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ORDINANCE NO. 4144

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF ALBANY, OREGON, TO ESTABLISH, OPERATE AND MAINTAIN, WITHIN AND WITHOUT THE CITY LIMITS OF THE CITY OF ALBANY, OREGON, A SEWAGE TREATMENT PLANT OR PLANTS, SEWERS, STORM DRAINS, EQUIPMENT AND APPURTENANCES, USEFUL OR CONVENIENT FOR A COMPLETE SEWERAGE SYSTEM INCLUDING DISPOSAL PLANT; IMPOSING EQUITABLE CHARGES AND FEES FOR SEWER USE AND SEWER CONNECTIONS; ESTABLISHING SEWER FUNDS; DECLARING CERTAIN ACTS UNLAWFUL; IMPOSING PENALTIES; REPEALING ORDINANCE NO. 1960 AS AMENDED AND DECLARING AN EMERGENCY:

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

SECTION 1 PURPOSE AND SCOPE: Pursuant to the general laws of the State and the powers granted in the Charter of the City, the City Council does hereby declare its intention to acquire, own, construct, equip, operate and maintain within or without the City limits, a sewage disposal plant or plants, sewers, storm drains, equipment and appurtenances necessary, useful or convenient for a complete sewerage system and disposal plant, and also including maintenance and extension of the present sewer system of the City and also including the reconstruction of such sewers as may necessarily or conveniently be deemed proper by the Council.

SECTION 2 PUBLIC POLICY: It shall be the public policy of the City of Albany that the City Council does not intend to nor will it limit the City to its present boundaries or the sewer system to its present facilities.

2.1 SERVICE LIMITATION: The Council shall not extend or furnish sewer service facilities to any residential, commercial or industrial property when the property is without the City limits and is contiguous to the City limits and eligible for annexation within the City limits.

2.2 USERS: No use or benefits of the sewerage system or sewage disposal plant of the City shall be extended to or made available to any property not within the corporate limits of the City, except under a contractual agreement with the owners of property which is located outside the corporate limits of the City and only then when such property is not located so as to be eligible for annexation to the City at the time the sewer service is requested.

2.3 CONTRACT: Use and benefits of the sewer system and sewage disposal system may be granted to property owners outside of the City on a contractual basis only and the contract shall require that the property owner shall annex his property to the City at the earliest date that the same becomes eligible for annexation under the laws of the State. The contract may further require for financing of the sewer extension, termination of service of the contract if any conditions are not met and any other requirements which are to be deemed in the best interest of the City.

2.4 DESIGN OF SEWERAGE SYSTEM: It shall be the policy of the City of Albany that all design of additions or extensions to the sewer systems, pump stations, equipment, appurtenances and sewage disposal plant shall be done by the

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City's engineering staff or by consultants selected by the City Council, depending on work load, complexity of the proposed work or any other factors the Council deems pertinent.

SECTION 3 SEWER FUNDS: The "Sewer Service Fund" as established by Ordinance No. 3330 and the "Sanitary Sewer Capital Reserve Fund" as established by Ordinance No. 3486 are hereby continued.

3.1 SEWER USE CHARGES: All monies received from sewer users from monthly or quarterly sewer use charges as herein described below shall be deposited by the Finance Director in the Sewer Service Fund except those funds designated by the City Council to be used for Sanitary-Storm sewer separation shall be transferred to a separate fund for use in sewer separation. A complete accounting of such transfers and use of all separation funds shall be made by the Finance Director. Such funds shall be used for operation and maintenance of the sewerage system and treatment plant, for sanitary-storm sewer separation work, capital improvements including studies or design of such improvements, administrative costs and any other costs deemed by the City Council to be necessary in the operation and maintenance of the sewerage system, storm drains, or treatment plant(s).

3.2 SEWER CONNECTION FEES: All monies received from sewer connection fees as herein described below shall be deposited by the Finance Officer in the Sanitary Sewer Capital Reserve Fund. Such funds shall be accounted for separately from those received from sewer use charges and shall only be used for the purpose of making major emergency repairs, extending, oversizing, separating sewers, or constructing new additions to the treatment plant, collection and interceptor systems and may include fees for inspection and engineering as part of the cost.

SECTION 4 DEFINITIONS: For the purposes of this section, the following words, phrases, abbreviations, terms and their derivatives shall be construed as specified in this section. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

4.1 APARTMENT: shall mean a dwelling unit as defined in this section.

4.2 APARTMENT HOUSE: is any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

4.3 APPLICANT: means a person who applies for sewer service or a sewer connection.

4.4 APPROVING AUTHORITY: means the Public Works Director of the City of Albany, or his duly authorized deputy, agent, or representative.

