

ORDINANCE NO. 88-O-430

AN ORDINANCE REGULATING THE USE AND DISCHARGE OF WASTES INTO THE PUBLIC SEWERS OF THE CITY OF BROOKINGS, OREGON; PROMULGATING THE REGULATIONS; AND PROVIDING PENALTIES.

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The City of Brookings ordains as follows:

## ARTICLE I

### Definitions

"Approving authority" shall mean the Mayor and the Council of the City of Brookings, or its duly authorized representative.

"BOD (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade, expressed in milligrams per liter.

"Building" shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

"Building sewer" shall mean the extension from a building of the building drain to the public sewer or other place of disposal. [As amended by Ordinance No. 91-O-430.C, effective August 15, 1991]

"City" shall mean the City of Brookings, Oregon, as represented by the City Manager or his designee.

"Chlorine requirement" shall mean the amount of chlorine, in parts per million by weight, which must be added to sewage to produce a specified residual chlorine content, or to meet the requirements of some other objective, in accordance with procedures set forth in "standard methods".

"City engineer" shall mean the City engineer of the City of Brookings, Oregon, or the City's duly authorized agent.

"Commercial building" shall mean all building or premises used for any purpose other than a dwelling unit having a sewage discharge of a kind, type and volume similar to a single-family dwelling unit or multi-unit residential structure including a mobile home park or recreational vehicle park, but not an industrial waste contributor. Any building or structure, which has been constructed or altered to provide for two or more families or households, or which has been constructed or altered to accommodate travelers or transients, including mobile homes or recreational vehicles, shall be considered a "commercial building".

"Commercial user" shall mean the owner, occupant or lessee of any premise used for commercial or business purposes which is not an industrial user as defined in this ordinance.

"Council" shall mean the City Council of the City of Brookings, Oregon.

"Design life" shall mean the period during which a treatment works is planned and designed to be operated.

"Domestic user" shall mean any person who discharges only domestic sewage, or the owner of property which is connected to the public sewer system of the City.

"Dwelling unit" shall mean each single-family dwelling unit used for permanent human habitation, including mobile homes and recreational vehicles if so used.

"Garbage" shall mean the residue from the preparation and dispensing of food, and from the handling, storage, and sale of food products and produce.

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

"Industrial unit" shall mean any business, occupation or enterprise having a sewage discharge which, by reason of the manufacture or industrial process involved or through services rendered, is any volume in excess of a single-family residence or is of a kind or type dissimilar to that of a single-family residence because of the discharge of chemicals or by-products of the non-residential or industrial process.

"Industrial user" shall mean any non-governmental, non-residential user of a publicly owned treatment works which is identified in the Standard Industrial Classification Manual 1972, Office of Management and Budget, as amended and supplemented under one of the divisions cited in 40 CFR, Part 35, Section 35.2005 [19].

"Industrial wastes" shall mean any non-domestic liquid, gaseous substance or semi-solid from any producing, manufacturing business or trade, or processing operation of whatever nature (as distinct from sanitary sewage), and the contents of chemical toilets, septic tanks, and wasteholding tanks.

"Infiltration" shall mean any water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections or manholes. Infiltration does not include, and is distinguished from, inflow.

"Inflow" shall mean any water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

"Manufactured home" shall mean a transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code (also referred to as the HUD code), but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations, latest edition, and intended for permanent occupancy so that it may be used with or without a permanent foundation.

"Mobile home" shall mean any manufactured unit built on a chassis designed to be used as a permanent or resident dwelling, with or without a permanent foundation, and may include a recreational vehicle (RV) if such RV is so used.

"Modular home" shall mean a transportable single-family dwelling conforming to the Oregon State Structural Specialty Code and Fire Life Safety Regulations, latest edition, and intended for permanent occupancy so that it may be used with or without a permanent foundation.

"Multi-family dwelling unit" shall mean any building or dwelling unit as herein defined, designed or modified to be used as two or more dwelling units.

"Operation and maintenance" shall mean activities required to assure the dependable and economical function of sewage disposal works:

1. Maintenance: Preservation of functional integrity and efficiency of equipment and structures. This includes preventative maintenance, corrective maintenance and replacement of equipment.
2. Operation: Control of the unit processes and equipment which make up the sewage disposal works. This includes administration, financial and personnel management, records, laboratory control, process control, safety and emergency operation planning.
3. Operation and maintenance shall also mean "replacement".

