

ORDINANCE No. 727

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF CANBY, OREGON, TO OPERATE AND MAINTAIN A SEWAGE COLLECTION AND TREATMENT SYSTEM; ESTABLISHING AND IMPOSING JUST AND EQUITABLE CHARGES; PROVIDING FOR THE MANNER OF PAYMENT AND COLLECTION, ENFORCEMENT AND DISBURSEMENT OF SUCH CHARGES; REGULATING THE DISCHARGE OF WASTES TO THE SANITARY AND STORM SEWER SYSTEMS OF THE CITY, LIMITING SUCH DISCHARGES ONLY TO THOSE ACCEPTABLE TYPES, CHARACTERISTICS, OR CONCENTRATIONS; ESTABLISHING A SYSTEM OF WASTE DISCHARGE PERMITS AND PROVIDING FOR ENFORCEMENT; REPEALING ORDINANCE NO. 566, ENACTED FEBRUARY 19, 1974; REPEALING ORDINANCE NO. 618, ENACTED APRIL 1, 1977; REPEALING ORDINANCE NO. 679, ENACTED AUGUST 6, 1980; AND DECLARING AN EFFECTIVE DATE.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Part 1

Section 1. Authority and Intent. Pursuant to the statutes of the state of Oregon and powers granted in the charter of the city of Canby, the city does hereby declare its intention to own, construct, equip, operate and maintain sanitary sewers, sewage pump stations, sewage treatment plants and outfall sewers; to extend and expand the existing sewage system of said city; and to reconstruct such existing sanitary sewers, sewage pump stations and sewage treatment plants as may be deemed proper by the city council. It is further declared to be the policy of the city of Canby to provide and offer sewage disposal service for such areas adjacent to the city limits as may, in the judgment of the common council, be feasibly served upon such terms, conditions and rates as the common council shall determine.

The rules and regulations hereinafter set forth shall be applicable to the disposal of sewage into the city sewage system, whether delivered from within or from without the city limits.

Section 2. Definitions. The following words and phrases, when used in this ordinance, shall have the meanings herein-after set forth in this section, whether appearing in capital or lower case form.

"ANSI Specifications" shall mean the standard specifications or methods of the American National Standards Institute of the serial designation indicated by the number and, unless otherwise stated, refer to the latest adopted revision of said specifications or method.

"ASTM Specifications" shall mean the standard specifications or methods of the American Society for Testing Materials of the serial designation and indicated by the number and, unless otherwise stated, refer to the latest adopted revision of said specification or method.

"Biochemical oxygen demand (B.O.D.)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in five days at a temperature of 20 degrees Centigrade, expressed in milligrams per liter, or parts per million by weight. Laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

"Branch Sewer" shall mean a conduit extending from the plumbing or drainage system of a building or buildings to and connecting with a public or private sanitary or storm sewer, within a street right-of-way.

"Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

"Building sewer" shall mean the extension from the building drain to the property line or right-of-way line and connection with the public sewer service lateral.

"Categorical Pretreatment Standards" shall mean national pretreatment standards specifying quantities of concentrations of pollutants or pollutant properties which may be discharged or introduced into a public sewer system by specific industrial dischargers.

"City or City of Canby" shall mean the municipality of Canby, Oregon, a municipal corporation of the State of Oregon, acting through its Common Council or any board, committee, body, official or person to whom the Council shall have lawfully delegated the power to act for, or on behalf of, the City. Unless a particular board, committee, body, official or person is specifically designated in these rules and regulations, wherever action by City is explicitly required or implied herein, it shall be understood to mean action by the Superintendent of Public Works of Canby, Oregon or his duly authorized deputy or agent.

"City limits" shall mean the area contained within the boundaries of the city of Canby as now or hereafter constituted.

"Combined sewer or system" shall mean a conduit or system of conduits in which both sewage and storm water are transported.

"Commercial building" shall mean all building or premises used for any purpose other than a dwelling unit, but not an industrial user.

"Commerical user" shall mean a business establishment other than an industrial plant, and shall include multi-family dwelling units.

"Compatible Pollutant" shall mean wastes having biochemical demand, suspended solids and pH within tolerable limits, fecal coliform bacteria, and such additional pollutants which the City treatment works are designed to treat.

"County datum or county datum plane" shall refer to the city of Canby datum level as a reference plane for elevation measured above and below such plane.

"Dwelling units" shall mean buildings and structures that are constructed and used primarily for residential purposes.

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

"Industrial Discharger/User" shall mean any discharger who discharges other than household wastes directly or indirectly into the City sewer system.

"Industrial Waste" shall mean any liquid, solid, or gaseous substance, or combination thereof, resulting from any process of industry, manufacturing, commercial food processing, business, agriculture, trade or research, including but not limited to the development, recovering or processing of natural resources and leachate from landfills or other disposal sites, and any other discharge other than domestic sanitary waste.

"Industrial Waste Discharge Permit" shall mean a permit to discharge industrial wastes into the City sewer system issued under the authority of this ordinance and which prescribes certain discharge requirements and limitations.

"Interceptor" shall mean a sanitary sewer which receives the flow from a number of trunk, main or lateral sewers and transports it to a treatment plant or other point of disposal. Generally, an interceptor collects the flow from a number of trunks, mains or laterals which would otherwise discharge to a natural outlet.

"Interference" shall mean the inhibition or disruption of the City sewer system collection system, treatment processes, or operations.

"Lateral" shall mean a sanitary sewer which will receive the flow from service connections and discharge into a main, trunk or interceptor.

"Main" shall mean a sanitary sewer which shall receive the flow from one or more laterals and which will discharge into a trunk or interceptor.

"May" is permissive.

"Multi-family" shall mean two or more family occupancy.

"Natural outlet" shall mean an outlet into a pond, lake, stream, river, ditch, watercourse or other body of surface water.

"Person" shall mean any individual, company, enterprise, partnership, corporation, association, society, or group, and the singular term shall include the plural.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogran ions in grams per liter of solution. pH shall be determined by one of the procedures outlined in Standard Methods.

"Pressure sewer" shall mean a sewer receiving flow directly from a pump station and discharging under pressure into a interceptor, trunk, main, lateral, another pumping station or treatment plant.

"Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the City sewerage systems.

"Private sewer" shall mean a sanitary sewer, storm sewer, or combined sewer, exclusive of building sewers, which is not owned or operated by the city or another local government agency.

"Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow and conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

"Public sewer" shall mean a sanitary sewer, storm sewer, or combined sewer, exclusive of building sewers, owned or operated by the city or another local government agency.

"Residential user" shall mean a person or persons occupying a dwelling house as a single family.

"Sanitary sewer" shall mean a pipe or conduit designed or used to transport sewage and to which storm water, surface and ground waters are not admitted intentionally.

"Service connection" shall mean a public sewer which has been constructed to the approximate property line or right-of-way line from a public sewer for the sole purpose of providing a connection for the building sewer.

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

"Sewage disposal agreement" shall mean the agreement between the city and any local government agency or person providing for the delivery or receipt of sewage to or from the city sewage system and the acceptance or delivery by the city of such sewage.

"Sewerage system" shall mean the entire sewage collection and treatments systems, exclusive of branch sewers. This includes all conduits, pumps, treatment equipment and any other components involved in the transportation, collection, treatment and disposal of sanitary and industrial wastewater and sludge. This includes

both sanitary and storm water systems.

"Sewage treatment plant" shall mean an arrangement of devices, structures and equipment for treating sewage.

"Sewer user" shall mean any person using any part of the city sewage system.

"Slugload" shall mean any substance released in a discharge at a rate and/or concentration which causes interference to City sewerage or disposal systems.

"Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

"Storm sewer" shall mean a conduit designed or used exclusively to transport storm water.

"Superintendent of Public Works" shall mean the superintendent duly appointed by the city, a local government agency, or the owner of private sewers, to supervise and direct the design and construction of local sewage facilities acting personally or through agents or assistants duly authorized by him, such agents or assistants acting within the scope of the particular duties.

"Suspended solids" shall mean total suspended matter that is in suspension in water or wastewater and that is removeable by laboratory filtering.

"Toxic pollutants" shall mean those substances listed by the superintendent of public works as toxic pollutants. The list is based upon the priority pollutant list prepared by the U.S. Environmental Protection Agency and any additional information available which indicates toxicity or hazard level of particular substances.

"Trunk" shall mean a major sanitary sewer into which more than two laterals or mains discharge and which transports the flow collected from laterals and mains to an interceptor, pumping station or treatment plant.

"Upset" shall mean an exceptional incident in which a discharge unintentionally and temporarily is in a state of non-compliance with the discharge requirements set forth in this ordinance due to factors beyond reasonable control of the discharger, and excluding non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

"Wastewater" shall mean industrial waste, or sewage or any other waste including that which may be combined with any ground water, surface water or storm water, that may be discharged to the City sewerage systems.

Section 3. Use of Public Sewers Required. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city limits and abutting on any street, alley, or right-of-way in which there is a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with the provisions of this ordinance, within 90 days after the date of official notice to do so; provided, that said public sewer is available to or on the property and/or at a property line of said property and the structures or buildings are within 100 feet of the public sewer. In the event that, during said period of 90 days, the said owner shall file his written objections with the superintendent of public works against so being required to install said facilities the city shall not enforce the provisions of this [section] upon said owner, so filing his objections until the common council shall have, at a meeting thereof, heard the objections of said owner and rendered its decision thereon. The said meeting of the council shall be held not less than 10 days nor more than 45 days from and after the date set by the filing of said objections with the superintendent of public works. Not less than seven days prior to the date set by the council for said meeting, the superintendent of public works shall give due notice of the date set therefor to said owner. The decision of the council shall be final, and no appeal shall be taken therefrom by said owner except as is provided by law.

At such times as the public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance; and any septic tanks, cesspools, and similiar private sewage disposal facilities shall be abandoned and filled with approved granular material.

Section 4. Private Sewage Disposal. Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the requirements of the Oregon State Department of Environmental Quality, the Oregon State Board of Health, the Plumbing Code of the State of Oregon, and Clackamas County.

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.

The provisions of this section shall be in addition to and not in derogation of the requirements of general laws.

Section 5. Construction Plans; Review and Approval. Detailed construction plans and specifications for proposed public and private sewers shall be prepared by a professional engineer

registered in the state of Oregon, and shall be subject to review and approval by the city and Department of Environmental Quality. Each person shall notify the city in writing of its intention to prepare such construction plans and specifications delineating the boundaries of the areas to be sewered by map, sketch, or written description. Within 10 calendar days following receipt of such notice, the city shall make written request for the submission of such plans and specifications. The person shall submit two sets of plans and specifications and shall obtain approval thereof and a permit to construct prior to advertising for bids. Within 21 calendar days following receipt of such plans and specifications, the city shall review same and return one set thereof to the person with approval or required changes indicated. If said plans and specifications are disapproved, the required changes shall be made by the person and all required revisions of plans and specifications re-submitted in the same manner as provided for the initial submittal. In the event no communication is received from the city by the person within 21 calendar days of the date of submission of such plans and specifications, it shall be deemed that the city has not approved such plans and specifications and will not issue a construction permit.

Section 6. Construction Standards. Construction of private sanitary sewers within the city shall conform to these rules and regulations and to the standards for sanitary sewer construction in the city of Canby, Oregon (construction standards), together with all amendments thereof or hereafter adopted. Copies of the construction standards are available at the office of the director.

Section 7. Type of Sewage System. New public sewers, private sewers, and extensions of existing sewers shall be designed as separate sanitary sewers or storm sewers. Construction of combined sewers will not be permitted.

Section 8. Flow Allowances. The design criteria for new public sewers, private sewer and extension of existing sewers shall be such that the total daily flow other than sewage shall be 1,500 gallons per acre per day.

Section 9. General. The construction of new public sewers, private sewers and extensions of existing sewers shall, under the jurisdiction of the city, fully conform to these rules and regulations, construction standards, and the requirements of the Oregon State Board of Health and Department of Environmental Quality. In the event of conflict, the highest applicable standard shall govern.

Section 10. Inspection. The city will provide an inspector

or inspectors on all new sanitary sewer construction within the city to insure compliance with these rules and regulations and the specifications under which they are to be constructed. The inspector(s) will make diligent efforts to guard the city against defects and deficiencies in the work of the contractor(s) and to help determine if the provisions of these rules and regulations and the construction standards are being fulfilled. Day-to-day inspection will not, however, cause the city to be responsible for those duties and responsibilities which belong to the construction contractor and which include, but are not limited to, full responsibility for the techniques and sequences of construction and the safety precaution incidental thereto, and for performing the construction work in accordance with these rules and regulations and the construction standards.

The city will notify the local government agencies or person responsible for the construction when, in the opinion of the superintendent of public works, the construction work does not comply with these rules and regulations. Upon receipt of notification from the city that any sewer construction work is not being performed in compliance with these rules and regulations and the construction standards therefor, the person shall immediately take such actions as may be necessary to insure compliance.

Each person shall inform the city a minimum of 10 but not more than 20 days in advance of the start of any sewer construction.

The city shall be reimbursed for the cost of providing inspection services by the person installing new sanitary sewers. The cost for inspection services shall be on a per diem basis determined by the superintendent of public works at the time the permit is issued to perform the work.

The construction of the sewers shall be under the supervision of the superintendent of public works. At the completion of the construction, the superintendent of public works shall certify, in writing, to the city that such construction complies with these rules and regulations and the plans and specifications therefor.

Section 11. Powers and Authority of Inspectors. The superintendent of public works and other duly authorized employes 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 12. Building Sewers and Connections. Before commencement of construction of private sewage disposal system, the owner shall first obtain a written permit, signed by the superintendent of public works. The application for such permit shall be made on forms furnished by the city of Canby, which applicant shall supplement by any plans, specifications and other information as is deemed necessary by the superintendent of public works.



A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent of public works. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent of public works 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.

The applicant for the building sewer permit shall notify the superintendent of public works when the building sewer is ready for inspection, and shall specify in such notice the location of the premises. In the event that the work or material used is not in accordance with the provisions of this ordinance, the inspector shall notify the person doing the work and also the owner of the premises by posting a written notice upon the premises; and such posted notice shall be all the notice that is required to be given of the defects in the work or material found in such inspection; and a copy of such notice shall be kept on file in the office of the superintendent of public works. In the event such defects are not corrected within 30 days of such posted notice, the superintendent of public works or his representative, if in their opinion such defective work is detrimental to the public sewer or public sewage system, may order or cause the said defects to be corrected; and the actual cost of such correction shall be chargeable to the owner as a service charge, and shall be a lien upon the property served by such building sewer. No trench shall be filled nor any connecting sewer covered until the work from the place where the same connects with the public sewer or other outlet to the point where it connects with the building drain or other plumbing of the building or premises to be connected shall have been inspected or approved by or under the direction of the superintendent of public works and until the same shall have been made in all respects to conform to the provisions of this ordinance.

In any case, the owner or agent shall make application on a special form furnished by the city; and upon the filing of said application, said owner or agent shall pay to the city a permit fee for the right of the applicant to hook to the public sewer.

