

BEFORE THE BOARD OF COMMISSIONERS
ACTING AS THE GOVERNING BODY OF THE
BROOKS COMMUNITY SERVICE DISTRICT

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 AND DECLARING AN EMERGENCY)

ORDINANCE NO. 1421

BE IT ORDAINED BY THE GOVERNING BODY OF THE BROOKS COMMUNITY 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:

- A. "ASTM Specifications" shall mean the Standard Specifications or Methods of the American Society for Testing Materials of the serial designation indicated by the number.
- B. "Bi-Monthly" shall mean every other month in a calendar year.
- C. "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 5 days at 20 degrees C. expressed in milligrams per liter (mg/L).

ORDINANCE NO. _____

- D. "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 within or adjoining the building or structure and conveys the same to the building sewer which begins at a point five (5) feet outside the established line of the building structure, including any structural projection except eaves.
- E. "Building Sewer" shall mean that part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to the public sewer (whether septic tank or gravity main), individual sewage disposal system, or other point of disposal.
- F. "District" shall mean Brooks Community Service District.
- G. "District Engineer" shall mean the person that serves as the District's engineer of record for purposes of overseeing the District's public sewer system
- H. "Garbage" shall mean solid wastes including, but not limited to organic or animal wastes from the preparation, cooking, and dispensing of food, and from handling, storage, and sale of produce.
- I. "Garbage Disposal" shall mean a residential or commercial unit for the maceration and discharge of kitchen wastes to the building drain.
- J. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.
- K. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body or surface or groundwater.
- L. "Operation and Maintenance" means District activities required to ensure the dependable and economical function of the collection and treatment works. "Maintenance" includes activities to preserve the functional integrity and efficiency of equipment and structures, including, but not limited to, preventative maintenance, corrective maintenance, meter reading and replacement of equipment. "Operation"

includes control of the unit processes and equipment that make up the collection and treatment works. This includes keeping financial and personnel management records, laboratory control, process control, safety and emergency operation planning, employment of attorneys and consultants, payment of court costs and payment of any costs or fees reasonably associated with any of the above.

- M. "pH" shall mean the measure of the acidity or alkalinity of the wastewater as provided in this subsection. Neutral water, for example, has a 'pH' of 7 and a hydrogen ion concentration of 10^{-7} . '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.
- N. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- O. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal right and is controlled by public authority. The public sewer includes all appurtenances the District has accepted for maintenance beginning at the inlet baffle of the septic tank; except if a septic tank serves multiple properties, in which case "Public Sewer" shall also include the sewer between the inlet baffle and the first clean out outside of the house or business. The public sewer also includes the septic control panel, the wiring between the control panel, and the related equipment necessary for the operation of the District sewer system.
- P. "Private sewage disposal system" shall mean a privately owned system for treatment and disposal of sanitary sewage as authorized by the County Onsite Wastewater Specialist. This may also include self-contained systems for composting of garbage and human wastes as authorized by the County Onsite Wastewater Specialist.

- Q. "Service connection" shall mean that a portion of the public sewer downstream of the building sewer, including the septic tank system and effluent piping to where it connects to the street sewer.
- R. "Sanitary Sewage" shall mean water carried kitchen, bathroom and laundry wastes.
- S. "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.
- T. "Sewage Treatment Facility" shall mean any arrangement of devices and structures used for treating sewage.
- U. "Sewerage Works" shall mean all District-owned facilities for collecting, pumping, treating, and disposing of sewage.
- V. "Sewer" shall mean a pipe or conduit for carrying sewage.
- W. "Sewer Mainline" shall mean a common public sewer located in public right-of-way or easement for transmission of sewage from the building sewer to a sewage treatment facility.
- X. "STEP System" shall mean that type of septic tank effluent system, requiring a pump that is owned, operated and maintained by the District. Such system is usually installed on private property under an easement to the District. It is required as a condition for service.
- Y. "Storm Sewer" shall mean a pipe or conduit which carries ground, storm and surface waters and drainage, but excludes sewage and industrial wastes.
- Z. "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 filtering.
- AA. "User" means every person using any part of the District's public collection and treatment works.

BB. "User Charge" means a charge levied on users of the collection and treatment works, paid by a user for the user's proportionate share of the cost of operation and maintenance, including replacement, of those works under 33 U.S.C §§ 1284(b)(1)(B).