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Parts per million" shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

"Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, government agency, or other entity.

"Private sewer disposal system" shall mean a non-public sewer disposal system approved by the Oregon Department of Environmental Quality (DEQ), and operated and maintained in conformity with requirements of DEQ.

"Public sewer" shall mean a sanitary sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"Public works director" shall mean the Public Works Director for the City of Brookings or the City's authorized representative.

"Recreational vehicle" shall mean a self-propelled or towable mobile designed used for temporary dwelling purposes by non-resident travelers.

"Recreational vehicle dumping station" shall mean a facility connected to a public sewer which accepts liquid wastes dumped from holding tanks of recreational vehicles such as travel trailers, motor homes, campers and other mobile living units where such wastes pass into the public sewer system, regardless of whether such wastes are accepted by the recreational vehicle dumping station operator with or without charge.

"Recreational vehicle park" shall mean a lot upon which two (2) or more recreational vehicles occupied for living or sleeping purposes are located, regardless of whether a fee is paid for such service or accommodations.

"Replacement" shall mean obtaining and installing equipment, accessories, or appurtenances which are necessary during the design or useful life, whichever is longer, of the sewage disposal works to maintain the capacity and performance for which such works were designed and constructed.

"Residence" shall mean buildings, structures and mobile homes, manufactured or modular, including recreational vehicles, that are constructed and/or used primarily for single-family residential purposes.

"Sanitary sewer" shall mean a 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 admitted intentionally.

"Septic tank" shall mean a watertight receptacle which receives the discharge of sewage from a sanitary private drainage system and which is so designed, constructed and operated as to separate solids from liquids, digest organic matter during a period of detention and allow the liquids to discharge into the soil outside of the tank through an absorption facility, all of which must be located upon and within the site or property which it serves.

"Service charge" or "user charge" shall mean the monthly fee charged for service to all users of the public sewer system.

"Sewage" shall mean the water-carried human and animal wastes from residences, buildings and industrial establishments or other sources together with such groundwater infiltration and surface water as may be present.

"Sewage disposal works" shall mean all facilities for collecting, transporting, pumping, treating, and disposing of sewage and industrial waste, including sewerage as well as the sewage treatment plant.

"Sewage treatment plant" shall mean an assemblage of devices, structures, and equipment for treating sewage and industrial wastes and may be used synonymously with the term "wastewater treatment plant".

"Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation, and pumping of sewage and industrial wastes.

"Sewer user" shall mean every person using a public sewer who owns a building connected to a public sewer, or who has a residence, commercial building, or industry within 300 feet of an available sewer, and who puts to use a sewer which requires sewage facilities, though not connected therewith.

"Shall" is mandatory; "may" is permissible.

"Standard methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes", published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.

"Storm sewer" shall mean a sewer that carries storm, surface, and groundwater drainage, but excludes sewage and industrial wastes.

"Surcharge" shall mean a charge or assessment in addition to the service or user charge levied for a specific purpose.

"Suspended solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "standard methods".

"Treatment works" shall have the same meaning as "Sewage disposal works".

"Useful life" shall mean the period during which a treatment works operates.

"User charge" shall mean a charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance (including replacement) of such works, and the term "user charge" shall have the same meaning and may be used synonymously with the term "service charge."

"Wastewater" shall mean liquid or water-carried pollutants including any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the publicly owned treatment works.

"Wastewater treatment plant" shall mean the same and may be used synonymously with the term "sewage treatment plant".

## ARTICLE II Public Sewer System

### Section 1. Sewer system established, controlled.

A. Authorization. Pursuant to the city charter, the city of Brookings is hereby authorized and empowered by and through its city council, and in the name of the city, to purchase or build, construct, maintain, extend and repair one or more municipal sewer systems, either within or without, or partially within and partially without, the corporate limits of the city, and to do all necessary things in connection therewith.

B. Scope. The city and all customers receiving services from the sewer system, whether inside or outside the city limits, are bound by these rules and regulations.

Section 2. Council to make rules. The rules and regulations governing consumers of sewer from said municipal sewer system, the rates to be charged such consumer, and the policy and manner of operating, managing and maintaining such municipal sewer system, shall be fixed, formulated and adopted by the city council.

Section 3. Sewer service.