4.5 BIOCHEMICAL OXYGEN DEMAND (BOD): means the quantity of oxygen, expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees celsius. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.

4.6 BIOCHEMICAL OXYGEN DEMAND, CUSTOMER (BOD_C): means the five day BOD in pounds per day, or in milligrams per liter, for a sewer user.

4.7 BIOCHEMICAL OXYGEN DEMAND, DESIGN (BOD_D): means the five day BOD which theoretically can be treated in a plant designed to treat one million gallons of sewage per day.

4.8 BIOCHEMICAL OXYGEN DEMAND, RESIDENTIAL (BOD_R): means the average BOD estimated to be present in the discharge from a dwelling unit. *which is defined AS 250 MG/L or 0.851 lbs. per day*

4.9 BUILDING: is any structure used or intended for supporting or sheltering any use or occupancy.

4.10 BUILDING, COMMERCIAL: means any building or premises used for any purpose other than a dwelling unit having a sewage discharge of a kind, type and volume similar to a single family dwelling unit or multi-unit residential structure, but not an industrial waste contributor.

4.11 CITY: means the City of Albany, Oregon.

4.12 CITY COUNCIL or COUNCIL: means the duly elected Mayor and City Council of the City of Albany.

4.13 CHLORINE REQUIREMENT: means the amount of chlorine, in parts per milligram by weight, which must be added to sewage to produce a specified residual chlorine content, or to meet the requirements of some other objective, in accordance with procedures set forth in Standard Methods.

4.14 COMMERCIAL USER: means all users or premises used for any purpose other than a "Dwelling" or "Apartment House".

4.15 COMMERCIAL USER, HIGH RATE: shall be any business or commercial establishment who furnishes goods or service of such a nature that either the "V_c", "BOD_C", "SS_C" or any combination thereof exceeds "V_R", "BOD_R" or "SS_R" all as defined in this section.

4.16 COOPERATIVE LIVING UNIT: See "Dwelling Unit, Cooperative."

4.17 DIRECTOR: means the Public Works Director of the City of Albany or his duly authorized agent.

4.18 DEVELOPER: means any person or group of persons who request the Council to extend its sewage collection system to serve property or facilities being or to be built or constructed.

4.19 DOMESTIC WATER SUPPLY: is any water supply system which serves potable water and may include for the purposes of this ordinance, wells which supply potable water.

4.20 DWELLING: is any building or any portion thereof which is not an "Apartment House", "Lodging House" or a "Hotel" as defined in this Section, which contains one or two "Dwelling Units" or "Guest Rooms", used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes,

4.21 DWELLING UNIT: is a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

4.22 DWELLING UNIT, COOPERATIVE: is a unit with four or more bedrooms or bedroom-living room combinations which share a common kitchen and/or bathing facility. For the purpose of this ordinance, a cooperative dwelling unit shall be considered as an apartment house.

4.23 EXTENSION: means a sewer main, collector or interceptor extension.

4.24 FACILITY: means any structure or work necessary or adequate for the proper disposal of sewer wastes.

4.25 FAMILY: is an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

4.26 GARBAGE: means the residue from the preparation and dispensing of food, and from the handling, storage, and sale of food products and produce.

4.27 GARBAGE, GROUND: means the residue from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.

4.28 GUEST ROOM: is any room or rooms used, or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered a guest room.

4.29 HOME OCCUPATION: is an occupation carried on within a dwelling by members of the family occupying the dwelling with no servant, employee, or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifesting any characteristics of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

4.30 HOTEL: is any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, and shall include hotels, lodging and rooming houses, dormitories, public and private clubs, and any such building of any nature whatsoever so occupied, designed or intended to be so occupied except buildings where human beings are housed or detained under legal restraint.

4.31 INDUSTRIAL USE: means any business, occupation or enterprise having sewage discharge which by reason of the manufacture or industrial process involved or through services rendered, is in any volume in excess of a single family residence or is of a kind or type dissimilar to that of a single family residence because of the discharge of chemicals or putrescent material as the byproduct of

such process. The City shall determine when a user is an industrial use by testing with City owned sampling equipment. When the use is declared to be an industrial use, such use shall be directed by the City to furnish sampling equipment at the industrial user's expense, such sampling equipment to be operated and maintained by the City.

4.32 LODGING HOUSE: is any building or portion thereof, containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise.

4.33 MOBILE HOME: is a modular unit built on a chassis, with a minimum body width of ten feet and a minimum floor area of 400 square feet, designed to be used as a dwelling, with or without a permanent foundation, and containing living facilities for year-round occupancy including approved connections to water, sanitary sewers, storm drains and electric utility systems.

