

## ORDINANCE NO. 97-1213

AN ORDINANCE REGULATING SEWAGE DISPOSAL; THE INSTALLATION AND CONNECTION OF BUILDING SEWERS; THE DISCHARGE OF WATERS AND WASTE INTO THE PUBLIC SEWER SYSTEM; SETTING FEES AND CONNECTION CHARGES; PROVIDING FOR THE INSPECTION AND ACCEPTANCE OF BUILDING SEWERS; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; AND REPEALING GENERAL ORDINANCE NO. 888. THIS ORDINANCE WORKS IN CONJUNCTION WITH GENERAL ORDINANCE 96-1205.

THE COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

**ARTICLE I****Definitions**

Section 1. As used in this ordinance, unless the context requires otherwise:

- 1) **Applicant.** The person making application for a permit for a sewer connection.
- B) **BOD (Biochemical Oxygen Demand).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration of milligrams per liter (mg/l).
- C) **Building.** Any structure used for human habitation, commercial activity, recreational activity, or any other purpose, containing sanitary facilities.
- D) **City.** The City of The Dalles or the City Council of The Dalles or its authorized representative.
- E) **Cleanout.** A sealed aperture permitting access to a sewer pipe for cleaning purposes.
- F) **Commercial establishment.** Any structure used other than as a dwelling unit, or for manufacturing purposes.
- G) **Connection charge.** An amount of money charged for connecting to the City sanitary sewer system.

- H) **Director.** The duly appointed Director of the Public Works Department of the City or his/her authorized designee.
- I) **Domestic wastewater.** Wastewater discharged from residences and from commercial, institutional, and similar facilities.
- J) **Dwelling unit.** Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the most recent edition of the Uniform Building Code, for not more than one family, or a congregate residence for 10 or less persons.
- K) **Fixture units.** Fixture unit load values for drainage piping as provided for in the most recent edition of the State Plumbing Code and in most recent edition of the administrative rules adopted by the State Building Codes Administrator.
- L) **Improved parking lot.** Any lot used for the purpose of parking vehicles that is hard-surfaced and/or paved to the extent that water drains off into catch basins or onto a public right-of-way.
- M) **Industrial user.** A discharger into the POTW of nondomestic wastewater.
- N) **Industrial wastewater.** Wastewater in which industrial wastes predominate.
- O) **Medical Waste.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- P) **Natural outlet.** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- Q) **Non-contact cooling water.** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- R) **Non-domestic wastewater.** Industrial wastewater.
- S) **Person.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, or local governmental entities.

T) **Publicly Owned Treatment Works (POTW).** A "treatment works," as defined by Section 212 of the Clean Water Act (33 USC 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

U) **Septic Tank Waste.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

V) **Sewer.** The pipes that collect and transport the wastewater away from its sources of generation.

1) **Sanitary Sewer.** A sewer used to collect wastewater from residential, commercial, industrial, and institutional sources.

2) **Storm Sewer.** A sewer used to collect storm water from streets, roofs, and other sources. Sanitary wastewater is excluded totally.

3) **Combined Sewer.** A sewer receiving wastewater from residential, commercial, institutional, and industrial sources, as well as storm water.

4) **Public Sewer.** A sewer that is owned and controlled by the City.

5) **Sewage Works.** All facilities for collecting, pumping, treating, and disposing of sewage.

W) **Slug.** Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in this ordinance or any discharge of a nonroutine, episodic nature, including but not limited to, an accidental spill or a noncustomary batch discharge.

X) **Solid waste.** All putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, refuse, ashes, waste paper and cardboard; sewage sludge, septic tank and cesspool pumpings or other sludge; commercial, industrial, demolition and construction wastes; discarded or abandoned vehicles or parts thereof; discarded home and industrial appliances; manure, vegetable or animal solid and semisolid wastes, dead animals, infectious waste as defined in ORS 459.386 and other wastes; but the term does not include:

1) Hazardous wastes as defined in ORS 466.005.

2) Materials used for fertilizer or for other productive purposes or which are salvageable as such materials are used on land in agricultural operations and the growing or harvesting of crops and the raising of animals.

Y) **Suspended Solids.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Z) **Wastewater.** Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

AA) **Watercourse.** A channel in which a flow of water occurs, either continuously or intermittently.

## ARTICLE II

### Adoption of State Laws and Administrative Rules

Section 1. Pipes of all sizes, for all purposes, laid from the main to the building must be of size and material approved by the most recent edition of the State of Oregon Plumbing Specialty Code. Service pipes shall be so connected and maintained as to provide the ability to locate from within the building to the main in accordance with the specifications of the Director.

## ARTICLE III

### Use of Public Sewers Required

Section 1. No person shall discharge to any natural outlet within the City of The Dalles, or in any area under the jurisdiction of said city, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance. For such discharge to occur, all relevant discharge regulations must be met and approval must be granted in writing by the Director.

Section 2. Except as hereinafter provided, no person shall construct or maintain any septic tank, cesspool, or other facility intended or used for the treatment and/or disposal of sewage.