Section 13. Building Sewer Requirement and Standards. Construction of building sewers shall conform to this ordinance and to the state plumbing code and any other applicable regulations or codes as may be adopted. Copies of the state plumbing code and other applicable regulations or codes are available at the office of the superintendent of public works.

Section 14. License of sewer and septic tank worker. 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. State requirements for licensing shall be followed.

Section 15. Separate Building Sewer. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; provided, however, that apartment courts, motels and similar structures held under a single ownership shall be permitted to use a single sanitary sewer connection while such single ownership shall continue, such single connection to be a size and type approved by the superintendent of public works.

Section 16. Basement Service. Building sewers serving buildings with basements shall, whenever possible, be brought to the building at an elevation below the basement floor. 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 means and discharged to the building sewer.

Section 17. Building Sewers and Laterals. Old building sewers may be used in connection with new buildings or new building sewers only when they are found, on examination and testing by the superintendent of public works, to meet all requirements of this ordinance.

Building sewers shall be of a material and type approved by the Oregon State Specialty Plumbing Code and shall meet the same requirements with regard to quality of materials and workmanship as the rest of the sanitary system. A clean-out shall be installed to within 12 inches of the ground surface and connected at the joint of the building sewer and the City lateral. The invert of the building sewer shall be at the same or a higher elevation than the invert of the lateral at the point of connection.

No trees shall be planted or allowed to mature in that portion of a city right-of-way within ten (10) feet of a sewer lateral.

All building sewers shall be laid on not less than 2 per cent grade; shall be not less than five feet from any building, unless otherwise approved by the superintendent of public works; shall have not less than four feet, six inches of cover at the curb line, 18 inches at the property line and 12 inches inside the property line, and shall be not less than six inches in diameter from the public sewer to the property line, nor less than three inches in diameter inside the property line; provided, the superintendent of public works may, where conditions in the opening require, specify larger building sewers than herein provided. Not more

than one building shall be connected with a building sewer; except where such connection is made inside the property line and the owner or owners of the premises connected shall make and file in the Office of the City Recorder an easement for the purpose; or except where connection is to an existing building sewer within a public street and written permission from the owner or owners of the premises served by such building sewer has been filed with the superintendent works and approved by him. All excavation 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 superintendent of public works at the expense of the property owner.

All excavation required for the installation of a building sewer shall be open trench work, unless otherwise approved by the superintendent of public works. Pipe laying and backfill shall be performed in accordance with regulations of the Oregon State Sanitary Authority, Oregon State Plumbing Code, and other applicable codes.

The connection of the building sewer into the public sewer shall be made at a service connection lateral extended to the right-of-way line of a public thoroughfare. If no such lateral already exists from a sewer main, the superintendent of public works shall cause the installation of one or more laterals in keeping with the following standards:

A. PREVIOUSLY DEVELOPED LOTS.. The city shall install, at its expense, a service connection lateral to each previously developed lot where the existing development has utilized an onsite sewage disposal system and the other requirements for sewer connection have been met.

B. VACANT LOTS. The city shall install, at the expense of the owner, laterals to undeveloped lots. Owners will be billed for all costs including labor, equipment, materials, bookkeeping, and any other costs directly attributable to the installation. An exception shall be made in the case of any vacant lot in a subdivision where it is found that the construction of laterals did not conform to the construction plans or "as-built" plans on file in the public works department. In such cases the superintendent shall authorize the construction of a lateral at city expense.

C. VACANT TRACTS. The superintendent of public works shall, in order to avoid later street cuts and related construction difficulties, cause the construction of sewer laterals to serve vacant tracts and large undeveloped areas. To determine the correct number and proper location of such

laterals the superintendent shall utilize the Land Use Map of the Comprehensive Plan to determine the probable ultimate development of the site. The superintendent shall file with the City Recorder a statement of costs for such lateral construction. Such costs, plus interest at the rate of 8% per annum, shall be added to the City's customary sewer connection charge.

The City shall be responsible for the general maintenance of service connection laterals but shall bear no responsibility for the repair or maintenance of private building sewers. In any case where City crews are called upon to make repairs to a lateral and such repairs also include work done on the building sewer, the property owner shall be billed for any and all work undertaken as a result of a blockage which was located on private property.

Section 18. Point of Connection. Building sewer connections shall be made on the house side of the septic tank.

Section 19. Restricted Connections. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other source of surface run-off or ground water, either directly or indirectly, to a sanitary sewer.

Section 20. Unauthorized Connections. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereto; and no person, firm, or corporation shall make any connection to any part of the sewer system without first making an application and securing a permit therefor. There shall be five classes of building sewer permits as follows.

Section 21. Residential. A residential permit shall be issued for single-family dwellings.

Section 22. Commercial. A commercial permit shall be issued to an applicant engaged in any of the outright uses permitted in a general commercial zone C-1 and a highway commercial zone C-2, as described in the city's zoning ordinance No. 690,

Section 23. Industrial. An industrial permit shall be issued to an applicant engaged in any of the outright uses permitted in a light industrial zone M-1 and a heavy industrial zone M-2, as described in the city's zoning ordinance No. 690.

Section 24. Special Industrial. A special industrial permit shall be issued to an applicant engaged in any business or land use which, in the judgement of the city superintendent, will result

in the emission into the public sewer of any type or quantity of waters or wastes. Private and public swimming pools shall be subject to special industrial permits.

Section 25. Schools. A school permit shall be issued to all private or public, primary or secondary schools.

Section 26. Building Sewer Costs. 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 from any loss or damage that may directly or indirectly be occasioned by the installation.

## Part II

Section 27. Sewer Connection Charges Levied and Imposed.

(A) There is hereby levied and imposed upon the owner of any property connected to the sanitary sewer system of the city of Canby a connection charge. Said connection charge shall be a revenue source to the city of Canby, and shall entitle the property owner to a service connection lateral.

(B) The service connection charge is levied upon a property based upon the existing or intended use of the property at the time of application for connection. If the property is improved, expanded, subdivided or otherwise modified so as to increase the connection charge due from that property, a service connection charge shall be levied for the modified portion of the property based upon connection charges in effect at the time of modification.

(C) Dwellings that cannot be served by gravity flow to the sanitary sewer shall be subject to the sewer connection charges provided by this ordinance, unless lesser charges for such dwelling are enacted by resolution of the city council.

(D) Any dwelling that is on property abutting on any street, alley or right-of-way in which there is located a sanitary sewer of the city of Canby, and that, by reason of ordinance, resolution or motion duly adopted by the city council, is not required to connect to the sewage system, shall be subject to the sewer connection charges provided by this ordinance, unless lesser charges for such dwelling are enacted by resolution of the city council.

(E) Sewer connection charges levied by this ordinance shall be due prior to connection.

Section 28. Rates for Connection Charges. The city council shall by resolution, establish appropriate rates to be charged for connection to the city sewer system. Such rates shall differentiate between various types of uses or activities which discharge into the sewage system.

Section 29. Charges for Sewer Service Levied and Imposed.

(A) All users of the city's sewage system shall pay to the city the rates for sewer service as provided by this ordinance.

(B) Dwellings that cannot be served by gravity flow to the sanitary sewer shall be subject to the sewer service charges provided by this ordinance, unless lesser charges for such dwellings are enacted by resolution of the city council.

(C) Any dwelling that is on property abutting on any street, alley or right-of-way in which there is located a sanitary sewer of the city of Canby and that, by reason of ordinance, resolution or motion duly adopted by the city council, is not required to connect to the sewage system, shall be subject to the sewer service charges provided by this ordinance, unless lesser charges for such dwelling are enacted by resolution of the council.

