

**ORDINANCE NO. 2827****AN ORDINANCE REGULATING AND CONTROLLING OPERATION OF THE CITY'S SEWER SYSTEM AND PROVISION OF SERVICE TO ITS CUSTOMERS, INCLUDING THE SETTING OF RATES, AND REPEALING ORDINANCES 2573 AND 2591, AND DECLARING AN EMERGENCY.**

## ARTICLE 1: DEFINITIONS

The meaning of terms used in this ordinance shall be as follows:

(1) Applicant or Person: Shall mean any individual, firm, partnership, company, association, society, branch of government, corporation or group whether asking by themselves or through an agent.

(2) Commercial: Generally where people work, a place of business, but may be further defined to apply to certain types of residential structures (i.e., an apartment house).

(3) Engineer: City Engineer of the City of Baker, his authorized assistants and inspectors.

(4) Garbage: Shall mean all putrescible waste, except sewage and body wastes, including wastes accumulated of animals, food, or vegetable matter, and including wastes that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, and vegetables, and shall include all such wastes or accumulations of vegetable matter of residences, restaurants, hotels and places where food is prepared for human consumption. The term "Garbage" shall not include recognized industrial byproducts, nor shall it include cans, boxes, cartons, paper or other objects which may or not have food or other organic material of any nature in or adhering thereto.

(5) Parcel: Shall mean building lot in platted areas or shall mean the equivalent area and/or front footage required by the Baker Zoning Ordinance in unplatted areas.

(6) pH: Shall mean the acidity of alkalinity of sanitary or industrial waste. This is equal to the hydrogen ion concentration as measured by the logarithm of the reciprocal of the weight of hydrogen ions in gram per liter of solution.

(7) Premises: A building or group of buildings occupied by a family unit or business entity and used for residential business or commercial purposes and/or any parcel of land.

(8) Private Sewer: A sewer privately owned and constructed in conformance with the provisions hereof.

(9) Public Sewer: A pipe or conduit for carrying sewage, consisting of all conduits placed or accepted by the City for public usage.

(10) Residence or Residential: Dwelling unit designed for people to live in.

(11) Sanitary Sewer: A sewer which carries sewage and from which storm, surface, and ground waters are prohibited.

(12) Sewage Treatment Plant: Shall mean any arrangement of devices or structures used for treating sewage.

(13) Sewer System: All facilities for collecting, pumping, treating, and disposing of sewage.

(14) Storm Sewer or Storm Drain: A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial waters.

(15) Suspended Solids: Shall mean solids that float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Words used in the present tense shall include the future, the singular number includes the plural, and the plural includes the singular.

## ARTICLE 2: SERVICE AND OPERATION

### Section 2.010 Rates:

(1) Fees: Monthly user fees for all customers shall be set from time-to-time by ordinance. Rates currently in effect shall continue until modified by such ordinance of the City Council. (As amended by Ord. No. 3168, 10-10-00)

(2) Service Outside City Limits: Rates for sewer service outside the city limits shall be double the rates established for the same such service inside the city limits.

(3) The Council may set individual rates, waive charges, or adjust rates if such action is deemed to be in the best interest of the city. Such action may include industrial development, public facilities development or other facilities' development that would bring substantial benefit to the entire population of the city. User fees for those businesses who meet the eligibility requirements of ORS 284.220 for qualified business firms within an enterprise zone shall be entitled to at least a twenty-five percent (25%) reduction in such monthly user fees as may be set by the City Council pursuant to the authority granted by this section. Such reduction shall continue in effect for so long as said business shall continue to be entitled to property tax exemption under ORS 284.210. (As amended by Ord. No. 2932, adopted 5-13-86)

### Section 2.020 Operational Policies:

(1) Unauthorized Connection or Use: It shall be unlawful for any person to make connection to or use of the City's sewer system without first having officially notified the City and paying any fees or charges as required. In the instance of such an unauthorized connection, the City Manager may physically disconnect the property served and shall charge the actual cost of same in addition to normal fees in order to re-establish service.

