

**ORDINANCE NO. 261****AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.**

The city of Winston ordains as follows:

**SECTION 1. Definitions.** Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(a) 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.

(b) 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 outside the inner face of the building wall.

(c) Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

(d). Combined sewer shall mean a sewer receiving both surface runoff and sewage.

(e) 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.

(f) Industrial wastes shall mean the liquid wastes from any nongovernmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget under Divisions A, B, D, E AND I.

(g) Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

(h) Person shall mean any individual, firm, company, association, society, corporation, or group.

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

(j) 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 in any dimension.

**SECTION 3.1 Septic Tank Effluent Pump System Allowed As Alternative To Standard System.**

(1) A Septic Tank Effluent Pump (step) system may be permitted as an alternative to the standard sewer system, subject to approval by the city.

(2) Application for approval of a STEP system shall be made by the property owner or an agent of the property owner authorized by the property owner in writing to make application. The property owner shall be responsible for:

(3) A STEP system permit shall be subject to the following conditions of approval.

(a) The STEP shall be installed pursuant to the standards and specifications of the city.

(b.) Upon final approval by the city, the property owner shall dedicate the STEP system, including the service lateral for the septic tank to the sewer main, the tank, pump and pump controls, to the city, along with an easement permitting the city to enter onto the property to inspect, operate and maintain the system. The City shall not be responsible for any damage to the landscaping resulting from accessing the STEP system to inspect, operate and maintain the system.

(c) Prior to final approval and acceptance by the city, the property owner shall be responsible for the installation, operation and maintenance of the STEP system, pursuant to the requirements of the city.

(4) Following approval of the STEP system by the city and acceptance by the city, the City shall own operate and maintain the system, except that the property owner shall continue to be responsible for the cost of electricity necessary to operate the system. The sewer line from the benefitted structure to the STEP system shall continue to be owned and maintained by the property owner.

(5) If a STEP system becomes inoperable because of failure to pay electric costs or any other reason, the city may declare the property benefitted to be unfit for human habitation. At least five (5) days prior to issuing such a declaration, the city shall send written notice to the owner and occupant, if different from the owner. The owner or occupant may request a hearing before the city council prior to such a declaration. The decision of the city council shall be final. All of the property shall have twenty four (24) hours from the issuance of the declaration to vacate the premises. premises shall remain uninhabited until the system is restored to operation and the city rescinds the declaration in writing.

(6) The property owner or customer shall undertake no alteration or repair of the installed STEP system, including covering or obstructing access to the pump, clean outs, and lockout switch, without prior written approval of the city. Any damage caused to the public system by the owner, occupant, agents, or invites, shall be repaired by the city at the owners expense. Such expense shall be billed and collected with the utility fee if the owner is the customer or otherwise has a utility account with the city. The expense shall be billed to the owner directly if the owner is not the customer or has no other utility account with the city. [Amended by Ordinance No. 494, August 16, 1993]

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

(l) Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

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

(n) Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.

(o) Sewage Works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(p) Sewer shall mean a pipe or conduit for carrying sewage.

(q) Shall is mandatory; May is permissive.

(r) 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.

(s) Storm Drain (sometimes termed storm sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(t) Superintendent shall mean the Public Works Supervisor of the City of Winston, or his authorized deputy, agent or representative.

(u) 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.

(v) Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

## **SECTION 2. Use of Public Sewers Required.**

(a) 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 Winston, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the City of Winston, 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.

(c) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy outlet, septic tank cesspool or other facility intended or used for the disposal of sewage.

(d) 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 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 one hundred (100) feet of the property line.

**SECTION 3. Private Sewage Disposal.**

(a) Where a public sanitary or combined sewer is not available under the provisions of Section 2 (4) the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent.

(c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent, weekend and holidays excluded.

(d) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environmental Quality of the State of Oregon. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 3,d, 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 and filled with suitable material.

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

(g) 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.

