

ORDINANCE NO. 313

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS; PRIVATE SEWAGE DISPOSAL; THE INSTALLATION AND CONNECTION OF BUILDING SEWERS; THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AMENDING SECTIONS 7.200 TO 7.235 OF THE DRAIN PUBLIC IMPROVEMENT CODE; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; REPEALING PRIOR ORDINANCES; AND DECLARING AN EMERGENCY.

THE CITY OF DRAIN ORDAINS AS FOLLOWS:

Section 1. The Drain Public Improvement Code Sections 7.200, 7.205, 7.210, 7.215, 7.220, 7.225, 7.230, and 7.235 and the Index thereto are amended to provide as follows:

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PUBLIC AND PRIVATE SEWERS AND DRAINS

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**7.200** Definitions. For purposes of this chapter the following words shall have their assigned meaning:

"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 deg. C, expressed in milligrams per liter.

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

**"Building Sewer"** shall mean the extension from the building drain to the owner's property line.

**"City Administrator"** shall mean the City Administrator established by the City Charter of the city of Drain, or his/her authorized deputy, agent, or representative, i.e., Douglas County Building Codes Department.

**"Combined Sewer"** shall mean a sewer that is designed as a sanitary sewer and a storm sewer.

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

**"Industrial Wastes"** shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

**"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

**"Person"** shall mean any individual, firm, company, association, society, corporation, or group.

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

**"Properly Shredded Garbage"** shall mean the wastes

from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

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

**"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 intentionally admitted.

**"Service Line"** shall mean the sewer connection between the public sewer line and the building sewer.

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

**"Sewage Treatment Plant"** shall mean any arrangement of devices and structures for treating sewage.

**"Sewage Works"** shall mean all facilities for collecting, pumping, treating and disposing of garbage.

**"Sewer"** shall mean a pipe or conduit for carrying sewage.

**"Shall"** is mandatory; **"May"** is permissive.

**"Slug"** shall mean 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 fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

**"Storm Sewer"** (sometimes termed **"storm drain"**) shall mean a sewer designed to carry only storm waters, surface run-off, street wash waters and drainage.

**"Suspended Solids"** shall mean 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"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

**7.205     Use of Public Sewers Required.**

(1) 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 Drain, or in any area under the jurisdiction of said city any human or animal excrement, garbage, or other objectionable waste.

(2) It shall be unlawful to discharge to any natural outlet within the city of Drain, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of the Drain Public Improvement Code.

(3) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal

of sewage.

(4) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, is hereby required at his/her expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of the Drain Public Improvement Code, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

**7.210 Private Sewage Disposal.**

(1) Where a public sanitary sewer is not available under the provisions of Drain Improvement Code Section 7.205, the building sewer shall be connected to a private sewage disposal system complying with Drain Public Improvement Code Section 7.210.

(2) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the Oregon State Department of Environmental Quality.

(3) At such time as a public sewer becomes available as defined in Drain Public Improvement Code Section 7.205(4) to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance

with the Drain Public Improvement Code, and any septic tanks, cesspools, and similar private sewage disposal facility shall be abandoned in accordance with state law at no expense to the city.

(4) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the city.

(5) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Oregon State Department of Environmental Quality.

**7.215 Building Sewers and Connections.**

(1) No 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 Administrator.

(2) There shall be two (2) classes of building sewer permits:

(a) For residential and commercial service,  
and

(b) For service to establishments producing  
industrial wastes.

In either case, the owner or his/her agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City

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Administrator.

(3) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Administrator to meet all requirements of the Drain Public Improvement Code.

(6) The building sewer shall be placed to connect to the service line and shall be installed according to the requirements of the State of Oregon building and plumbing codes, city ordinances, and the Design Manual of Streets and Ways for the City of Drain.

(7) 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.

(8) 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.

(9) The City shall install a service from the main public sewer line to the owner's property line upon payment of the connection charges required by Drain Public Improvement Code Section 7.275 and compliance with all other provisions of this Code.

(10) Should the City Administrator determine that special monitoring structures or equipment are necessary, the City Administrator may require that they be installed and their cost and expense shall be borne by the owner.

(11) The applicant for the building sewer permit shall notify the City Administrator or his/her designee the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City Administrator or his/her representative.

(12) All excavations for building sewer installation shall be 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.



**7.220      Use of the Public Sewers.**

(1) No person shall discharge or cause to be discharged any septic tank wastes into any public sewer, sanitary sewer or sewage works.

(2) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(3) No person shall discharge or cause to be discharged any recreational vehicle (RV) waste into any public sewer, sanitary sewer or sewer works except those designated dumping sites determined by resolution of the City Council.

(4) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City Administrator. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Administrator to a storm sewer, combined sewer, or natural outlet.

(5) 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 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 cyanides 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 having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) Solid or viscuous 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 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, etc. either whole or ground by garbage grinders.

(6) 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 Administrator that such 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 City Administrator will give consideration to such factors as to 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. The substances prohibited are:

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

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 65 degrees C).

(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 Administrator.

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

(e) Any water or wastes containing iron, chormium, copper, zinc, and similar objectionable or toxic sub-

stances; 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 Administrator 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 Administrator as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Administrator in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) 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, 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 constituting "slugs" as defined herein.

(j) 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.

(7) 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 subsection (4), and which in the judgment of the City Administrator 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 Administrator may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge, and/or

(d) Require payment to cover the added cost

of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (10) of this section.

If the City Administrator permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Administrator, and subject to the requirements of all applicable codes, ordinances, and laws.

(8) Grease, oil, and sand interceptors shall be provided when, in the opinion of the City Administrator, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City Administrator, and shall be located as to be readily and easily assessable for cleaning and inspection.

(9) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

(10) When required by the City Administrator, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building 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 Administrator. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.

(11) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in the Drain Public Improvement Code 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 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 analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always BOD suspended solids analyses are obtained from 24-hr. composites of all outfalls whereas pH's are determined from periodic grab samples.)

(12) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Ordinance No. 313

city for treatment, subject to payment therefore, by the industrial concern.

**7.225      Damage to Sewer Works 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.

**7.230      Inspection.**

(1) The City Administrator shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of the Drain Public Improvement Code. The City Administrator 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 kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in subsection (1), the City Administrator shall observe all safety rules applicable to the premises established by the owner.

(3) The City Administrator shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair,



and maintenance 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 duly negotiated easement pertaining to the private property involved.

**7.235 Penalties.**

(1) Any person found to be violating any provision of Drain Public Improvement Code Sections 7.205 to 7.230 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) above, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$250 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(3) Violation of Drain Public Improvement Code Section 7.225 shall be punishable by fine not to exceed \$500 or confinement in jail not to exceed 100 days, or both fine and imprisonment.

**Section 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 3.** The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

**Section 4.** That the matters contained herein concern the public welfare and safety and therefore, an emergency is hereby declared to exist, and this ordinance shall become effective immediately upon its passage by the City Council and approval by the Mayor.

Passed and adopted by the City Council of the City of Drain, State of Oregon on the 8 day of July, 1985.

Approved by the Mayor the 8 day of July, 1985.

  
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Grant S. Levins, Mayor

**ATTEST:**

  
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Robert A. Gray  
City Administrator