CC. "Wastewater" means sewage or those liquids or water-carried pollutants, including any groundwater, surface water, and stormwater that may be present whether treated or untreated, that is contributed into or permitted to enter the publicly owned treatment works.

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

SECTION 4 USE OF PUBLIC SEWERS REQUIRED:

A. No person shall place, deposit, discharge or give permission for others to place or deposit, discharge sewage, industrial wastes, or garbage within the District, except to the public sewer or where suitable treatment has been provided in accordance with the provisions of this ordinance.

B. 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 Brooks Community Service District.

C. The owner of any house, building, business or other establishment or property used for human occupancy, employment, recreation or other purposes, situated within the Brooks Community Service District, shall connect to the District's sewage system if and when a public sewer mainline is installed within 300 feet of the property. Each owner is hereby required to have installed a STEP system on the property to be served, and to connect such facilities directly with the public sewer in accordance with the provisions of this ordinance within ninety (90) days after the date of official notice to do so.

D. In the event that, during the period of 90 days referred to in sub-section (C), the owner files with the District written objection to installation of the facilities, the District shall not enforce the provisions of the sub-section (C), until the Governing Body has met, heard the objections and rendered its decision. The meeting of the Governing Body shall be held not less than 10 days nor more than 90 days after the date of the objections are filed. Not less than 7 days prior to the meeting, the District shall give notice of the date to the owner. If the Governing Body determines that a danger to public health and safety does not exist, the Governing Body may elect to extend the ninety (90) day hook-up period by an additional one hundred twenty (120) days. The decision of the Governing Body shall be final and no appeal or review shall be taken therefrom except as otherwise provided by law.

E. The District reserves the right to reject the applications for service of any property owner upon whose property industrial activities would result in a discharge to the public sewer of sewage of unusual strength, character or volume. All applications for the discharge of industrial waste shall be reviewed on an individual basis by the District Engineer, with appeal to the Governing Body as provided by sub-section (D) of this section regarding installation of sewerage facilities. 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

PRIVATE SEWAGE DISPOSAL:

- A. Where a public sanitary sewer is not available under the provisions of section 4 (D), the building sewer shall be connected to a private sewage disposal system and shall comply with applicable Oregon statutes and the administrative rules of the Oregon Department of Environmental Quality and Environmental Quality Commission.
- B. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a connection shall be made to the public sewer in compliance with this ordinance, and any on-site sewage disposal system shall be abandoned except for self-contained composting type systems which may continue to be used and do not require hook up to the public system. Such abandonment shall be undertaken in accordance with rules established by the Oregon Department of Environmental Quality and Environmental Quality Commission.
- C. The provisions of this article shall be in addition to and not in conflict with the requirements of any other provisions of general law.

SECTION 6

SERVICE CONNECTIONS:

- A. Only the District's personnel, its authorized representatives or contractors may uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereto.
- B. There shall be three classes of building sewer permits:
 - 1. Residential service,
 - 2. Commercial service, and;
 - 3. Industrial waste connection service permits.
- C. No person shall alter, repair or make a connection with any service facility maintained by the District unless that person has first obtained a permit from the District.
- D. Only the owner or his or her agent shall make applications for connection to the system on a form furnished by the District (sewer connection permit). The permit applications shall be supplemented by

any scaled plans, specifications, or other information required by the District Engineer.

- E. The District shall inspect the STEP system and building sewer for any new service, including the connection to the public sewer and any new sewer mainline required at the time of installation. Provided the finished system meets all standards and requirements then in effect for the District as a whole and all required fees have been paid, the District shall accept the facilities as part of the public system after one year of use.
- F. All permit and inspection fees shall be established by order of the Governing Body. Before the permit may be issued, the applicant shall pay the permit and inspection fee and, if the District will install the system, the cost of labor, materials, and overhead for installation, as estimated by the District Engineer.
- G. An easement to construct, operate and maintain the system shall be given to the District prior to acceptance and connection of the STEP system and this easement shall be effective in perpetuity.
- H. Prior to acceptance of and connection of the STEP system, an easement shall be recorded stating the meets and bounds of the infrastructure, including, but not limited to, the control panel and the septic tank.
- I. It shall be the responsibility of the property owner to keep clean and maintain the building drain to the connection with the public sewer. The property owner or the owner's contractor shall keep clean the inlet baffle in the septic tank; except if a septic tank serves multiple properties, it shall be the responsibility of the property owner to keep clean and maintain the building drain to the first clean out.
- J. All costs and expenses incident to the installation and connection of the STEP system shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may be occasioned by such installation unless directly attributable to District negligence.

