

## **Chapter 51 SEWERS**

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Cross-reference:

Reimbursement districts for public improvements, see Chapter 39.

## GENERAL PROVISIONS

### 51.001 ADOPTION OF LAWS AND RULES.

The city adopts and incorporates herein by reference the following as they presently exist or may hereinafter be amended: O.R.S. 447.010 through 447.140, the State Plumbing Code and applicable administrative rules of the Director of Commerce.

(Ord. 981, passed 1-28-92)

### 51.002 DEFINITIONS.

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

**APPLICANT.** The person(s) applying for a sewer connection permit. The applicant shall be the owner of the premises to be served by the sewer for which a permit is requested, or his/her designated agent authorized in writing to act on his/her behalf.

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

**BUILDING.** Any structure used for human habitation, employment, place of business, recreation, or any other purpose, containing sanitary facilities.

**BUILDING DRAIN.** That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes within or adjoining the building or structure and conveys the discharge to the building sewer, beginning at a point five feet outside the established line of the building structure including any structural projection except eaves.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other points of disposal.

**CLEANOUT.** A sealed aperture permitting access to the building sewer pipe for stoppage removal and other cleaning purposes.

**COLLECTION SYSTEM.** The system of public and private sewers which are operated by the city and are designed for the collection and conveyance of sanitary sewage.

**DWELLING UNIT.** A facility designed for permanent or semi-permanent occupancy which provides the occupants with minimum kitchen, sleeping and sanitary facilities.

**FIXTURE UNIT.** Fixture unit load values for drainage piping as specified in this chapter, or if not included herein, then as specified in the following or as it may hereinafter be amended. O.R.S. 447.010 through 447.140, the State Plumbing Code and Administrative Rules of the Director of Commerce adopted pursuant to O.R.S. 447.020.

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

**INDUSTRIAL WASTES.** Any liquid, gaseous, radioactive or solid waste substance, or a combination thereof resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources as distinct from sanitary sewage.

**NATURAL OUTLET.** Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**PERSON.** Any individual, firm, company, association, society, corporation or group.

**pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PROPERLY SHREDED GARBAGE.** The wastes from the preparation, cooking and ~~the~~ dispensing of food, and the handling, storage and sale of produce, that have been shredded to 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 (1.27 centimeters) in any dimension.

**PUBLIC SEWER.** A sewer in which all owners of abutting properties have equal rights, ~~and that~~ is owned and controlled by the city. This includes the system from the point of connection of the building drain and/or building sewer to a septic tank effluent pumping (STEP) system to the collection system and the ultimate sewage treatment process.

**[PUBLIC WORKS DIRECTOR.](#)** [The Public Works Director of the city, or his/her authorized deputy, agent, or representative.](#)

**SANITARY SEWER.** A pipe or conduit intended to carry liquid and water-carried wastes, from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not intentionally admitted into the system.

**SERVICE CONNECTION.** That part of the public sewer which extends from a street sewer and receives flow from a building sewer or a building drain and which may or may not include a STEP system.

**SEWAGE.** A combination of water-carried wastes, from residences, commercial buildings, industrial establishments and institutions or other places, together with minor quantities of ground, storm and surface waters that are not intentionally admitted into the sewer system.

**SEWAGE TREATMENT PLANT.** Any arrangement of devices and structures used in the process of treating sewage.

**SEWAGE WORKS.** All facilities for collecting, pumping, treating and disposing of sewage.

**SHALL** is mandatory; **MAY** is permissive.

**SLUG.** Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour sewage concentration or flows during normal operation.

**STEP SYSTEM.** A septic tank effluent pump system designed for a specific user application which is owned, operated and maintained by the applicantcity. It is required as a condition for service to pretreat sewage and pressurize the resulting effluent for delivery to a street sewer in areas where the street sewer is a pressure sewer designed for septic tank effluent. The pressure pipeline located in public rights-of-way, may be owned and operated by the city, if so designated. If not designated, it is to be owned and operated by the applicant. ~~If the system is installed on private property, an easement to the city which allows access must be given by the property owner.~~

**STORM SEWER** or **STORM DRAIN.** A sewer designated to carry only storm waters, surface run-off, drainage and street wash waters, but excludes sewage and industrial wastes, other than unpolluted cooling water.

~~**SUPERINTENDENT.** The Superintendent of Sewage Works of the city, or his/her authorized deputy, agent or representative.~~

**SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

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

(Ord. 981, passed 1-28-92)

## PUBLIC SEWER USE REQUIRED

### 51.015 DEPOSIT OF OBJECTIONABLE WASTE.

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

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

### 51.016 DISCHARGE OF UNTREATED WASTE.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

### 51.017 PRIVIES AND CESSPOOLS.

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

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## **51.018 CONNECTION TO PUBLIC SEWER REQUIRED.**

*(A) Connection to Existing Public Sewer.* The owner of all buildings or dwelling units used for human occupancy, employment, recreation or any other purpose situated within the city and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the city is required at their expense, unless waived in writing by the city with the waiver period not exceeding five years, to connect to the public sewer in accordance with the provisions of this chapter within 90 days provided that the public sewer is within 100 feet of the property line.

