

AN ORDINANCE REGULATING THE USE)
OF PUBLIC AND PRIVATE SEWERS AND)
DRAINS, PRIVATE SEWAGE DISPOSAL,)
THE INSTALLATION AND CONNECTION)
OF BUILDING SEWERS, THE DISCHARGE)
OF WATERS AND WASTES INTO THE PUBLIC)
SEWER SYSTEM AND PROVIDING PENALTIES)
FOR VIOLATIONS THEREOF)

ORDINANCE NO. 1112

BE IT ORDAINED BY THE GOVERNING BODY OF THE FARGO INTERCHANGE SERVICE DISTRICT:

SECTION 1. SHORT TITLE:

This Ordinance shall be known as the Use and Regulation Ordinance.

SECTION 2. PURPOSE:

The purpose of this Ordinance is to protect the health, safety, and welfare of District residents and property owners and the general public by adopting reasonable and necessary regulations and enforcement provisions for the control of sewage disposal in the District pursuant to ORS 451.570 and 451.600.

SECTION 3. DEFINITIONS:

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- (1) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in five days at 20 degrees C. expressed in milligrams per liter (mg/L).
- (2) "District" shall mean Fargo Interchange Service District.

(3) “Garbage” shall mean solid wastes including, but not limited to organic or animal wastes from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

(4) “Industrial Wastes” shall mean the liquid wastes from industrial processes as distinct from water-carried kitchen, bathroom, and laundry wastes.

(5) “>pH= shall mean the measure of the acidity or alkalinity of the wastewater as provided in this subsection. >pH= shall mean the negative logarithm (base 10) of the hydrogen ion concentration. Such concentration shall be deemed to be the weight of hydrogen ions (in moles) per liter of solution.”

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

(7) “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal right and is controlled by public authority.

(8) “Sewage” shall mean water-carried wastes, including kitchen, bathroom, and laundry wastes from residences, business buildings, institutions, and industrial establishments, or other places together with such industrial waste, ground, surface, and storm waters as may be unintentionally present.

(9) “Sewer” shall mean pipe or conduit for carrying sewage.

(10) “Storm Sewer” shall mean a pipe or conduit, which carries ground, storm and surface waters and drainage, but excludes sewage and industrial wastes.

(11) “Suspended Solids” shall mean solids that either float on the surface, or are in suspension in water, sewage, or other liquids and are removable by the filtering.

SECTION 4. USE OF PUBLIC SEWERS REQUIRED:

(1) Installations within the District will conform to the State Plumbing Code.

(2) A sewer clean-out will be installed on each service connection, on the owner’s property but as close as possible to the edge of Right-of-Way.

- (3) A water meter shall be installed by each District user for the purpose of calculating sewer usage. The flow meter should be installed as to monitor all waters that will be directed into the sewer, and excluding all water that will not be directed to the sewer, such as for landscape irrigation. The District must have access to this meter at all times. It must be installed and approved by the District prior to hooking up to the District.
- (4) No person shall place, deposit, discharge or give permission for others to place, deposit, or discharge sewage or industrial waste waters within the District, except to the public sewer or where suitable treatment has been provided in accordance with the provisions of this Ordinance.
- (5) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, cesspool, or other on-site sewage disposal facility intended or used for the disposal of sewage within the District.
- (6) The owner of any house, building, business or other establishment or property used for human occupancy, employment, recreation or other purposes, equipped with a sewage disposal facility, lawfully situated within the District, shall connect to the District's sewage system. The connection of establishments lawfully existing on the date that Fargo was officially activated shall connect within 120 days of the activation date, unless allowed an extension by the District Engineer.
- (7) Connection to the sanitary sewer must be approved by the District prior to installation.
- (8) The District reserves the right to reject the applications for service of any property owner upon whose property activities would result in a discharge to the public sewer of sewage of unusual strength, character or volume. All applications for the discharge of waste shall be reviewed on an individual basis by the District Engineer, with appeal to the Governing Body regarding installation of sewerage facilities.

(9) Certain wastes require pretreatment prior to discharge into the sewerage system. The District Engineer shall classify such wastes and may impose pretreatment conditions to assure that sewage treatment facilities operate effectively and without damage to District facilities. Where pretreatment facilities are required, such facilities shall be installed and maintained continuously by the owner at the owner's expense. An inspection and sampling manhole shall be constructed and made available to the District Engineer for examination and testing at any time.

SECTION 5. USE OF PUBLIC SEWERS:

- (A) No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process water to any sanitary sewer.
- (B) Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:
- (1) Any liquid or vapor having a temperature higher than 150 degrees F.
 - (2) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid or gas except as defined in 6.D.9 below.
 - (3) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, diapers, feathers, tar, plastics, wood or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interferences with the proper operation of the District's and the City of Donald's facilities for collecting, pumping, treating, and disposing of sewage.
 - (4) Any waters or wastes containing a toxic or poisonous substance in sufficient concentration to injure or interfere with any sewage treatment process (without allowing for dilution by other flows into the treatment works), constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

- (5) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewerage works.
- (6) Any noxious or malodorous gas or substance capable of creating a public nuisance anywhere in the treatment or collection system.
- (7) Any substance in excess of specified categorical standards as may be established by Environmental Protection Agency and Oregon Department of Environmental Quality under their respective pretreatment programs.
- (8) Animal, vegetable or mineral oils or greases, or waters contaminated with concentrations above 100 mg/l of any animal, vegetable, or mineral oils or greases, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty degrees (150) Fahrenheit.
- (9) Any food or produce wastes that have not been properly shredded to particles no greater than 2 inch in any dimension.
- (10) Any waters or wastes containing iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (11) Any ground or un-ground fruit peelings and cores from canneries and packing plants, cull fruits and vegetables, or fruit and vegetable pits and seeds.
- (12) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the City of Donald 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.