4.34 MOTEL: shall mean hotel as defined in this ordinance.

4.35 MULTIPLE UNIT RESIDENTIAL STRUCTURE: shall mean apartment house as defined by this ordinance.

4.36 PARTS PER MILLION (ppm): means a weight-to-weight ratio; the parts per million value expressed as milligrams per liter (mg/l) multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

4.37 pH: means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the procedures outlined in Standard Methods.

4.38 POTABLE WATER: means water which is sufficiently free from biological, chemical, physical or radiological impurities so that users thereof will not be exposed to or threatened with exposure to disease or harmful physiological effects and which has such other physical properties as to be palatable to humans for drinking purposes.

4.39 PLUMBING FIXTURE: means approved receptacle or devices intended to receive water, liquids or other permissible wastes, and which discharge the same into the soil pipe, waste pipe or special waste pipe with which they are connected and shall include all floor drains.

4.40 SERVICE LATERAL: means any pipe between the main sewer lines of the City and the customer's sewer service connection.

4.41 SEWAGE: means the water-carried human, animal or household wastes in a public or private drain, and may include groundwater infiltration, surface drainage, and industrial wastes.

4.42 SEWAGE TREATMENT PLANT: means an assemblage of devices, structures, and equipment for treating sewage and industrial waste.

4.43 SEWER: means a pipe or conduit for conveying sewage or any other waste liquids, including storm, surface, and groundwater drainage.

4.44 SEWERAGE: means the system of sewers and appurtenances for the collection, transportation, and pumping of sewage and industrial wastes.

4.45 SEWER, COMBINED: means a sewer receiving both surface runoff and sewage.

4.46 SEWER CONNECTION PERMIT: shall mean a permit issued to connect residential or commercial buildings or structures to a public sewer.

4.47 SEWER, PUBLIC: means a sewer provided by or subject to the jurisdiction of the City. It also includes sewers within or outside the City boundaries that serve one or more persons and ultimately discharge into the City sanitary or combined sewer system, even though those sewers may not have been constructed with City funds.

4.48 SEWER, SANITARY: means a sewer that conveys sewage or industrial wastes, or a combination of both, and into which storm, surface, and groundwaters or unpolluted industrial wastes are not intentionally admitted.

4.49 SEWER, STORM: shall be a storm drain as defined by this Ordinance.

4.50 SEWER USE CHARGE: shall mean the assessment levied on all users of the public sewer system.

4.51 SEWER USER: means every person using a City sewer, or one who has a dwelling unit, commercial building, or industry within two hundred feet of an available sewer, and who puts to use a sewer which requires sewage facilities, though not connected therewith.

4.52 SEWER USER, INDUSTRIAL: means all sewer users which discharge an industrial waste as defined by SECTION 4.69 of this Ordinance.

4.53 SOIL PIPE: means any pipe that conveys the discharge of water closets, with or without the discharge from other fixtures, to the house drain or service lateral.

4.54 STANDARD METHODS: means the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water, Sewage, and Industrial Wastes, published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.

4.55 STORM DRAIN: means a sewer that carries storm, surface, and ground-water drainage, but excludes sewage and industrial wastes.

4.56 STORM WATER RUNOFF: means that portion of the rainfall that is drained into the sewers and drains.

4.57 SUBDIVIDER: means a person who causes land to be divided into a subdivision for himself or for others.

4.58 SUSPENDED SOLIDS (SS): means solids that either float on the surface of, or are in suspension in water, sewage or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with the procedures set forth in Standard Methods.

4.59 SUSPENDED SOLIDS, CUSTOMER (SS_C): means the suspended solids in pounds per day, or in milligrams per liter, for a sewer user.

4.60 SUSPENDED SOLIDS, DESIGN (SS_D): means the suspended solids loading which theoretically can be treated in a plant designed to treat one million gallons of sewage per day.

4.61 SUSPENDED SOLIDS, RESIDENTIAL (SS_R): means the average suspended solids estimated to be discharged from a dwelling unit. *which is defined AS 300-MGL OR 1,021 lbs per day*

4.62 TRAILER HOUSE: shall mean mobile home as defined in this ordinance.

4.63 UNPOLLUTED WATER OR LIQUID: means any water or liquid containing none of the following: Free or emulsified grease or oil; acids or alkalies; substances that may impart taste and odor or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorous or otherwise obnoxious gases. It shall contain not more than thirty parts per million each of suspended solids or biochemical oxygen demand. Analytical determinations shall be made in accordance with procedures set forth in Standard Methods.

