharge, which will substantially change the volume of flow or the characteristics of the discharge or establish a new point of discharge, shall apply for an amended permit at least 60 days before making such change.

(D) Applications shall be made to the Wastewater Supervisor in writing on forms provided by the city and may include the following information:

(1) Name, address, telephone number and authorized representative of the applicant and service address;

(2) SIC number;

(3) A list of environmental control permits held by or for the applicant;

(4) A list of wastewater pollutants and their characteristic actually or potentially discharged at the applicable plant site including measured or estimated daily average and daily maximum concentrations of these pollutants;

(5) A description of spill prevention measures or plans which are currently in place in the plant;

(6) Water use and wastewater flow rates, including maximum daily, average daily, average monthly and seasonal variations, if any;

(7) A schematic diagram of applicant=s industrial processes including a listing of estimated average water flow through each process and indicating point(s) of discharge to city sewerage system. Also, a detailed site, floor or plumbing plan showing the size and location of all sewers, sewer connections and appurtenances; and

(8) A description of activities, facilities and plant processes on the premises including a description of types and quantities of products produced, manufacturing methods used, types and quantities of principal and minor materials used, and a work and production schedule for the plant. The Wastewater Supervisor will evaluate the data furnished by the nonresidential connection and may require additional information or sampling of wastewater characteristics. If the proposed discharge meets the requirements of this subchapter, the city will issue a wastewater discharge permit, subject to appropriate terms and conditions. (Ord. 05-252, passed 6-9-2005)

' 52.29 MODIFICATION OF PERMIT.

Discharge conditions included in a wastewater discharge permit shall remain in effect for that permit until it expires, except that they may be revised from time to time as the Wastewater Supervisor deems necessary to effectively manage industrial waste discharge. The nonresidential connection shall be informed of any proposed change in its permit at least 30 days prior to the effective date of change, except in the event of an emergency.

(Ord. 05-252, passed 6-9-2005)

' 52.30 PERMIT CONDITIONS.

(A) Wastewater discharge permits shall be expressly subject to all provisions of this subchapter.

(B) Permits may contain the following conditions:

(1) Payment of applicable fees and charges;

(2) Limits on the average and maximum discharge of restricted substances;

(3) Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;

(4) Requirements for installation and maintenance of pretreatment, inspection or monitoring and sampling facilities;

(5) Specifications for monitoring and sampling programs which may include monitoring and sampling locations, frequency of monitoring and sampling, number, types and standards for tests and reporting schedules;

(6) Compliance schedules;

(7) Requirements for submission of technical reports or discharge reports;

(8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Wastewater Supervisor, and affording the Wastewater Supervisor access thereto;

(9) Requirements for notification of the city of any new introduction of restricted substances or any substantial change in the volume or character of the wastewater or restricted substances being discharged into the city sewerage system;

(10) Requirements for notification of sludge discharges; and

(11) Other conditions as deemed appropriate by the Wastewater Supervisor to achieve compliance with this subchapter.

(Ord. 05-252, passed 6-9-2005)

' 52.31 DURATION.

Permits shall be issued for a specified time period, not to exceed five years. The nonresidential

connection shall apply for permit reissuance a minimum of 180 days prior to the expiration of this existing permit if it desires to continue the uninterrupted discharge of restricted substances.

(Ord. 05-252, passed 6-9-2005)

' 52.32 PERMIT TRANSFER.

A wastewater discharge permit will be issued to a specific nonresidential connection for a specific operation. A wastewater discharge permit shall not be assigned, transferred or sold without the approval of the Wastewater Supervisor. Any succeeding nonresidential connection shall agree to comply with the terms and conditions of the existing permit as a condition precedent to the approval by the Wastewater Supervisor of a transfer sale or assignment of the permit.

(Ord. 05-252, passed 6-9-2005)

' 52.33 REPORTING REQUIREMENTS.

(A) Permit holders will be required to submit information, certifications, compliance schedules and samples of discharge or perform tests and report such test results to the Wastewater Supervisor as follows:

(1) When required by the terms and provisions of 40 C.F.R. ' 403.12, as amended through the effective date of this subchapter;

(2) When requested by state or local public agencies; or

(3) When deemed necessary by the Wastewater Supervisor for the proper treatment, analysis or control of discharges.

(B) All such tests and reports shall be at the cost of the permit holder.

(C) The city shall have the right to implement and enforce the requirements of 40 C.F.R. ' 403.12 by order of the Wastewater Supervisor.