## ARTICLE IV

### Private Sewage Disposal

Section 1. Where a public sanitary or combined sewer is not available, the sewer shall be connected to a private sewage disposal system complying with the provisions of this ordinance.

Section 2. Before commencement of construction of a private wastewater disposal system, the applicant shall first obtain a written permit signed by the Director. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Director. The permit and inspection fee may be adopted by Council by resolution.

Section 3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Director. The Director shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the Director when the work is ready for final inspection and before any underground portions are covered. Failure to notify the Director to allow for timely inspection shall result in the facilities being exposed at the applicant's expense.

Section 4. The type, capacities, location, and layout of a private wastewater disposal system shall comply with the provisions of the most recent edition of the State Plumbing Code. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Section 5. (A) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public wastewater system, is required at the owner's expense to install suitable facilities, and to connect such facilities directly with the public wastewater system in accordance with the provisions of this ordinance, within 90 days after date of notice to do so, provided that the public wastewater system is within 300 feet of the property line or when a health hazard has been declared by the Director.

(B) The Director shall have the right to waive this requirement in the event an applicant submits proof that the premises are being served by a properly functioning private septic system, as determined by the Wasco County Public Health Department. Pumping of wastewater is not a valid reason for not making a connection. The applicant shall execute a written agreement agreeing to connect to the public wastewater system in the event the private system fails. When the private wastewater system is to be replaced, the applicant shall pay for the costs of abandonment and filling in the system with suitable material, and all costs associated with connection to the public wastewater system. [As amended by Ordinance No. 07-1279, adopted by the City Council February 12, 2007.]

Section 6. The applicant shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

## **ARTICLE V**

### **Sewer Connections**

Section 1. No person shall connect to the public sewer system without first completing an application for sewer connection. The permit application shall include payment of all necessary inspection and connection fees and system development charges, established by City Council resolution, and shall also include any plans, specifications, or other information required by the Director. Each permit shall be valid for a period of 60 days from the date of issuance, after which it must be renewed. If no work is done during the initial 60 day period, or during the duration of any renewal period, the City shall refund to the applicant the amount of any inspection, connection or system development charges paid to the City at the time of issuance of the permit, less any costs incurred by the City in issuing the permit. Approval of plans and specifications, when required by the Director, shall be valid for a period not to exceed one year. The cost of the review and approval process, as set by City Council resolution, shall be borne by the applicant.

Section 2. All costs and expenses incident to the installation and connection of a new sewer to the public sewer shall be borne by the applicant. However, from the effective date of this ordinance, all sewers installed in public right-of-way, streets, alleys, etc., shall be installed by City crews or a licensed, bonded and insured contractor approved by the Director from the public sewer to the property line. All new construction costs of excavation, installation, materials, backfill, street repair, and overhead and such other costs that may occur shall be charged on a time and material basis to the applicant, as determined by the Director.

Section 3. (A) Each property owner shall install a separate service from the sewer main to the property or other location designated by the City.

(B) Where wastewater is now serviced through one service to more than one residence or business, the Public Works Department shall notify the owner of the necessity to separate the service at the owner's expense. Failure to comply with this section shall result in turn off of water service.

(C) The Director may determine that separate services are not required for integrated systems serving multiple residences, businesses, or planned unit developments.

Section 4. Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the Director, to meet all requirements of this ordinance. When an existing structure is demolished or removed from the property and a new building is constructed, the applicant shall follow the procedures of this ordinance and must pay the same applicable connection and inspection fees. Provided, however, that where a single-family dwelling is demolished or removed and is replaced by a new one, only the inspection fee is required to be paid. If the replacement structure has more than one dwelling unit, the connection fee prescribed by this ordinance must be paid for each unit other than the first.

Section 5. The size, slope, alignment, materials of construction of a sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, backfilling the trench and the connection to the public sewer shall all conform to the requirements of the most recent edition of the State of Oregon Plumbing Code, and the most recent edition of the Administrative Rules of the State Building Codes Agency, and other applicable rules, regulations and resolutions of the City.

Section 6. Whenever possible, the sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any drain is too low to permit gravity flow to the public sewer, domestic wastewater carried by such drain shall be lifted by means approved by the Director and discharged to the sewer. Private domestic sewer lift stations shall be installed and maintained by the property owner.

Section 7. No person shall make a connection from roof down-spouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a sewer which, in turn, is connected directly or indirectly to a public sanitary sewer or combined sewer.

Section 8. The applicant for a sewer permit shall notify the Director when the sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director.

Section 9. Applicants who are required by the City to lay sewer pipe larger than that required for their own purposes to provide service for other users will be reimbursed by the City for the difference in cost between the size of line installed and that which would be required for their own use.

## ARTICLE VI

### **Prohibited Discharges**

Section 1. Storm water and all other unpolluted drainage should be discharged to storm sewers or to a natural outlet as approved by the Director. Industrial users, including but not limited to producers of non-contact cooling water, medical waste, septic tank waste, and process water, shall comply with the provisions of the City's pretreatment ordinance, General Ordinance No. 96-1205.