A. Sewer service may only be extended to properties having frontage on a public sewer main which has been built to current City standards to serve the requesting property and which is so constructed and extended as to provide service to adjacent property and which has been dedicated to and accepted by the City together with necessary easement and rights of way therefor, all in conformance with the requirements of this and other relevant Ordinances, except as provided in Subsection D of this Section. [Section 3.A as amended by Ordinance No. 91-O-430.B, effective June 11, 1991]

B. In order to insure compatibility of utility systems and improvements within both the City and the Urban Growth Area of the City, sewer service extensions may be permitted to properties which are in all respects developed in accordance with adopted city development standards and regulations and with the charter and ordinances of the city.

C. For purposes of this ordinance, and for indivisible single lots or parcels existing on the effective date of this ordinance, frontage on a public sewer main may be satisfied by means of either an easement or land in fee simple abutting a public right-of-way containing the sewer main. Sewer service to a single lot or parcel which has been created prior to adoption of this ordinance amendment may be provided by a sewer service lateral but service to more than a single lot or to such parcels which are divisible into more than a single lot shall be provided by means of the extension of a public sewer main meeting current adopted city standards, with provision for dedication of appropriate and necessary public utility easements for installation and maintenance purposes. [Section 3.C as as added by Ordinance No. 89-O-456]

D. Where the installation of a public sewer main would pose substantial risk to the sewer main or to surrounding properties as a result of identified geological hazard, the City Council may approve the installation of sewer service to properties which do not have frontage on a public sewer main in accordance with such terms and conditions as may be recommended by the City's engineer to minimize risk to City facilities and surrounding properties, and such approval may specify conditions of approval which must be satisfied prior to connection to the City's sewer system. [Section 3.D as as added by Ordinance No. 89-O-430.B, effective June 11, 1991]

E. Where a septic system is failing and the septic system cannot be repaired and the installation of a sewer main will require pumping of the sewer and due to limited use it is not practical to install a municipal pump station, the City may approve the installation of sewer service to properties which do not have frontage on a public sewer main in

accordance with such terms and conditions as may be recommended by the City's engineer and such approval may specify conditions of approval which must be satisfied prior to connection to the City's sewer system. The City upon review of the facts at their sole discretion will decide if the connection is exempt from fronting on a public sewer main. Verification of a failing septic system must be received, in writing and from the Curry County Sanitarian before such installation will be considered by the City. [Section 3.E as added by Ordinance No. 89-O-430.E, effective December 23, 1998]

Section 4. Prohibition of service. When, in the judgment of the city, the sewer lines and appurtenances or the treatment plant of the city are of insufficient capacity or size or cannot reasonably be expected to provide safe and dependable treatment of sewage then applications for additional sewer service shall be refused. The city council may from time to time designate sections of the city or the area served by the sewer system in which additional sewer services shall be prohibited until such time as conditions preventing the safe collection and treatment of sewage shall have been corrected.

Section 5. [Section 5 repealed by Ordinance No. 91-O-430.C, effective August 15, 1991]

### ARTICLE III

#### Use of Public Sewers Required

Section 1. Owner required to connect to public sewer. Except as set forth in this Section, the owner and the occupant of all houses, buildings, or properties used for human occupancy, employment, commerce, industry, recreation, or other purposes, situated within or served by the City treatment works and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet (91.5 meters) of the property line; except that, after the initial construction of the public treatment works is completed, connection to such facilities shall be completed within twelve (12) months after official notice to do so. The City Council may set a shorter time for correction or connection to public sewer for users having problems which are determined to be a threat to public health, safety or general welfare.

A. The sewer connection requirement described above shall not be applicable if topographic, man-made features or intervening properties (where the subject property does not front on a public sewer) make connection physically impractical.

B. When a public sewer is extended to be within 300' of a property in order to serve an upstream development or property, the owner and/or occupant of the property shall not be required to connect to the public sewer system if the property has a fully functioning septic system. The property shall thereafter connect to the public sewer when: the property owner or occupant desires to connect; when the existing septic system fails; or when it is identified as a public health hazard. If connection to the public sewer is made within the line extension payback period, Section 18.E of this ordinance shall apply.

C. The exceptions to the public sewer connection requirements contained in the above paragraphs A and B shall not apply to local improvement or assessment districts established for the purpose of constructing public sewers within said district. [Section 1 as amended by Ordinance No. 93-O-430.D, effective 06/08 1993.]

