

Athena Ordinances

ORDINANCE NO. 420

AN ORDINANCE REGULATING THE USE OF PUBLIC SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; PROVIDING THAT ALL RESIDENTIAL OR COMMERCIAL BUILDINGS INSIDE THE CITY LIMITS OF THE CITY OF ATHENA SHALL BE CONNECTED TO CITY SEWERS FOR THE HEALTH AND SAFETY OF THE RESIDENTS OF THE CITY OF ATHENA; PROVIDING PENALTIES FOR VIOLATION THEREOF.

The City of Athena, Oregon ordains as follows:

ARTICLE 1

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

Section 1. BOD (denoting Biochemical Oxygen Demand) shall mean the quality of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days to 20 degrees C, expressed in milligrams per liter.

Section 2. 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 (1.5 meters) outside the inner face of the building wall.

Section 3. Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 4. City shall mean the City of Athena, County of Umatilla, State of Oregon.

Section 5. Combined sewer shall mean a sewer that is designed as a sanitary sewer.

Section 6. Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of feed, and from the handling, storage, and sale of produce.

Section 7. Industrial wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Section 8. Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

Section 9. Person shall mean any individual, firm, company, association, society, corporation, or group.

Section 10. pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 11. 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 one particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Section 12. Public sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Section 13. Sanitary sewer shall mean a conduit intended to carry liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not intentionally admitted.

Section 14. Sewage shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

Section 15. Sewage treatment plant shall mean any arrangement of devices and structures used for treating sewage.

Section 16. Sewage works shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Section 17. Sewer shall mean a pipe or conduit form carrying sewage.

Section 18. Shall is mandatory; may is permissive.

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Section 19. Sludge shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or 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 a normal operation.

Section 20. Storm sewer (sometimes termed “storm drain”) shall mean a sewer designed to carry only storm waters, surface run-off, street wash waters and drainage.

Section 21. Superintendent shall mean the Director of Public Works of the City of Athena, or his authorized deputy, an agent or other representative of the City of Athena, Oregon.

Section 22. Suspended solids shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Section 23. Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II**Use of Public Sewers Required.**

Section 1. 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 Athena, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable wastes.

Section 2. It shall be unlawful to discharge to any natural outlet within the City of Athena, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

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Section 4. The owner of any house(s), building(s), or other 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 sewer of the city, is hereby required at personal 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. Such connection being necessary for the health, welfare, and safety of the residents of the City of Athena.

ARTICLE III**Private Sewage Disposal.**

Section 1. Where a public sanitary sewer is not available under the provisions of Article II, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Section 2. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit form the Oregon State Department of Environmental Quality.

Section 3. At such time as a public sewer becomes available to a property served by private sewage disposal system as provided in Article II, 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 in accordance with state law at no expense to the city. Such connection must be completed within ninety (90) days of the sewer becoming available to the property.

Section 4. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner and at all times at no expense to the city.

Section 5. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Oregon State Department of Environmental Quality.

ARTICLE IV

Building Sewers and Connections.

Section 1. No unauthorized person shall uncover, make any connections with, into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.

Section 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) 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 city. All sewer permit and inspection fees shall be paid to the city at the time the application is filed. A specific schedule of fees shall be periodically established by the city council by means of resolution.

Section 3. All costs and expense incident to the installation, connection and maintenance 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.

Section 4. 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. In such case, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer with two (2) connections.

Section 5. 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.

Section 6. 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 backfilling of 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.

Section 7. 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.

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Section 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building drain shall be lifted by an approved means and discharged to the building sewer.

Section 9. 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.

Section 10. 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/her representative.

Section 11. 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.

ARTICLE V**Use of Public Sewers.**

Section 1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewers.

Section 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated storm sewers, or to a natural outlet approved by the DEQ. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer.

Section 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or liquid, solid, or gas.
- (B) 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

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receiving waters of the sewage treatment plant, including but not limited to cyanides in excess to two (2) mg/l as CM in the wastes as discharged to the public sewer.

