

ORDINANCE NO. 394

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE DISCHARGE OF WATERS AND WASTES INTO PUBLIC SEWERS; ESTABLISHING AND IMPOSING SEWER SERVICE CHARGES UPON WATER USERS; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1

Definition of Terms

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

Section 1-1: "A S T M SPECIFICATIONS". All references to the term "A S T M Specifications" shall mean the standard specifications or methods of the American Society for Testing Materials of the serial designation indicated and unless otherwise stated shall refer to the latest adopted revision of said specification or method.

Section 1-2: "B. O. D." (Denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in five (5) days at 20° centigrade expressed in parts per million by weight.

Section 1-3: "BUILDING DRAIN" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from the 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.

Section 1-4: "BUILDING SEWER" shall mean the extension from the building drain to the public sewer or other places of disposal.

Section 1-5: "CITY ENGINEER" shall mean the City Engineer duly appointed by the City Council for the City of Canby or his authorized deputy, agent, or representative.

Section 1-6: "COMMERCIAL USER" shall mean a business establishment other than an industrial plant and shall include multi-family dwelling units.

Section 1-7: "GARBAGE" shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Section 1-8: "INDUSTRIAL WASTES" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

Section 1-9: "INDUSTRIAL USER" shall mean any business establishment engaged in the making, manufacturing or processing of any goods, products, wares or merchandise.

Section 1-10: "NATURAL OUTLET" shall mean any outlet into a water course, pond, ditch, lake or other body of surface or ground water.

Section 1-11: "PERSON" shall mean any individual, firm, company, association, society, corporation or group.

Section 1-12: "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 1-13: "PUBLIC SEWER" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

Section 1-14: "PROPERLY SHREDED GARBAGE" shall mean the wastes from the preparation, cooking and dispensing of food that has 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.

Section 1-15: "RESIDENTIAL USER" shall mean a person or persons occupying a dwelling house as a single family.

Section 1-16: "SANITARY SEWER" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

Section 1-17: "SEWAGE" shall mean a combination of the water-carried wastes from residences, business dwellings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

Section 1-18: "STORM SEWER" or "STORM DRAIN" shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.

Section 1-19: "SEWAGE TREATMENT PLANT" shall mean any arrangement of devices and structures used for treating sewage.

Section 1-20: "SEWAGE WORKS" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Section 1-21: "SHALL" is Mandatory. "MAY" is permissive.

Section 1-22: "SEWER" shall mean a pipe or conduit for carrying sewage.

Section 1-23: "SUSPENDED SOLIDS" shall mean solids that either float on the surface of, or, in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

Section 1-24: "WATER COURSE" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 2

Use of Public Sewers Required

Section 2-1: It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the City of Canby, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

Section 2-2: It shall be unlawful to discharge into any natural outlet within the City of Canby or in any area under the jurisdiction of said city, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been

provided in accordance with subsequent provisions of this ordinance.

Section 2-3: Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

* Section 2-4: The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City of Canby and abutting on any street, alley or right of way in which there is now located or may, in the future, be located, a public, sanitary sewer, is hereby required at his own expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line. ** Amended by Ord. # 407 See ord. #407*

Section 3

Private Sewage Disposal

Section 3-1: Where a public sanitary or combined sewer is not available under the provisions of Section 2-4 above, the building sewer shall be connected to a private sewage disposal system, complying with the provisions of this section.

Section 3-2: Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit, signed by the City Engineer. The application for such permit shall be made on forms furnished by the City of Canby which the applicant shall supplement by any plans, specifications and other information as is deemed necessary by the City Engineer. Unless a building permit fee is charged to the applicant, a permit and inspection fee of \$5.00 shall be paid to the City Recorder at the time the application is filed.

Section 3-3: A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City Engineer. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City Engineer when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made forthwith upon receipt of notice that the work is ready for final inspection.

Section 3-4: The type, capacities, location and lay-out of a private sewage disposal system shall comply with the requirements of the Oregon State Board of Health and rules and regulations promulgated by the Oregon State Sanitary Authority.

Section 3-5: At such time as a public sewer becomes available to property served by a private sewage disposal system as provided in Section 2-4, a direct connection shall be made to the public sewer in compliance with this ordinance and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material, unless the City Engineer shall otherwise permit.

Section 3-6: The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times and at no expense to the City of Canby.

Section 3-7: The provisions of this section shall be in addition to, and not in derogation of, the requirements of general law.

Section 4

Building Sewers and Connections

Section 4-1: No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the City Engineer.

Section 4-2: There shall be three classes of building sewer permits: (1) for residential use (2) for commercial use and (3) for industrial use. In any case the owner or agent shall make application on a special form furnished by the City of Canby. Upon the filing of an application by the owner there shall be paid the sum of \$50.00 for a residential building sewer permit; the sum of \$50.00 for a commercial sewer permit and the sum of \$50.00 for an industrial sewer permit. The foregoing sums are to be paid to the City Recorder at the times the application is filed and the same to be in full payment for the right of the applicant to hook to the Public sewer.