(D) When sewer service is initially provided to existing dwellings, said sewer service charge shall first be levied for the month following the first month in which dwellings are permitted to be connected to the sewer.

(E) When new dwellings are served by the sewage system, said sewer service charge shall first be levied for the month following the first month in which the dwelling is occupied or utilized by personnel not associated with the construction of the dwelling.

(F) Sewer service charges are to be levied and imposed based upon the availability of sewer service, and are not dependent upon the owner's schedule for connecting to the sewer system after said system is available.

(G) The minimum sewer service for an individually billed service shall be equal to the charge for a residential service.

(H) Sewer service charges shall be billed to any dwelling showing either water use or electric power use.

(I) Sewer service charges may be billed to an occupant; however, the property owner shall be ultimately responsible for all sewer service charges to his property.

Section 30. Rates for Sewer Service. The city council shall by resolution, establish appropriate rates to be charged for monthly sewer service. Such rates shall differentiate between the various types of uses or activities which are connected to the sewage system.

Section 31. Special Rates and Other Fee Schedules. The city council shall by resolution, establish appropriate rates to be charged for, but not limited to, Extra-Strength rates, resampling fees and Industrial Waste Discharge Permit fees. Such rates shall differentiate between the various types of uses or activities which require special fees.

Section 32. Collection.

(A) The officer or agent who has been duly designated and authorized by the city council to receive payments for sewer charges and connection charges, as provided for herein, is hereby directed to collect such charges.

(B) Sewer service and connection charges, as and when collected, shall be paid into a fund designated as the "sewer fund."

(C) Sewer service charges, as hereinafter provided, shall be collected monthly; and if not paid on or before 15 days after the date of billing, said charges shall be deemed delinquent.

(D) Delinquent sewer service and service connection accounts shall bear interest from the day of delinquency at a rate of 8 per cent per annum. The recorder may excuse interest payments on accounts delinquent for 30 days or less.

Section 33. Prohibited Practices. It shall be unlawful for any person to place, deposit or permit to be deposited in any un-sanitary 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.

It shall be unlawful to discharge into any outlet within the 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 34. Interference with Operation of District System.

No unauthorized person shall enter any city sewer, manhole, pumping station, treatment plant or appurtenant facility. No person shall maliciously, wilfully or negligently break, damage, destroy, deface or tamper with any structure, appurtenance or equipment which is part of the city system. Any person violating provision will be subject to immediate arrest.

No person, other than an authorized employe or agent of the city, shall operate or change the operation of any city sewer, pumping station, treatment plant, outfall structure or appurtenant facility.

### Part III

Section 35. Declaration of Policy. It is the policy of the city of Canby to provide the planning, engineering and administration necessary to develop and manage sewer facilities that are adequate for the transportation, treatment and disposal of wastes from within the city and to operate the sewer system in a manner which protects public health and the environment. In carrying out this policy, the objectives of this ordinance are:

(A) to prevent pollutants from entering the sewer system which will interfere with its normal operation or contaminate the resulting sludge;

(B) to prevent the introduction of pollutants into the sewerage system which will not be adequately treated and will pass through into the environment;

(C) to improve the opportunity for recycling and reclamation of wastewater and sludge;

It is the intent of the city to provide needed sewer service to all users while meeting the outlined objectives. This ordinance provides the structure which the service will be provided for industrial waste so that the system is protected and can continue to provide efficiently for the waste treatment needs of the city.

### Section 36. General Discharge Prohibitions.

(A) It is unlawful to discharge industrial wastes into the city sewer system except in compliance with this section, and Sections 37, 40 and 43.

(B) PROHIBITED DISCHARGES. It is unlawful to discharge, cause to discharge or allow to discharge directly or indirectly into the city sewer system any of the following:

(1) Waters or wastes containing substances in such concentrations that they inhibit or interfere with the operation or performance of any sewage treatment process, are not amenable to treatment or reduction by the sewage treatment process employed, or are only partially amenable to treatment such that the sewage treatment plant effluent cannot meet the requirements of any agency having jurisdiction over its discharge to the receiving waters or that prevents the use or disposal of sewage treatment plant sludge in accordance with applicable State and Federal regulations.

(2) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the sewer system. Prohibited materials include, but are not limited, to gasoline, benzene, naphtha, alcohols, fuel oil, mineral oil and other flammable or explosive substances;

(3) Any solid or viscous substances capable of obstructing sewage which will or may cause obstruction to the



flow of sewage or other interference with the operation of the sewage works or treatment facilities. These substances include, but are not limited to, ashes, cinders, sand, mud, straw, insoluble shavings, metal, glass, rags, feathers, tar, creosote, plastics, wood, animal paunch contents, offal, blood, bones, meat trimmings and wastes, fish or fowl heads, entrails, trimmings and wastes, lard tallow, baking dough, chemical residues, paint residues, cannery waste bulk solids, hair and fleshings, or plastic or paper dishes, cups or food or beverage containers, whether whole or ground.

(4) Any noxious or malodorous liquids, gases, solids or other substances which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or prevent entry into a sewer or pump stations;

(5) Any water or waste containing a hazardous or action with other substances, to injure or interfere with any sewage treatment process; to constitute a hazard to humans or animals; or to create a hazard in, or adversely affect the receiving waters; or result in unacceptable concentrations of these substances being discharged in combined sewer overflows or sewage treatment plant effluent.

(6) Any wastes, waste water or substances having a pH less than 5.5 or more than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewer system. This includes, but is not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine;

(7) Any liquid or vapor having a temperature higher than 65 degrees Celsius (149 degrees Fahrenheit) or contains heat in amounts which inhibit biological activity, resulting in interference at the treatment plant. In no case shall there be heat in such quantities that the temperature of the treatment of the treatment plant influent exceeds 27° C (80°F).

(8) Any material from a cesspool or septic tank, except such material received at a city treatment plant under city contract;

(9) Any substance which may solidify or become discernibly viscous at temperatures above 0° Celsius (32° Fahrenheit).

(10) Any garbage that has not been properly comminuted to 0.65 centimeters (1/4 inch) or less in any dimension;

(11) Any slugload, which means any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a single discharge episode of such volume or strength as to cause interference to the sewer system;

(12) Any substances with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions;

(13) Any wastewater which causes a hazard to human

life or creates a public nuisance;

(14) Any unusual concentrations of inert suspended solids which may interfere with the operation of the sewer system such as, but not limited to fuller's earth, lime slurries, or lime residue;

(15) Any unusual concentrations of dissolved solids which may interfere with the operation of the sewer system, such as, but not limited to, sodium chloride, calcium chloride, and sodium sulfate;

(16) Any radioactive material, except in compliance with the current "Oregon Regulations for the Control of Radiation" (OAR 333-22-150 or amendments thereto).

(17) Any substances which may cause the sewer treatment plant's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. (In no case, shall a substance discharged to the sewer system cause the city to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State standards applicable to the sludge management method being used.

#### Section 37. Discharge Limitations.

(A) NOTIFICATION OF DISCHARGE. Prior to beginning a new industrial waste discharge into the city sewer system, the discharger shall notify the superintendent of public works of the discharge. The notification shall consist of the name and address of the discharger; the type of business or activity; and a brief description of the nature of the discharge, including an estimate of the flow and the type of pollutants in the waste.

(1) If an Industrial Waste Discharge Permit is required under Section 40, the application for the permit shall serve as the required notification of discharge.

(2) For the purposes of this requirement, a new discharge is defined as a discharge which commences on or after the effective date of this ordinance. Any discharge that was commenced prior to the effective date of this ordinance but has not discharged into the sewer within the two years previous to the effective date of this ordinance will be considered as a new discharge if it is resumed on or after the effective date of this ordinance.