4.64 VOLUME: shall mean the quantity of sewage or industrial waste measured in gallons per minute (gpm), million gallons per day (mgd) or cubic feet per second (cfs).

4.65 VOLUME, CUSTOMER (V_C): means the volume of sewage or industrial waste discharged by a sewer user.

4.66 VOLUME, DESIGN (V_D): means one million gallons per day (1 mgd).

4.67 VOLUME, RESIDENTIAL (V_R): means the estimated monthly sewage discharge from a single family residence based on an average daily discharge of 408 gallons per day.

4.68 WASTE DISCHARGE PERMIT: shall mean a permit issued to an industrial user to allow discharge of industrial wastes to a public sewer and shall, for all industrial users, be considered as a sewer connection permit.

4.69 WASTE, INDUSTRIAL: means any waste discharged by an industrial user and for the purposes of this ordinance shall also include those wastes which are disposed of by any means such as hauling by vehicle, spraying or other alternates to discharging to the sewer system.

4.70 WASTE PIPE: means any pipe or fitting which directly conveys the discharge of any plumbing fixtures, receptacle, apparatus or device, except water closets, to a soil pipe, house drain or service lateral.

4.71 WASTE PIPE, SPECIAL: means any pipe or fitting which indirectly conveys liquid waste to a drainage system by discharging into any approved plumbing fixture or receptacle which is directly connected to a soil or waste pipe or service lateral.

SECTION 5 SEWER USE CHARGES: There is hereby levied and imposed upon all owners of property just and equitable use charges and rates necessary to acquire, own, construct, equip, operate and maintain within or without the City limits, a sewage treatment plant or plants, sewers, storm drains, equipment and appurtenances necessary, useful or convenient for a complete sewerage system and treatment plant and also including maintenance and extension of the present sewer system and also including the reconstruction as may be necessary or conveniently deemed proper by the City Council.

5.1 SETTING RATES BY COUNCIL RESOLUTION: Sewer use charges shall be established by Council Resolution #1972.

5.2 ANNUAL ADJUSTMENT: Annually, during the month of January, the Public Works Director shall recommend a percentage increase or decrease in the various classes of sewer use charges to the City Council. The City Council shall consider such recommendations, and may approve or further adjust the use charges at their discretion.

5.3 METHOD OF ADJUSTMENT: The City Council shall set, by resolution, the method to be used by the Public Works Director to determine the percentage of change in sewer use charges. As a minimum the method selected shall include the change in labor costs including payroll overhead and fringe benefits and changes in the cost of materials and services. Such adjustments may also include funds to be set aside for future use.

SECTION 6 REGULATION OF INDUSTRIAL WASTES: In order to regulate industrial wastes, to ensure that equitable fees are paid and that materials or substances are not discharged to the public sewer system that may harm the sewerage system or sewage treatment plant, the following regulations shall apply:

6.1 APPROVAL TO DISCHARGE WASTES: Review and approval by the Public Works Director shall be obtained prior to the discharge into the public sewers any water or waste having a total of more than 30 pounds per day of BOD or a total of more than 30 pounds per day of SS.

6.1.1 DELETERIOUS MATERIAL: Any organic or inorganic substance which, in the opinion of the Public Works Director, may produce an unusual or deleterious effect on the sewerage system or sewage treatment plant shall receive specific approval for discharge before it is allowed to be discharged into the sewer system.

6.2 PRE-TREATMENT: Where required, in the opinion of the Public Works Director, to modify or eliminate wastes that are harmful to the structures, processes, or operation of the sewerage system or sewage treatment plant, the industry shall provide at their expense such preliminary treatment or processing facilities which, in the opinion of the Public Works Director, may be necessary to render the wastes acceptable for admission to the public sewers.

6.2.1 SETTLING: All wastes containing soil, dirt, and/or sand shall be settled a minimum of two hours in an acceptable basin before discharge to a sewer.

6.2.2 SCREENING: All industrial wastes shall be passed through approved self-cleaning, 20-mesh screens, unless otherwise allowed by the Public Works Director. The Public Works Director shall have the right to require 40-mesh screens for any industrial waste if, in his opinion, such screens are necessary to protect or ensure the satisfactory operation of the sewerage system or sewage treatment plant.

6.2.3 PRIOR APPROVAL: Plans, specifications, and any other pertinent information relating to proposed pretreatment of processing facilities shall be submitted for approval to the Public Works Director prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers.

6.3 PROHIBITED DISCHARGES: No person shall cause to be discharged any storm water, surface drainage, subsurface drainage, groundwater, roof runoff, cooling water, or unpolluted water into any sanitary sewer.