*(B) Connection to Future Public Sewer.* At such time as the public sewer becomes available to any property served by a private sewage disposal system, as provided for in §§ 51.015 through 51.018 of this chapter, a direct connection shall, unless waived in writing by the city with such waiver period not exceeding five years, be made to the public sewer. Any connections made to the public sewer shall be made in compliance with this chapter, and any septic tank, cesspools, or other similar private sewage disposal facilities shall be abandoned by the property owner, in accordance with then-existing state law, and at no expense to the city.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

### **PRIVATE SEWAGE DISPOSAL**

## **51.030 CONFLICTING PROVISIONS.**

No statement contained in this subchapter shall be construed to interfere with any current or to-be-published requirements that may be imposed by the Oregon State Department of Environmental Quality.

(Ord. 981, passed 1-28-92)

## **51.031 PRIVATE DISPOSAL AUTHORIZED.**

Where a public sanitary sewer is not available under the provisions of §§ 51.015 through 51.018, the building sewer shall be connected to a private sewage disposal system which is in compliance with the provisions of this subchapter.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## **51.032 PERMITS AND WAIVERS.**

Before construction is commenced relative to a private sewage disposal system, the property owner must obtain a written waiver from the city concerning the current availability of the city sewer system. Secondly, the property owner shall obtain a written permit from the Oregon State Department of Environmental Quality relating to the construction and use of a private sewage disposal system.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## **~~51.033 CONNECTION TO PUBLIC SEWER REQUIRED.~~**

~~At such time as the public sewer becomes available to any property served by a private sewage disposal system, as provided for in §§ 51.015 through 51.018 of this chapter, a direct connection shall, unless waived in writing by the city with such waiver period not exceeding five years, be made to the public sewer. Any connections made to the public sewer shall be made in compliance with this chapter, and any septic tank, cesspools or other similar private~~

~~sewage disposal facilities shall be abandoned by the property owner, in accordance with then existing state law, and at no expense to the city.~~

~~(Ord. 981, passed 1-28-92) Penalty, see § 51.999~~

## **51.034 OPERATING PRIVATE SEWER SYSTEMS.**

The property owner shall be required to operate and maintain the private sewage disposal system facilities in a sanitary manner at all times and at no expense to the city.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

### **BUILDING SEWERS AND CONNECTIONS**

## **51.045 PERMITS.**

(A) *Authority to open into, make connections or cover.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city. Applications for permits shall be made at the City Hall.

(B) *Before permit issuance.* Before the applicant can be issued a permit, the applicant must pay the connection fee and inspection fee for the installation of the public sewer system connection. Once issued, each permit shall be valid for 60 days from the date of issuance.

(C) *Classes of connection permits.* There shall be three classes of building service connection permits: for residential services, for commercial service, and for service to establishments producing industrial wastes. In any case, the applicant shall make application on a special form furnished by the city. The permit application shall be supplemented by a site plan or other information considered pertinent in the judgement of the ~~Superintendent~~[Public Works Director](#). The specific permit and inspection fees for each class of building service connection permits, which are to be paid at the time the application is filed, are set out under a separate city ordinance.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## **51.046 FEES, CHARGES AND RATES.**

All permit fees, inspection fees, installation charges, connections fees and user rates for the city shall be set by separate Council resolution and resulting city ordinance.

(Ord. 981, passed 1-28-92)

## **51.047 COSTS AND EXPENSES.**

All costs and expenses incident to the associated extension of the public sewer, and the ultimate installation and connection of the building sewer to the public sewer shall be borne by the property owner, ~~and shall be in~~ [accordance with city standards](#). The property owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. If the city is requested to make the connection to the applicant's building drain or building sewer, the costs shall include engineering, construction management, excavation, installation, materials, backfill, street repair and related overheads. Before construction commences the applicant shall place on deposit with the city the necessary funds, or security acceptable to the city, as estimated by the city, for the completion of the extension of the public sewer, including the estimated cost of a STEP system when required. Within 30 days after completion of the project the property owner will pay or the city

will return to the property owner any difference in the actual cost of the project and the estimated cost for which the deposit was made.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## 51.048 SEPARATE BUILDING SEWERS.

(A) A separate and independent building sewer shall be provided for every building; except in the following situations:-

(1) Where one building stands at the rear of another on an interior lot and no private or public 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.

(2) Where required, two or more buildings on one tax lot under one ownership can share a single STEP system provided that such is approved in writing by the city and that the STEP system utilized is sized appropriately.

(B) In each of the exceptions mentioned in division (A), each separate and independent building shall pay the applicable connection and inspection fees and specified monthly users charges.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## 51.049 USE OF OLD SEWERS.

Old sewers may be used in connection with new buildings only when they are found, with proper examination and testing by the city and/or its ~~Sewer Works Superintendent~~ Public Works Director, to meet all requirements of this chapter.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## 51.050 CONSTRUCTION STANDARDS.

(A) *Sewer construction standards.*

(1) The size, slope, alignment, and materials of construction of a building sewer and the methods to be used in excavating, placing of pipe, jointing, testing, backfilling the trench and the connection to the public sewer, including a STEP system where applicable, shall all conform to the requirements of any city building code, the State Plumbing Code and the Administrative Rules of the Director of Commerce, and other applicable rules, regulations and resolutions of the city, as they presently exist, or may hereinafter be amended or enacted.

(2) All ultimate connections to the public sewer, including a STEP system where applicable, shall be made gastight and watertight. Any deviations from the prescribed procedures and materials must be approved by the city's ~~Sewer Superintendent~~ Public Works Director before installation.