Section 2. Unlawful to deposit unsanitary 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 of Brookings, or within the service area of said City, any human or animal excrement, garbage, or other objectionable waste.

Section 3. Treatment required. It shall be unlawful to discharge to any natural outlet within the City of Brookings, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

Section 4. Unlawful to construct facility for disposal of sewage. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other facility intended or used for the disposal of sewage. A private sewage disposal system may be installed as hereinafter provided.

Section 5. Unlawful to damage equipment of sewage works. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest by law enforcement personnel.

## ARTICLE IV

### Public Building Sewers and Connections

Section 1. Permit required. It shall be unlawful for any person to open, uncover, or in any manner make connection with any sewer line of the city, or to lay drain or sewer pipes on any premises or in any street or alley in the city or in any area served by the city treatment works without first applying for and obtaining a permit therefor from the city.

Section 2. Application form. In either case, the owner or his agent shall make application on a special form furnished by the City. A permit and inspection fee and a building sewer connection permit in amounts to be established from time to time by Resolution of the City Council shall be paid to the City at the time the application is filed for connection (of a building sewer) to a service lateral or a public sewer and for extensions or additions to an approved private sewer.

Section 3. Inspection required. The City may issue a permit to a property owner or his agent who certifies on his application that the work covered by the permit will be performed by himself or his agent, or by a licensed, qualified, plumbing contractor, either of which installation shall be inspected and approved by the City. However, if it appears to the Public Works Director that the property owner or his agent is not qualified to perform the work, taking into account the character, complexity and potential hazards of the work,

and the knowledge and experience of the property owner who will perform it, he may require that all or any portion of the work which, in his judgment, such property owner or his agent is not qualified to perform, be performed by a qualified licensed plumbing contractor.

Section 4. Approval by Public Works Director required. The written approval of the Public Works Director shall be obtained before any work covered by these ordinances is covered or concealed.

Section 5. Information required. As part of the application for a permit, the property owner or his agent shall provide the following:

- (a) Copies of plot plan to scale and specifications in duplicate, including, but not limited to, lot dimensions, location of building or structure or other improvements to be served.
- (b) Location of existing septic tanks, drain fields and building sewer lines;
- (c) Location of water service lines and/or wells, and other underground utilities;
- (d) Location of driveways;
- (e) Location, depth, grade and material of proposed building sewer;
- (f) Plans and specifications for materials and installation;
- (g) Purpose for which the sewer connection is to be used, i.e., residential, multi-family residential, commercial, industrial, etc.
- (h) Point of proposed connection of the new or existing building sewer to the building drain.

Section 6. Classes of sewer permits. There shall be two (2) classes of sewer permits:

- (a) For residential and commercial service; and
- (b) For service to establishments producing industrial wastes.

Section 7. Conditions for issuance of permits. Every permit shall be issued under the following conditions:

- (a) Construction of the building sewer shall start within four (4) months from the date of issuance of the permit. [As amended by Ordinance No. 91-O-430.C, effective August 15, 1991]

(b) Construction of the building sewer shall be completed within twelve (12) months from the date of issuance of the permit. [As amended by Ordinance No. 91-O-430.C, effective August 15, 1991.

(c) If the proposed connection or pipe installation does not violate any provision herein and does not violate any other laws of the city, the permit shall be issued. Such permit shall contain all information contained in said application and shall specify any and all sewerage and appurtenances to be utilized in such sewer construction together with the purpose of such use.

(d) The time limit provided in Section 7(a) may be extended to a maximum of six (6) months by a showing of good cause by the sewer connection permit holder as specified in Section 7(f).

(e) The time limit provided in Section 7(b) above may be extended to a maximum of eighteen (18) months by a showing of good cause by the sewer connection permit holder as specified in Section 7(f).

(f) A sewer permit holder may seek extension of the time limits for commencement of construction or completion of the building sewer by written request showing good cause delivered to the City in person or by mail prior to the expiration of a sewer connection permit. Good cause for extension of time shall be limited to a showing of circumstances that were outside the control of the sewer connection permit holder that prevented the commencement of construction or completion of the building sewer within the time limits specified by this Ordinance. Good cause does not include financial problems of the sewer connection permit holder preventing commencement or completion of the building sewer. Any decision granting extension of time limits shall be limited to a period of time necessary to grant relief from the circumstances showing good cause, not to exceed the limits specified in Section 7(d) and (e). A decision on a request for extension of time limits shall be made in writing and mailed to the sewer connection permit holder at the address shown on the permit.