(2) Furnishing Sewer to Additional Premises: It shall be unlawful for any person whose premises are connected to the City sewer to extend or provide said service to additional premises unless he shall first make application in writing to do so at the Baker City Technical Services office.

When additional premises are connected without said application and approval, the City Manager may physically disconnect the properties served and shall charge the actual cost of same in addition to normal fees in order to re-establish service.

(3) All accounts for service and use of the sanitary sewer system shall be kept either in the name of the owner of the premises for which such service is installed, or the occupant of said premises. Upon such charges becoming delinquent and unpaid for a period of thirty (30) days, the City may, at its discretion, cause the water to be shut off at such premises until such charges are paid, or cause the sewer service to be physically disconnected. Statements of such charges and delinquency may be mailed to the owner or his agent, if the owner is not the occupant of the premises, upon written request of the OWNER. (As amended by Ord. No. 3020, 7-23-91)

(4) Change of Service:

(a) When a customer requests relocation or change of service, a new service shall be installed only upon the owner making application and paying for the cost of said changeover as herein provided.

(5) Service Abandonment or Deterioration:

(a) When a service lateral is unused for any period of time resulting in any portion of the service being unsatisfactory, then the City shall charge the cost of making any necessary repairs or replacements prior to providing sewer service to the customer.

(b) The City shall not be liable for any cleaning, maintenance, upkeep or repair to any sewer connection between the main and the premises being served, whether in public right of way or not, unless the necessity thereof is clearly attributable to an action of the City.

(6) Private Sewers: Property now legally connected to a public sewer, by means of a private sewer, may remain so connected as long as such private sewer does not constitute a health or sanitary hazard. If such private sewer does become a health or sanitary hazard, the City may require it to be disconnected from the public sewer system, and be replaced as an extension of the public sewer system as is herein provided.

(7) Emergency Powers: Upon the declaration by the City Council that a sewer emergency situation exists, the City Manager shall have the authority to take such

steps as he shall deem necessary to preserve and protect the public health and safety and system facilities. Any action taken by the City Manager pursuant to powers granted him in this section shall be subject to the approval of the City Council.

(8) Smoke and Dye Testing: Whenever a request is made for confirmation of connection to the sanitary sewer system and a dye test is necessary for such confirmation, the person so requesting shall pay such fee as may be established by the City Council from time-to-time by resolution. Furthermore, a person requesting a sewer smoke test shall pay such fee as may be established by the City Council from time-to-time by resolution. (Section as amended by Ord. No. 3079, 7-26-94)

### ARTICLE 3: NEW CUSTOMER SERVICE

The procedures and policies of this Article shall be adhered to in all cases except when application of the rule would work a severe and unfair burden on a particular applicant that can be clearly demonstrated is peculiar to his particular situation. Such cases may be granted modification or waiver of a particular policy upon specific written approval of the City Manager. The city is not obligated herein to undertake any project, or meet any time deadline or in any way obligate itself to providing service for any premises.

#### Section 3.010 Installation Location and Timing

(1) Required Connections:

(a) The owner of all houses, buildings, or other properties used for human occupancy, employment, recreation or other purposes, having drainage piping therein, situated within 200 feet of an available city sanitary sewer is required at his expense to connect said facilities directly with the public sewer in accordance with the provisions of this ordinance, within ninety (90) days after receipt of a written notice from the city to do so, provided that said sewer is not more than 100 feet from said owner's nearest property line and connection is available through public right of way. For purposes of this section notice shall be deemed to have been received upon the mailing of said notice by certified or registered mail directed to said owner at his last known address.

(b) Upon the failure of said owner to connect said premises to the city sewer system as required by said notice, the City Manager, after giving said owner an opportunity to be heard before the City Council, may proceed to connect the premises to the city sewer system, and the cost thereof shall be charged against and become a lien upon said property. In addition thereto, any person failing to comply with the written notice mentioned in Paragraph (a) hereof shall be in violation of the provisions of this ordinance and subject to the penalties provided for herein.