(13) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City of Donald in compliance with applicable State or Federal regulations.

(14) Materials which exert or cause:

(1) Unusual concentrations of inert 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 sulfate).

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

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

(C) Grease, oil, and sand interceptors (traps) shall be provided by the user when, in the opinion of the District Engineer, they are necessary for the proper handling of liquid wastes containing oil or grease, any flammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters. All interceptors shall be of type and capacity approved by the District and shall be located so as to be readily and easily accessible for cleaning and inspection, and shall be provided and maintained by the owner, at the owner's expense, in continuously efficient operation at all times.

(D) No person shall admit into the public sewers without approval of the District Engineer any of the following waters or wastes:

(1) Having a 5-day Biochemical Oxygen Demand greater than 450 milligrams per liter.

- (2) Potentially containing any quantity of substances having the characteristics described in Section(B)above.
 - (3) Containing more than 500 milligrams per liter of suspended solids.
 - (4) Previously removed from a privately owned septic tank or disposal system.
 - (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances.
- (E) Where necessary in the opinion of the District Engineer, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary. Plans, specifications, and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for the approval of the District Engineer, and no construction of such facilities shall be commenced until said approvals are obtained in writing.
- (F) Where required by the District Engineer, owners will provide written emergency plans for preventing prohibited wastes from entering the sewer system. These plans will include, at a minimum, physical controls and employee training for spill prevention, and any other contents required by the District Engineer.
- (G) When required by the District Engineer, the owner of any served property discharging industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manholes, when required, shall be accessible at all times
- (H) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in effective operation satisfactory to the District, by the owner at the owner's expense.
- (I) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made above shall be determined in accordance with the latest edition of the "Standard Methods for the Examination of Water and Sewage," and shall be determined at the control manhole. All such data shall be made available to the owner of the property in question.

- (J) No statement contained in this section shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment subject to special terms, including but not limited to payment therefore by the industrial concern.
- (K) Residential garbage disposal units shall be allowed to discharge to the system.

SECTION 6. PROTECTION FROM DAMAGE:

No person or persons shall break, damage, destroy, uncover, deface, or tamper with any structure, facility, appurtenance or equipment which is a part of the District sanitary sewerage system.

SECTION 7. POWERS AND AUTHORITY OF INSPECTORS:

Duly authorized employees or representatives of the District and of the City of Donald, bearing proper credentials and identification, shall be permitted to enter upon all served properties within the District for the purpose of inspection, observation, measurement, sampling, and testing of all sewer and sewage treatment facilities, in accordance with the provisions of the Federal and Oregon constitution and of this Ordinance at such times and during such hours that the Governing Body shall approve or that a business is in operation.

SECTION 8. PENALTIES:

- (A) Any person violating any provision of this Ordinance, except Section 9, may be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Such person shall, within the period of time stated in the notice, permanently cease the violation.
- (B) Any person who shall continue any violation beyond the time limit provided for in Section 8(A), shall be liable on conviction to a fine of not more than \$1000 for a continuing offense.
- (C) Any person violating any of the provisions of this Ordinance shall become liable to the District for any expense, loss, or damage incurred by the District by reason of such violations, in addition to the fine provided in Section 8(B).

(D) In addition to the remedies provided above, the District may, as an alternative or in addition to other remedies that are legally available for enforcing this Ordinance, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin, abate, or remove the violation.

SECTION 9. REVIEW OF GOVERNING BODY DECISIONS:

Decisions of the Governing Body under this Ordinance are reviewable by the Circuit Court of the State of Oregon for Marion County, solely and exclusively under the provisions of ORS 34.010 to 34.100.

SECTION 10. RECOVERY OF DAMAGES:

The District and its officers, agents, or employees shall not be answerable for any liability or injury or death to any person, or damage to any property, arising during or growing out of the performance of any work by or for any person except such work performed by District personnel.

SECTION 11. CONFORMITY WITH THE LAW:

This Ordinance shall not substitute for, nor eliminate the necessity for conformity with any and all laws or rules of the United States or the State of Oregon or their agencies, or any applicable Ordinance, rule, or regulation of Marion County.

SECTION 12. SEPARABILITY:

If any section, sub-section, sentence clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder of the document.

SECTION 13. EMERGENCY CLAUSE:

This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance taken affect immediately upon adoption.

SIGNED AND FINALIZED this ___ day of _____, 1999.

MARION COUNTY BOARD OF COMMISSIONERS
ACTING AS GOVERNING BODY OF
FARGO INTERCHANGE SERVICE DISTRICT

Chair

Recording Secretary