(g) The City Manager shall determine all requests for extension for good cause filed pursuant to Section 7(f). Any sewer connection permit holder whose request for extension of time limits is denied, may appeal the decision of the City Manager to the City Council, by filing a notice of appeal with the City Recorder within 14 days of the date of the mailing of the decision of the City Manager. At its next regular meeting, the City Council shall review the decision of the City Manager being appealed to determine whether good cause exists as defined by Section 7(f). The City Council may affirm the decision of the City Manager or overrule the City Manager's decision and, if overruled, grant an extension of time limits as provided by Section 7(f).

Section 8. Building sewer extension. The building sewer covered by this ordinance shall extend to a point five (5) feet from the building line of buildings or structures not being served by an existing building sewer.

Section 9. Separate sewer for each building required. 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 sewage disposal system 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, if both buildings are owned by one person.

Section 10. Conformity to city standards. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, connecting, testing, and backfilling the trench, shall all conform to the permit conditions and to the requirements of the Oregon State Plumbing Laws and Administrative Rules and other applicable rules and regulations of the City.

Section 11. Elevation of building sewer. Whenever possible, the building sewer shall 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 building drain shall be lifted by an approved means and discharged to the building sewer.

Section 12. Groundwater or surface runoff. No person shall make connection of roof downspouts, exterior foundation drains, driveway drains, areaway drains, or other surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer and any such connections having been made previously shall be removed at the sole cost and expense of the owner of buildings or property so connected.

Section 13. Fees and charges for public sewer connection. When a connection of a building sewer requires a new connection or tap to be made into the public sewer, the City's staff shall make or inspect the connection to the public sewer installing the building sewer (service lateral) from the public sewer main to the right-of-way line of the city, county, state, and public right-of-ways, or sanitary sewer easements. Fees and charges for public sewer connection as established from time to time by Resolution of the City Council shall be paid at the time the required connection permit application is filed with the City. Said fee shall be in addition to an appropriate property assessment charge and shall only cover the cost of installing the building sewer within city, county, state and public right-of-ways, within sanitary sewer line easements, and including connection to the public sewer main. All connections, including the building sewer, shall be made gas tight and water tight.

Section 14. Installation requirements. All excavations for building sewer installation shall be made in a safe and workmanlike manner, adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City and to the State. Such restoration, if not properly completed by the owner, shall be completed by the City and all costs of such restoration shall be and become a lien against the property to be collected as provided by law. The property owner shall be responsible for obtaining all necessary permits required by the City and State for construction in right-of-ways.

Section 15. As-constructed drawings required. Prior to final connection to an existing public sewer, and before the public sewer is used, the property owner or his agent shall provide the City with written documented evidence that the City Building and Plumbing Inspector has approved the building sewer plumbing on the building side to a point five (5) feet outside the building line. Such evidence shall in all cases include as-constructed drawings bearing the seal and signature of a registered, professional engineer.

Section 16. Responsibilities of owner. The property owner or his agent shall be responsible for the operation, maintenance and condition of the entire building sewer, starting at the sewer main in the street or sewer easement right-of-way. The property owner shall install a clean-out at the street or sewer easement right-of-way line.

Section 17. Connections outside city limits. In order to assure required control by the city of connections and input to its sewage system and treatment plant in perpetuity, all persons initiating or renewing requests for sewer service outside the corporate limits of the city shall execute an agreement by and between the requesting property owner and the city to annex to the city at such future time as all legal requirements for annexation have otherwise been met and at the discretion of the city. The said agreement shall be and become a covenant to run with the land so served.

Section 18. Sewer main extensions.

A. Any person or persons desiring a city sewer line to be extended to their property for connection thereto shall be responsible for the costs of said construction and for the construction of the same according to the requirements hereof and to standard specifications and drawings submitted to and approved by the city.

B. All such sewer main line extensions, exclusive of service lines, shall become the property of the city upon completion of the same by the owner or contractor and inspection and acceptance by the city. The person or person constructing said sewer system shall provide and dedicate to the city an easement of a width and length required by the city for maintenance and operation of said sewer system prior to acceptance of the same by the city.