- K. Where necessary and approved by the District Engineer, two or more buildings may share a single STEP system, provided that buildings are located on the same parcel and are maintained by the same owner, so long as the District Engineer reviews and approves the proposal and it meets all design guidelines and other requirements imposed by the District Engineer. Applicable permit fees, inspection and operation charges shall still be paid for each separate and individual building.
- L. Building drains shall conform to the Uniform Plumbing Code.
- M. Building drains serving buildings with basements shall, whenever possible, be brought from the building at an elevation below the basement floor.
- N. No person shall make connection of roof downspouts, exterior foundation drains, area or yard drains, or other sources of surface runoff or groundwater to a building sewer or drain which in turn is connected directly or indirectly to a public sewer.
- O. The applicant for the STEP system construction permit shall notify the District at least four (4) weeks prior to the need for such sewer in order for the District to arrange for the installation.
- P. The materials, excavation, and installation of the STEP system by the District or its authorized personnel shall be in accordance with the plans and specifications of the District. Individual electrical and pump needs shall be determined for each STEP service connection.
- Q. All joints and connections shall be made gas tight and watertight.
- R. For new or existing buildings, the applicant for connection to the public sewer shall notify the District when the building sewer is ready for inspection, testing, and connection to the public sewer. After final approval of the building sewer by the District, the final connection to the public sewer may be made by the applicant after which the District will accept the building sewer for maintenance. All building sewers shall be required to pass a low-pressure air or water

test conducted in accordance with procedures established by the District. The property owner shall have the option of having the test conducted either by the contractor of that person's choice (under observation by the District's representative) or by the District's representative. In either case the cost of such test (and necessary subsequent tests until the installation passes) shall be borne by the property owner. Any and all costs to the District for such tests shall be billed back to the property owner and paid within thirty (30) days.

S. When any work has been inspected or tested and the results are not satisfactory, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the building sewer or other work authorized by the permit in accordance with the rules and regulations of the District.

T. No statement contained in this section shall be construed to exempt the applicant from obtaining any additional permits and meeting any additional requirements as set forth by the County, State, or other appropriate public body having jurisdiction.

SECTION 7 USE OF PUBLIC SEWERS:

A. No person shall construct any structure or appurtenances within the minimum separation distances outlined in Table 1, OAR 340-071-0220 of a District owned septic tank without prior approval of the District.

B. Parking or driving a vehicle over District owned septic tanks on private property is prohibited except with permission as granted by the District in those cases in which the tank system has been designed for such loads.

C. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, sub-surface drainage, cooling water, or unpolluted industrial process water to any sanitary sewer.

D. 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.
3. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, diapers, wipes, feathers, tar, plastics, wood, medical waste products 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 sewerage works.
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 waters or wastes containing suspended solids of such character and quantity that unusual frequency of attention or unreasonable expense is required to handle such material in septic tank sludge removal or treatment.
7. Any noxious or malodorous gas or substance capable of creating a public nuisance anywhere in the treatment or collection system.
8. Any substance in excess of specified categorical standards as may be established by the Environmental Protection Agency and Oregon

Department of Environmental Quality under their respective pretreatment programs.

9. Animal, vegetable or mineral fats, oils or greases that cause a visible sheen on the discharge or in the public sewer system; build-up of grease in which any public sewer facility or which accumulations either alone or in combination with other discharges cause or contribute to obstructions of the public sewer system.

10. Waters contaminated with concentrations above 200 mg/l of any animal, vegetable, or mineral fats, oils or greases.

E. Grease, Oil, Fat, Grit and Sand Pretreatment. The District Engineer, in his or her sole discretion, may require all persons who generate wastes containing grease, oil, fat, grit or sand to install pretreatment facilities to remove these items from the waste stream.

1. Grease, Oil and Fat Generators and Pretreatment. Property owners who operate restaurants, cafes, lunch counters, cafeterias, bars or clubs; or hotel, hospital, factory or school kitchens; or gas stations or automotive service facilities; or other establishments that serve or prepare food where grease, oil and fat may be introduced to the sewer system shall have pretreatment facilities to prevent the discharge of fat, oil or grease waste into the sewer system. The grease, oil and fat removal systems shall meet District requirements. Dischargers shall maintain their grease removal system in a manner that will prevent fat, oil or grease waste from being discharged into the sewer system. All grease, oil and fat pretreatment facilities shall be installed, maintained and operated by the discharger at their own expense. The facilities shall be kept in continuous operation at all times and shall be maintained to provide efficient operation. Dischargers may not add emulsifying agents exclusively for the

purposes of emulsifying polar or nonsolid grease, oil and fat. Cleaning is required for interceptors and records of cleaning shall be available for review by District personnel upon request. All material removed shall be disposed of in accordance with all applicable county, state and federal regulations.