(B) It is unlawful for a discharger who has an effective Industrial Waste Discharge Permit pursuant to Section 40 to discharge wastes to the sewer system in excess of the limitations established in the permit or in violation of the prohibited discharge limitations in Section 36. The superintendent of public works shall establish Industrial Waste Discharge Permit limitations to the extent necessary to enable the city to comply with

current Pollutant Discharge Elimination System categorical and general pretreatment standards and waste discharge requirements as promulgated by the U.S. Environmental Protection Agency and the Oregon State Department of Environmental Quality; to protect the public health and safety; to protect the receiving water quality; to protect the sewer system; and to comply with all other applicable Federal and State laws. Existing and future pretreatment standards for existing and new sources promulgated by the Environmental Protection Agency under the authority of the Clean Water Act (PL95-217), along with any future revisions or related legislative mandate, are incorporated herein by reference as a means of complying with Federal and State pretreatment requirements and will be included as discharge limitations in Industrial Waste Discharge Permits issued to affected industries

(C) It is unlawful to discharge into the sewer system concentrations of the following materials in excess of the specified limits, unless the discharger has an effective Industrial Waste Discharge Permit which establishes a different limitation for the specific pollutant.

<u>Pollutant</u>	<u>Concentration Limit</u>
Ammonia	50.0 mg/l
Arsenic	1.0 mg/l
Cadmium	1.0 mg/l
Chlorinated Hydrocarbons	0.5 mg/l
Chlorine Demand not to exceed	20.0 mg/l
Chromium (Total)	5.0 mg/l
Copper	2.0 mg/l
Cyanide	1.0 mg/l
Lead	2.0 mg/l
Nickel	3.0 mg/l
Phenols or Cresols	1.0 mg/l
Zinc	4.0 mg/l
Total Oil & Grease	100.0 mg/l

(D) It is unlawful for a discharger to add or increase the use of potable or process water as a partial or complete substitute for adequate treatment to achieve compliance with the standards and limitations set forth in this Chapter or in an Industrial Waste Discharge Permit issued pursuant to the Chapter.

#### Section 38. Pretreatment Facilities.

(A) If, as determined by the superintendent of public works, treatment facilities, operation changes or process modifications at an industrial discharger's facility are needed to comply with any requirements under this Chapter or are necessary

to meet any applicable State or Federal requirements, the superintendent of public works may require that such facilities be constructed or modifications or changes be made within the shortest reasonable time, taking into consideration construction time, impact of the untreated waste on the city sewer system, economic impact on the facility, impact of the waste on the marketability of the city treatment plant sludge, and any other appropriate factor.

(B) Any requirement in Section 38 (A) may be incorporated as part of an Industrial Waste Discharge Permit issued under Section 40 and made a condition of issuance of such permit or made a condition of the acceptance of the waste from such facility.

(C) Plans, specifications and other information relating to construction or installation of preliminary treatment facilities required by the superintendent of public works under this Chapter shall be submitted to the superintendent of public works. No construction or installation thereof shall commence until written approval of plans and specifications by the superintendent of public works is obtained. No person, by virtue of such approval, shall be relieved of compliance with other laws of the city and of the State relating to construction and to permits. Every facility for the preliminary treatment or handling of industrial wastes shall be constructed in accordance with the approved plans and specifications, and shall be installed and maintained at the expense of the occupant of the property discharging the industrial wastes.

(D) Any person constructing a preliminary treatment facility, as required by the superintendent of public works, shall also install and maintain at his own expense a sampling manhole or other suitable monitoring access for checking and investigating the discharge from the preliminary treatment facility to the public sewer. The sampling manhole or monitoring access shall be placed in a location designated by the superintendent of public works and in accordance with specifications approved by the superintendent of public works.

Section 39. Reporting Requirements.

(A) REPORT OR INITIAL COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARDS

(1) Within 180 days after the effective date of a Categorical Pretreatment Standard issued by EPA or within 90 days after receiving notification from the superintendent of public works that such a standard has been issued, whichever is sooner, existing industrial waste dischargers subject to such standard shall submit to the superintendent of public works a report, as required by the EPA pretreatment regulations, which includes the following: 1) the name and address of the facility and the name of the owner and operator; 2) a list of any environmental control permits on the facility; 3) a description of the operation(s); 4) the average and maximum daily flow; 5) the levels of the particular pollutants that are regulated in the standard; 6) a statement as to whether the applicable standards are being consistently met and, if not, what additional measures are necessary to meet them; and 7) if additional

ditional pretreatment and/or operation and maintenance will be required to meet the pre-treatment standards, the shortest schedule by which the needed pretreatment and/or operation and maintenance can be provided. This report shall be reviewed by an authorized representative of the discharger and certified to by a qualified professional.

2) New industrial waste dischargers subject to an effective Categorical Pretreatment Standard issued by EPA shall submit the superintendent of public works, following commencement of their discharge into the sewer system, a report which contains the information listed in items 1) through 5) in Section 39.

3) These reports shall be completed in compliance with the specific requirements of Section 403.12 of the General Pretreatment Regulations for Existing and New Sources (40 CFR Part 403) promulgated by the Environmental Protection Agency on January 28, 1981 or any subsequent revisions thereto.

4) If the information required in Section 39 (A)(1) has already been provided to the superintendent of public works and that information is still accurate, the discharger may reference this information instead of submitting it again.

#### (B) PERIODIC COMPLIANCE REPORTS

(1) Any discharger that is required to have an Industrial Waste Discharge Permit pursuant to Section 40 shall submit to the superintendent of public works during the months of June and December, unless required on other dates and/or more frequently by the superintendent of public works, a report indicating the nature of the effluent over the previous six month period. The report shall include, but is not limited to, a record of the concentration (and mass if limited in the permit) of the limited pollutants that were measured and a record of all flow measurements that were taken.

2) The frequency of the monitoring shall be determined by the superintendent of public works and specified in the Industrial Waste Discharge Permit. If there is an applicable effective Federal Categorical Pretreatment Standard, the frequency shall not be less than that prescribed in the standard.

3) Flows shall be reported on the basis of the actual measurement; provided, however, where cost or feasibility considerations justify, the superintendent of public works may accept reports of average and maximum flows estimated by verifiable techniques.

4) The superintendent of public works may require by industrial dischargers that are not required to have an Industrial Waste Discharge Permit if information and/or data is needed to establish a sewer charge, determine the treatability of the effluent or determine any other factor which is related to the operation and maintenance of the sewer system.

5) The superintendent of public works may require by self-monitoring by the discharger or, if requested by the dis-

charger, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this section.

(a) If the superintendent of public works agree to perform such periodic compliance monitoring, the superintendent of public works may charge the discharger for the monitoring, based upon the costs incurred by the city for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the sewer bills.

(b) The superintendent of public works is under no obligation to perform the periodic compliance monitoring for a discharger.

(c) Periodic compliance monitoring is that monitoring which is necessary to provide the information on discharge quantity and quality required for the periodic compliance reports.

#### (C) CONFIDENTIAL INFORMATION

1) Any records, reports or information obtained under this ordinance shall be available to the public or any governmental agency without restriction, unless classified by the superintendent of public works as confidential. In order to obtain a classification of confidential on all or part of any records, reports or information submitted, the discharger shall: a) submit a written request to the superintendent of public works identifying the material that is desired to be classified as confidential and b) demonstrate to the satisfaction of the superintendent of public works that records, reports or information, or particular parts thereof, if made public, would divulge a secret process, device or method of manufacturing or production entitled to protection as trade secrets of the discharger.