C. If the sewer line, as extended, provides sewer service or is capable of providing sewer service to other property in the city not previously connected with the city sewer system, then the person or persons constructing the sewer line shall file a verified statement of the total cost of construction of the sewer main line with the city. The city manager, after verifying said statement of costs, shall compute the proportionate cost of construction of said line per lot for each lot capable of being served by said line, said costs to be determined according to the proportionate number of square feet in each of said lots. Corner lots already served by existing sewer main shall be exempted from the calculation.

D. After computation of the proportionate costs attributable to each lot by the city manager, the city manager shall file with the city clerk a statement showing the costs of

construction attributable to each lot. The city recorder/treasurer shall then maintain a certified list of the costs attributable to each lot owner who did not share in the cost of construction of the sewer main in the first instance.

E. Any person or persons owning a lot who did not share in the initial cost of construction of the sewer main line who desires to connect to the sewer main line shall first pay to the city recorder/treasurer the proportionate amount as computed by the city manager to be the cost per lot together with interest at the rate of 8% per annum before said person or persons shall be allowed to connect to the sewer main line or before a building permit for construction of said lot shall be issued by the city. Upon receipt of the same, the city recorder/treasurer shall file a statement, duly certified, showing that payment of sewer main line construction charges attributable to said lot have been paid.

F. Upon receipt of the proportionate share of monies attributable to that lot desiring to connect to the constructed sewer main line together with interest accrued thereon, the city recorder/treasurer shall place said funds in a trust fund for the benefit of the person or persons who initially constructed the sewer main line or their successors in interest. As said monies are paid into the trust fund, the city recorder/treasurer shall apportion the same together with interest accrued thereon, to the person or persons originally paying for the sewer main line in the amounts to which said person or persons are respectively entitled; provided however, that in the event said person or persons originally paying for the sewer main line shall have transferred said property to a third party, the city recorder/treasurer shall pay such proportionate share together with interest accrued thereon, to the owner of record at the time such payment is made; and provided further, that the city recorder/treasurer shall pay such proportionate share together with interest accrued thereon, to a purchaser under contract of sale, if in such contract of sale the seller authorizes such payment to be made to the purchaser. Said trust fund shall continue for a period of ten years, after which time the city recorder/treasurer shall cause the trust fund to be closed and any proceeds remaining in the fund to be transferred to the person or persons constructing the sewer main line or their successors in interest. After the period of ten years has expired, the city shall no longer require any person or persons desiring to connect to said sewer main line to pay the proportionate costs of construction as set forth in this section, nor shall the city be responsible for collection of the same.

## ARTICLE V

### Use of the Public Sewers

Section 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 2. Stormwater and all other unpolluted drainage shall be discharged only into such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Department of Environmental Quality. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City, to a storm sewer or natural outlet.

Section 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

(b) Any waters or wastes containing hazardous, toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5, or above 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, humans or animals and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage disposal works by way of example, but not limited to, ashes, cinders, clay, 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, etc., either whole or ground by garbage grinders.

Section 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the City that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving waters, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the City shall give consideration to such factors as the quantities of subject wastes in relation to design capacities and measured 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. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees Celsius).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65 degrees Celsius).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4)

horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City.

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

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable, hazardous or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the City as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies having jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life of concentration as may exceed limits established by applicable State, Federal or City regulations.

(h) Materials which exert or cause:

(1) 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).

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

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

(4) Unusual volume of flow or concentration of wastes.

(i) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the City, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance,

the City may:

- (a) Reject the wastes;
- (b) Require removal of the wastes by the producer;
- (c) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (d) Require control over the quantities and rates of discharge; and/or
- (e) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges including the costs of investigations and measurements as required under the provisions of Section 10 of this Article.

Section 6. If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be prepared and submitted by a registered professional engineer, shall be subject to the review and approval of the City and D.E.Q., and subject to the requirements of all applicable codes, ordinances, and laws.

Section 7. Grease, oil and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, clay, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the City, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 8. Where preliminary treatment, interceptors or flow-equalizing facilities are provided for any waters or wastes, they shall be installed and maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 9. When required by the City, the owner of any property serviced by a sewer carrying wastes other than residential shall install a suitable control manhole together with such necessary meters and other appurtenances in the sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 10. When the loading or flows of wastes is sufficient to warrant more accurate measurement the City may require the installation of flow measuring or monitoring and measuring devices which continually record the condition and volume of wastes entering the public sewer system. Such instruments and devices shall be installed, maintained and operated by the City and all costs therefor shall be billed to and be paid by the producer of such wastes.