(B) *Building drain connection elevation.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which the building drain is too low to permit gravity flow to the public sewer, the sanitary sewage carried by the building drain shall be lifted by a means approved by the

~~Sewer Superintendent~~Public Works Director and discharged to the building sewer. This lift system shall be designed, constructed, maintained, owned, and operated by the building owner.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## 51.051 SURFACE RUNOFF.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## 51.052 STEP SYSTEMS.

Specific STEP system installation requirements, are as follows.

(A) *Permits.* Where a STEP system is required, an easement to construct, operate and maintain the system shall be given to the city prior to the city's issuance of the requested permit.

(B) *Notice of installation.* The applicant for the STEP system construction shall notify the ~~Sewer Superintendent~~Public Works Director at least two weeks prior to the need for the sewer application in order for the city to arrange for the installation.

(C) *Installation specifications.* The materials, excavation and installation of the STEP system shall be in accordance with the plans and specifications of the city. As such, individual electrical and pump needs will have to be determined for each individual service connection.

(D) *Operation and Maintenance*~~Electrical power.~~ Electrical power for the STEP system shall be arranged and ~~be~~ provided by the applicant. Suitable electrical rough-in, consistent with applicable city and state electrical codes, for the structure(s) to be served is a condition for the connection of service to the sewer system. Rough-in, as well as other electrical costs, is the responsibility of the applicant. All installation, operation, and maintenance costs shall be paid for by the applicant.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## 51.053 EXCAVATION REGULATIONS.

(A) *Restoration of public property.* All streets, sidewalks, parkways and any other public property disturbed in the course of the service connection installation shall be restored in a manner satisfactory to the city. All repairs or replacements shall be made at the expense of the property owner.

(B) *Safety measures.* All excavation for building sewer installation shall be adequately guarded with barricades and lights ~~so as~~in order to protect the public from hazard. The type of safety measures relied upon will be conducted in a manner satisfactory to the city. Construction safety shall be the ultimate responsibility of the installation contractor.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## 51.054 INSPECTION AND CONNECTION.



The applicant for the building sewer permit shall notify the ~~Sewer System Works Superintendent~~[Public Works Director](#) when the building sewer installation is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the ~~Superintendent~~[Public Works Director](#) or a designated representative. No cover shall be added until the proper level of inspection and connection related supervision has been conducted.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## PUBLIC SEWER USE REGULATIONS

### ~~51.070 STORM AND INDUSTRIAL COOLING WATER.~~

~~Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling waters or unpolluted process waters may also be discharged, on approval of the Superintendent and/or the Department of Environmental Quality, to a storm sewer or other natural outlets.~~

~~(Ord. 981, passed 1-28-92) Penalty, see § 51.999~~

### ~~51.071 PROHIBITED DISCHARGES~~[USE OF PUBLIC SEWERS.](#)

(A) No person shall discharge or cause to be discharged into a sanitary sewer the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Public Works Director and/or the Department of Environmental Quality, that the wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Public Works Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. Refer to Prineville Administrative Code §53.125 for additional guidance on prohibited discharges.

(B) Waste rejection, discharge control, or pretreatment.

(1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics in division (A) of this section, and which in the judgement of the Public Works Director, may have a deleterious effect upon the sewage works, processes, equipment or irrigation lands and/or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Public Works Director may do the following:

\_\_\_\_\_ (a) Reject the wastes.

\_\_\_\_\_ (b) Require pretreatment to an acceptable condition as a requirement for discharge to the public sewers.

\_\_\_\_\_ (c) Require control over the quantities and rates of discharge.

\_\_\_\_\_ (d) Require additional payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under § 51.078.

(2) If the Public Works Director permits the pretreatment or equalization of waste flows, the design and installation of the facilities and equipment shall be subject to the review and approval of the Public Works Director, and subject to the requirements of all applicable codes, ordinances and laws.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

~~No person shall discharge or cause to be discharged any of the following described waters or wastes to any sanitary sewer.~~

~~(A) Any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters.~~

~~(B) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.~~

~~(C) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singularly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/L as CN in the wastes as discharged to the public sewer.~~

~~(D) Any water or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewer works.~~

~~(E) Solid or viscous substances in quantities or of such other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshings, entrails and paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.~~

~~(F) Any septic tank or cesspool sludge or wastes disposals, which are planned for direct disposal into the sewage treatment facilities.~~

~~(G) Any other substance prohibited by the Department of Environmental Quality of the State of Oregon.~~

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## **51.072 PROHIBITED POTENTIAL HARMFUL DISCHARGES.**

~~(A) *Prohibited potential harmful discharges.* No person shall discharge or cause to be discharged into a sanitary sewer the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Superintendent and/or the Department of Environmental Quality, that the wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. Substances prohibited are as follows.~~

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

~~(2) Any waters or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/L or contain substances which may solidify or become viscous at temperatures between 32 and 150°F or between 0 and 65°C.~~

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

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

~~(5) Any ground or unground fruit peelings and cores from commercial canneries and/or packing plants. This also includes cull fruits and vegetables and ordinary fruits and vegetables and related seeds.~~

~~(6) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, over five parts per million to a degree that any material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.~~

~~(7) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies or jurisdiction for the discharge to irrigation lands and/or receiving waters.~~