(h) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

**SECTION 4. Building Sewers and Connections.**

(a) 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 Superintendent.

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

- (1) for residential and commercial services, and
- (2) for service to establishments producing industrial wastes.

In either case, the owner or his 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 Superintendent.

(c) 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.

(d) 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 sewer.

(e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.

(f) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and back-filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(g) 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.

(h) 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.

(i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other

applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(j) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

(k) 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.

#### **SECTION 5. Use of the Public Sewers.**

(a) 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.

(b) 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 Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer or natural outlet.

(c) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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

(2) 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/1 CN in the wastes as discharged to the public sewer.

(3) 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.

(4) Solid or viscous substances in quantities or of such size capable of causing obstructions 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.

(d) 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 Superintendent 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 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 and other pertinent factors. The substances prohibited are:

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

(2) 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) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit (0 and 65 degrees Centigrade).

(3) 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 Superintendent.

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

(5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chloring requirement, to such a 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.

(6) 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 of jurisdiction for such discharge to the receiving waters.

(7) 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.

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

(9) Materials which exert or cause:

(a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues)

or o dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but limited to, dye wastes, and vegetable tanning solutions).

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

(d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(10) Waters or wastes containing substances which are not amendable to 3-3.5 treatment or by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet requirements of other agencies having jurisdiction over discharge to the receiving waters.

(e) if any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or posses the characteristics enumerated in paragraph "d" of this Section, and which in judgement of the Superintendent, may have a deleterious effect upon the sewage works, processed, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(1) reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of paragraph "10" of this Section.

If the Superintendent 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 Superintendent, and subject to the requirement of all applicable codes, ordinances and laws.

(f) Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, 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 Superintendent and shall be located as to the readily and easily accessible for cleaning and inspection.

(1) No owner or person in charge of real property containing a GREASE, OIL or SAND interceptor shall cause or allow said devise to remain in an unusable condition. Each owner or person in charge of real property containing a GREASE, OIL or SAND interceptor shall have effect a written maintenance plan for such devise and shall maintain written records verifying the regular maintenance performed on such devises. [Amended by Ordinance No. 506 July 5, 1994]

(2) The SUPERINTENDENT may at any time inspect any GREASE, OIL or SAND interceptor ad may inspect the written maintenance plan and the accompanying documentation. [Amended by Ordinance No. 506 July 5, 1994]

(3) Upon determination by the council that a DEVISE IS IN UNUSABLE CONDITION, the council shall cause a notice to be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance within ten days after posting the notice and to charge the cost of abatement to the owner thereof, the person in charge thereof, or the property itself, including the administrative fee established in City of Winston ORDINANCE NO. 202, SECTION 49. [Amended by Ordinance No. 506 July 5, 1994]

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



(h) 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 him so as to be safe and accessible at all times.

(i) 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 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 and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

(j) 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 City for treatment, subject to payment therefore, by the industrial concern.

(k) Industrial uses shall comply with Section 204 of PL 92-500 and the rules and regulations regarding Industrial Cost Recovery as published in the August 21, 1973 Federal Register Volume 38, No. 161.

#### **SECTION 6. Protection from Damage.**

(a) 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. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

#### **SECTION 7. Powers and Authority of Inspectors.**

(a) The Superintendent 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 Superintendent 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 kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in Section 7,a, above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury to property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 5, paragraph "h".

(c) 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 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.

#### **SECTION 8. Penalties.**

(a) Any person found to be violating any provision of this ordinance except Article 6 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.

(b) Any person who shall continue any violation beyond the time limit provided for in Section 8, paragraph "1", shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one thousand (\$1,000) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this ordinance shall become liable to the City for any expenses, loss or damage occasioned the City by reason of such violation.

#### **SECTION 9. Validity.**

(a) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(b) 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 10. Ordinance in Force.**

(a) This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Passed by the council and approved by the mayor June 25, 1979.