

ORDINANCE NO. 981

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, INSPECTION AND ACCEPTANCE OF BUILDING SEWER CONNECTIONS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEMS: AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF PRINEVILLE, OREGON, THE PEOPLE OF THE CITY ORDAIN AS FOLLOWS:

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance and other related ordinances shall be as follows:

Section 1. "Applicant" shall mean 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 designated agent authorized in writing to act on his or her behalf.

Section 2. "BOD" (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 twenty (20) degrees centigrade, expressed in milligrams per liter.

Section 3. "Building" shall mean any structure used for human habitation, employment, place of business, recreation or any other purpose, containing sanitary facilities.

Section 4. "Building Drain" shall mean 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 such discharge to the building sewer, beginning at a point five (5) feet outside the established line of the building structure including any structural projection except eaves.

Section 5. "Building Sewer" shall mean the extension from the building drain to the public sewer or other points of disposal.

Section 6. "City" shall mean the City of Prineville or any of its authorized representatives.

Section 7. "Cleanout" shall mean a sealed aperture permitting access to the building sewer pipe for stoppage removal and other cleaning purposes.

Section 8. "Collection System" shall mean the system of public and private sewers which are operated by the City and are designed for the collection and conveyance of sanitary sewage.

Section 9. "Dwelling Unit" shall mean a facility designed for permanent or semi-permanent occupancy which provides said occupants with minimum kitchen, sleeping and sanitary facilities.

Section 10. "Fixture Unit" shall mean fixture unit load values for drainage piping as specified in this ordinance, or if not included herein, then as specified in the following or as it may hereinafter be amended: ORS 447.010 through 447.140, the State Plumbing Code, and Administrative Rules of the Director of Commerce adopted pursuant to ORS 447.020.

Section 11. "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.

Section 12. "Industrial Wastes" shall mean 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.

Section 13. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Section 14. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Section 15. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 16. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and the dispensing of food, and the handling, storage and sale of produce, 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.

Section 17. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and 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.

Section 18. "Sanitary Sewer" shall mean a pipe or conduit intended to carry liquid and water-carried wastes from residences, commercial building, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not intentionally admitted into the system.

Section 19. "Service Connection" shall mean 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.

Section 20. "Sewage" shall mean 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.

Section 21. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used in the process of treating sewage.

Section 22. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Section 23. "Shall" is mandatory; "May" is permissive.

Section 24. "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 sewage concentration or flows during normal operation.

Section 25. "STEP System" shall mean a septic tank effluent pump system designed for a specific user application which is owned, operated and maintained by the City. 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 pressure sewer designed for septic tank effluent. If the system is installed on private property an easement to the City, which allows access, must be given by the property owner.

Section 26. "Storm Sewer" (or sometimes referred to as "Storm Drain") shall mean 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.

Section 27. "Superintendent" shall mean the Superintendent of Sewage Works of the City, or his or her authorized deputy, agent or representative.

Section 28. "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.

Section 29. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II

Adoption of State Laws and Administrative Rules

Section 1. The City of Prineville adopts and incorporates herein by reference the following as they presently exist or may hereinafter be amended: (a) ORS 447.010 through 447.140, the State Plumbing Code, and (b) applicable administrative rules of the Director of Commerce.

ARTICLE III

Use of Public Sewers Required

Section 1. Objectionable waste is prohibited. 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 Prineville, or in any area under the jurisdiction of said City, any human or animal excrement, sewage, garbage or other objectionable waste.

Section 2. Unlawful sewage discharge is prohibited. It shall be unlawful to discharge to any natural outlet within the City of Prineville, 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 this Ordinance.

Section 3. Construction and maintenance of 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.

Section 4. Connection requirements. 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 such waiver period not exceeding five (5) years, to connect to the public sewer in accordance with the provisions of this Ordinance within ninety (90) days provided that said public sewer is within one hundred (100) feet of the property line.

ARTICLE IV

Private Sewage Disposal

Section 1. Availability of public sanitary sewer. Where a public sanitary sewer is not available under the provisions of Article III of this Ordinance, the building sewer shall be connected to a private sewage disposal system which is in compliance with the provisions of this Article.

Section 2. Required permits and/or waivers. Before construction is commenced relative to a private sewage disposal system, the property owner must obtain a written waiver from the City of Prineville 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.

Section 3. Requirement to connect to 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 Article III of this Ordinance, a direct connection shall, unless waived in writing by the City with such waiver period not exceeding five (5) years, be made to the public sewer. Any such connections made to the public sewer shall be made in compliance with this Ordinance, 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 of Prineville.

Section 4. Operation of a private sewer system. 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 of Prineville.

Section 5. Applicable authority. No statement contained in this Article 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.

