

GENERAL ORDINANCE #33 & 31
COMBINED AS AMENDED
JULY 9, 1991

ORDINANCE #31

AN ORDINANCE DECLARING THE INTENTION OF SOUTH SUBURBAN SANITARY DISTRICT OF KLAMATH COUNTY, OREGON, TO PROVIDE FOR THE USE OF PUBLIC SEWERS, REGULATE THE USE AND CONSTRUCTION OF PRIVATE SEWER SYSTEMS, TO COMPEL AND REGULATE CONNECTIONS TO THE PUBLIC SEWER SYSTEM TO ESTABLISH FEES FOR SEWER FOR SEWER SERVICE, CONNECTIONS TO AND CONSTRUCTION OF THE PUBLIC SEWER SYSTEM TO ESTABLISH PENALTIES FOR DELINQUENT PAYMENT OF FEES, TO PROVIDE CIVIL AND CRIMINAL SANCTIONS FOR VIOLATIONS OF THE ORDINANCE, TO ESTABLISH THE EFFECTIVE DATE OF THE ORDINANCE AND TO REPEAL ORDINANCES NO. 1,2, AND UNNUMBERED ORDINANCE ADOPTED NOVEMBER 2, 1959, SECTION 2 OF ORDINANCE NO. 6, ORDINANCES NO 8, 15, 17, 18, 19, 20, 29 AND 30.

ORDINANCE #33

AN ORDINANCE DECLARING THE INTENTION OF THE SOUH SUBURBAN SANITARY DISTRICT OF KLAMATH COUNTY, OREGON TO AMEND ARTICLE 1, DEFINITIONS AND ARTICLE IV, BUILDING SEWERS AND CONNECTIONS OF ORDINANCE NO. 31 ESTABLISHING NEW DEFINITIONS, ESTABLISHING A SYSTEM DEVELOPMENT CHARGE, MAKING OTHER CHANGES RELEVANT TO THE IMPOSITION OF A SYSTEMS DEVELOPMENT CHARGE AND DECLARING AN EMERGENCY. THE CHANGES AND AMENDMENTS SHALL SUPERSEDE THE SECTIONS OF ORDINANCE NO 31 AS HEREINAFTER SET FORTH.

ORD #33 Section I

That the area known as South Suburban Sanitary District is served by a sewerage collection system and treatment plant and that there has been in the past and will continue to be in the future, a need to regulate the use of, the construction, the fees and charges for connection to the system and the use of it, which have in the past been regulated by a sewer code adopted by Ordinances No. 31 and 32, and that because of requirements of Oregon Revised Statutes Chapter 223 there is a need to adopt new and revised regulations for the purpose of implementing a systems development charge designed to impose a portion of the cost of capital improvements, both existing excess capacity and future improvements, for sanitary sewerage collection, transmission, treatment and disposal upon those developments that create the need for, or increase demands upon, capital facilities. This ordinance is necessary for the legal and orderly conduct of the business of the South Suburban Sanitary District for the benefit and convenience of the public using or contemplating the use of said facilities.

ARTICLE 1 ORD #31 Definitions:

For the purpose of this document the following words and phrases shall have the meanings respectively assigned to them by this Article.

Section 1: "PUBLIC SEWER" shall mean a sewer in which all property owners within South Suburban Sanitary District have equal rights and is controlled by the authority of the District.

Section 2: **"SANITARY SEWER"** shall mean a sewer, which carries sewage, and to which storm, surface and ground waters are not intentionally admitted.

Section 3: **"SEWAGE"** shall mean a combination of water-carried wastes from residences, businesses, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

Section 4: **"SEWAGE TREATMENT PLANT"** shall mean any arrangement of devices or structures used for treating sewage.

Section 5: **"SEWAGE WORKS"** shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Section 6: **"SEWER"** shall mean a pipe or conduit for carrying sewage.

Section 7: **"PERSON"** shall mean any individual, firm, company, association, society, corporation or group.