Section 11. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance 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 said control manhole. In the event that no specific 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 disposal works and to determine the existence of hazards to health, safety and property.

Section 12. All designs, plans and specifications for line extensions, additions, or modification to the sewage disposal works shall be submitted to the City for approval prior to any construction work and, wherever required, shall also be submitted and approved by the Oregon Department of Environmental Quality.

## ARTICLE VI

### Admission of Industrial Wastes into Public Sewers

Section 1. Approval required. Review and written approval of the City shall be obtained prior to the discharge into the public sewers of any waters or wastes having any of the following:

- (a) A five (5) day biochemical oxygen demand in excess of 300 parts per million.
- (b) A suspended solids content in excess of 25 pounds per day.
- (c) A monthly discharge in excess of 50,000 gallons per day.

Section 2. Industrial user designation. The City shall determine when a user is an industrial user with the use of sampling equipment. When the user is declared to be an industrial user by the City, such user shall be directed by the City to furnish its own sampling equipment at the user's expense, all test results from the user's equipment shall be copied and a copy submitted to the City for the City's use.

Section 3. Pretreatment. Where required, in the opinion of the City, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the wastewater treatment works, the person shall provide at his expense such preliminary treatment or processing facilities as may be necessary to render his wastes acceptable for admission to the public sewers.

Section 4. Submission of information. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted for approval of the City and D.E.Q. prior to the start of their construction, if the effluent from such facilities is to be discharged into the public sewers.

Section 5. Special agreements. No statement contained in Articles V, VI and VII hereof 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 wastewater treatment works, either before or after pretreatment; provided that there is no impairment of the functioning of the wastewater treatment works by reason of the admission of such wastes, and that all costs are paid in full by the industrial concern without recompense by the city.

## ARTICLE VII

### Infiltration and Inflow

Section 1. All property owners identified by the office of the City Manager as contributors to excessive or improper infiltration or inflow into the treatment works and those identified by the engineering report known as "City of Brookings Infiltration and Inflow Study" dated March, 1979, shall be advised of their infiltration and inflow problems.

Section 2. All such situated properties shall be provided a 60-day grace period in which to correct the infiltration and inflow problems as identified, said 60-day grace period to extend from the date of notification.

Section 3. By the end of the 60-day grace period, each property shall notify the City administrative offices that corrective actions have been taken or are in progress, which actions shall be specified in the notification to the City.

Section 4. A property owner failing to notify the City of Brookings of corrective action prior to the end of the 60-day grace period shall be subject to termination of service, without further notice and water service, if provided by the City, shall be immediately discontinued and shut off until the violation shall have been corrected in accordance with Federal, State and City regulations.

Section 5. In the event any instance of excessive or improper infiltration or inflow into the treatment works of the city of Brookings shall continue beyond the 60-day grace period, it is hereby declared that such continuing infiltration or inflow is a public nuisance and the city of Brookings shall have the right to abate such public nuisance, and to enter upon any private property within the city of Brookings for such purpose, and shall assess the cost of such abatement as a lien against the property upon which such continuing infiltration and inflow occurs and shall assess the cost of such abatement to the property upon or from which infiltration and inflow occurs. Such assessment shall be levied by the filing of a statement of such 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 recorder,

whereupon the city recorder shall forthwith enter such assessment as a lien against such property in the City Lien Docket of the city of Brookings. An administration fee of \$50 or 15% of the cost, whichever is greater, shall be charged and collected by the city in addition to all costs of abatement.

## ARTICLE VIII

### Private Sewage Disposal

Section 1. Where a public sanitary sewer is not available under the provisions of Article II, Section 1, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

Section 2. Before commencement of construction of any private sewage disposal system, the owner shall first obtain written approval from the City stating that because of topography, distance or other special factors, a public sewer cannot be supplied at the time and the City has no objection to the installation of a subsurface disposal system. The letter or a copy thereof will be presented to the Oregon State Department of Environmental Quality or its authorized agent when applying for a subsurface disposal permit. The installation of a private sewage disposal system shall neither commence nor proceed without such Department of Environmental Quality permit.

Section 3. No person shall commence or proceed with the installation of a private sewage disposal system within the City without having first executed an agreement to participate in future public sewage system improvements for the property to be served by such private sewage disposal system according to a schedule to be determined by the City.

Section 4. The Oregon State Department of Environmental Quality or its authorized agent has the sole authority for the issuance of subsurface disposal permits.