~~(8) Any radioactive wastes or isotopes of such half life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.~~

~~(9) Any waters or wastes having a pH in excess of 9.0.~~

~~(10) Materials which exert or cause the following.~~

~~(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).~~

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

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

~~(d) Unusual volume of flow or concentration of wastes constituting slug as defined in § 51.002.~~

~~(11) Waters or wastes containing substances which are not amenable to treatment or deduction by the sewage treatment processes employed, or are amenable to treatment only to a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the irrigation lands and/or receiving waters.~~

~~(B) Waste rejection, discharge control or pretreatment.~~

~~(1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substances or possess the characteristics enumerated in division (A) of this section, and which in the judgement of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or irrigation lands and/or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may do the following.~~

~~(a) Reject the wastes.~~

~~(b) Require pretreatment to an acceptable condition as a requirement for discharge to the public sewers.~~

~~(c) Require control over the quantities and rates of discharge.~~

~~(d) Require additional payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under § 51.078.~~

~~(2) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the facilities and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.~~

~~(Ord. 981, passed 1-28-92) Penalty, see § 51.999~~

### **~~51.073 PRETREATMENT FACILITIES MAINTENANCE.~~**

~~Where pretreatment or flow equalizing facilities are required relative to water or waste to be discharged to the public sewer, they shall be maintained at a level of continuous and satisfactory and effective operation by the property owner at such owner's expense.~~

~~(Ord. 981, passed 1-28-92) Penalty, see § 51.999~~

### **~~51.074 INTERCEPTORS.~~**

~~Grease, oil and sand interceptors shall be provided by the property owner when, in the opinion of the Superintendent, the devices are necessary for the proper handling of liquid wastes containing grease in excess amounts, any flammable wastes, sand or other harmful ingredients; with the exception that the interceptors shall not be required for private living quarters or dwelling units. The following shall apply to interceptor installations.~~

~~(A) All interceptors required to be installed shall be of a type, performance quality and capacity as approved by the Superintendent.~~

~~(B) The installed device shall be located in such a manner as to be readily and easily accessible for cleaning and inspection.~~

~~(C) Access for periodic cleaning and inspection of the installed interceptors will not be withheld by the property owner.~~

~~(D) All costs, including original installation, future replacement, inspection and cleaning, are the responsibility of the property owner.~~

~~(Ord. 981, passed 1-28-92) Penalty, see § 51.999~~

### **~~51.075 INDUSTRIAL WASTES.~~**

~~The following shall apply to the control of industrial wastes to be or which are inadvertently being discharged into the public sewer from industries which exhibit excess strengths or characteristics of excess strengths.~~

~~(A) The controls for industrial waste admission apply if BOD in excess of or equal to 200 mg/L or suspended solids in excess of or equal to 150 mg/L is found to exist as a result of composite sample testing.~~

~~(B) The composite sample taken shall consist of no less than 12 individual samples taken at a minimum of 30-minute intervals over a period which is not less than six hours.~~

~~(C) Review and written acceptance by the city shall be obtained prior to the discharge into the public sewers of any waste having BOD in excess of or equal to 200 mg/L or a suspended solids content in excess of or equal to 150 mg/L.~~

~~(D) Pretreatment facilities shall be required if in the opinion of the Superintendent a need exists to modify or eliminate industrial wastes that are harmful to the structures, processes or operations of the sewage treatment works. In such cases, the property owner(s) shall provide at their own expense any pretreatment or processing facilities as may be determined necessary by the Superintendent to render the industrial waste acceptable for admission to the public sewers.~~

~~(E) Any industry planning to discharge wastes from a canning, freezing or food packing operation shall not be allowed to discharge the industrial waste into the public sewer.~~

~~(F) The volume of flow used for computing industrial waste charges shall be metered water consumption of the industrial user or customer as shown in the records of meter readings maintained by the city. If the industrial user or customer discharging industrial wastes into the public sewers procures any part, or all, of its water supply from sources other than the City Water Department, all or a part of which is discharged into the public sewers, the additional water supply shall be metered. In such cases the industrial user or customer shall install and maintain at his/her expense water meters of a type approved by the Superintendent for the purposes of determining the volume of water obtained from these other sources.~~

~~(G) Where, in the judgement of the Superintendent, it is deemed necessary to protect the public sewer system, certain industrial plants may be required to have separate collection systems; one system to be installed for customary sanitary sewage which is connected directly to the public sewer system; a second system to be installed to collect processing wastes from shop sinks, floor drains, wash stations, plating or cleaning works and all other industrial waste sources. The waste from this system shall be discharged into an exterior concrete sump of sufficient capacity to hold at least two day's discharge from these sources and be connected to the city sewer system only by a valved overflow. The sump shall be readily accessible for inspection and analysis by the city, and only properly treated or neutralized wastes will be allowed to flow into the city's sewer system. The city reserves the right to require that city approval be secured for each incident of discharge into the city's sewer system.~~

~~(Ord. 981, passed 1-28-92) Penalty, see § 51.999~~

## **51.076 CONTROL MANHOLES; SAMPLING DEVICES.**

~~(A) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with the necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his/her expense, and shall be maintained by the owner so as to be safe and accessible at all times. The flow measurement device can be a Parshall flume, weir, venturi nozzle, magnetic flow meter or any other type of device providing accurate and continuous flow indications. Pump timers or other indirect measurement devices will not be acceptable. The flow meter shall be suitable for indicating and totalizing the flow in millions of gallons per day through the device, provided above, with an error not exceeding plus or minus 2%. The instrument shall be equipped with a set of electrical contacts arranged to momentarily close a circuit to energize a process timer and sampling device for every fixed quantity of flow. This quantity should be selected so as to insure a minimum of 12 samples per operating day. Other control variations will~~

be acceptable if it can be demonstrated to the Superintendent that the sampling procedure will result in a waste sample which is proportional to the waste flow.