(2) Location of Premises:

(a) All extensions shall be within the urban growth boundary as designated in

the city's Comprehensive Plan, with the possible exception of certain industrial uses. (See Urbanization Section of Comprehensive Plan)

(b) An applicant for new service shall own or control the land at the terminus of the main extension.

(3) Line Installation and Location:

(a) City at its own discretion shall determine what party shall be responsible for installation of all lines and appurtenances. Generally the City shall be the installer except in those instances where all land being served is under the ownership and/or control of the applicant (i.e., new subdivision).

(b) Physical location of mains and all other appurtenances shall be the decision of the City Manager.

(4) Service Laterals Installation: Generally service laterals will be installed at the same time as the main only when a new connection or paving is imminent or if specifically requested by an applicant. In the latter case, the regular connection fee may be appropriately charged at the same time as the main charge.

Section 3.020 General Policies for Charges and Fees:

(1) Main Charge and Connection Fee:

a) Both these cost items are generally applicable to obtaining sewer service, but are determined separately and independent of one another. The main charge is based on the city's average construction cost of an 8" main including intersections, engineering, inspection and other related expenses.

The connection fee is based on the city's cost of inspection and installing a service lateral from the main to the curb line.

b) When a main suitable for serving the applicants premises is in place at the time of request for service, then the main charge to that customer shall be computed as one half times the average per foot construction cost as defined above. Tax lot divisions will be determinate as to footage involved in computing main charges. Both the main charge and connection fee shall be payable at the time application for service is made.

When a main must be extended to serve the applicant's premises, the main charge is to be assessed on the total front footage of all parcels bypassed and is not limited only to the applicant's property or land to be immediately served.

(i) When such front footage amounts to less than 50 feet, the main charge for that service will be computed as if there were 50 feet of frontage.

(ii) When property has or is planned to have, mains by-passing two or more sides, the main charge shall be based on an average of the lot frontage so served for the

first 200 feet of the total frontage and on an actual per foot basis for any excess of 200 feet of the total by-passed frontage.

(iii) When a main serves property, but does not completely bypass the parcel's frontage, if in the city's judgement it is a reasonable expectation that the city will at some time be required to extend the main further, then the main charge for service to that property shall be assessable on the total front footage, as if the main bypassed the entire parcel.

(iv) When a main serves property, but does not completely bypass the parcel's frontage and it is the city's determination there is no reasonable expectation that the city will be required to extend the main further, then the main charge shall be based on the actual front footage of main installed (regardless of size) but in no case shall be less than a 50 foot assessment.

(c) Connections to properties that connect to the sanitary sewer main installed on Pocahontas Road from its intersection with 17th Street, then west to 23rd Street, then south along 23rd Street 832.5 feet shall be charged a main charge equal to 50 percent of the main charge as would otherwise be set by this ordinance. (As amended by Ord. No. 3131, 6-9-98)

(2) Conversion from Private Line to Standard Main:

Customers on a private line shall be required to connect to a city main when available under the same provisions as set forth under Section 3.010 Item (1) of this Ordinance.

(3) Reimbursement Contract: A person having paid a main charge on property other than his own, may enter into a contract with the city to have main charges as imposed by the city returned to him on a proportional basis when new services connect to the extension; collection and reimbursement is to be made at the rate current at the time of connection. The term of this contract shall be limited to 10 years when the amount of the contract is less than \$5,000 and may when the contract is in excess of that amount

be extended, at the discretion of the council, for a period up to 20 years. The person entering into such an agreement with the city shall be responsible for establishing an escrow account to collect such reimbursements and any related fees incurred during the term of the contract.

(4) City Contract Option: Though the city budget be sufficient, if the city is unable to undertake the project at a given point in time due to lack of cash on hand, manpower, equipment, commitment to other projects or for any other cause the city deems reasonable, then the City may at its discretion contract for the work to be done. In this instance the normal charges and fees would apply plus an additional fee may be imposed to cover any

cost overage between the regular charges and fees and the actual cost of construction (inclusive of all related costs) of that specific job.

(5) Main Charge Assessed Once:

In instances such as a new subdivision where the city would generally have had no financial involvement in serving the premises therein; the city would make no charge, but rather the cost of the sewer facilities installed would be reflected in the purchase price of a lot.