(D) When deemed necessary by the Wastewater Supervisor, a permit holder may be required to obtain,

install, operate and maintain an automatic sampler, analyzer or flow measuring device to monitor its discharges in the manner directed by the city.

(E) All sampling and analysis shall be done in a manner and by a laboratory previously approved by the Wastewater Supervisor.

(F) The Wastewater Supervisor shall require all analysis related to National Categorical Pretreatment Standards to be performed in accordance with the procedures established by the EPA pursuant to ' 304(g) of the Act and contained in 40 C.F.R. part 136 or other applicable analytical procedures approved by the EPA.

(G) To the degree practicable, the Wastewater Supervisor will provide each permit holder or applicant with information on applicable local, state and federal wastewater analysis and reporting requirements; provided, however, that any failure to do so shall not excuse the permit holder from compliance with said requirements.

(Ord. 05-252, passed 6-9-2005)

' 52.34 MONITORING FACILITIES.

When required by the Wastewater Supervisor, the permit holder shall install and maintain at its expense a suitable control manhole to facilitate observation, sampling and measurement of wastewater being discharged into the city sewerage system. Such manhole shall be located, if feasible, where it is accessible from a public road or street. It shall be constructed in accordance with plans and at a location approved by the Wastewater Supervisor and shall be arranged so that flow measuring and sampling equipment and a shutoff gate or a screen may be conveniently installed by the city.

(Ord. 05-252, passed 6-9-2005)

' 52.35 INSPECTION AND SAMPLING.

The city shall have the right to inspect the facilities of any nonresidential connection subject to pretreatment standards as necessary to determine compliance with pretreatment standards. These

inspections shall take place whether or not the provisions of this subchapter are being complied with. The owner, operator or agent in charge of premises where wastewater is created or discharged shall allow authorized representatives of the city, state and EPA, upon presentation of their credentials, access at all reasonable times to all parts of the premises for the purpose of the performance of any of their duties, including, but not limited to: inspection, observation, sampling and/or records copying and examination. The city, state and EPA shall have the right to set up on the nonresidential permittee's property such devices as may be necessary or proper to conduct sampling, observation, inspection, compliance monitoring and/or metering operations. The nonresidential connection shall make arrangements with its employees so that, upon presentation of their credentials, representatives from the city, state or EPA will be permitted to enter, without delay, for the purpose of performing their responsibilities.

(Ord. 05-252, passed 6-9-2005)

' 52.36 PRETREATMENT.

(A) As a condition of the granting of a wastewater discharge permit, the permit holder may be required to install pretreatment facilities or make plant or process modifications as deemed necessary by the Wastewater Supervisor to meet the requirements of this subchapter.

(B) Whenever such facilities or modifications are required, they shall be constructed, installed, operated and maintained at the expense of the permit holder and in a manner and within the time prescribed by the Wastewater Supervisor. The permit holder shall maintain records indicating routine maintenance check dates, cleaning and waste removal dates and means of disposal of accumulated wastes. Such records shall be retained for a minimum of three years and shall be subject to review in accordance with this subchapter. Approval of proposed facilities or modifications by the City Recorder/Manager will not in any way guarantee that these facilities or modifications will function in the required manner or attain the required results, nor shall it relieve a permit holder of the responsibility of enlarging or otherwise modifying or replacing such facilities to accomplish the intended purpose pose and

' 52.39 HARMFUL CONTRIBUTIONS.

to meet the applicable standards, limitations and conditions of a wastewater discharge permit.
(Ord. 05-252, passed 6-9-2005)

' 52.37 CONFIDENTIAL INFORMATION.

(A) Information and data obtained by the city from reports, questionnaires, permit applications, permits and monitoring programs shall be available to the public and other governmental agencies without restriction unless the permit holder requests in writing that it be confidential and demonstrates to the satisfaction of the Wastewater Supervisor that such records are exempt from disclosure under O.R.S. 192.501 and 192.502. Notwithstanding anything herein to the contrary, all such data shall be available at least to the extent necessary that the Wastewater Supervisor can ensure compliance with the requirements of state and federal agencies as required during judicial or enforcement proceedings involving the nonresidential permittee.

(B) When confidentiality is requested and the right thereto is established by the permit holder, the confidential information shall not be made available for inspection by the public but may be made available upon written request to governmental agencies for uses related to this subchapter, the NPDES permit or pretreatment programs; however, all portions of a report shall be available for use by the city or state in judicial or enforcement proceedings involving the person furnishing the report.