(2) Effluent data, as defined in 40 CFR 2.302, submitted pursuant to this ordinance shall not be classified as confidential.

3) Records, reports or information or parts thereof classified as confidential by the superintendent of public works shall not be released or made part of any public record or hearing unless such release is ordered by a court of competent jurisdiction. However, such confidential information shall, upon written request, be made available to State or Federal agencies having jurisdiction, duties or responsibilities relating to this ordinance, the National Pollutant Discharge Elimination System or State of Oregon waste disposal laws and regulations. Confidential information shall not be transmitted to any governmental agency by the superintendent of public works until and unless a ten day notification is given to the discharger and unless the governmental agency receiving the confidential information has procedures for safeguarding the information.

#### Section 40. Industrial Waste Discharge Permits.

##### (A) INDUSTRIAL WASTE DISCHARGE PERMIT

(1) Except as provided in Section 40(A)(2) and

industrial waste discharger shall have an Industrial Waste Discharge Permit prior to discharging into the city sewer system if:

(a) the discharge is subject to promulgated National Categorical Pretreatment Standards; or,

(b) the discharge, as determined by the superintendent of public works contains pollutants in concentrations or quantities that interfere or have the potential to interfere with the operation of the sewer system; has a significant impact or potential for a significant impact on the sewer system; either singly or in combination with other contributing industries; or increases the cost of operation of the system; or,

(c) the discharge requires pretreatment in order to comply with the discharge limitations in this ordinance; or,

(d) the discharge has a maximum instantaneous flow which exceeds ten per cent of the capacity of the available lateral or appropriate trunk sewer.

(2) Existing Discharges.

(a) Discharges that are in existence prior to the date that an Industrial Waste Discharge Permit is required shall be notified in writing the superintendent of public works that such a permit is required such existing dischargers shall be allowed to continue discharging into the city sewer system without an Industrial Waste Discharge Permit until a permit is issued or denied, provided the discharger files a completed application for an Industrial Waste Discharge Permit within ninety (90) days of receipt of the notice.

(b) Discharges that require an Industrial Waste Discharge Permit and are allowed to continue discharging without such a permit under Section 40 (A)(2)(a) shall comply with Sections 36, 37, 41, 42, and 43.

(B) APPLICATION FOR AN INDUSTRIAL WASTE DISCHARGE PERMIT

1) Application for an Industrial Waste Discharge Permit shall be made to the superintendent of public works on forms provided by the Department of the Public Works. The application shall not be considered as complete until all information identified on the form is provided, unless specific exemptions are granted by the superintendent of public works.

2) Completed applications shall be made within ninety (90) days of the date requested by the superintendent of public works or, for new discharges, at least ninety (90) days prior to the date that discharge is to begin. The required ninety day lead time for making application for a new discharge may be decreased by the superintendent of public works if requested by the applicant for good and valid cause.

(C) ISSUANCE OF INDUSTRIAL WASTE DISCHARGE PERMITS

1) Industrial Waste Discharge Permits will be issued or denied by the superintendent of public works within 90 days after a completed application is received.

2) Industrial Waste Discharge Permits shall contain conditions which meet the requirements of this Code as well as

those of applicable State and Federal laws and regulations.

3) If pretreatment facilities are needed to meet the discharge requirements in the discharge permit, the permit shall require the installation of such facilities.

4) Whenever a discharge permit requires installation or modification of pretreatment facilities or process change necessary to meet discharge standards or spill control requirements, a compliance schedule shall be included which establishes the date for completion of the pretreatment facilities or process changes and any appropriate interim dates. Interim dates shall be no more than one hundred eighty (180) days apart.

5) Discharge permits shall expire no later than five (5) years after the effective date of the permit.

6) The superintendent of public works may deny the issuance of a discharge permit if, as determined by the superintendent of public works, the discharge will result in violations of city, State or Federal laws or regulations; will overload or cause damage to any portion of the city sewer system; or will create an imminent or potential hazard to personnel.

#### (D) MODIFICATION OF PERMITS

1) An Industrial Waste Discharge Permit may be modified for good and valid cause at the written request of the permittee or at the discretion of the superintendent of public works.

2) Permittee modification requests shall be submitted to the superintendent of public works and shall contain a detailed description of all proposed changes in the discharge. The superintendent of public works may request modification or assess its impact.

3) The superintendent of public works may deny a request for modification if, as determined by the superintendent of public works, the change will result in violations of city, State or Federal laws or regulations; will overload or cause damage to any portion of the city sewer system; or will create an imminent or potential hazard to personnel.

4) If a permit modification is made at the direction of the superintendent of public works, the permittee shall be notified in writing of the proposed modification at least thirty (30) days prior to its effective date and informed of the reasons for the changes. Any request for reconsideration shall be made before the effective date of the changes.

#### (E) CHANGE IN A PERMITTED DISCHARGE

A modification to the permittee's discharge permit must be issued by the superintendent of public works before any significant increase is made in the volume or level of pollutants in an existing permitted discharge to the city sewer system. Changes in the discharge involving the introduction of a waste stream(s) not previously included in the Industrial Waste Discharge Permit application or involving the addition of new pollutants shall be considered as new discharges, requiring application under Section 40.

### Section 41. Inspection and Sampling.



(A) INSPECTION

1) Authorized city representatives may inspect the monitoring facilities of any industrial waste discharger to determine compliance with the requirements of this ordinance. The discharger shall allow the city or its authorized representatives to enter upon the premises of the discharger at all reasonable hours, for the purpose of inspection, sampling or records examination. The city shall also have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. The right of entry includes, but is not limited to, access to those portions of the premises that contain facilities for sampling, measuring, treating, transporting or otherwise handling waste, and storing records, reports or documents relating to the treatment, sampling or discharge of wastes.

2) Conditions for Entry

a) The authorized city representative shall present appropriate credentials at the time of entry;

b) The purpose of the entry shall be for inspection, observation, measurement, sampling, testing or records examination in accordance with the provisions of this ordinance;

c) The entry shall be made at reasonable times during normal operating or business hours unless an emergency situation exists as determined by the superintendent of public works.

d) All regular safety and sanitary requirements of the facility to be inspected shall be complied with by the city representative(s) entering the premises.

(B) SAMPLING

1) Samples of wastewater being discharged into the sewer system shall be representative of the discharge and shall be taken after treatment, if any, and before dilution by other water. The sampling method shall be one approved by the superintendent of public works and one in accordance with good engineering practice.

2) Samples that are taken by city personnel for the purposes of determining compliance with the requirements of this ordinance shall be split with the discharger (or a duplicate sample provided in the instance of fats, oils and greases) if requested before or at the time of sampling.

3) All sample analyses shall be performed in accordance with the procedures set forth in 40 CFR, Part 136 and any amendments thereto or with any other test procedures approved by the Administrator of the Environmental Protection Agency. If there are no approved test procedures for a particular pollutant, then analyses shall be performed using other validated procedures approved by the superintendent of public works and, if the discharge is subject to a Categorical Pretreatment Standard, by the EPA Administrator.

(C) SAMPLING MANHOLE OR ACCESS

The superintendent of public works may require a discharger to install and maintain at the discharger's expense a suitable manhole in the discharger's branch sewer or other suitable monitoring access to allow observation, sampling and measurement of all industrial wastes being discharged into the city sewer system. It shall be constructed in accordance with plans approved by the superintendent of public works and shall be designed so that flow measuring and sampling equipment may be conveniently installed. Access to the manhole or monitoring access shall be available to city representatives at all times.

Section 42. Spill Prevention and Control.