Section 8: **"PREMISES SERVED"** shall mean any lot, tract or parcel of land using public sewer or which requires the use of public sewer though not connected therewith.

Section 9: **"USER"** shall mean all persons discharging sewage into the public sewer. The word "user" may be qualified by type, as residential commercial or industrial.

Section 10: **"NORMAL DOMESTIC SEWAGE"** shall mean sewage containing pollutants with following range of values:

- (a) PH shall be within the range of 6.5 to 8.0.
- (b) BOD shall not exceed 200mg/L.
- (c) SS shall not exceed 200mg/L.

Section 11: **"INDUSTRIAL WASTE"** shall mean any flow or discharge into the public sewer, which exceeds the limits defined as normal domestic sewage.

Section 12: **"GARBAGE"** shall mean solid wastes from domestic and commercial preparation, such as, but not limited to, solids resulting from cooking, dispensing of food or the handling, storage and sale of produce.

Section 13: **"PH"** shall mean the logarithm of the reciprocal of the weight or hydrogen ions per liter of solution.

Section 14: **"BOD"** (denotes biological oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter as defined under standard laboratory methods in current use by the District.

Section 15: **"SS"** (denoting suspended solids) shall mean solids that either float on the surface or are in suspension in water, sewage or other fluid and which are removable by laboratory filtration.

Section 16: **"SLUG"** shall mean any discharge of water, sewage or industrial waste which exceeds (in concentration of pollutants or in quantity of flow), for any duration longer than 15 minutes, more than five times the normal 24-hour average concentration or flow of such discharge during normal operation.

Section 17: **"SHALL"** is mandatory. **"MAY"** is permissive.

Section 18: **"SEWER SERVICE CHARGE"** shall mean all charges levied on users of the public sewer with the exception of connection fees and construction charges.

SECTION 19 AS AMENDED BY ORDINANCE #33 **Section 19: "SYSTEM DEVELOPMENT CHARGE"** means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of connection to the sanitary sewer system. It shall also include that portion of a sanitary sewer connection charge that is greater than the amount

Continued: "SYSTEMS DEVELOPMENT CHARGE"

necessary to reimburse the District for its average cost of inspecting and installing connections with the sanitary sewer system. Does not include (a) any fees assessed or collected as part of a local improvement district; (b) a charge in lieu of a local improvement district or assessment; or (c) the cost of complying with requirements or conditions imposed upon a land use decision.

Section 20: **"CONSTRUCTION FEE"** shall mean a charge levied upon persons wishing to connect premises served to the public sewer in accordance with Article IV, Section 3, of this ordinance.

Section 21: **"MOBILE HOME PARK"** shall mean property developed and used to accommodate mobile homes and the individual sites are sold, leased or rented for residential or business purposes of the occupants.

Section 22: **"MOBILE HOME"** shall mean a vehicle or structure construction for movement on public highways, which has sleeping, cooking and plumbing facilities, is indented for human occupancy and is being used for residential or business purposes.

Section 23: **"TRAILER PARK"** shall mean property developed and used to accommodate camping vehicles, travel trailers and recreational vehicles which are not used as residences of the occupant.

Section 24: **"RECREATIONAL VEHICLE"** shall mean a vacation trailer or other unit, with or without motive power, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a floor space of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

Section 25: **"CAMPING VEHICLE"** shall mean either a vacation trailer, or a self-propelled vehicle or structure equipped with wheels for highway use, and which is intended for human occupancy and which is being used for vacation or recreational purposes, but not for residential purposes.

Section 26: **"TRAVEL TRAILER"** shall mean a trailer that is of a type designed to be used on the highways, is capable of being used for human habitation, is not more than 8 feet wide and is six feet or more in height from floor to ceiling, and shall include tent trailers.

AMENDED BY ORDINANCE #33:

Section 26: **"Capital Improvement(s)"** means facilities or assets used for the purpose of providing sanitary sewerage collection, transmission, treatment and/or disposal."

