

ORDINANCE BILL NO. 11 FOR 2005

ORDINANCE NO. 1175

AN ORDINANCE AMENDING SWEET HOME MUNICIPAL CODE CHAPTER 13.08, SEWER SERVICE SYSTEM, WITH AN EMERGENCY CLAUSE.

WHEREAS, it has been the City of Sweet Home's practice and policy and is set out in Sweet Home Municipal Code Chapter 13.08 to have the owner of the property served by the building sewer be responsible for maintenance and repair of it and for all costs and expenses incident to removing excessive and/or improper Infiltration and Inflow (I&I) from the Publicly Owned Treatment Works (POTW); and

WHEREAS, the City Council of the City of Sweet Home has reviewed Sweet Home Municipal Code Chapter 13.08 and desires to more fully clarify the responsibility of the City and the responsibility of the owner of the property served by the public sewer system in regard to excessive and/or improper I&I contributions from said properties; and

WHEREAS, the City Council, as the Sweet Home Municipal Code Chapter 13.08 currently states, wishes to have uniform requirements for its users and an equitable distribution of the costs of the operation, maintenance and improvement of the sewer system that effectively addresses I&I system wide; and

WHEREAS, the City Council finds it necessary for this Ordinance to become effective immediately upon passage so that the proposed amendment to the existing Ordinance will be in full force and effect as soon as possible to help clarify the existing Ordinance.

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. Sweet Home Municipal Code Section 13.08.050 is amended to include the following definitions:

13.08.050 "Inflow and Infiltration" *"Inflow and Infiltration"* shall mean the volume of both infiltration water and inflow water found in the sanitary sewer system. Infiltration is the volume of groundwater entering sanitary sewage facilities from the soil, through defective joints, broken or cracked pipe, improper connections, manhole walls, etc. Inflow is the volume of surface water discharged into sanitary lines from such sources as roof leaders, cellar and yard area drains, foundation drains, manhole lids in the low lying areas, and cross-connections from the storm and surface water system to the sanitary sewage system.

13.08.050 "Rule" *"Rule"* shall mean any written standard, directive, interpretation, policy, regulation, procedure or other provision, adopted by the City Council as a Resolution to carry out the provisions of this ordinance.

Section 2. Sweet Home Municipal Code Section 13.08.760 - Responsibility, Payment Delinquencies and Penalties; Paragraph (F) is amended to read as follows:

13.08.760(F) Interest at a rate set by resolution shall accrue on all accounts from the date of delinquency. In addition, a penalty shall be assessed at the rate of \$2.00 per month from the date of delinquency, which shall be added to the account and shall accrue interest in the same manner as all other delinquent charges beginning the following month.

Section 3. Sweet Home Municipal Code Section 13.08.780 – Infiltration and Inflow is amended to read as follows:

13.08.780 Infiltration and Inflow All property owners identified by the City as contributors to excessive or improper infiltration or inflow into the treatment works shall be advised of their infiltration and inflow problems. This article does not apply to discharges as described in Article VI – Use of Public Storm water Sewers.

Drainage from roofs, foundation drains, gutters, uncontaminated cooling water or surface or ground water drains shall not be permitted to enter the City Sanitary Sewer System. Leaks from private sewage systems, including but not limited to building and side sewers, into the City Sanitary Sewer System shall not be permitted. Neither temporary nor permanent drainage from excavations into the City Sanitary Sewer System shall be allowed. Overflows or drains from private or public swimming pools shall not be permitted without prior written approval of the City.

All such situation properties shall be provided an opportunity in which to correct the infiltration and inflow problems in a timely manner as identified by City.

Upon correction of identified infiltration and inflow problems, each property owner shall notify the City that corrective actions have been taken, or are in progress, which action shall be specified in the notification to the City.

A property owner failing to notify the City of corrective actions by time identified by City shall be subject to termination of service, without further notice, and water service, if provided by the City, shall be immediately discontinued and shut off until the violation shall have been corrected in accordance with federal, state and City regulations and laws.

In the event any instance of excessive or improper infiltration or inflow into the treatment works of the City shall continue beyond the time identified by the City, it is declared that such continuing infiltration or inflow is a public nuisance, that 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 assessment shall be levied by the filing of statement of such costs together with the description of the name of the owner(s) thereof with the City Recorder, whereupon the City Recorder shall in due course enter such assessment as a lien against such property in the lien docket of the City. An administration fee of twenty-five dollars (\$25.00) shall be charged and collected by the City in addition to the other costs of abatement to cover part of the cost of abatement.

The City Council may by rule establish standards and criteria for Infiltration and Inflow for the purpose of preventing and removing these from the City sanitary sewer system.

Section 4. Emergency Clause - It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare. Therefore, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage and approval of the Mayor.

PASSED by the Council and approved by the Mayor this 11th day of October, 2005.



Mayor

ATTEST:



City Manager – Ex Officio City Recorder