(B) The length of operation of the sampling device shall be dependent on the type of sampling arrangement used, but in no case shall the daily collected sample be less than two quarts in volume.

The method of sampling used can be continuous pumping past a solenoid-operated valve, direct pumping into sample containers, continuous pumping past a sampler dipper calibrated to remove a constant sample, by a proportional dipper sampler operating directly in the waste flow or by any other approved means. All samples must be continuously refrigerated at a temperature of 39°F, plus or minus five degrees. The flow measurement and sampling station shall be located and constructed in a manner acceptable to the city. Complete plans on all phases of the proposed installation, including all equipment proposed for use, shall be submitted to the city for approval prior to construction. The person discharging the waste shall keep flow records as required by the city and shall provide qualified personnel to properly maintain and operate the facilities.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## **51.077 SAMPLING STANDARDS.**

All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at 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. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## **51.078 SPECIAL AGREEMENTS.**

No statement contained in this subchapter shall be construed to prevent any special agreements or arrangements between the city 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. As such, any payments associated with the arrangements will be determined by special contract between the city and the specific industrial concern for which the special arrangements have been made.

(Ord. 981, passed 1-28-92)

### **INFILTRATION AND INFLOW**

## **51.085 NOTICE TO CORRECT.**

All property owners identified by the city as contributors to excessive or improper infiltration or inflow into the public sewer shall be advised in writing of their infiltration and inflow problems by the city.

(Ord. 981, passed 1-28-92)

## **51.086 TIME LIMIT FOR CORRECTIVE ACTION.**

The owners of all properties who need to take corrective action shall be provided a 60-day grace period in which to correct the infiltration and inflow problems as identified by the city. The 60-day grace period shall commence on the date of notification.

(Ord. 981, passed 1-28-92)

## **51.087 NOTICE OF CORRECTIVE ACTION TAKEN.**

By the end of the 60-day grace period, each property owner shall notify the city that corrective actions have been or are in progress of being taken.

Details with respect to corrective actions taken or expected to be taken and the anticipated completion date shall be specified in the notification to the city.

(Ord. 981, passed 1-28-92)

## **51.088 FAILURE TO CORRECT.**

(A) *Failure to notify.* A property owner who fails to notify the city of corrective actions prior to the end of the 60-day grace period shall be subject to termination of service, without further notice. The termination of service shall include immediate discontinuance and shut off of the property owner's water service, if the service is provided by the city, until the violation shall have been corrected in accordance with federal, state and city regulations.

(B) *Continuation of excess infiltration or inflow.* In the instance that excessive or improper infiltration or inflow into the public sewer of the city shall continue beyond the 60-day grace period, it is hereby declared that the continuing infiltration or inflow is a public nuisance, that the city shall have the right to abate the public nuisance and to enter upon any private property within the city for such purpose and shall assess the cost of the abatement as a lien against the property upon which the continuing infiltration and inflow occurs and shall assess the cost of the abatement to the property upon or from which the infiltration and inflow occurs. The assessment shall be levied by the filing of a statement of the costs together with the description of the property or properties to be assessed, together with the names of the owner(s) thereof with the City Manager, whereupon the City Manager shall forthwith enter the assessment as a lien against the property. An administration fee of 15% of the cost shall also be charged and collected by the city in addition to all costs of abatement.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

### **SERVICE; CHARGES AND BILLING**

## **51.100 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All definitions included in § 51.002 are incorporated herein by reference.

**COMMERCIAL USER.** Any premises used for commercial or business purposes which are not determined to be an industry as defined in this subchapter.

**DOMESTIC WASTE.** Any wastewater which would, under ordinary facts and circumstances, emanate from dwellings.

***EQUIVALENT RESIDENTIAL UNIT (ERU).*** A volume of wastewater emanating from an average residential dwelling unit in the city's sewer treatment works service area which is assumed to incur the same costs for operation and maintenance as the average volume of domestic waste. When ERU's are relied upon in establishing user charges, the city shall utilize the metered water use records of the residential dwelling units in the treatment works service area for purposes of making this determination.

***INDUSTRIAL USER.*** ~~Industrial user means a~~ Any source of a direct or indirect discharge to the sewage system other than a domestic or commercial user. Additionally, two specific types of industrial users exist and are defined below.

(1) Categorical Industrial User. A user regulated by one of the EPA's categorical pretreatment standards as listed in 40 CFR Chapter 1, Subchapter N, Parts 405 through 471.

(2) Significant Industrial User. A user subject to the categorical pretreatment standards; or a user that:

(a) Discharges an average of 25,000 GPD or more of process wastewater to the city sewage system (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or

(b) Contributes to a process wastestream that makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant; or

(c) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the treatment plant's operation or for violating any pretreatment standard or requirement.