Section 27: **"Development"** means the act of conducting a building operation, or making a physical change in the use or appearance of a structure or land, which increases the usage of any capital improvements or which creates the need for additional capital improvements."

Section 28: **"Improvement Fee"** means a fee for costs associated with capital improvements to be constructed after the date this ordinance becomes effective."

Section 29: **"Qualified Public Improvements"** means a capital improvement that is: (a) required as a condition of residential development approval; (b) identified in the District's adopted Capital Improvement Plan pursuant to ORS 223; (c) not located on or contiguous to a parcel of land that is the subject of the development approval."

Section 30: **"Reimbursement Fee"** means a cost associated with capital improvements constructed or under construction on the effective date of this Ordinance."

Section 31: "Unit means a unit of measurement of sewer usage assumed to be equivalent to the usage of an average dwelling unit. Unit has the following definition for the purpose of: Systems Development Charge. A unit is a single dwelling unit or its equivalent. Where unit equivalency must be computed it shall be equivalent to: (a) 1,000 cubic feet of water consumption per month, or 0.42 pounds of BOD per day, or (c) 0.42 pounds of suspended solids per day or (d) the actual cost of collection, transmission, treatment and disposal divided by the current monthly service charge; whichever is greater."

ORDINANCE #31 continued:

ARTICLE II Use of Public Sewer Required

Section 1: No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within South Suburban Sanitary District, or in any area under the jurisdiction of said district, any human or animal excrement, garbage or any other objectionable waste.

Section 2: No person shall discharge sewage to any other outlet than the public sewer except where suitable treatment has been provided in accordance with subsequent Articles of this ordinance.

Section 3: No person shall construct or maintain any privy vault, septic tank, cesspool or other facility intended for the disposal of sewage except as provided in subsequent Articles of this ordinance.

Section 4: The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within South Suburban Sanitary District shall be required at his own expense to install suitable toilet facilities therein, and to connect such facilities to the public sewer under the provisions of this ordinance within 90 days after official notification to do so.

ARTICLE III Private Sewage Disposal

Section 1: Where a public sewer is not available a person may construct or use a private sewage disposal system in compliance with the laws, ordinances and rules of the State of Oregon and Klamath County.

Section 2: The owner shall operate and maintain a private sewage disposal facility in a sanitary manner at all times and at no expense to South Suburban Sanitary District.

Section 3: No statement in this Article shall be construed to interfere with any requirements made by federal, state or local governments or rule making bodies that may have jurisdiction.

As amended by ord #33 " Section 4: The owner of any building situated within the District and proximate to any street or sewer easement in which there is located a public sewer of the District, may request permission, at owner's expense, to connect said building directly with the proper public sewer in accordance with the provisions of this sewer code. Such request shall be made through proper application to connect to the sanitary sewer system."

ARTICLE IV BUILDING SEWERS AND CONNECTIONS

Section 1: No unauthorized person shall uncover, make any connection or opening into, use, alter or disturb any public sewer or appurtenance thereto without first obtaining a written connection order from South Suburban Sanitary District.

Section 2: (as amended by ord#33)

"Each person making an application for connection shall pay, at the time of filing an application, a System Development Charge for each unit as defined in Section 11. The systems development charge imposed is separate from and in addition to any applicable tax, assessment, charge, fee in lieu of assessment, or fee otherwise provided by law or imposed as a condition of development. The systems development charge is to be considered in the nature of a charge for service to be rendered or a service hookup charge and shall be established by the Board of Directors through a duly adopted resolution."

Section 3: All costs and expense incident to the installation and connection of the user's building drain from the private property boundary to the public sewer shall be borne by the owner. The district may perform the appropriate construction at cost according to common engineering cost accounting methods in use by the district; or the owner may elect to accomplish the work by private means under supervision and inspection by district personnel. In either case, the size, slope, alignment, materials, excavation and backfilling of the building sewer, the building drain on private property and the sewer stub connection from private property to the public sewer shall conform to the building and plumbing codes of the State of Oregon and Klamath County.