- (C) Any waters or wastes having 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.
- (D) Solid or viscous substances in quantities or of such size capable of causing obstruction 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, ungrounded garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Section 4. No person shall discharge 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 otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the consideration to such factors as to quantities of subject materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes on the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (A) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit, sixty-five (65) degrees Celsius.
- (B) 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) and one hundred fifty (150) degrees Fahrenheit, zero (0) and sixty-five (65) degrees Celsius.
- (C) 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.
- (D) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (E) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.
- (F) 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,

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to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

- (G) 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.
- (H) Any waters or wastes having a pH in excess of (9.5).
- (I) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries, and lime residues or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.
 - (2) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
- (J) 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 degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the superintendent may:

- (A) Reject the wastes;
- (B) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (C) Require control over the quantities and rates of discharge; and/or
- (D) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this article.

If the superintendent permits the pretreatment of equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances, and laws.

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Section 6. Grease, oil, and sand interceptors shall be provided when, in 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 be readily and easily accessible for cleaning and inspection.

Section 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Section 8. 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 accessible 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.

Section 9. 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 suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular 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 pHs are determined from periodic grab samples.

Section 10. No statement contained in this article 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.

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ARTICLE VI**Protection from Damage.**

Section 1. 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.

ARTICLE VII**Infiltration and Inflow.**

Section 1. All property owners identified by the city as contributors to excessive or improper infiltration of inflow into the sewage works shall be advised of their infiltration and inflow problems.

Section 2. All such situated properties shall be provided a 60-day grace period in which to correct the infiltration and inflow problems as identified at owner's expense and at no cost to the city. Said 60-day grace period shall extend from the date of written notification.

Section 3. By the end of the 60-day grace period, each property owner shall notify the city that corrective actions reasonable calculated to abate the specified excessive or improper infiltration or inflow problems referenced in the city's written notice to user have been taken or are in progress. The specific actions taken shall be specified in the notification to the city.

Section 4. A property owner failing to notify the city of corrective action prior to the end of the 60-day grace period shall be subject to termination of water service, without further notice until the violation shall have been corrected in accordance with federal, state and city regulations.

Section 5. In the event any instance of excessive or improper infiltration or inflow into the treatment works of the city shall continue beyond the 60-day grace period, it is hereby declared that such continuing infiltration or inflow is a public nuisance and the city shall have the right to abate such public nuisance, and to enter upon any private property within the city for such purpose, and shall assess the cost of such abatement as a lien against the property upon which such continuing infiltration and inflow occurs. Such costs together with the description of the property or properties to be assessed, together with the names of the owner(s) thereof with the city recorder, whereupon the city recorder shall forthwith enter such assessment as a lien against such property in the city

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lien docket of the city. An administration fee shall be charged and collected by the city in addition to all costs of abatement. Said fees shall be in accordance with the City Fee Schedule.

ARTICLE VIII**Powers and Authority of Inspectors.**

Section 1. The superintendent and /or the 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 representatives 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 of facilities for waste treatment.

Section 2. While performing the necessary work on private properties referred to in Article VIII, Section 1 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 any agency charged with that authority.

Section 3. 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.

ARTICLE IX**Penalties.**

Section 1. Any person found to be violating any provision of this ordinance except Article VI 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.

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Section 2. Any person who shall continue any violation beyond the time limit provided for in Article IX, Section 1, is subject to a civil fine according to the fee schedule for each violation. Each day in which any such violation shall continue shall be deemed a separate violation offense.

Section 3. Any person violating any of the provisions of the ordinance shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation, including reasonable attorney's fees.

Section 4. Nothing in the section shall in any way limit, alter or affect the potential criminal sanctions which can result from violation of state, county or city criminal statutes.

ARTICLE X**Validity.**

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

Section 2. 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.

Passed by the council and approved by the mayor February 12, 1991.

Passed by the council and approved by the mayor November 15, 2007.