(Ord. 05-252, passed 6-9-2005)

' 52.38 PUBLIC NUISANCE.

Any discharge in violation of this subchapter, the conditions of the wastewater discharge permit, or any other violation of this subchapter, is hereby declared to be a public nuisance. Such nuisance may be abated or enjoined and damages assessed therefor in accordance with other provisions in the city code or in any other manner provided by law.

(Ord. 05-252, passed 6-9-2005)

(A) The city may suspend the wastewater

treatment service and/or a wastewater contribution permit when suspension is necessary to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES permit.

(B) Any person notified of a suspension of the wastewater treatment service or the wastewater contribution permit shall immediately stop or eliminate the contribution. If a person fails to comply voluntarily with the suspension order, the city may take steps necessary, including immediate severance of the sewer connection to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the permittee describing the causes of the harmful contribution and the measures taken to prevent any future occurrences shall be submitted to the city within 15 days of the date of occurrence.

(Ord. 05-252, passed 6-9-2005)

' 52.40 CEASE AND DESIST ORDER.

(A) In the event of any actual or threatened discharge into the city sewerage system in violation of this subchapter or the conditions of a wastewater discharge permit, which discharge presents an imminent or existing danger to the health or welfare of persons, property or the environment or which has caused or will cause damage to or interference with the operation of the city sewerage system, the Wastewater Supervisor may issue an order to cease and desist and direct that those nonresidential permittees responsible for such violation:

(1) Comply forthwith;

(2) Comply in accordance with the time schedule set forth by the City Recorder/Manager; or

(3) Take appropriate remedial or preventive action.

(B) If the nonresidential connection in noncompliance fails to comply with the order, the city shall take such steps as are deemed necessary or proper including immediate severance of the sewer connection. The city shall reinstate the wastewater treatment service upon proof of the elimination of the actual or threatened violation. The filing of an appeal pursuant to this subchapter shall not stay enforcement of the Wastewater Supervisor.

(Ord. 05-252, passed 6-9-2005)

' 52.41 REVOKING A PERMIT AND TERMINATING SERVICE.

(A) Any nonresidential connection who violates any of the provisions of this subchapter or the conditions of its wastewater discharge permit, which violation presents an imminent danger to health, property or the environment, or which violation has caused or will cause damage to or interference with the operation of the city sewerage system, may have its wastewater discharge permit revoked and sewer connection severed by order of the Wastewater Supervisor.

(B) The order shall be signed by the Wastewater Supervisor, and shall specify the nature and source of the violations. The order shall be delivered or sent by regular mail to the address of the nonresidential connection as shown on the permit. The order may specify the corrective actions to be taken and shall allow reasonable time for satisfactory correction. If the permit holder does not correct the violation within the time specified, or such additional time as may be allowed in writing by the Wastewater Supervisor, then the wastewater discharge permit shall be revoked and the sewer connection severed as provided in the order. Correction of the violation shall not include assessment of monetary penalties.

(C) The filing of an appeal pursuant to ' 52.43 shall stay enforcement of the action by the Wastewater Supervisor under this division (C)

pending final administrative action on the appeal. This provision supplements and does not restrict other provisions of this code, laws or regulations authorizing termination of service for delinquency in payments of fees or charges.

(Ord. 05-252, passed 6-9-2005)

' 52.42 NOTIFICATION OF VIOLATIONS.

The city will send any person who has violated or is violating this subchapter or their permit, a written notice stating the nature of the violation. Within 30 days of the date of the notice, the person shall submit to the city a plan for the satisfactory correction of the violation.

(Ord. 05-252, passed 6-9-2005)

' 52.43 APPEALS TO THE CITY COUNCIL.

Any person aggrieved by the final determination of the Wastewater Supervisor may appeal such determination to the City Council within ten days of notification by the Wastewater Supervisor of the final determination. Written notification of such appeal shall be filed with the city and Wastewater Supervisor within ten days after receipt of the final determination of the Wastewater Supervisor. The notice of appeal shall be on a form provided by the Wastewater Supervisor and shall set forth in reasonable detail the decision or action being appealed and the facts and arguments supporting the appellant=s request for reversal or modification of the City Recorder/Manager=s determination. The City Council shall conduct a hearing on the appeal and shall render a decision thereon within 20 days of its filing. Prior to the hearing, the Wastewater Supervisor shall provide the City Council with his or her findings and recommendations regarding the appeal. Within ten days after the hearing, the Wastewater Supervisor shall notify the appellant of the Council=s decision. Any legal review of this decision shall be by writ of review in the County Circuit Court.