(d) Upon finding that a user meeting the criteria in subsection (2)(a) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures established pursuant to 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

~~(1) Any nongovernmental, nonresidential user of the public treatment works which is identified in the "Standard Industrial Classification Manual," 1972, Office of Management and Budget, as amended and supplemented, under the following divisions:~~

~~Division A—Agriculture, Forestry and Fishing~~

~~Division B—Mining~~

~~Division D—Manufacturing~~

~~Division E—Transportation, Communications, Electric, Gas and Sanitary Services~~

~~Division I—Services~~

~~(2) As a general rule, any public treatment works user which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes will be considered an industrial user unless an exclusion is requested by the user, and as such is granted by the city.~~



~~(3) Given the aforementioned, a user of the public treatment works system may be excluded from the industrial user category if it is determined by the city that the user will introduce primarily domestic waste and other waste from sanitary conveniences.~~

**OPERATION AND MAINTENANCE.** All activities required to ensure the continuous, dependable and economical functions of collection, treatment and discharge of the public treatment works sewage or user wastes. The activities and attendant costs would include, but not be limited to, the following: preventive and corrective maintenance; replacement of equipment; debt service costs; and, control of the unit processes and equipment that make up the collection, treatment and discharge of the public treatment works such as keeping financial and personal management records, laboratory control, process control, safety, emergency operation planning, employment of attorneys and consultants, and payment of court costs and fines.

**PUBLIC TREATMENT WORKS.** A collection, treatment and discharge sewerage system owned and operated by a public authority.

**REPLACEMENT.** Obtaining and installing any equipment, accessories or appurtenances that are deemed necessary by the city to maintain the capacity and performance for which the collection and treatment works were designed and constructed. This process shall continue during the designed for or useful life, whichever is longer, of the collection and treatment works facilities.

**RESIDENTIAL USER.** The user of a single-family dwelling or such other dwelling units included in multiple unit buildings designed for such purposes.

**SERVICE AREA.** All of the area served by the collection and treatment works system for which there is one uniform user charge system. The service area shall include the corporate limits of the city and any other contiguous and neighboring territory as the City Council shall, from time to time, deem it necessary to service.

**TREATMENT WORKS.** All facilities used in any manner for the purpose of collecting, pumping, treating and the ultimate disposal of sewage. "Treatment system" and "sewerage system" shall be equivalent terms for **TREATMENT WORKS**.

**USER.** Every property owner and/or tenant of any property which is connected to, or required by city ordinance to be connected to, the treatment works system of the city.

**USER CHARGE.** The periodic or monthly charges levied on all users of the city's public treatment works.

(Ord. 980, passed 1-28-92)

## **51.101 SERVICE.**

Application for city sewage treatment works services shall be made in the following manner.

(A) The application for city sewage treatment works services shall be considered to be the application for a permit to make a connection to the city's public sewer system. The application will state the purpose for which service is to be used, the address for mailing of the billings and other information as the city may reasonably require. In signing the application, the property owner agrees to abide by the rules and regulations of the city's public sewer system.

(B) Deposits and establishment of credit shall be performed at the time the application for service by the city's public sewer system is made. The credit of the applicant shall be established if the following requirements are met: the applicant makes a cash deposit with the city to secure the payment of two months user charges for services, but not less than \$20; or, should the applicant have a history of delinquency of payment for services provided by the city, as determined by the city, the minimum deposit shall be \$50. At the time the deposit is given to the city, the

applicant will be provided with a written receipt. The deposit is not to be considered as a payment on account. In the event that the service is discontinued, the deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded to the property owner. Also, following 12 consecutive nondelinquent payments for city public sewer system services, a property owner may request and receive a refund of the deposit.

(C) Users desiring to make a material change in the type and/or quantity of sewage to be discharged into the city's sewerage system shall give the city written notice of the change prior to the change and the original application for service shall be amended.

(Ord. 980, passed 1-28-92)

## **51.102 CHARGES.**

(A) *Sewer user charges.* Sewer user charges shall be established on a monthly basis for the use of the city's sewage facilities. All user charges and service connection, disconnection and reconnection charges will result from a specific resolution of the City Council and the documentation of the charges for specific types of users are attached as exhibits to Ordinance 980, passed 1-28-92.

(B) *Applicability of user charges.* All user charges and other fees and charges provided for in § 51.101 shall apply to and be the responsibility of each user of the city's sewerage system.

(C) *Process of fixing responsibility.*

(1) The process of fixing responsibility for user charges shall be applied such that the property owner of record shall be responsible for the payment of all charges or surcharges for the city's provision of sewer services. The property owner, if the owner desires, will be notified of any delinquency in user charge or other associated billings rendered by the city.

(2) Users' charges shall be levied on all users of the city's public treatment works. The charges shall cover the costs of operation and maintenance, replacement and other administrative costs of the treatment works. The user charge system relied upon by the city shall distribute these costs in proportion to user responsibility for the wastewater loading of the treatment works.

(D) *Assignment of user charges.* Assignment of user charges to a specific user of the city's treatment works shall be the responsibility of the city. If at any point it is determined by the city that a user's assigned user charge has been incorrectly assigned, the city shall reassign a more appropriate user charge and notify the user of the reassignment.