6.4 COMBINED SEWERS AND STORM DRAINS: Storm water, surface drainage, subsurface drainage, groundwater, roof runoff, cooling water, or unpolluted water may be admitted to such sewers as are specifically designated as combined sewers or storm sewers and which have adequate capacity for their accommodation. No person shall use such sewers without first having obtained the consent of the Public Works Director.

6.5 PROHIBITIONS AND LIMITATIONS: Except as hereinafter provided, no person shall discharge into the public sewers any of the following:

6.5.1 FIRE OR EXPLOSIVE HAZARDS: Any solids, liquids, or gases which may, by themselves or by interaction with other substances, cause fire or explosive hazards, in any other way be injurious to persons, property or the operation of the plant sewerage system or sewage disposal plant.

6.5.2 NOXIOUS OR MALODOROUS SUBSTANCES: Any noxious or malodorous solids, liquids, or gases which either singly, or by interaction with other substances, are capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance or repair.

6.5.3 GREASES AND WAXES: Any solids, greases, waxes, slurries, oils whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 30°F (0°C) and 150°F (65°C), or viscous material of such character or in such quantity that, in the opinion of the Public Works Director may cause an obstruction to the flow in the sewer, or otherwise interfere with the proper functioning of the sewerage system or sewage disposal plant.

6.5.4 IMPAIRMENT TO OPERATING EFFICIENCY: Any toxic substance, chemical elements, or ions, or compounds in quantities or concentrations sufficient to impair the operation or efficiency of the sewage treatment plant, or that will pass through the sewage treatment plant, and cause the effluent thereof to fail to meet State or Federal discharge requirements for the receiving stream.

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6.5.5 pH: Any liquids having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the sewerage system or sewage disposal plant.

6.5.6 RADIOACTIVE MATERIAL: Any radioactive isotopes without obtaining a special permit from the Public Works Director.

6.5.7 TEMPERATURE: Any liquid or vapor having a temperature greater than 140 degrees Fahrenheit (60° Celsius).

6.5.8 GARBAGE: Any garbage that has not been ground or shredded.

6.5.9 SOLIDS OR BULKY MATERIALS: Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair, or any other solid capable of causing obstruction to the flow in sewers or other interference with proper operation of the sewerage system or sewage treatment plant.

6.6 SPECIAL AGREEMENTS: No statement contained in Section 6.3 through 6.5.9, inclusive, shall be construed as prohibiting any special agreement or arrangement between the City and any person whereby an industrial waste of unusual strength of character may be admitted to the sewage disposal works, either before or after pre-treatment, provided that there is not impairment of the functioning of the sewage disposal works by reason of the admission of such wastes, and no extra costs are incurred by the City without recompense by the person.

6.7 INDUSTRIAL WASTE DISCHARGE PERMITS: To establish appropriate limits for the discharge of industrial waste to the public sewers there is hereby established waste discharge permits for all industrial users.

6.7.1 EXISTING INDUSTRIAL USERS: Industrial users in the City discharging into the sewer system as of July 7, 1970, shall be issued a temporary "no charge waste discharge permit" which shall remain in effect until January 1, 1972. A permanent "no charge waste discharge permit" shall then be issued based on the actual V_C , BOD_C and SS_C determined prior to that time.

6.7.2 SUBMISSION OF BASIC DATA: Any firm desiring to discharge a new industrial waste or one who wishes to increase an existing industrial waste discharge shall prepare and file with the Public Works Director a report containing actual or predicted data describing the quantity and characteristics of the waste to be discharged. Such information shall include V_C , BOD_C , SS_C and the pH range anticipated, together with such other information required to allow the Public Works Director to determine the compatibility of the proposed discharge with the treatment plant processes.

6.7.3 TEMPORARY PERMITS: Since the values of V_C , BOD_C , SS_C , and pH for a new customer or for one who increases an existing discharge, are based upon estimates which may prove incorrect, these values shall be estimated initially, and shall be corrected at the end of the first twelve months of service and the waste discharge limits previously established shall be adjusted accordingly. A corrected waste discharge permit shall then be issued to the user for the corrected values of V_C , BOD_C , SS_C and pH.

6.7.4 ESTABLISHMENT OF WASTE DISCHARGE LIMITS: In order to establish appropriate waste discharge limits for an industrial user, the daily average of the highest values of V_C , BOD_C and SS_C or any combination of such values occurring during any period of 14 consecutive days in a calendar year shall be used.