(6) Dollar Assessments by Resolution:

Actual dollar amounts for main charges and connection fees shall be set from time-to-time by Resolution. Review is required each January.

(7) Other Financing Allowed:

There is no intent by these regulations to preclude the L.I.D. (Local Improvement District) option or any private arrangements made between any individuals.

Section 3.030 Other Change Considerations:

(1) Systems Development Charge and Industrial Cost Recovery:

Certain users of the sewage system which would have a significant impact on the system due to loading or volume of effluent may be required to pay additional fees to connect, to pay higher charges for monthly service, supply pretreatment or take other actions deemed appropriate by the city. The City Manager in consultation with the Superintendent of Public Works and the developer shall make a determination on a case-by-case basis to be approved by the city council.

(2) Over Size Mains:

When the need for an over-size main is principally attributable to a specific development, then the developer shall pay the actual cost of the difference between standard 8" and the main installed.

(3) Excavating Existing Paved Surface:

An applicant requesting any main or service extension or installation which involves cutting, excavating and/or replacement of any paved surface shall be charged the cost of such cutting and repair in addition to other applicable charges and fees. Estimated costs as determined by the city engineer shall be paid in advance, which shall include an amount necessary for maintenance for one year.

(4) Special Situations:

Financing extensions of mains which cross through or by land which has no reasonable expectation of being served by the extension or which is already served off another main or private lines, and installation of any additional facilities needed to develop particular areas of land are the responsibility of the developer. The developer may request in writing that the city participate in the financing of these portions of such project through waiver of certain main charges or other appropriate methods. The City Council shall review any such requests in light of the availability of funds, the size of the project, over-all system needs, the extent of benefit to surrounding property, policies as set forth in this ordinance and other pertinent factors. The council may grant the request as presented or for any lesser amount of assistance, but in no way shall be obligated to honor any such request.

Whether or not city funds are involved in the financing of any project and regardless of the project, sponsor or initiation of same, the city council may, where appropriate, establish geographic areas of benefit and impose a utility service charge to be collected at the time of connection to the sewer system which would be over and above the normal main charge and connection fee as set herein. Such charges would serve to offset the initial cost of making sewer available to certain areas of the city, and would be used under a reimbursement contract to repay proportionally the developer and/or the city.

## Section 3.040 Application for Service:

(1) Required Information and Format:

- (a) Each applicant for Sewer service shall sign an application form provided by the city giving the following information:
- (i) Date of Application
  - (ii) Location of premises to be served
  - (iii) Date service is to begin
    - (iv) Purpose for which service is to be used
    - (v) Address to which billings are to be mailed
    - (vi) Size of the lateral
    - (vii) Such other information as the Sewer Department may reasonably require.
- (b) The application shall contain a statement that all sewer charges shall be liens against the property served from and after the date of billing and entry on the ledger or other records of the City pertaining to its municipal water and sewage system.
- (c) The application shall also contain a signature line for the owner of the property if different from the applicant.

(2) Deposits and Establishment of Credit:

- (a) At the time application for service is made, the applicant shall establish his credit by making a cash deposit to secure the payment of bills for service. The deposit shall be a sum equal

to the base rate for 4 months service, but not less than \$30.00. This may be waived when a water deposit has been made previously or when satisfactory credit history has been earlier established with the city. (b) At the time the deposit is given to the city the applicant will be given

a receipt for the same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill and any amount in the excess of closing bill will be refunded.

If an account becomes delinquent and it is necessary to disconnect the service, such service will not be restored to those premises until all outstanding bills due to the Sewer Department have been paid.

(c) If the applicant makes timely payment of all bills for a period of one year from the date of application, the deposit shall be refunded at that time.