(Ord. 05-252, passed 6-9-2005)

' 52.44 DAMAGE.

Any person who violates this subchapter or a condition of a wastewater discharge permit, as a result of which the city performs or causes to be performed preventive or corrective work or which results in damage to the city sewerage system, shall be liable to the city for such damage and the cost of such corrective work and/or additional treatment and for any penalties, including the withholding of any grant money, levied against the city for violation of state or federal permits resulting from said violation. The city may collect such charges in the manner provided in the city code for the collection of sewer connection charges, or in any other manner provided by law.

(Ord. 05-252, passed 6-9-2005)

' 52.45 REMEDIES.

The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the city.

(Ord. 05-252, passed 6-9-2005)

' 52.46 EFFECTIVE DATE.

To promote the public health and safety, and to insure that there is an immediate compliance with an order of the court, an emergency is declared, and the subchapter shall become effective immediately.

(Ord. 05-252, passed 6-9-2005)

' 52.47 EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS.

Neither the adoption of this subchapter, nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city, shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any bill, license, fee or penalty at the effective date due and unpaid under such ordinance,

nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such bill, license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 05-252, passed 6-9-2005)

REGULATING STEP SYSTEMS FOR PUBLIC SEWERS

52.60 DESIGN OF SEPTIC TANK EFFLUENT PUMP OR GRAVITY (STEP/STEG) SEWER PROJECTS INVOLVING COMMON SEWERS.

(A) *Applicability.* These criteria apply to STEP (septic tank effluent pump) units discharging to pressurized common sewers and to STEP or STEG (septic tank effluent gravity-draining) units discharging to small-diameter common collector sewers.

(1) Pressurized and small-diameter collectors have interactive hydraulic effects and solids handling limitations, which warrant a comprehensive engineering design.

(2) Approval of these designs, unlike gravity-sewers, has been delegated under O.A.R. 340-052-0025.

(3) These criteria do not apply to the following:

(a) Individual or single-dwelling septic tank or grinder pump units discharging directly to a conventional common gravity sewer. Their design, review, inspection and approval are subject to regulations of the State Building Codes Agency;

(b) Tanks discharging to a drain field or other on-site disposal system. They are subject to

design, review, inspection and approval as established in our on-site sewage disposal rules (O.A.R. Chapter 340, Division 71 and Chapter 340, Division 73; or

(c) Vacuum sewer collection systems. Technical features should conform with recommendations in the literature. Administrative requirements for vacuum sewers are similar to those listed below for STEP systems.

(B) *Types of STEP systems.* In a typical STEP system, household sewage is pretreated in a septic tank where gross solids and grease are held back. A clear effluent from the mid-depth of the tank is conveyed to a common sewer. The effluent is pumped from the septic tank under pressure to a small diameter, pressurized collector sewer. Effluent may also flow by gravity, where terrain allows, to small-diameter gravity collector lines. This type of STEP system is often called a STEG (septic tank effluent gravity) or STED (septic tank effluent drain) system to distinguish it from pumped systems; however, these guidelines and criteria apply to both.

(C) *Scope.* A STEP/STEG system is considered to include all of its components beginning with the septic tanks, and ending at the point(s) of discharge into a conventional gravity sewer or treatment plant. Building drains discharging into tanks are regulated under the State Plumbing Code, and are not considered part of a STEP system.

(D) *Administrative requirements.*

(1) All additions and extensions to existing STEP (or STEG) systems, as well as new systems, are subject to review and approval per O.A.R. 340-052-0005 through 340-052-0050. Submittals should document fulfillment of administrative requirements by the city.

(2) The **OWNER** is defined as the municipality, sanitary district, private sewage utility or sanitary authority which is responsible for the operation of the system. The property being served is defined as the **USER**.

(3) Legal title to tanks, pumps or other components transfer to the owner. The objective of

vesting title in the owner instead of the user is to avoid potential for cost disputes over equipment selection and repair methods. Having the user own title to any of the system components may be considered on a case-by-case basis.

(4) Regardless of where title is vested, the owner shall completely control all tanks, pumps, service lines and other components of the system on private property. This requirement is essential to assure operable hydraulics and overall system reliability.