Section 5. The type, capacities, location, and layout of a private sewage disposal system shall comply with all requirements of the Oregon State Department of Environmental Quality with all work to be performed by either the owner or a licensed sewage disposal service business.

Section 6. At such time as a 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 similar private sewage disposal facilities shall be abandoned in compliance with the requirements of D.E.Q.

Section 7. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

Section 8. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Department of Environmental Quality or its representative.

Section 9. When a public sewer becomes available, the building sewer shall be connected to said public sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt, or removed. When the public sewer becomes available after the initial construction, the building sewer shall be connected to the public sewer within one (1) year.

## ARTICLE IX

### Private Building Sewers and Connection

Section 1. Where a building or structure is being served by an existing private sewer system, the property owner or his agent shall select one of the following options:

(a) Connect to the existing building sewer line at a point five (5) feet from the building line of the building or structure.

(b) Connect to the existing building sewer line at any point between five (5) feet from the building line and the private sewage disposal system, providing the existing building sewer is exposed to determine its conformance to the State Plumbing Code, and provided the portion of existing building sewer which is retained is tested for leakage in conformance with this Ordinance. All deficiencies of the existing building sewer shall be corrected and made to conform to the State Plumbing Code and to this Ordinance.

(c) Extend the building sewer to a point five (5) feet from the building line and install new building sewer plumbing into from the building, thereby not using the existing building sewer line.

Section 2. Within mobile home parks, overnight travel trailer parks, campgrounds, etc., the permit for a building sewer shall extend from the street or sewer easement right-of-way line to the point of connection to the on-site, private sewer system. The private sewer system beyond the point of connection shall be under the control of the State Plumbing Code. Prior to final connections and before the building sewer is placed into use, the property owner or his agent shall provide the City with written documented evidence that the Public Works Director and the Plumbing Inspector have inspected and approved the on-site private sewer system beyond the point of connection.

Section 3. The building sewer, and any applicable portion of an existing building sewer shall be given a leakage test in accordance with the specifications included in the State Plumbing Code.

Section 4. All costs and expenses incident to the installation and connection of the building sewer on private property, including the connection at the right-of-way line, shall be borne by the property owner. The property owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation and use of the building sewer. All construction shall be performed by the property owner or by a licensed qualified plumbing contractor.

## ARTICLE X

### Powers and Authority of Inspectors

Section 1. The Public Works Director, the Building Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. The Public Works Director or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the quantity, content and source of discharge to the sewers or waterways or facilities for waste treatment.

Section 2. While performing the necessary work on private properties referred to in Article X, Section 1 above, the Public Works Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the owner and the owner shall be held harmless for injury or death to the City employees and the City shall indemnify the owner against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except such as may be caused by negligence or failure of the owner to maintain safe conditions as required in Article IX, Section 2.

Section 3. The Public Works Director, the Building Inspector and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties receiving sewer service from the public sewer system and properties through which the City holds a dedicated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, operation and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the dedicated easement.

## ARTICLE XI

### Penalties

Section 1. Any person found to be in violation of any provision of this Ordinance shall be served by the City with written notice stating the nature of the violation and providing within fifteen (15) days of the date of such written notice for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. In the event the violation shall continue beyond the fifteen (15) day notice period without correction, sewer service shall be terminated and water service, if provided by the City, shall be immediately discontinued and shut off. All occupancy or use of the premises shall be terminated and they shall remain vacant until all violations have been corrected.

Section 2. Any person who shall continue any violation beyond the time limit provided for shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$500.00 or by imprisonment in the city or county jail for a period not to exceed ninety (90) days or by both such fine and imprisonment for each violation. Each day in which any such violation shall occur or continue shall be deemed a separate offense.

## ARTICLE XII

### Repeal, Severability, and Emergency Clause

Section 1. Repeal. All ordinances or parts of ordinances of the City in conflict herewith, are hereby repealed.

Section 2. Severability. If any provision, part or parts of this ordinance shall be held to be unconstitutional, invalid, or otherwise inoperative, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, the remainder hereof shall remain in full force and effect as a valid and subsisting ordinance until repealed, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. Emergency clause. The matters contained herein concern the peace, health, safety and welfare of the people of the City of Brookings and therefore an emergency is hereby declared to exist and this ordinance shall become immediately effective upon its final passage by the Council and approval by the Mayor.

Adopted December 15, 1988