ARTICLE V

Building Sewers and Connections

Section 1. 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 of Prineville. Applications for permits shall be made at the City Hall.

Section 2. Before permit issuance. Before the applicant can be issued a permit, such 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 sixty (60) days from the date of issuance.

Section 3. Classes of connection permits. There shall be three (3) classes of building service connection permits: (a) for residential services, (b) for commercial service and (c) 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. 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.

Section 4. All sewer changes are set by resolution. 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.

Section 5. Responsibility for cost. 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. The property owner shall indemnify the City of Prineville 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, such 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 such extension of the public sewer, including the estimated cost of a STEP system when required. Within thirty (30) days after completion of the project the property owner will pay or the City of Prineville 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.

Section 6. Separate building sewers. A separate and independent building sewer shall be provided for every building; except in the situations where: (a) one (1) 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 (1) building sewer; and (b) where required, two (2) or more buildings on one (1) tax lot under one (1) ownership can share a single STEP system provided that such is approved in writing by the City of Prineville and that the STEP system utilized is sized appropriately. In each of the aforementioned exceptions, each separate and independent building shall pay the applicable connection and inspection fees and specified monthly users charges.

Section 7. Use of old sewer systems. Old sewers may be used in connection with new building only when they are found, with proper examination and testing by the City of Prineville and/or its sewer works Superintendent, to meet all requirements of this Ordinance.

Section 8. Sewer construction standards. The size, slope, alignment, 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 of Oregon 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.

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 works Superintendent before installation.

Section 9. 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 such building drain shall be

lifted by a means approved by the sewer waste system Superintendent and discharged to the building sewer.

Section 10. Connections related to 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.

Section 11. 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 of Prineville 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 works system Superintendent at least two (2) weeks prior to the need for such 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 connections; and,

d) 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 of Oregon 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.

Section 12. 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 such repairs or replacements shall be made at the expense of the property owner.

Section 13. Inspection and connection. The applicant for the building sewer permit shall notify the sewer system works Superintendent 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 or a designated representative. No cover shall be added until the

proper level of inspection and connection related supervision has been conducted.

Section 14. Safety measures. All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. The type of safety measures relied upon will be conducted in a manner satisfactory to the City.

ARTICLE VI

Use of Public Sewers

Section 1. 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.

Section 2. Discharges which are prohibited. 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 (2) mg/L as CN in the wastes as discharged to the public sewer;
- d) Any water or wastes having a pH lower than five point five (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, etc., 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, are prohibited; and,

g) Any other substance prohibited by the Department of Environmental Quality of the State of Oregon.

Section 3. 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 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 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:

a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Centigrade;

b) Any waters or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/L or contain substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit or between zero (0) and sixty-five (65) degrees Centigrade;

c) Any garbage that has not been properly shredded. Also the installation and operations 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 Superintendent;

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

e) 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;

f) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substance; or wastes exerting an excessive chlorine requirement, over five (5) parts per million to such degree that any such material received in the composite sewage at the sewage treatment works, exceeds the limits established by the Superintendent for such materials;

g) 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 such discharge to irrigation lands and/or receiving waters;

h) 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;

i) Any waters or wastes having a pH in excess of nine point zero (9.0);

j) Material which exert or cause:

1) Unusual concentrations or 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 or wastes constituting "slug" as defined herein; and,

k) 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 such 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.

Section 4. Waste rejection, discharge control or pretreatment. 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 Section 3 of this Article, 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:

- 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; and/or,
- d) Require additional payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under Section 10 of this Article.

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.

Section 5. 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.

Section 6. Requirement for interceptors. Grease, oil and sand interceptors shall be provided by the property owner when, in the opinion of the Superintendent, such 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 such 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 with-held by the property owner; and,
- d) All costs, including original installation, future replacement, inspection and cleaning, are the responsibility of the property owner.

Section 7. Admission and control of industrial wastes into public sewers. 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 such excess strengths:

- a) The controls for industrial waste admission apply if BOD in excess of or equal to two hundred (200) milligrams per liter (mg/L) or suspended solids in excess of or equal to one hundred fifty (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 twelve (12) individual samples taken at a minimum of thirty (30) minute intervals over a period which is not less than six (6) 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 two hundred (200) mg/L or a suspended solids content in excess of or equal to one hundred fifty (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 such 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 such 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 expense water meters of a type approved by the Superintendent for the purposes of determining the volume of water obtained from these other sources; and,

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 (1) 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 (2) 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.

Section 8. Requirement for a control manhole and sampling devices. 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 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 Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by such 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 two (2) percent. 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 twelve (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.

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 (2) 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 thirty-nine (39) degrees Fahrenheit, plus or minus five (5) 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.