(5) The administrative requirements are:

(a) The city shall maintain ultimate responsibility and authority for design, equipment and materials selection, installation, operation and maintenance of the entire STEP/STEG system including tanks, controls and other appurtenances on private property;

(b) The city shall possess a recorded general easement or deed restriction to enter the private property being served, and to access the system and its components. Access must be guaranteed to operate, maintain, repair, restore service and remove sludge;

(c) No system shall be operated without the direct field supervision of a certified operator, in accordance with O.A.R. 340-049. An operations and maintenance manual shall be submitted for review prior to startup. In accordance with O.A.R. 340-052, no STEP/STEG system shall be operated without an approved manual;

(d) The city shall maintain and operate STEP/STEG facilities without any interruption, sewage spills on the ground, sewage backup into buildings, or other unhealthy conditions. The city shall establish operating procedures and maintain certified staff to assure:

1. Timely response to outages and trouble calls;
2. Adequate spare parts on hand including spare pumps, piping, electrical controls and

valves. Equipment should be standardized to reduce spares. Inventory shall include, at a minimum: one spare of each type of pumping unit per 15 customers served; one spare control panel per 30 customers; one spare set of level controls per 30 customers; and one spare effluent screen per 100 customers;

3. Annual inspection of each tank and sludge removal every five years, or as experience dictates.

(e) Essential provisions include:

1. Exclusion of infiltration and inflow, including a ban on connection of non-sewage wastewater;

2. Prohibition of and penalties for modifications, repairs or tampering by the user;

3. Control of materials and workmanship and construction standards;

4. Regulations and procedures for connection to a STEP/STEG system of new users, including signing of easements as a condition of service;

5. Regulations for adding new STEP/STEG systems and extending existing systems to serve new areas, including submittal of plans as outlined below; and

6. Record-keeping for all installed STEP/STEG tanks shall be kept by address.

(E) *Design submittals (technical data)*. Plans and specifications shall be submitted for prior approval in accordance with O.A.R. 340-052. Submittals shall include:

(1) Engineer=s design calculations covering hydraulics and the sizing of STEP/STEG tanks, pumps and lines. System design shall conform with recommendations published in Manual of Practice FD-12, Alternative Sewer System. Water Pollution=s Control Federation, 1986, and with applicable Oregon Administrative Rules;

(2) Technical standards and specifications for STEP systems to be installed, including acceptance testing;

(3) Copy of current ordinance allowing use of STEP/STEG systems with the cities service area;

(4) Copy of access easement form to be signed by user;

(5) Engineer=s evaluation of hydrogen sulfide productions from the STEP mainlines and design of control measures to protect gravity sewer system against corrosion;

(6) List of spares and repair materials to be supplied to the city to assure reliable operation of the system;

(7) Copy of the current approved constructions, design and equipment standards that have been adopted by the city;

(8) For each new system or extension, a land use compatibility statement in accordance with O.A.R. 340-018;

(9) A copy of the proposal form or similar itemized list of quantities involved in the project; and

(10) The name and address of the owner, developer and engineer shall be shown on the plans. Easements shall also be shown. Blanket easements may be indicated by note.

(F) *Tanks and inlet piping.*

(1) Single tanks serving multiple lots under separate ownership will not be allowed. Each residence or site must have a separate tank. The rare exception will be considered case-by-case.

(2) Systems serving facilities such as RV parks, mobile home parks, apartments and unit developments are under the control of a single customer or responsible association. At the discretion of the engineer, such systems may be designed with shared tanks, subject to requirements of the State Plumbing Code.

(3) Tanks shall be sized according to flow per criteria published in O.A.R. 340-071-0116. Minimum tank capacity shall be 1,000 gallons.

(4) Construction details and configuration of tanks shall generally conform with O.A.R. 340-073-0050. All tanks shall feature inlet and outlet risers with lockable covers. Covers shall be designed for H-20 loading in traffic areas. Inlet riser shall be a minimum eight-inch diameter. Outlet risers shall be sized to accommodate and access the equipment installed, with 24-inch diameter as a minimum. Intermediate eight-inch risers will be required on large tanks over 3,000 gallons.

(5) Tanks shall be designed for all anticipated structural loads, including soil backfill. Where vehicle access is allowed, the tank shall be protected with an appropriate structural slab. All designs shall be stamped per O.A.R. 340-052.

(6) To assure retention of solids and grease in the tank, all tanks shall feature a plastic effluent screen. Screens shall conform with the standard published in O.A.R. 340-073-0056. No unscreened discharges will be allowed.