(A) NOTIFICATION

Any person becoming aware of spills or uncontrolled discharges of hazardous or toxic substances or substances prohibited under Section 36(B) directly or indirectly into the city sewer system or into a tributary to the city sewer system, shall immediately report such discharge by telephone to the superintendent of public works.

(B) POSTED NOTICE

A notice of informing employees of the notification requirement and containing a telephone number or individual to contact in the event of such a discharge shall be posted in a conspicuous place, visible to all employees that may reasonably be expected to observe such a discharge.

(C) PREVENTIVE MEASURES

Direct or indirect connections or entry points which could allow spills or uncontrolled discharges of hazardous or toxic substances or substances prohibited under Section 36 to enter the city sewer system shall be eliminated, labeled, or controlled so as to prevent the entry of wastes in violation of this ordinance. The superintendent of public works may require the industrial user to install or modify equipment or make other changes necessary to prevent such discharges as a condition of issuance of an Industrial Waste Discharge Permit or as a condition of continued discharge into the city sewer system. A schedule of compliance shall be established by the superintendent of public works which requires completion of the required actions within the shortest reasonable period of time. Violation of the schedule without an extension of time by the superintendent of public works is a violation of this ordinance.

(D) SPILL PREVENTION AND CONTROL PLANS

1) Industrial users that handle, store or use hazardous or toxic substances or substances prohibited under Section 36(B) on their site shall prepare and submit to the superintendent of public works a spill prevention plan within 90 days of the effective date of this ordinance. The plan shall be directed at preventing the entrance of such substances, directly or indirectly, into the city sewer system. It shall be available for

inspection at the facility during normal business hours and shall include, but not be limited to, the following elements:

(i) A description of the potential points of entry into the city sewer system; and,

(ii) A description of the measures to be taken to prevent entry at the described points before a spill occurs; and,

(iii) Measures to be taken to contain a spill if one occurs; and,

(iv) A description of employee training in the prevention and control of spills.

A valid spill prevention plan required under the Federal Clean Water Act may be acceptable in lieu of developing a new spill prevention plan, provided the plan addresses adequately the elements required.

2) The superintendent of public works may require revisions to an industrial waste discharger's spill prevention plan if the plan contains elements that are inadequate, as determined by the superintendent of public works or the discharger has a spill or uncontrolled discharge of a hazardous or toxic substance or a substance prohibited under Section 3 (B) into the city sewer system.

#### Section 43. Extra-Strength Industrial Waste Charges.

(A) Industrial waste is subject to the Extra-Strength Sewage Charge if it has a biochemical oxygen demand in excess of three hundred milligrams per liter (300 mg/l) or a suspended solids concentration in excess of three hundred and fifty milligrams per liter (350 mg/l). The superintendent of public works may establish levels of other pollutants which are to be subject to extra strength charges, the amount of the charges to be determined by the superintendent of public works. Payment of the Extra-Strength Sewage Charge does not relieve the discharger of responsibility for all other applicable provisions of this Chapter.

##### (B) BASIS OF EXTRA-STRENGTH SEWAGE CHARGE RATES

1) Concentration. The concentration of each pollutant in excess of the limits specified in Section 43(A) shall be used to determine the Extra-Strength Sewage Charge rate (dollars per hundred cubic feet) throughout the time interval between sample periods. The concentration shall be the average value of daily composite samples taken over a period of five days, except when another period is specified by the superintendent of public works. Samples shall be taken at an approved sampling manhole or other location adjudged by the superintendent of public works to be suitable so that samples will be representative.

2) Volume. The volume used to bill the Extra-Strength Sewage Charge shall be the total metered water supply to the premises. However, where the industrial waste is discharged

separately from domestic product, or cooling waters, and the industrial user provides a meter or other acceptable method of determining the quantity of water not subject to the Extra-Strength Sewage Charge, then an appropriate allowance for such other uses shall be made. The allowance for domestic sewage shall be one thousand cubic feet per nine employees, unless this allowance is included in another measurement.

(C) OTHER CHARGE COMPUTATIONS. If unusual effluent conditions make calculations by the composite method impossible or unrealistic, another method of sampling and computation acceptable to the superintendent of public works and based on the rates may be implemented.

(E) SERVICE OUTSIDE THE CITY. The charges for extra-strength industrial discharges from properties outside the city shall be 1 1/2 times the charge for similar discharges from properties inside the city.

(F) BILLING. Extra-Strength Sewage Charges shall be either included with the sewer bills or shall be billed separately by the City Recorder. Extra-strength charges shall be enforceable and collectible in the same manner as water and sewer charges. If such charges are not paid within ninety days from and after billing, such nonpayment shall be cause for termination of water and/or sewer services.

(G) MINIMAL CHARGES: SUSPENSION. The superintendent of public works may establish a limit for monthly extra-strength charges. The billing for all accounts whose monthly extra-strength charges are below this minimum limit, will be suspended until such time as they are found to be higher.

(H) ADJUSTMENTS. The superintendent of public works may check sewage strength as outlined in this Section and adjust charges where applicable at any time in accordance with the most recent analysis.

(I) RESAMPLING REQUEST: FEES. Any discharger may request the city to resample wastewater at no charge if eighteen months or more have elapsed since last such sampling. If less than eighteen months have elapsed since the last sampling, then requests for the city to resample wastes shall be submitted in writing and accompanied by full payment for the resampling fee.

(J) TERMINATION OR LIMITATION. Notwithstanding prior acceptance into the city sewer system or industrial wastes under this Section, if the superintendent of public works finds that industrial wastes from a particular commercial or industrial occupancy or a class of wastes from similar commercial or industrial occupancies cause or may cause damage to the city sewer system; interference with the operation of the city sewer system; or a nuisance or hazard to the city sewer system, city personnel or the receiving waters; then the superintendent of public works may limit the characteristics or volume of the industrial wastes accepted under this Section, or may terminate the acceptance. Notice of the limitation or termination shall be given in writing to the occupant

of the property involved and shall specify the date when the limitation or termination is to be effective. It is unlawful for any person to discharge or permit the discharge of industrial wastes in violation of this notice.

Section 44. Enforcement.

(A) PENALTIES

Violations of this title may result in assessment of a civil penalty in an amount up to \$500 per day per violation.

(B) VIOLATIONS

1) A violation shall have occurred when any requirement of this ordinance has not been met; when a written request of the superintendent of public works, made under the authority of this ordinance, is not met within the specified time; when a condition of a permit or contract issued under the authority of this ordinance is not met within the specified time; when effluent limitations are exceeded, regardless of intent or accident; or when false information has been provided by the discharger.

2) Each day a violation occurs shall be considered as a separate violation.

(C) NOTICE OF VIOLATION

Upon determination by the superintendent of public works that a violation has occurred or is occurring, the superintendent of public works may issue a written Notice of Violation to the discharger which outlines the violation and the potential penalty. The Notice may further request correction of the violation within a specified time and/or require written confirmation of the correction or efforts being made to correct the violation by a specified date. The Notice shall be personally delivered to the discharger's premises or be sent certified or registered mail, return receipt requested.

(D) JUDICIAL ACTION

After Notice of violation, appropriate civil or criminal action may be initiated through the City Attorney in a Court of competent jurisdiction to enjoin a violation and obtain corrective measures and any other appropriate relief.

(E) TERMINATION OR PREVENTION OF DISCHARGE

1) The superintendent of public works may terminate or prevent a discharge into the city sewer system if:

- (i) the discharge or threatened discharge presents or may present an imminent endangerment to the health or welfare of persons or the environment, or threatens to interfere with the operation of the city sewer system; or,
- (ii) the permit to discharge into the city sewer system was obtained by misrepresentation of any material fact or by lack of full disclosure; or
- (iii) the discharger violates any requirements of this ordinance or of an Industrial Waste Discharge Permit; or,
- (iv) such action is directed by a court of competent jurisdiction.