(E) *Records.* Records which justify the basis used to assign wastewater contributions which formed the foundation for existing user charges shall be kept on file with the City Manager and shall be available for public inspection.

(F) *Beginning of sewer user charges.* The beginning of sewer user charges for all occupied property shall be the day following when the sewer service became available or the day that the connection is made to the public treatment works, whichever occurs first. The sewer user charges for all unoccupied property shall commence on the day after the property is ready for occupancy or on the first day of occupancy, whichever occurs first. All unoccupied property which is ready for occupancy at the time the sewer service becomes available shall be treated as occupied property.

(G) *Credit for vacancy.* Once the sewer user charge has been commenced, a user shall not be allowed a credit for vacancy unless the user can demonstrate that water service to the property from any and all sources has been discontinued. When a demonstration of the conditions can be made, the user's charge shall be appropriately pro-rated based on the days of usage divided by 30 days, which in no case shall exceed the total amount of the monthly user charge. Payment will be made by the city to the property owner for the calculated amount less any

then-outstanding user account balances owed to the city. The regular user charge shall be reinstated as soon as water service, from any source, has been reconnected to the user's property.

(H) *Review and revision of sewer user charges.* Review and revision of sewer user charges established in this section shall, as a minimum, be reviewed annually and if necessary be revised periodically to reflect the recovery of actual costs of operation, maintenance and replacement of the treatment works.

Adjustments may also be made between specified types of applicable user charges to maintain the equitability of the user charges with respect to cost causation criteria. Cost causation charges will be determined on the basis of the proportional distribution of the costs of sewer service in proportion to each user group's contribution to the total wastewater loading of the treatment works.

(I) *User notification of the need for revised user charges.* User notification of the need for revised user charges will be made, in conjunction with a regular bill or through other standard means of public announcement, at least one month prior to the effective date of the revised user charges.

(J) *Waiver of notification requirements.* Waiver of notification requirements will be allowed in case of emergency. In such instances, an emergency will be declared to exist when it is necessary for the health and safety of the people of the city for additional funds to be collected for the proper operation and maintenance of the public treatment works. In such cases an emergency may be declared to exist by the City Council and upon approval by the City Mayor, the revised user charges shall be placed into effect immediately. When such an emergency is declared, the user notification requirements relative to a change in user charges shall be waived.

(K) *Cost of service notification.* Cost of service notification shall be conducted by the city, with notification being made to each user no less frequently than on an annual basis. As such, each user shall be notified, in conjunction with a regular bill, of that portion of the user charges which are attributable to the operation, maintenance and replacement of the wastewater collection, treatment and disposal system.

(L) *Responsibility for payment of sewer user charges.* Responsibility for payment of sewer user charges shall be that of the person who owns the property. The responsibility for payment to the city does not pass to the tenant or other occupants, notwithstanding the fact that tenants or other occupants may be required by the property owner to pay the charges.

(M) *Appeals.* Appeals of the sewer user charges established by the city shall be made in writing to the City Manager within ten days of the billing of the sewer user charges. The City Manager shall respond in writing within ten days of receipt of any appeal. If the user wishes to appeal further, he/she shall request in writing that the City Manager place his/her specific appeal on the agenda of the next scheduled regular City Council session. The decision of the City Council at the session shall be final.

(Ord. 980, passed 1-28-92) Penalty, see § 51.999

## **51.103 BILLING, PAYMENT AND COLLECTION.**

The billing process will be conducted in the following manner.

(A) The users of the public treatment works system shall be billed no more frequently than on a monthly basis for services provided by the city in accordance with the sewer user charge schedule as set forth in the exhibits attached to Ordinance 980, passed 1-28-92, incorporated herein by reference.

(B) The sewer user charges shall be due and payable to the city no later than 30 days after the date of billing. If not paid on or before 30 days after the billing date, the sewer user charges shall be deemed ~~to be~~ delinquent.

(C) Payments for combined water/sewer bills shall be credited to the oldest bill. The payment shall be applied first to amounts owing on the sewer account and then to amounts owing on the water account.

(D) The billings address for city sewer user charges shall be the address specified in the application for the permit to make the connection. This will continue until a different owner or user of the property, and a corresponding change in billing address, is reported in written form to the City's Department of Public Works.

(E) All collections of sewer user charges and other specified fees and charges shall be made by the City's Manager. Sewer user charges and other fees and charges shall be computed as provided in the sewer user charge and service charge exhibits attached to Ordinance 980, passed 1-28-92, and shall be payable as provided in this subchapter.

(Ord. 980, passed 1-28-92; Am. Ord. 1028, passed 11- -95)

## **51.104 DELINQUENT ACCOUNTS.**

(A) Delinquent accounts shall be charged interest at a rate of 1% per month from the date of delinquency. In addition, a service charge shall be assessed at a rate of \$5 per month from the date of delinquency in order to allow for the recovery of the city's administrative costs relative to the delinquent account. The service charge payment shall be added to the account balance and shall accrue interest in the same manner as all other delinquent charges beginning with the month following the month of delinquency.

(B) Disconnection/reconnection in the event of extended delinquencies shall be conducted in the following manner.