(7) Flotation of tanks in areas of high groundwater shall be anticipated in system design. Structural design features and operational procedures shall be employed to prevent flotation. Equalization of buoyancy through hydrostatic pressure-relief valves installed in a STEP tank will not be allowed. Normally a tank should be filled immediately after installation and, on passing the leakage test, should not be pumped down more than three feet there after.

(8) Existing septic tanks should be removed or abandoned in place. Existing tanks with fully meet the requirements, including leakage test, may be considered for use in the STEP/STEG system; however, to retrofit the effluent screen, flow controls, access risers and other specified features is usually impractical.

(9) Existing water-tight tanks in good condition may be allowed, on a case-by-case basis, to

remain in service and under the customer's private control as pretreatment units discharging to a new tank meeting the approved specifications.

(10) Existing building drains must be replaced and inspected per code. Alternatively, a cleanout shall be installed adjacent to the building and the drain shall be tested in accordance with the State Plumbing Code. Only water-tight drains in good condition may be connected to a STEP/STEG tank.

(11) Pipe connections to tanks shall be made with an approved commercial waterstop manufactured for the intended purpose. Field improvised waterstops or adapters will not be approved.

(12) All sewage from the building including kitchen, laundry and bath wastes shall be intercepted and conveyed to the STEP/STEG tank.

(13) Prior to startup, tanks shall be smoke-tested to confirm that all connected plumbing is properly vented through external house stacks, in accordance with State Building Code Agency regulations.

(G) *Pumps and outlet piping.*

(1) To maintain the efficiency of the specified screen, each individual pump discharge and gravity outlet shall be limited to ten gpm maximum flow rate by means of a flow-control orifice, regardless of influent flowrate or downstream head conditions. Flows exceeding ten gpm tend to blind the screen over time, requiring them to be cleaned. Flows shall generally be controlled between five and ten gpm.

(2) Effluent pumps shall be submersible turbine pumps and shall generally comply with the provisions of O.A.R. 340-073-0055, sized as appropriate for head/capacity conditions for the design. Installed pumps shall be capable of passing a 24-hour wet test in constant operations against shutoff head. Conventional centrifugal sewage pumps are usually less satisfactory for STEP system service because of their flat characteristic curve, but may be

considered case-by-case for extremely low-head installations. Grinder pumps are unacceptable for discharge to STEP systems because of solids and grease.

(3) Pressurized service lines from a STEP tank to the common collector sewer shall be minimum one-inch diameter. A shutoff valve (gate, plug or ball) shall be installed in a tamper-proof valve vault at property line. Unless otherwise approved, a swing check valve shall be installed in the same vault, and an additional swing check valve shall be installed at the tank outlet. Valves shall be full-port type and constructed of non-corrodible materials such as plastic and stainless steel.

(4) Gravity-flow service lines from STEG tanks to small diameter gravity sewers shall be minimum two-inch diameter. All service lines shall have a minimum capacity of ten gpm flowing half full, based on Manning's $n = 0.013$. Each service line shall be vented at the upper end. Venting shall be continuous through the tank and building stack.

(H) *Pumps and controls.*

(1) Power is normally furnished by the user. Pump control panels should be energized through a dedicated breaker in the building served.

(2) Control panels shall be NEMA-4X with a locked door. Panels shall be exterior mounted and should be visible to city service personnel from public right-of-way. Electrical conduits shall be sealed gas-tight at the tank and the panel.

(3) Installations shall contain a high-water alarm switch, activating a user-cancelable buzzer and an alarm light. Access to the light reset button shall be restricted to the cities service personnel. Alarms shall be separately fused so that trip of pump breaker shall not disable alarm.

(4) Pump control panels shall be equipped with elapsed time meters, and may also be equipped with event counters at the option of the city. Operational controls shall be HAND/OFF/AUTO. Dual pumping units shall have operator-cancelable automatic alternators and event counters.

(I) *Common pressure sewers.*

(1) Common pressure sewer shall be minimum two-inch diameter PVC or polyethylene pressure pipe, installed with toning wire or detachable tracer tape.

(2) Pipe sizing and layout shall generally conform with recommended practices in WFCP Manual of Practice FD-12, Alternative Sewer Systems, Table 2.1 and Chapter 3.

(3) Isolation valves, flushing connections, vacuum release valves, air release valves and pig launching stations are optional. Such appurtenances shall be at the discretion of the engineer and the city, subject to O.A.R. 340-052-0025 approval.