Section 4: All costs and expense incident to the installation of sewer facilities and drains on private property shall be borne by the owner.

Section 5: A separate and independent building sewer shall be provided for every building, structure, or mobile home site, except where on such structure stands at the rear of another on an interior lot. In any case where additional customer units are added to an existing sewer drain connection, whether on private property or otherwise, the owner shall obtain a connection order as required by Section 2 of this Article.

Section 6: Old building sewers may be used in connection of new buildings only when they are found to meet all the requirements of this ordinance.

Section 7: No person shall make connection of roof down spouts, foundation drains, area drains or any other source of surface runoff or ground water to any building sewer or drain which connects directly or indirectly with the public sewer.

Section 8: The applicant for the sewer connection shall notify the district office in writing of the time and place when the building drain is ready for connection to the public sewer. All work shall be exposed and available for inspection by the district representative, and the connection to the public sewer shall be made under the inspection and supervision of such inspector. Such notification and final connection shall be made only during normal working hours of the district, which shall be Monday through Friday, except holidays, from

Continued: Section 8: the hours of 8:00AM to 5:00PM. If a district inspector is not present at the construction site within one hour after the time mutually agreed upon between the applicant and the District, the applicant shall notify the district office of the default of the inspector's commitment and then may proceed with the connection and backfilling without further obligation to the district. If, however, the trench is backfilled without notification to the district, the applicant may be required to excavate the work for the purpose of inspection by the district representative. Once the district has approved the sewer drain connection from the boundary of private property to the public sewer such sewer shall become the property of the district which shall thence forward be responsible for its maintenance and repair.

Section 9: The district shall be responsible for the maintenance and repair of all public sewers and side sewer connections up to the private property line. The user shall be responsible for the maintenance and repair of all sewers, facilities and appurtenances thereto on private property, except where the district has obtained a legal easement or right of way for the extension of a public sewer across private property.

As amended by ord #33

Section 10: "Whenever a parcel of property shall have become connected to the District's sewerage system and shall there after undergo a change of use so that a different number of dwelling units would be assigned to the property if connection were made after the change the following shall occur:

(1). If the change results in the assignment of a greater number of units pursuant to Section 11, an additional systems development charge shall belevied at the time of such change. The additional charge shall be equal to the net increase of units times the current systems development charge per unit.

(2.) If the change results in the assignment of a lesser number of units pursuant to Section 11 there shall be no additional charge or rebate. However, the full number of units originally assigned shall be used as a basis for determining any future systems development charges in the event of a further change of use resulting in assignment of additional units."

Section 11: **SEE ORDINANCE #33 FOR FEES ON SYSTEM DEVELOPMENT CHARGES** pg 5 and 6.

SEE ORDINANCE #31 FOR ARTICLE V "USE OF PUBLIC SEWERS"

SEE ORDINANCE #32 WHICH REPEALS ARTICLE VI OF ORDINANCE #31 "SERVICE FEES ASSESSED BY THE DISTRICT"

ARTICLE VII

"Penalties for Ordinance Violation

Section 1: Any person found to be in violation of any provision of this ordinance shall be served by South Suburban Sanitary District with written notice stating the nature of such violation. Such notice shall

Continuation: **PENALTIES FOR ORDINANCE VIOLATION:**

be sent by United States registered mail, postage fully prepaid, to the address of such person as shown by the records of the District. If corrective action is required, the notice shall state such action and provide a reasonable time within which such corrective action shall be taken.

Section 2: Violation of the ordinance and/or the requirements contained in notices sent under Section 1 above, subject the violator to a fine of not less than one hundred dollars nor more than one thousand dollars for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the district may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this ordinance or the orders, rules regulations, and permits issued hereunder.

Section 3: Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine or not more than \$1,000.00.