Section 4-3: All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city for any loss or damage that may directly or indirectly be occasioned by the installation.

Section 4-4: Old building sewers may be used in connection with new buildings only when they are found on examination and tests by the City Engineer to meet all requirements of this ordinance.

Section 4-5: A building sewer shall be cast-iron soil pipe, rubber ring-type concrete pipe, cement-asbestos building sewer pipe, or any State approved sewer pipe. Joints shall be tight and waterproof.

Section 4-6: The size and slope of the building sewer shall be subject to the approval of the City Engineer but in no event shall the diameter be less than 4 inches. The slope of such four inch pipe shall be not less than one-eighth inch per foot.

Section 4-7: Building sewers serving buildings with basements shall, whenever possible, be brought to the building at an elevation below the basement floor. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

Section 4-8: In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

Section 4-9: All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City Engineer. Pipe laying and back-fill shall be performed in accordance with regulations of the Oregon State Sanitary Authority and the Oregon State Plumbing Code.

Section 4-10: All joints and connections shall be made gas tight and water tight. Cast-iron pipe joints shall be firmly packed with oakum or hemp and filled with molten lead and caulked

tight.

Section 4-11: The connection of the building sewer into the public sewer shall be made at the "T" branch if such branch is available at the suitable location. If no properly located "T" branch is available the city shall, at its expense, install a "T" branch in the public sewer at the location specified by the City Engineer. The invert of the building sewer at the point of connection shall be at the same or a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made and the connection made secure and water tight.

Section 4-12: The applicant for the building sewer permit shall notify the City Engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City Engineer or his representative.

Section 4-13: All excavations for building sewer installations shall be adequately guarded with a barricade and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

Section 5

Use of The Public Sewers

Section 5-1: No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof water run-off, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer.

Section 5-2: Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural out-let approved by the City Engineer. Industrial cooling water or unpolluted process water may be discharged, upon approval by the City Engineer, to a storm sewer or natural out-let.

Section 5-3: Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer.

- (a) Any liquid or vapor having a temperature higher than 150° Fahrenheit.
- (b) Any water or waste which may contain more than 100 parts per million by weight of fat, oil or grease.
- (c) Any gasoline, benzine, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas.
- (d) Any garbage that has not been properly shredded.
- (e) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewer or other interference with the proper operation of the sewage works.
- (f) Any waters or wastes having a "pH" lower than 5.5 or higher than 9.0 or having any other corrosive property

capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(g) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or which would constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant.

(h) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

(i) Any noxious or malodorous gas or substance capable of creating a public nuisance.

Section 5-4: Grease, oil and sand interceptors shall be provided, when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any inflammable wastes, sand and other harmful ingredients except that such interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the City Engineer and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 5-5: Where installed, all grease, oil and sand interceptors shall be maintained by the owner at his expense in continuously efficient operations at all times.

Section 5-6: The admission into the public sewers of any waters or wastes having (a) a five day biochemical oxygen demand greater than 300 parts per million by weight, or (b) containing any quantity of substances having the characteristics described in Section 5-3 above, or (c) containing more than 350 in parts per million by weight of suspended solids, or (d) having an average daily flow greater than 2% of the average daily sewage flow of the city, shall be subject to the review and approval of the City Engineer. Where necessary in the opinion of the City Engineer, the owner shall provide at his expense, such preliminary treatment as may be necessary. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City Engineer and of the Oregon State Sanitary Authority and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Section 5-7: Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in a satisfactory and effective operation by the owner at his expense.

Section 5-8: When required by the City Engineer, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible at all times.

Section 5-9: All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made above shall be determined in accordance with "Standard Methods"

for the examination of water and sewage and shall be determined in the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Section 5-10: No statement contained in this section No. 5, shall be construed as preventing any special agreement or arrangement between the City of Canby and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.

Section 6

License of Sewer and Septic Tank Workers

Section 6-1: No person shall construct or attempt to construct a sewer connection within the City of Canby until he has first obtained a license as a sewer worker. No person shall engage in septic tank cleaning, construction or repair within the City of Canby until he has first obtained a license as a septic tank worker.

Section 6-2: Any person desiring to obtain a license as a sewer worker or septic tank worker in the City of Canby shall make application to the City Engineer for examination as a sewer worker or septic tank worker.

Section 6-3: The City Engineer, upon receipt of any application provided for above, shall promptly examine the applicant touching his qualifications to construct sewer connections, testing his familiarity and experience in jointing sewer pipe and the specifications as set forth in this ordinance. Septic tank workers will be examined on fundamentals of tank construction, connection and cleaning.

Section 6-4: If the applicant be found to possess sufficient qualifications and experience to the satisfaction of the City Engineer, the City Engineer shall certify in writing the fact of his approval to the City Recorder and deliver such certificate to the applicant.