(J) *Common small-diameter gravity sewers.*

(1) Sewers shall be minimum four-inch diameter, installed with tracer tape or toning wire.

(2) Sewers shall be designed to flow half full, based on one gpm per dwelling and Manning's $n = 0.013$. Minimal velocities are acceptable; however, low-velocity and flooded sections may require sulfide controls.

(3) Subject to a four-inch minimum diameter, inverted siphons shall be designed to flow at a velocity of 0.5 feet per second or greater, based on a Hazen-Williams coefficient of 100.

(4) Cleanouts shall be sealed with a screwed cap or plug secured under a tamperproof (bolt-down) cover. Cleanout spacing shall be approximately 300 feet. Conventional open-channel manholes will not be allowed except where desired to site a flume for flow measurement.

(K) *Sulfide control.*

(1) Because of corrosion, odor and safety concerns, STEP discharges into unarmored gravity sewers shall not exceed 0.1 mg/l hydrogen sulfide content.

(2) Common pressure sewers:

(a) STEP system designs shall include effective controls to prevent the development of hydrogen sulfide in flooded service lines, pressure sewers, and flooded sections of small-diameter gravity sewers.

(b) Pressure sewers shall be oxygenated by means of air injections into the head (low point) of each common sewer line. End-of-pipe chemical oxidation systems are relatively expensive and will not usually be approved.

(c) Air injection rate shall be two scfm per inch diameter. Air supply shall be a receiver-mounted compressor rated at the static head on the system at the point of injection. Static head shall be computed as the sum of all ascending segments in the line being aerated.

(d) No automatic air release valves shall be installed. Manual air release valves and automatic vacuum valves may be installed where warranted in the judgement of the engineer.

(e) Air injectors shall be one-inch copper tubing and saddle-mounted corporation stop. Adjacent to the corporation stop, injector piping shall contain a suitable check valve, needle valve, airflow meter with pressure gauge, and an isolation valve and pressure reducer at the receiver, along with necessary unions and drip legs for condensate. All fittings shall be suitable for air service at the rated pressure of the compressor.

(f) Compressor and injector assembly shall be secured in a locked vault. Compressors and vaults should be muffled, silenced and soundproofed. Compressors may be installed below grade in noise-sensitive areas. Receivers shall be fitted with automatic drain valves for condensate purge.

(g) Spare or standby compressors will not be required for STEP systems

(h) An approved commercial air-stripper vented through an activated carbon filter may

be installed as a polishing process. This process may be installed prior to discharge into any gravity sewer where odor and safety may be a concern, at the engineer=s or cities discretion.

(I) New sulfide control methods will be considered and evaluated on their merits.

(3) Unflooded sections of common small-diameter gravity sewers: development of hydrogen sulfide in small-diameter sewers is minimal, assuming sufficient fall or grade to provide surface turbulence, continuous venting through connected house stacks, and the absence of flooded sections. In such systems, sulfide controls maybe limited to pumped STEP services connected to the sewer.

(a) Pressurized STEP services connected to small-diameter gravity sewers shall be back-drained between pump cycles to purge the entire service. A vacuum release valve shall be installed at the high point of the service and a back drainage solenoid valve shall be installed on a tree at the pump in place of the check valve. Valve shall be one-inch, full port; explosion-proof, wired to close when the pump is on. Vacuum release valve shall be installed in a tamper-proof vault readily accessible to cities service personnel.

(b) To assure against sulfide formation in slow-moving lines, small-diameter sewers should be sized to flow no more than half-full at average daily flow and to provide at least 0.5 fps velocity when flowing half-full. Minimum grades should be based on Manning=s $n = 0.013$:

1. Two-inch at 0.16%;
2. Three-inch at 0.08%;
3. Four-inch at 0.05%;
4. Six-inch at 0.03%; and

5. Eight-inch at 0.02%.

(c) Adverse grades and inverted siphons will create flooded sections, and shall be aerated as described above.

(d) Alternatively, the downstream conventional sewer and manholes shall be armored with approved acid-proof coatings for a sufficient distance to dissipate the hydrogen sulfide. The engineer, depending on sewer turbulence and anticipated initial sulfide strength shall determine the required distance case-by-case. Normally a requirement to armor approximately 2,000 feet should be anticipated.

(L) *Construction.*

(1) Construction should comply with applicable provisions of the 1990 Oregon APWA Standard Specifications for sanitary sewer construction. All mechanical and electrical equipment should be subjected to performance testing prior to acceptance by the city. Contractor=s and supplier=s warranties must be obtained.