Section 2. No person shall discharge or cause to be discharged any solid waste, or any non-domestic waste, into the public sanitary sewer system, except in accordance with the provisions of the City's pretreatment ordinance, General Ordinance No. 96-1205, and with the prior written consent of the Director.

Section 3. No person shall cause or permit material other than storm water, unpolluted drainage water or uncontaminated cooling water to be discharged to the storm sewer. This shall include concrete washings and commercial wash water (i.e. from businesses such as carpet cleaners, painting contractors and those falling under DEQ regulations for vehicle washing).

Section 4. No person shall discharge, or cause to be discharged, surface water from a parking lot of 25 cars or more or from fueling facilities, automotive service or repair facilities, automotive sales facilities, or similar uses, without first passing the discharge through an oil/water separator capable for holding the peak discharge for 30 minutes. All separators shall be of a type and capacity approved by the Director and shall be located as to be easily accessible for cleaning and inspection.

## ARTICLE VII

### **Protection from Damage to System Infrastructure**

Section 1. No person shall intentionally break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sanitary sewer system. Any person violating this provision shall be subject to prosecution for violation of this ordinance or for the criminal offense of criminal mischief. Any person causing damage to the sewer system infrastructure, whether intentionally or accidentally, shall immediately notify the Director of such damage.

## ARTICLE VIII

### **Powers and Authority of Inspectors**

Section 1. The Director shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance and General Ordinance 96-1205.

Section 2. While performing the necessary work on private properties referred to in Article VIII, Section 1, the Director shall observe all safety rules applicable to the premises established by the owner.

Section 3. The Director shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement sampling, repair, and maintenance. Such work shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## ARTICLE IX

### **Sewer Service and Connection Charges**

Section 1. Sewer service charges shall be paid by each customer who requests sewer service. Non-residential customers receiving water service from the Chenoweth PUD, who apply for sewer service from the City, shall be required as part of the application for sewer service, to execute a consent form authorizing the Chenoweth PUD to provide information to the City concerning the amount of water consumed by the customer, which the City needs to calculate charges for sewer service. Charges may be computed based upon a unit system or water consumption, as established by City Council by resolution. In the event of invalidity or lapse of any fee schedule or fee resolution, fees shall be computed according to the charges contained in the prior ordinance or resolution establishing fees. [Amended by 10-1302, passed and adopted February 8, 2010.]

- A. Industrial wastewater dischargers. Discharge of industrial wastewater is to be paid for at the basic rate plus strength surcharges for Biochemical Oxygen Demand and Total Suspended Solids, as set by resolution. Industrial dischargers shall also be subject to pretreatment program fees, as set by resolution.
- B. Method of payment. All charges for sewer service requested by a customer shall be billed and payable on a monthly basis, in the same manner that is provided for bills for water service charges in General Ordinance No. 91-1133. The provisions for delinquent fees in General Ordinance No. 91-1133 shall also apply to delinquent sewer accounts.
1. Delinquent charges - Method of collection. Any charge due under this ordinance which is not paid when due, may be recovered in an action at law by the City, or pursuant to the provisions of ORS 454.225, as the same now exists. For customers who are provided both sewer and water service, the City may terminate water service if a delinquent sewer account is not paid in full. In the event water service is terminated for failure to pay sewer service charges, water service will not be turned on again until all outstanding charges, including deposits, have been paid in full.
- C. Errors in Billing. An error resulting in an account being underbilled or overbilled, such as application of incorrect rate schedule or other procedural problems, will be adjusted back to when the error first occurred or for a period of 24 months, whichever is the lesser. Amounts will be calculated as accurately as possible with estimates used when accurate data is not available.
- 1) Filing a Claim. A customer having a claim against the City for an overpayment due to an error, as set forth in subsection C, shall present the claim, with supporting evidence, to the City Finance Department. The maximum period for which a refund may be made shall be the twenty-four (24) month period as set forth in subsection C.

Section 2. Systems Development Charge. Each applicant for sewer connection shall pay a systems development charge in accordance with the provisions of General Ordinance No. 06-1266. [as amended by Ordinance No. 06-1270, adopted July 24, 2006.]

**ARTICLE X****Penalties**

Section 1. Any person violating any of the terms of this ordinance shall, upon conviction thereof in the Municipal Court, or upon plea of guilty or no contest before the Court, be subject to a fine not to exceed \$1,250.00, and a 30 day jail sentence, or a combination of the two, plus court costs and assessments, plus any costs to reimburse the City for damage or expense incurred by the City.

**ARTICLE XI****Severability**

Section 1. The sections and subsections of this ordinance are hereby declared severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

**ARTICLE XII****Repeal**

Section 1. General Ordinance No. 888 is hereby repealed.

Passed by the City Council and approved by the Mayor October 27, 1997.