6.7.5 INCREASES BY EXISTING SEWER USER: If an existing industrial sewer user expands his use on the same or an abutting property which results in increased influent into the City system of V_C , BOD_C or SS_C , the expanded service shall be considered part of the original service for the purpose of computing total loading during the 14 consecutive day period. If the expansion is not on the same property and not served through the same metering point on the City service lateral, it shall be considered as a separate service for the purpose of determining the highest daily average of V_C , BOD_C , and SS_C or any combination of such values occurring during any period of fourteen consecutive days in a calendar year shall be used to determine the limits for a separate waste discharge permit.

6.7.6 CHANGES IN DISCHARGE LIMITS: If an existing user has exceeded or wishes to increase the limits of his permit, he shall apply to the City for a new permit and connection charge. Such charge shall be determined from the difference between the connection fee previously paid, or if a user who has never paid a fee because of age of facility or buildings, the difference between what the user would have originally paid and the added fixtures, increased flow, V_C , BOD_C and SS_C , depending on class of user.

The additional fee shall be collectible from the user as a condition of continued service by the City.

6.7.7 PERMIT TO INCREASE DISCHARGE LIMITS: When the industrial users V_C , BOD_C , and SS_C exceed by 10% the limits established by the original permit, or in the case of those industries described in Sec. 6.7.1, the limits established on January 1, 1972, for two consecutive calendar years, a new permit shall be required.

6.8 MEASUREMENT AND SAMPLING: Each person discharging industrial waste into a public sanitary sewer shall, when directed by the Public Works Director, construct approved measuring, sampling, and sample storage facilities for all waste entering into the public sewer system. These facilities may be used to obtain flow, BOD and suspended solids data for use as a basis for an industrial waste sewer service charge. Such facilities may also include those necessary to automatically measure and record the pH of the industrial wastes if required by the Public Works Director.

6.8.1 FLOW MEASUREMENT AND SAMPLING FACILITIES: If so directed by the Public Works Director, all devices, access facilities, and related equipment shall be installed by the person discharging the waste, at his expense. Such installation shall be capable of being fully enclosed or protected from tampering by unauthorized persons. Complete plans of all phases of the proposed installation, including all equipment proposed shall be submitted to the Public Works Director and shall be approved by him prior to installation.

6.8.2 FLOW METER: The flow measurement device can be a Parshall flume, weir, venturi nozzle, magnetic flowmeter, or any other type of device proving accurate and continuous flow indication. Pump timers or other indirect measurement devices are not acceptable.

The flowmeter shall be capable of totalizing the flow in million gallons per day through the device, with an error not to exceed plus or minus five percent. The instrument shall be equipped with a set of electrical contacts arranged to momentarily close a circuit to energize a process timer and sampling device for every fixed quantity of flow.

6.8.3 SAMPLING DEVICES: All sampling devices shall be compatible with the type of flow meter proposed and shall be capable of receiving electrical signals from the meter to take samples for any fixed quantity of flow.

This quantity shall be selected so as to ensure a minimum of 48 samples per operating day. Other control variations will be acceptable if it can be demonstrated that the sampling procedure will result in a waste sample which is proportional to the waste flow. The length of operation of the sampling device shall be dependent on the type of sampling arrangement used, but in no case shall daily collected sample be less than two liters in volume.

The method of sampling used may be by continuous pumping past a solenoid-operated valve, direct pumping into the sample container, continuous pumping past a sampler dipper calibrated to remove a constant sample, by a proportional dipper sampler operating directly in the waste flow, or by any other approved means. All samples must be continuously refrigerated at a temperature of 39 degrees Fahrenheit (4° celsius) plus or minus 5 ° F.

6.8.4 SUPERVISION, OPERATION AND MAINTENANCE: In order to provide a consistent level of monitoring of industrial wastes, the flow meters and sampling equipment shall be completely supervised, operated and maintained by the City.

All equipment shall be serviced and calibrated at least twice annually with one service and calibration being performed not more than two weeks prior to the industrial users peak season. The cost of such service and calibration shall be borne by the industry.

Should the City determine that because of changing conditions it is necessary to relocate existing sampling or flow meters, or to add more of such equipment to ensure that a complete monitoring program is carried out, such relocation or addition shall be done at the expense of the industrial user.