(1) After an account becomes delinquent, a turn-off notice will be sent to the billing address. The notice shall state a date not less than ten days from the date of the notice on which water service to the premises will be turned off if the delinquency amount is not paid in full prior thereto. On or after the turn-off date, if the delinquent amount has not been paid in full, the Superintendent may disconnect the service of the water system to the premises. Water services will be withheld until all delinquent amounts owing for sewer services supplied to the premises have been paid in full, together with the reconnection fee for the water services. The amount of the reconnection fee for the water service is specified in the city's water system ordinances incorporated herein by reference.

(2) In some instances, in the event of failure to pay sewer charges after they have become delinquent, the city shall have the right to remove or close the sewer connection. The same delinquency and notification period as detailed in division (B)(1) of this section would also apply. In these cases, the city shall be allowed the right of entry upon the property owner's property for accomplishing such purposes.

The total expense of the discontinuance, removal or closing, as well as the expense of restoring service, shall be a debt due to the city and be represented by a lien upon the property. In such cases the amount owed the city, as represented by the lien on the property, may be recovered by civil action in the name of the city against the property owner, the person, or both. Also, the city may enforce the collection of the charges by any means that may be provided by the laws of the state or permitted by the charter and ordinances of the city. This would include certification to the Tax Assessor of Crook County for collection in the manner provided for under O.R.S. 454.225.

(C) Change in ownership or occupancy of premises for which the sewer user charge account is found to be delinquent shall not be cause for reducing or eliminating any of the aforementioned penalties.

(Ord. 980, passed 1-28-92; Am. Ord. 1103, passed 5-13-03; Am. Ord. 1103, passed 5-13-03)

## **51.105 SEWER FUND.**

The City Manager is hereby directed to deposit in the City Sewer Fund all of the gross revenues received from charges, rates and penalties collected for the use of the sewerage system as herein provided. As such, the funds deposited in the City's Sewer Fund shall be used for the operation and maintenance and replacement of the public treatment works system; administration costs; expenses of collection of charges resulting from this subchapter; and, the payment of the principle and interest on any debts which are directly or indirectly related to the public treatment works system of the city.

(Ord. 980, passed 1-28-92)

## PROHIBITIONS AND RESTRICTIONS

### **51.115 PROPERTY DAMAGE AND INTERFERENCE.**

(A) *Tampering with the sewage works system is prohibited.* No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works system. Any person violating this provision shall be prosecuted in accordance with the Oregon Criminal Code.

(B) *Liability for damages.* The property owner shall be liable for damage to a tank or pump or other equipment or property owned by the city which is caused by an act of the customer, his/her tenants, or agents. The city shall be reimbursed by the customer for the damages upon presentation of a bill.

(Ord. 981, passed 1-28-92)

### **51.116 DANGEROUS OR UNSAFE APPARATUS.**

The city may refuse to furnish sewer service to a premises where an apparatus, appliance or other type of equipment using the sewer system is dangerous or unsafe or the devices are being used in violation of laws, ordinances or legal regulations. The city does not assume liability for inspecting apparatus on the customer's property. The city does reserve the right of inspection, however, if there is reason to believe that an unsafe or illegal apparatus is in use. The right to access for the inspections, when requested by the city, shall not be withheld by the property owner.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## ADMINISTRATION AND ENFORCEMENT

### **51.130 DISCONNECTION DUE TO NONCOMPLIANCE.**

The city may discontinue water service to a customer for noncompliance with the terms of this chapter if the customer fails to comply with the terms within ten days after receiving written notice of the city's intention to discontinue service. Provided, however, if the noncompliance materially affects the health, safety or other conditions that warrant the action, the city may discontinue water service immediately and without notice.

(Ord. 981, passed 1-28-92)

### **51.131 INSPECTIONS; RIGHT OF ENTRY.**

(A) *Entry on owner's property to be permitted.* The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private and public properties for the purposes of, but not limited to, installations as required, connections, maintenance, inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his/her

representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond those which have a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) *Conformance with safety rules.* While performing the necessary work on private properties referred to in division (A) of this section, the Superintendent or duly authorized employees of the city shall observe all safety rules applicable to the premises.

(C) *Easements allowing entry on property.* The Superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purposes of, but not limited to, installations of facilities, connections, inspections, observation, measurement, sampling, repairs and maintenance of any portion of the sewage works lying within the easement.

(Ord. 981, passed 1-28-92)

## **51.998 VIOLATIONS.**

(A) *Notice of violation.* Any person found to be violating any provision of this chapter, except §§ 51.115 and 51.116, shall be served with written notice stating the nature of the violation with notification that the violator is given ten days to satisfactorily correct the violation. The offender shall, within the ~~period of~~ time stated in the notice, permanently cease all violations. With respect to damages to the sewer system and associated cost and fines to the city resulting from the violation(s), the property owner shall be responsible for the costs and be billed accordingly.

(B) *Liability.* Any person violating any of the provisions of this chapter shall become liable to the city for any expense, including reasonable attorney fees, loss or damage occasioned the city by reason for the violation, and in action or suit in the name of the city may be instituted against the person for the recovery of the expense, loss or damage; and the same may be undertaken in addition to other penalties imposed under the provisions of the chapter.

(Ord. 981, passed 1-28-92) Penalty, see § 51.999

## **51.999 PENALTY.**

Any person who shall continue any violation beyond the time limits provided for in § 51.998(A), shall be deemed guilty of a violation, and, upon conviction, shall be penalized as provided in § 10.99.

(Ord. 981, passed 1-28-92)