Section 9. Sampling standards for examination of wastewater. All measurements, tests and analysis 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 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 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 and suspended solids analysis are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

Section 10. Special arrangements. No statement contained in this Article 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 therefore, by the industrial concern. As such, any payments associated with such arrangements will be determined by special contract between the City and the specific industrial concern for which the special arrangements have been made.

ARTICLE VII

Infiltration and Inflow

Section 1. Notification to property owners. 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.

Section 2. Allowed correction period. The owners of all such properties who need to take corrective action shall be provided a sixty (60) day grace period in which to correct the infiltration and inflow problems as identified by the City. Said sixty (60) day grace period shall commence on the date of notification.

Section 3. Notification of action taken. By the end of the sixty (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.

Section 4. Failure to notify. A property owner who fails to notify the City of corrective actions prior to the end of the sixty (60) day grace period shall be subject to termination of service, without further notice. Such termination of service shall include immediate discontinuance and shut off of the property owners water service, if such service is provided by the City, until the violation shall have been corrected in accordance with Federal, State and City regulations.

Section 5. 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 sixty (60) day grace period, it is hereby declared that such continuing infiltration or inflow is a public nuisance, that the City shall have the right to abate such public nuisance, and to enter upon any private property within the City 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 such infiltration and inflow occurs. Such 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 Administrator, whereupon the City Administrator shall forthwith enter such assessment as a lien against such property. An administration fee of fifteen (15) percent of the cost shall also be charged and collected by the City in addition to all costs of abatement.

ARTICLE VIII

Protection from Damaged and Noncompliance

Section 1. 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.

Section 2. 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 tenants or agents. The City shall be reimbursed by the customer for such damages upon presentation of a bill.

Section 3. Unsafe or illegal apparatus. The City may refuse to furnish sewer service to a premises where an apparatus, appliance or other types of equipment using the sewer system are dangerous, unsafe or such 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 unsafe or illegal apparatus is in use. The right to access for such inspections, when requested by the City, shall not be withheld by the property owner.

Section 4. Disconnection due to noncompliance. The City may discontinue water service to a customer for noncompliance with the terms of this Ordinance if the customer fails to comply with the terms within ten (10) days after receiving written notice of the City's intention to discontinue service. Provided, however, if such noncompliance materially affect the health, safety or other conditions that warrant such action, the City may discontinue water service immediately and without notice.

ARTICLE IX

Powers and Authority of Inspectors

Section 1. Entry on owners 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 Ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that which have a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Section 2. Conformance with safety rules. While performing the necessary work on private properties referred to in Section 1 of this Article, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises.

Section 3. 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 said easement.

ARTICLE X

Penalties

Section 1. Notice of violation. Any person found to be violating any provision of this Ordinance, except Article VIII, shall be served with written notice stating the nature of the violation with notification that the violator is given ten (10) days to satisfactorily correct the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations. With respect to damages to the sewer system and associated cost and fines to the City, resulting from such violation(s), the property owner shall be responsible for such costs and be billed accordingly.

Section 2. Penalty payment. Any person who shall continue any violation beyond the time limits provided for in Section 1 of this Article, shall be deemed guilty of a violation, and, upon

conviction, shall be fined in an amount not exceeding FIVE HUNDRED DOLLARS (\$500.00). Each day in which any such violation shall continue shall be deemed a separate offense.

Section 3. Liability. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, including reasonable attorney fees, loss or damage occasioned the City by reason for such violation, and in action or suit in the name of the City may be instituted against such person for the recovery of such expense, loss or damage; and the same may be undertaken in addition to other penalties imposed under the provisions of the Ordinance.

ARTICLE XI

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

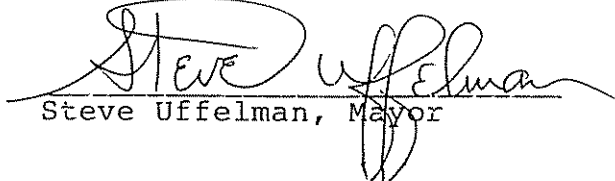
Section 2. Impact of invalidity. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not effect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

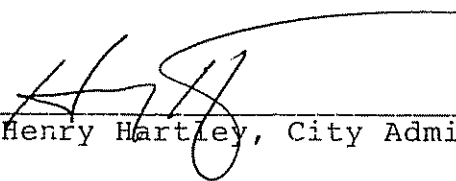
ARTICLE XII

Section 1. Inasmuch as it is necessary for the health, safety and welfare of the City of Prineville that this Ordinance go into effect immediately after its passage, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor.

Passed by the City Council and approved by the Mayor on the 28th day of the month of January, and the year of 1992.

Last amended and/or modified on the 28th day of the month of January, and the year of 1992, as passed by the City Council and approved by the Mayor.


Steve Uffelman, Mayor


Henry Hartley, City Administrator
Recorder