6.8.5 ALTERNATES TO MEASUREMENT AND SAMPLING: In lieu of directing the construction of measurement sampling and sample storage facilities, the Public Works Director may direct that each user discharging industrial waste into a public sanitary sewer must procure at the person's expense and in a manner approved by the Public Works Director sufficient composite samples on which to base and compute the user's industrial waste sewer service charge. In the event that automatic flow measurement, sampling and sample storage facilities are not provided, the industrial waste charge shall be computed using the metered water flow to the premises as a basis for the waste flow and laboratory analysis of

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samples procured as directed by the approving authority as a basis for computing BOD and suspended solids content of the waste. Metered water flow shall include all water delivered to or used on the premises and which is discharged to a public sanitary sewer. In the event that private water supplies are used, they shall be metered at the person's expense. Cooling waters or water not discharged to a public sanitary sewer shall be separately metered at the user's expense in a manner approved by the Public Works Director prior to the allowing deduction of such flow from the total water used on the premises in computing the industrial waste sewer service charge. Meters used to measure private water supplies used in a process or used to measure cooling or similar waters shall be maintained and calibrated by the City. The cost of such maintenance and calibration shall be borne by the industry.

6.9 DISPOSAL BY OTHER THAN SEWER: Disposal methods, pre-treatment processes or any combination thereof, shall be done in such a manner that objectionable odors, unauthorized discharges or runoff or other spillage are eliminated.

Should an industry utilize alternate methods of disposal of its wastes, yet maintain a connection to the public sewer system available on an emergency, short term basis or periodic basis, it shall be unlawful for said industry to use such connection to the public sewer without prior notification to the City. The City shall reserve the right at all times to authorize or reject such emergency, short term or periodic wastes use of the public sewer based on existing plant loadings, condition of the treatment process or type of industrial waste to be treated. Such emergency short term or periodic use shall be monitored with portable or other sampling and flow measuring equipment.

6.9.1 DISPOSAL BY VEHICLE: Should any industrial user dispose of any waste, either liquid, solid, or any combination thereof, by vehicle or truck, it shall be the industry's responsibility to ensure that such vehicles are equipped with water tight beds or boxes and that all loads are loaded or covered in such a manner to prevent the leakage of liquid wastes or loss of solid wastes along any City street.

6.10 VIOLATION OF WASTE DISCHARGE PERMIT: Should one or more of the following conditions be found to exist, a violation of the waste discharge permit shall be deemed to exist:

6.10.1 EXCEEDING V_c , BOD_c or SS_c LIMITS: Should it be determined that one or more of the waste discharge limits assigned to an industrial user have been exceeded by more than 10% in any 24-hour period, a permit violation shall exist and the City shall have the right to require the industry to curtail or discontinue production, depending on the severity of the violation, condition of the treatment plant processes, river flow or other factors which in the judgment of the City may affect the treatment plant's ability to meet State and Federal waste discharge limits.

The determination of overloading of BOD_c will be by means of total organic carbon (TOC), chemical oxygen demand (COD) or biological oxygen demand (BOD) at the option of the City of Albany.

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6.10.2 OTHER VIOLATIONS: Failure by the industrial user to control objectionable odors, unauthorized discharges, runoff, spillages including those from leaking vehicle loads or loss of solids from improperly loaded or covered vehicle loads shall be a violation of the waste discharge permit.

The City shall have the right to require the industrial user to discontinue the disposal method, including use of a particular vehicle or vehicles, until the violation is corrected.

SECTION 7 SEWER CONNECTION FEES: To establish appropriate provisions for the construction and expansion of the sewerage system of the City and the treatment plant, to provide for the necessary oversizing of the sanitary sewer system, and to be assured that the cost of such construction and expansion is borne by those who receive the benefits thereof, there is hereby established connection permits for all connections made to the sewer system of the City in accordance with this section.

7.1 REFUND NOT PERMITTED: If properties change from one use to a lower use requiring a lower connection fee, no refund for connection fees shall be made.

7.2 PAYMENT OF FEES: Before a building permit may be issued, the applicant shall pay to the City the necessary connection charges herein provided for or shall make the necessary arrangements to pay said fees as provided in Section 7.2.1 of this ordinance, together with such other fees as may be provided by ordinances or resolutions now in effect or hereinafter adopted.

7.2.1 BANCROFT BONDING OF SEWER CONNECTION FEES: Connection fees to be paid under the provisions of this ordinance may be subject to the payment in installments under the provisions of the Bancroft Bonding Act of the State of Oregon.

7.2.2 SEWER CONNECTION FEE TO RUN WITH LAND: A connection fee paid hereunder shall apply to the particular lot or tract for which it is issued. Any change of use which requires additional connections to the sewer shall cause an additional fee to be paid for each additional connection. The owner of the property shall be given credit only for those connections theretofore paid involving the same parcel of property. Pre-existing sewer connections shall be allowed to continue without liability for additional payments.