### (3) Contractual Obligations:

The application provided for an item (1) above shall contain a contract on the part of the person making the application, to pay for the sewer service applied for at the rate and in the manner specified in such contract. It shall reserve to the City the right to charge and collect the rates and enforce the penalties provided for in this Ordinance, in the manner herein provided. The application shall also reserve to the City the right to change the rates at any time by ordinance, to temporarily discontinue the service without notice to the consumer, and shall specify that said contract is subject to all the provisions of any Ordinance or Resolution of the City relating to this subject, and shall further provide that the City shall not be held responsible for any damage that might result from the sewer system itself or the operation thereof including but not limited to that resulting from defective plumbing or appliances on the premises supplied with sewer, by the owner or occupant of said premises, and that the fact that the agents of the City have inspected the plumbing and appliances shall not be pleaded as a basis of recovery in case of damage to the premises, and shall provide that in case the service shall be interrupted or fail for reason of accident or any other cause whatsoever, the City shall not be liable for damages for such interruption or failure, nor shall failures or interruptions for any reasonable period of time be held or constitute a breach of contract on the part of the City or in any way relieve the consumer from performing the obligations of this contract. All contracts shall take effect from the day they are signed and rates shall be charged from the day premises are connected with the City's sewer system to such time as the City is notified that service is no longer desired.

## ARTICLE 4: CONSTRUCTION, CONTROL AND TECHNICAL STANDARDS

## Section 4.020 General Liability:

(1) Service Line Location:

- (a) Service lines shall generally extend at right angles from the main to a point immediately inside the curb line, or where no curb exists to a point designated by the City Manager in accordance with accepted standards on street width. (Note also City of Baker, Dept. of Public Works, Standard Drawings and Specifications.)
- (b) A service lateral crossing private property shall not be allowed unless special circumstances warrant and approval of the City Manager is obtained.

(2) Pipe Standard:

All persons connecting to City services or laying their own private pipe line, shall be required to use only pipe which meets all applicable standards of the Oregon State Specialty Plumbing Code, and requirements as established by City of Baker Department of Public Works Standard Drawings and Specifications.

## Section 4.030 Other Provisions:

(1) Inspection of Premises:

The City Manager shall have free access at all reasonable times to all parts of buildings or premises supplied with city sewer service for the purpose of ascertaining the quantity or type of effluent being put into the system, checking compliance with codes and for any other reasonable cause and it shall be unlawful for any person to hinder, obstruct, or unnecessarily delay such actions.

(2) Code Compliance:

All work done in conjunction with providing sewer service to any premises shall meet all applicable Ordinances and Resolutions of the city, including the Oregon State Specialty Plumbing Code and Administrative Rules.

(3) Disposal of Private Sewage:

- (a) Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewer disposal system complying with all regulations of the Oregon Dept. of Environmental Quality (DEQ).
- (b) At such time as a public sewer becomes available to a property served by a private disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspool, and similar sewage disposal facilities shall be

abandoned, cleaned and filled with suitable material.

(4) Septic Tank or Other Wastes:

- (a) The direct discharging or dumping of any waste at the City sewage treatment plant shall be done under the control and supervision of the plant superintendent. No dumping of such wastes shall be permitted at manholes or other openings in the sewer system. Users of the facilities will be held responsible for properly cleaning the area immediately after each usage.

Any one discharging or dumping any waste at the City sewage treatment plant shall be licensed by the State Department of Environmental Quality to engage in the business of emptying and pumping septic tanks and each vehicle shall have a permit to operate. The truck operator shall, upon request, be required to show his permit before being allowed to empty his tank.

- (b) Charges for dumping of such wastes at the City sewage treatment plant shall be set from time-to-time by resolution of the city council.

The City is under no obligation to accept any waste at the City sewage treatment plant and the service may be discontinued at any time without prior notice.