(2) Septic tanks shall be tested hydrostatically after installation and after all pipe penetrations have been completed. Tanks shall be filled to a marked point four inches above the base of the risers. Leakage shall not exceed 50 gallons per day. Existing building drains and vent stacks being reconnected shall be tested as described above.

(3) All piping shall be pressure tested. Because of shallow burial and the strength of pressure-rated piping, there is often little potential for pipe deflection, and testing for deflection is optional. The engineer and city should determine whether installed piping should be tested for deflection case-by-case, and should specify the design of mandrel to be used.

(M) *Certification.* The engineer (or his or her authorized agent per O.A.R. 340-052-0040) shall inspect the construction and, on completion, shall certify proper construction in accordance with the approved plans per O.A.R. 340-052-0025, including any change orders subsequently approved.
(Ord. 08-260, passed 5-8-2008)

52.61 ADMINISTRATIVE SEARCH WARRANTS.

(A) *Authorizing circuit court judge.* The circuit court judge is hereby authorized to issue administrative search warrants upon application by the City Attorney, Building Official, Code Enforcement Officer or Fire Chief, or their duly authorized representatives, acting in the course of their official duties, whenever an inspection or investigation of any place is required or authorized by any municipal ordinance or regulation. The warrant is an order authorizing the inspection or investigation at a designated location.

(B) Grounds for issuance.

(1) A search warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant hereunder, the ordinance or regulation requiring or authorizing the inspection or investigation, the location to be inspected or investigated, and the purpose for which the inspection or investigation is to be made, including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without a warrant.

(2) Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to the location or there is

probable cause to believe that a condition of nonconformity with a health, public protection or safety ordinance, regulation, rule, standard or order exists with respect to the particular location, or an investigation is reasonably believed to be necessary in order to determine or verify the condition of the location. It shall be conclusively deemed to exist if a step system has not been inspected in the last five years.

(C) Procedure for issuing search warrant.

(1) Before issuing any search warrant, the circuit court judge shall examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.

(2) If the circuit court judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the warrant are satisfied, she or he may issue the warrant, particularly describing the name and title of the person or persons authorized to execute the warrant, the place to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the circuit court judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

(D) Execution of search warrant.

(1) Except as provided in division (D)(2) below, in executing a search warrant the person authorized to execute the warrant shall, before entry, make a reasonable effort to present credentials,

authority and purpose to an occupant or person in possession of the location designated in the warrant and show her or him the warrant or a copy thereof upon request.

(2) In executing a search warrant, the person authorized to execute the warrant need not inform anyone of his or her authority and purpose, as prescribed in division (D)(1) above, but may promptly enter the designated location if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition, but shall orally announce their credentials and authority to execute the warrant prior to entry.

(3) A peace officer may be requested to assist in the execution of the warrant.

(4) A warrant must be executed and returned to the circuit court judge by whom it was issued within ten days from its date, unless such circuit court judge before the expiration of such time, by endorsement thereon, extends the time for five days. After the expiration of the time prescribed by this division (D), the warrant unless executed is void.
(Ord. 08-260, passed 5-8-2008)

' 52.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) (1) *Civil penalties.* Any person who violates any provision of ' ' 52.01 through 52.46 or any provision of a wastewater discharge permit shall be liable civilly to the city in a sum not to exceed \$500 for each day in which such violation occurs.

(2) *Criminal penalties.* Any person who knowingly commits the following offenses shall upon

conviction be punished by a fine of not more than \$500 or by imprisonment for not more than 100 days, or by both:

(a) Violation of ' ' 52.01 through 52.46 or any provision of a wastewater discharge permit; or

(b) Making any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to ' ' 52.01 through 52.46 or a wastewater discharge permit, or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required under ' ' 52.01 through 52.46 or a wastewater discharge permit.

(C) (1) *Civil penalties.* Any user who violates an order of the circuit court or who willfully or negligently failed to comply with any provision of ' 52.60, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than \$50 or more than \$500 for each offense. Each day on which a violation occurs or continues shall be a separate offense.

(2) *Falsifying information.* A person who knowingly makes a false statement, representation or certification in an application, record, report, plan or other document filed or required to be maintained pursuant to ' 52.60 or wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate a monitoring device or method required under ' 52.60, shall, upon conviction, be punished by a fine of not more than \$500.

(Ord. 05-252, passed 6-9-2005)