7.3 BASE RATES: On the effective date of this ordinance, base rates shall be established by Council Resolution #1973.

7.4 SEWER CONNECTIONS:

7.4.1 WHEN REQUIRED: All structures or buildings normally used or inhabited by people and located within 150 feet of a public sanitary sewer shall have a connection to said sewer.

The only exception to this shall be where a City of Albany Waste Non-Connection Permit as defined in Ordinance No. 4129 has been issued and kept current.

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SECTION 8 COLLECTION: The City of Albany is hereby directed to collect the fees and charges provided in this ordinance from each owner or tenant of property which disposes of sewage, whether in the City system or otherwise and on the first day of each month each owner shall be charged the rates set forth in Sections 5 and 7 of this ordinance.

8.1 ADMINISTRATIVE COSTS: The administrative costs for collection of all fees and charges shall be paid from the Sewer Service Fund and from the Sanitary Sewer Capital Reserve Fund as appropriate.

8.2 DELINQUENCY: Such sewer use charges or sewer connection fees levied in accordance with this ordinance shall be a debt due to the City and shall be a lien upon the property. If this debt is not paid within thirty days after it is due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the City against the property owner, the person, or both.

8.3 MEANS OF COLLECTION - INTEREST: Should the City find it necessary to collect any delinquent fees or charges for sewer connection or sewer use, it shall be entitled to use any means provided by the laws of the State or permitted by the Charter and ordinances of the City or any delinquencies in payment of either sewer connection fees or sewer use charges may be certified to the Tax Assessor of Linn County for collection in the manner and as provided by ORS 224.220. Fees and charges which are delinquent shall draw interest at eight percent per year. If not paid after becoming due and payable, the interest charge is effective. Any interest charge due hereunder which is not paid when due may be recovered in an action at law by the City.

8.3.1 PENALTY FOR CERTIFICATION: In the event it becomes necessary to certify the service charges established because of the nonpayment therefore, there shall be added to the charges a penalty in the amount of ten percent thereof and the same shall bear, when certified, interest at the rate of eight percent per year from the date of such certificate.

SECTION 9 DISCONTINUANCE OF SERVICE: For any of the reasons cited below, the Public Works Director shall have the right to remove or close sewer connections and to enter upon the property for accomplishing such purpose.

The expense of such removal, or closing as well as the expense of restoring service, shall likewise be a debt due to the City and a lien upon the property and may be recovered by civil action in the name of the City against the property owner, the person, or both.

9.1 FAILURE TO PAY: Failure to pay sewer use charges after they become delinquent;

9.2 SAMPLING DEVICES: Failure to provide flow or sampling devices installed or in proper operating condition for more than one week;

9.3 HARMFUL DISCHARGES: If, in the opinion of the Public Works Director, the character of the resulting wastes, either separately or in combination with other wastes, produces sewerage system operating problems which are harmful to structures, processes, or operation of the sewerage system.

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9.4 RESTORATION OF SERVICE: Sewer service shall not be restored until all changes, including the expense of removal, closing, and restoration, have been paid.

9.5 OWNERSHIP AND OCCUPANCY: Change of ownership or occupancy of premises found delinquent shall not be cause for reducing or eliminating these penalties.

9.6 RIGHT OF CONNECTION: No right of initial or continued connection to the City sewerage system is to be implied or construed by any waste contributor within the City limits except as specified in this ordinance.

SECTION 10 SEVERABILITY: It is hereby declared to be the legislative intent of the City Council that if a provision, sentence, clause, section, or part of this ordinance is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance or their application to other persons and circumstances.

SECTION 11 PENALTIES: Willful or continued violation of any of the provisions of a waste discharge permit shall be deemed a misdemeanor and anyone convicted of such misdemeanor shall be subject to penalties as provided in Section 1.04.010 of the Albany Municipal Code.

As an alternate to the above, any one convicted of willful or continued violation of any provision of a waste discharge permit which causes a State or Federal agency to levy a fine against the City of Albany for failure to meet the limits imposed by the current National Pollutant Discharge Elimination System (NPDES) permit shall be required to pay such fine on behalf of the City of Albany.

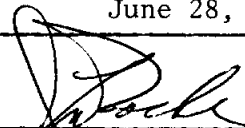
SECTION 12 REPEAL: Ordinance 1960 and all subsequent amendments are hereby repealed.

SECTION 13 EMERGENCY CLAUSE: Inasmuch as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, an emergency is hereby declared to exist and this ordinance shall become immediately effective and in full force upon its passage by the City Council and approval by the Mayor.

Passed by the Council: June 28, 1978

Approved by the Mayor: June 28, 1978

Effective Date: June 28, 1978



Mayor

ATTEST:



City Recorder