(5) Certain Wastes Prohibited in All Sewers:

It is unlawful for any person, directly or indirectly using public sewer facilities inside the City or under City control, to discharge or cause to be discharged into any pipe, main, conduit, manhole, street inlet, gutter, catch basin or aperture of the public sewer system, any of the following:

- (a) Any gasoline, benzene, naphtha, alcohols, fuel oil, diesel oil, mineral oil, motor oil or other flammable or explosive liquid, solid or gas except in emergency when directed to do so by the City Engineer or his acting representative,
- (b) Any solid or viscous substance capable of obstructing sewage flow or of interfering with the operation of the sewerage works or treatment facilities. These substances include, but are not limited to, ashes, cinders, sand, mud, gravel, straw, insoluble shavings, metal, glass, rags, feathers, tar, creosote, plastics and plastic products, wood, offal from slaughter houses, lard, tallow, baking dough, chemical residues, cannery waste bulk solids, diapers, or plastic or paper dishes, cups, towels, or food or beverage containers, whether whole or ground.
- (c) Any noxious or malodorous gas or substance when either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing entry into a sewer, manhole, or pump station,
- (d) Any radioactive wastes, except upon permit issued by the Oregon State Board of Health and

approved by the City Engineer, will not be hazardous to structures, equipment or personnel working on sewage disposal or sewer repair, or to receive-waters.

(e) Any material from a cesspool or septic tank except as allowed under (4) above.

- (f) Any substance which will form deposits or obstructions in the sewerage system, or which when mixed with sewage will precipitate materials causing deposits or obstructions in sewer lines or any part of the sewerage system,
- (g) Any pesticides, herbicides, organic solvents or hydrocarbons,
- (h) Any toxic, corrosive, or poisonous substances, chemical elements, or compounds containing heavy metals in quantities sufficient to impair the operation or efficiency of the sewage treatment facilities or which render sludges unfit for fertilizer, or that will pass through the sewage treatment plant or sewerage system and cause the effluent thereof to violate state water standards for the receiving stream,
- (i) Any waters or wastes containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials in any sewer, pump, sewage treatment plant or other part of the sewerage system,
- (j) Any material which exerts or causes excessive discoloration such as, but not limited to, dye wastes or vegetable.
- (k) Any unusual concentrations of dissolved solids such as, but not limited to sodium chloride, calcium chloride and sodium sulfate.

(6) Certain Wastes Prohibited in Sanitary Sewers:

It is unlawful for any person, directly or indirectly using public sewer facilities inside the city or under City control, to discharge or cause to be discharged into any pipe, main, conduit, manhole, street inlet, gutter, catch basin or aperture of the sanitary sewer system without written permission of the City Engineer and pretreatment if so required any of the following:

- (a) Any garbage that has not been properly comminuted to one-quarter inch or less in any dimension, or industrial wastes that will not fit through an approved 20 mesh screen,
- (b) Any liquid, vapor, gas, or solid which would raise the temperature of the material in the effected sewer line more than 10° Fahrenheit or cause the ambient temperature of the sewerage to be more than 75° Fahrenheit.

(c) Any water or waste which contains in excess of one hundred milligrams per liter or a lesser amount as fixed by the City Engineer for a particular establishment, of fat waste, oil or grease, whether or not emulsified, ether-soluble or n-hexane soluble matter

or any substance which may solidify or become discernibly viscous at temperatures above thirty two degrees Fahrenheit,

- (d) Any soluble waste or waste waters having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property which reasonably could be hazardous to structures, equipment or personnel of the City such as, but not limited to battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine,
- (e) Any water or wastes containing substances in such concentration that they 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 any other agency having jurisdiction over discharge to the receiving waters,
- (f) Any water or wastes having a five day twenty degree Centigrade biochemical oxygen demand of more than three hundred milligrams per liter (mg/l) or an immediate oxygen demand of more than one hundred mg/l,
- (g) Any water or wastes having a suspended solids content of more than three hundred fifty mg/l,
- (h) Any water or wastes having a chlorine demand of more than twenty mg/l,
- (i) Any water or wastes having a maximum instantaneous rate of flow exceeding ten percent of the capacity of the available lateral or appropriate trunk sewer,
- (j) Any water or wastes having an average daily flow greater than two percent of the average daily sewage flow of the city during summer months,
- (k) Any water or wastes having characteristics or constituents exceeding the maximums fixed elsewhere in this ordinance,
- (l) Storm water,
- (m) Surface water,
- (n) Ground water,
- (o) Roof runoff,
- (p) Parking area runoff,
- (q) Unpolluted industrial process water, such as, but not limited to, cooling water and stream condensation.