Section 6-5: Upon the payment of \$10.00 to the City Recorder, he shall issue a license authorizing the applicant to make sewer connections or do septic tank work within the City of Canby for a period of one (1) year from the date of the license. Said license shall state upon the face of the same that it is revocable at the pleasure of the City Council.

Section 7

Revocation of Licenses

Section 7-1: The council shall have the right at any time to revoke any license granted under the provisions of this ordinance and return the pro-rata unearned license fee.

Section 7-2: In addition to other causes the neglect, omission, failure or refusal of any sewer worker licensed under this ordinance to comply with and observe the provisions of this ordinance in the manner of constructing or class of material used therein shall be deemed sufficient cause to justify the council in revoking the license of said sewer worker.

Section 7-3: No person whose license has been suspended

shall perform any acts for which a license is required by this ordinance until the matter of such suspension has been voted by the Council.

Section 7-4: The provision of the foregoing main section 6 of this ordinance shall not apply to any person who is a bona fide employee of any person or firm in the City of Canby duly licensed as a sewer worker; provided however, that every person engaged in laying pipe and making joints shall be required to obtain a license as provided in the foregoing main section 6, of this ordinance.

Section 8

Protection From Damage

Section 8-1: No unauthorized persons shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of violating this ordinance.

Section 9

Powers And Authority of Inspectors

Section 9-1: The City Engineer and other duly authorized employees of the City of Canby, bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance.

Section 10

Sewer Service Charges

Section 10-1: There is hereby levied and imposed upon all water users within or without the corporate limits of the City of Canby and who connect to a public sewer at any time subsequent to the effective date of this ordinance, a sewer service charge as follows:

(a) Residential User charge shall be a flat rate of \$ 1.25 per month;

(b) Commercial User charge shall be a flat rate of \$ 3.00 per month;

(c) Industrial User charge shall be a flat rate of \$ 3.00 per month.

Section 10-2: The foregoing charges for sewer service shall be in addition to any and all other charges, rates, assessments, levies, taxes, permits, licenses, fees or penalties imposed, assessed or collected by the City of Canby.

Section 10-3: The foregoing charges for sewer service shall be billed to each water user in addition to the regular monthly water use rate, provided however, that such additional charge for sewer service as provided above, shall not be billed until the end of the first calendar month following the making of connection with the building occupied by the user to the public sewer.

Section 10-4: All sewer service charges collected pursuant to the provisions of this section shall be paid to the office of the City Recorder and deposited by the City Recorder, together with all

other monies collected under sections of this ordinance, in a sewer fund now existing or as hereafter created by the City Council.

Section 11

Penalties

Section 11-1: Any person found to be violating any provisions of this ordinance except Sections 8 and Sections 10, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offenders shall with the period of time stated in such notice, permanently cease all violations.

Section 11-2: Any person who shall continue any violation beyond the time limit provided for in Section 11-1, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the amount not exceeding \$200.00 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

Section 11-3: Any person found to be violating the provisions of the foregoing Section 8-1 shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount equal to double the damage, expense or loss sustained by the city by reason of such violation and in any event such fine shall not be less than \$100.00. Upon conviction for violation of Section 8, the Recorder's Court, in addition to imposing a fine, may in the event of a conviction, confine the violator to a term in the county jail not exceeding six (6) months and such confinement may be in addition to the fine imposed.

Section 11-4: Any person who shall neglect or fail to pay the sewer service charge as provided in the foregoing Section 10 shall upon his being in default in making such payment for a period of ten (10) days after the due date thereof be disconnected from the city's water service, such service to be restored after full payment of all charges due, together with accrued interest.

Section 11-5: Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation and an action or suit in the name of the city may be instituted against such person for the recovery of such expense, loss or damage and the same may be undertaken in addition to other penalties imposed under the provisions of this ordinance.

Section 12

Validity

Section 12-1: The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 13

Revoking Clause

Section 13-1: All other ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 14

Emergency Clause

Section 14-1: Whereas an emergency exists and it is deemed

necessary by the City Council of the City of Canby for the preservation of the peace, health and safety and general welfare of the citizens of said city that this ordinance take effect immediately, it shall take effect immediately upon its final passage by the council and approval by the mayor.

Passed on its first reading at a recessed regular meeting of the Canby City Council held on the 8th day of August, 1956; ordered published as provided by City Charter and to come up for final action at the regular meeting of the City Council to be held on the 4th day of September, 1956.

R B Eversole
Mayor

Attest:

H B Evans
City Recorder

Passed on final reading this 4th day of September, 1956, by the following vote:

YEAS 5
NAYS 0

Approved:

R B Eversole
Mayor

Attest:

H B Evans
City Recorder

First Publication: August 16th, 1956

Last Publication: August 23rd, 1956