2. Sand and Grit Generators and Pretreatment. Sanitary sewer customers that discharge amounts of sand and/or grit that damage, affect the hydraulic efficiency of or increase maintenance requirements of the public sanitary sewer system shall install a sand and/or grit removal device. Installation shall be completed within six months from notification unless otherwise agreed upon by the District. Continued maintenance of the device shall be the responsibility of the property owner. All sand and grit removal facilities shall be installed, maintained and operated by the discharger at its own expense. The facilities shall be kept in continuous operation at all times and shall be maintained to provide efficient operation. Dischargers may not use high volume flushing to push sand and grit from their facilities into the public sewer system. Cleaning and removing of the particles that have settled out of the service line is required and records of cleaning and removing shall be available for review by District personnel upon request. All material removed shall be disposed of in accordance with all applicable county, state and federal regulations.

F. 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 300 milligrams per liter.
2. Potentially containing any quantity of substances having the characteristics described in Section (D) above.

3. Containing more than 350 milligrams per liter of suspended solids.
 4. Having an average daily flow greater than 5 percent of the average daily residential sewage flow of the District.
 5. Previously removed from a privately owned septic tank or disposal system.
- G. 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.
- H. 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 manhole, when required, shall be accessible at all times.
- I. 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.
- J. 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. In the event that no special manhole has been required, the control manhole shall be considered to be the screened pump vault assembly from which septic tank effluent is pumped into the public sewer. All such data shall be made available to the owner of the property in question.

K. 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.

L. Residential garbage disposal units as defined under "garbage disposal" shall be allowed to discharge to the system. Commercial garbage disposal units as defined under "garbage disposal" shall be allowed to discharge to the system only with the approval of the District Engineer prior to installation of said unit.

SECTION 8 **PROTECTION FROM DAMAGE:**

All persons owning property in the District are responsible for protecting the public and non-public sewer system located on or adjacent to their property and shall be liable for any damage incurred due to the actions, negligent or otherwise, of the owner. Additionally, all persons owning property in the District are responsible for maintaining the non-public sewer system located on their property. No person shall break, damage, destroy, uncover, deface or tamper with any structure, facility, appurtenance or equipment which is a part of the sanitary sewerage system of the District. No person shall allow any trees or shrubs to grow on or near to any public or non-public sewer facilities so that roots grow into or interfere with the function of any public or non-public sewer facilities. No person shall discharge or allow to be discharged into the public or non-public sewer system any of the materials listed or described in Section 7. All persons owning property in the District are responsible for maintaining power to the control panel for all equipment necessary for the operation of the District sewer system.

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SECTION 9**POWERS AND AUTHORITY OF INSPECTORS:**

Duly authorized employees or representatives of the District 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. The owners of property connected to the sewer system shall make their properties safe, open, and available to District inspectors, upon reasonable notice, for purposes of inspecting, maintaining and repairing the public and non-public sewer facilities and for purposes of verifying and enforcing compliance with this Ordinance

SECTION 10**SEWER RATES AND CHARGES:**

All users of the STEP system shall be billed according to the terms and conditions as outlined in Brooks Ordinance 905 - Brooks Community Sewer District User Charge Ordinance and any subsequent or future ordinances or resolutions that may replace or revise these terms and conditions.

SECTION 11**PENALTIES:**

- A. Any person violating any provision of this ordinance, except Section 11, 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 11 (A), shall be liable on conviction to a fine of not more than \$1,000 per day until the violation is corrected 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 11 (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 12 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 13 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 14 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 15 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 16 REPEAL ORDINANCE 906:

Ordinance 906 is hereby repealed.

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SECTION 17

DECLARATION OF EMERGENCY:

This ordinance being necessary for the preservation of the health, safety, and welfare of the community, an emergency is declared to exist and this ordinance will take effect immediately.

DATED this 17th day of August, 2020.

MARION COUNTY BOARD OF COMMISSIONERS
ACTING AS GOVERNING BODY OF
BROOKS COMMUNITY SERVICE DISTRICT



Chair



Recording Secretary