(7) Only Certain Allowed Wastes in Storm Sewers:

Only the following wastes shall be discharged to the storm sewer system:

- (a) Storm water,
- (b) Surface water,
- (c) Ground water,
- (d) Roof runoff,
- (e) Parking area runoff,
- (f) Unpolluted industrial process water, with written permission of the City Engineer only, and only then when a valid and current NPDES Waste Discharge Permit is in force governing the discharge.

(8) Interceptors: (a) Grease, oil and sand interceptors shall be provided by hotels, restaurants, filling and service stations, laundries, meat packing plants, textile mills,

milk processing plants, metal fabrication plants, and other places when 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 Engineer and shall be located so as to be readily and easily accessible for cleaning and inspection.

(b) The City Manager may have the water and/or sewer service to the premises discontinued for failure to have interceptors properly in place and functioning until the facilities are put into effective operation.

(9) Preliminary Treatment:

- (a) If any water or wastes, industrial or otherwise, are discharged to a sanitary sewer, and such water and wastes exceed the limits set in this ordinance, and which, in the judgement of the City Engineer, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or create malodors, the City Engineer may 1) reject the water or wastes or 2) require the preliminary treatment to an acceptable condition before discharge to the public sanitary or combined sewer system.
- (b) If preliminary treatment is required, plans, specifications and other information relating to construction or installation of preliminary treatment facilities required by the City Engineer shall be submitted to him and to the Oregon State Department of Environmental Quality as required by the laws of Oregon. No construction, installation or modification of preliminary treatment facilities shall begin until written approval of plans and specifications by the City Engineer and the Oregon State Department of Environmental Quality are obtained. No person, by virtue of such approval, shall be relieved of compliance with other laws of the City and of the State relating to construction and to permits. Every facility for the preliminary treatment or handling of water and wastes shall be constructed in accordance with the approved plans and specifications, and shall be installed and maintained at the expense of the occupant of the property discharging the water and waste.
- (c) If the City Engineer finds that the occupant of property who controls a preliminary treatment facility fails to maintain such facility in effective operation, he may have the City shut off water service to the premises and/or summarily terminate sewer service to the premises until the facility is put back into effective operation.

(10) Damage:

No person shall willfully or maliciously injure or in any manner interfere with or remove any pipes, pumps, samplers, appurtenances, facilities, or other property belonging

to the City or used in connection with the City sewer system. Any person violating provisions of this section shall be charged for all standard costs associated with repairing the results of such injury or interference, plus whatever penalties may be adjudged under the provisions of Section 5. Any person who inadvertently damages property belonging to the City or used in connection with the City sewer system shall be charged for all standard costs associated with repairing such damage, including, but not limited to, labor, materials and overhead.

#### ARTICLE 5: ENFORCEMENT AND ADOPTION

##### Section 5.010 Repeal:

All Ordinances of the City of Baker heretofore passed and covering and regulating any of the matters provided for in this Ordinance and all Ordinances in conflict with this heretofore passed by the City of Baker are hereby repealed.

##### Section 5.020 Severability:

If any part or section of this ordinance is decided by the Courts to be unconstitutional, in violation of any of the provisions of the Charter of the City of Baker, Oregon, in violation of any state law of the State of Oregon or invalid for any other reason, such declaration shall not affect the validity of any other portion or section of this ordinance.

##### Section 5.030 Penalties:

Any person violating any of the provisions of this ordinance shall upon conviction thereof be punished by imprisonment of not to exceed 180 days or by fine of not to exceed \$500.00 or both such fine and imprisonment.

##### Section 5.040 Emergency Clause:

It is hereby determined and found that it is in the best interest and the welfare of the people of the City of Baker that new regulations relating to sewer services be established and clarified. By virtue of the foregoing reason, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon and after its passage by the City Council and approval by the Mayor of the City of Baker, Oregon.

PASSED by the City Council and APPROVED by the Mayor of the City of

4-1

Baker City Ordinances

Baker, Oregon this 10th day of March, 1981.