2) Notice of termination or prevention of discharge shall be provided to the discharger prior to terminating or preventing the discharge.

(i) In situations that do not represent an endangerment to health or the environment or threaten to interfere with the sewer system, the Notice shall be in writing; shall contain the reasons for the termination or prevention of the discharge, the effective date, the duration, and the name, address and telephone number of a city contact; shall be signed by the superintendent of public works; and shall be received at the business address of the discharger no less than thirty (30) days prior to the effective date.

(ii) In situations where there is an endangerment to the health or welfare of persons or the environment or threatened interference with the operation of the sewer system, the superintendent of public works may immediately terminate an existing discharge or prevent a new discharge from commencing after providing informal notice to the discharger. Informal notice may be verbal or written and shall include the effective date and a brief description of the reason. Within three working days following the informal notice, a written formal notice as described in Section 44(E)(2)(i) shall be provided to the discharger.

(F) COST RECOVERY

1) The superintendent of public works may recover all reasonable costs of damages to the city sewer system and of paying fines or penalties which result from a discharge not in compliance with this ordinance.

2) Recovery of the costs shall be by letter to the discharger's sent certified mail, return receipt requested, which states the specific violation(s), the damages and penalties sustained by the city, the costs of those damages and penalties, and the costs the superintendent of public works has determined as attributable to the discharge and, thereto, billed to the discharger.

3) The costs are due and payable by the discharger upon receipt of the letter. Nonpayment or disputes regarding the amount shall be referred for appropriate action to the City Attorney. The City Attorney may initiate appropriate action against the discharger to recover costs under this section.

4) The superintendent of public works may terminate a discharge for nonpayment of costs after 30 days' notice to the discharger.

(G) OPERATING UPSETS

Any discharger which experiences an upset in operations which places the discharger in temporary state of noncompliance with this ordinance or an Industrial Waste Discharge Permit issued pursuant to Section 40 shall inform the superintendent of public works of the upset within 24 hours of the first awareness of it. Where such information is given orally, a written follow-up report shall be filed by the discharger with

the superintendent of public works within five days. The report shall specify:

- 1) description of the upset, the cause thereof and the upset's impact on the discharger's compliance status.
- 2) duration of noncompliance, including exact dates and times of noncompliance, and if noncompliance continues, the time by which compliance is reasonably expected to occur
- 3) all steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

Section 45. Records retention.

All dischargers subject to this ordinance shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject to any enforcement or litigation activities brought by the city pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Section 46. Conflict.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 47. Severability.

If any provision, paragraph, word, section or chapter of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words sections, and chapters shall not be affected and shall continue in full force and effect.

## PART IV

### Penalties

Section 48. Denial of Connection. No local government agency or person may connect at sewer to the city unless such agency or person shall then be in compliance with all of these rules and regulations

Section 49. Issuance of Stop Work Order. If any local government agency or person shall construct a public sewer, private sewer or building sewer in violation of these rules and regulations, the city may issue an order to such agency or person to stop work in progress which is not in compliance with these rules and regulations, or the city may issue an order to correct work which

has been performed. Such agency or person shall forthwith take such action as may be necessary to comply with such order and with these rules and regulations, all at the expense of such agency or person.

Section 50. Delinquency. Sewer service charges or connection charges levied in accordance with the rules and regulations shall be a debt due to the city, and shall be a lien upon the property. If this debt is not paid with 30 days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both.

Section 51. Discontinuance of Service. In the event of failure to pay sewer service charges or connection fees after they become delinquent, failure to cease discharging to the sewers substances prohibited by any rules and regulations of the city, or failure to have flow or sampling devices in proper operating condition for more than seven (7) days, the city shall have the right to remove or close sewer connections and enter the property for accomplishing such purposes.

The expense of such removal or closing, as well as the expense of restoring service, shall likewise be a debt due to the city and a lien upon the property, and may be recovered by civil action in the name of the city against the property owner, the person or both.

If past due sewer service charges or connection fees are placed in the hands of the City Attorney for collection, the property owner or the person or both shall be liable for the city's reasonable attorney's fees and collection costs in the recovery of said sewer charges.

Section 52. Restoration of Service. Sewer service shall not be restored until all charges, including the expense of removal, closing and restoration shall have been paid and the cause for discontinuance of service corrected.

Section 53. Ownership and Occupancy. Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

Section 54. Monetary Penalties. Any person that shall fail to comply with or shall violate any of the provisions of these rules and regulations shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding \$500.00.

Persons 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



persons 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 55. Lien. All sewage service rental charges and sewer connection fees shall be a lien against the property served from and after the date of billing and entry on the ledger record of the sewer department, and such ledger record shall be made accessible for inspection by anyone interested in ascertaining the amount of such charges against the property.

The city council may use additional means of collection as may be provided by the laws of the state of Oregon or permitted by the charter and ordinances of the city of Canby.

Section 56. Special Agreements. No statement contained in this article shall be construed as prohibiting any special agreement or arrangement between the city and any person whereby an industrial waste of unusual strength or character may be admitted to the sewage disposal works, either before or after pretreatment; provided, that there is no impairment of the functioning of the sewage disposal works by reason of the admission of such wastes, and no extra costs are incurred by the city without recompense by the person.

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

(A) Reject the wastes.

(B) Require pretreatment to an acceptable condition for discharge to the the public sewer, including a minimum of two hours of settling for wastes containing soil, dirt, and/or sand.


(C) Require control over the quantities and rates of discharge by constructing equalization basin or by other appropriate methods.

(D) Require payment to cover the added cost of handling and treating the wastes not covered by the existing sewer charges. If the superintendent of public works permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city and subject to the requirements of all applicable costs, ordinances and laws.

Section 57. Disbursement. The city council, by resolution or motion duly adopted, shall, from time to time and not less than once each fiscal year, direct the transfer of funds from the sewer fund to all or any of the following:

1) The account or accounts for the construction, operation or maintenance of the sewage system.

ATTEST:

  
Marilyn K. Perkett, City Recorder Pro Tem

- 2) The account or accounts for the payment of principal and interest on maturing bonds.
- 3) The account or accounts established for the sewer reserved fund.

Section 58. Appeal to Common Council. Any person feeling himself aggrieved by any decision of action of the city made or taken pursuant to these rules and regulations may appeal to the council by filing written notice of appeal with the superintendent of public works within 45 days following any decision or action. Such notice of appeal shall set forth in reasonable detail the action or decision appealed from the appellant's ground in reversal or modification thereof. Within 20 days following receipt of such notice, the council shall set a time for hearing upon such appeal, which shall not be less than 10 or more than 45 days following receipt. The action of the Council upon such appeal shall be conclusive, subject to appeal in the manner required by law.

Section 59. Validity. 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 without such invalid part or parts.


Section 60. Repeal. Ordinance No. 566, enacted February 19, 1974; Ordinance No. 618, enacted April 1, 1977; Ordinance No. 679, enacted August 6, 1980, are hereby repealed.

Section 61. Effective date. This ordinance shall take effect January 1, 1983.

Submitted to the council and read for the first time at a regular meeting thereof on the 3rd day of November, 1982; ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof on 1st day of December, 1982, at the Council Chambers at the Canby City Hall.

  
Marilyn K. Perkett, City Recorder Pro Tem

Passed on final reading of the Canby City Council this 1st day of December, 1982, by the following vote: YEAS 5 NAYS 0

  
Robert A. Swayze, Mayor