

**TOWN OF LAKEVIEW
ORDINANCE NO. 1129**

AN ORDINANCE CONCERNING THE TOWN OF LAKEVIEW SEWER SYSTEM UTILITY; ADOPTING CERTAIN RULES, REGULATIONS, RATES, AND CHARGES CONCERNING THE SEWER SYSTEM UTILITY; REPLACING AND SUPERSEDING ALL ORDINANCES, RESOLUTIONS, AND/OR POLICIES IN CONFLICT WITH THIS ORDINANCE (UNLESS EXPRESSLY EXEMPTED), INCLUDING CERTAIN SEWER SYSTEM UTILITY RULES AND REGULATIONS ADOPTED UNDER ORDINANCE NO. 737 AND 833.

WHEREAS, prior to the enactment of this Ordinance, the establishment of Town of Lakeview ("Town") sewer system utility and certain rules and regulations related thereto has been accomplished by Ordinance No. 737 ("Sewer Ordinance") and 833; and

WHEREAS, the Lakeview Town Council (the "council") has determined that certain operative provisions of the Sewer Ordinance are outdated, difficult to administer, and must be replaced and superseded; and

WHEREAS, subject to the provisions contained in this Ordinance No. 1129 (this "Ordinance"), this Ordinance amends, replaces, and/or supersedes the Sewer Ordinance in its entirety.

NOW, THEREFORE, the Town of Lakeview ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Short Title. This Ordinance may be referred to and cited as the "Sewer Use Regulations Ordinance."
3. Definitions. Unless the context requires otherwise, when used in this Ordinance the following terms and phrases have the meanings assigned to them below, whether or not such terms are capitalized:

"Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

"Applicant(s)" means a person applying for sewer service.

"Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 7 of this Ordinance. BMPs include, without limitation, treatment requirements, operating procedures, and practices to control plant site runoff, spillage, leaks, sludge, waste disposal, and/or drainage from raw material storage.

"Biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees (20°) Celsius, expressed in milligrams per liter (mg/L).

“Building drain” means 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, five feet (1.5 meters) outside the inner face of the building wall.

“Building sewer” means the sewer line extending from the building drain to the interconnection with the sewer system.

“Town administrator” means Town’s then-appointed Town administrator or his or her designee.

“Town engineer” means Town’s then-appointed Town engineer or his or her designee.

“Town standards and specifications” means the then-applicable Town of Lakeview Public Improvement Design and Construction Standards.

“Town system,” “sewer system,” or “system” consists of all facilities for collecting, pumping, treating, and disposing of sewage under Town’s ownership and/or control (including, without limitation, pipes and conduits for carrying sewage).

“Cross connection ordinance” means Town’s cross connection ordinance, Ordinance No. 1130, as amended.

“Customer(s)” means a person receiving sewer service from the system.

“Director” means Town’s then-appointed public works director or his or her designee.

“Equivalent Dwelling Unit” or “EDU” means a unit of value representing the average design wastewater load placed upon the sewage works by one single-family residence of average size. For purposes of this Ordinance, one “EDU” assumes 195.0 gallons per day at a BOD loading of 200 mg/L and a TSS loading of 216 mg/L; provided, however, Town may further and more specifically define what constitutes an EDU within this Ordinance or by council resolution. To determine an EDU of a specific user, the following calculation applies:

$$\text{EDU's} = \frac{\text{Average Daily Flow (Gallons per Day)} \times \text{Average Monthly Strength (BOD + TSS)}}{(195 \text{ Gallons Per Day}) \times (200 \text{ mg/L BOD} + 216 \text{ mg/L TSS})}$$

“Fee schedule” means the rates, charges, and all related regulations established by council resolution from time to time in accordance with this Ordinance.

“Floatable oil” means oil, fat, toxic pollutant, grease, and other substance in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater will be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

“Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

“Hauled wastewater” or “hauled wastes” means any wastewater or waste that is hauled or transported. Hauled wastewater may include, without limitation, septic tank waste or holding tank waste.

“Holding tank waste” means waste from tanks, including, without limitation, tanks located in process vessels, chemical toilets, campers, trailers, and vacuum-pump tank trucks.

“Interference” means a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits and/or disrupts sewage works, its treatment processes and/or operations, and/or its sludge processes, use, and/or disposal and, therefore, is a cause of a violation of Town’s water pollution control facilities (“WPCF”) permit or prevention of its sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or any more stringent State or local regulations): (a) Section 405 of the Act; (b) the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); (c) any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; (d) the Clean Air Act; (e) the Toxic Substances Control Act; and/or (f) Marine Protection, Research, and Sanctuaries Act.

“Natural outlet” means any outlet into a watercourse, pond, ditch, lake, and/or other body of surface or ground water.

“Occupant(s)” means any person having possession and/or control of the subject property, including, without limitation, any past, present, and/or future owner, agent, lessee, tenant, licensee, and/or contract purchaser.

“Pass through” means a discharge which exits the sewage works in quantities or concentrations which, alone or in conjunction with discharge from other sources, cause a violation of any requirement of the WPCF permit, including an increase in the magnitude or duration of a violation.

“Person(s)” means any natural person, corporation, limited liability company, partnership, joint venture, firm, association, trust, unincorporated organization, government or governmental agency, or political subdivision, or any other entity.

“Premises” or “property” includes the subject real property and all improvements located thereon.

“Pretreatment” means the reduction of pollutants, elimination of pollutants, and/or alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the sewage works. This reduction or alteration may be obtained by physical, chemical, and/or biological processes, process changes, or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

“Public sewer” means any sewer main and/or connection owned and/or controlled by Town. A building sewer is not a public sewer.

“Restaurant” means an establishment where meals, refreshments, and processed foods may be purchased or acquired.

“Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

“Sewage” or “wastewater” means a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm water as may be present.

“Sewage treatment plant” means any arrangement of devices and structures used for treating sewage as defined by the Act.

“Sewer” means a pipe or conduit for carrying sewage.

“Significant Industrial User(s)” or “SIU(s)” means a user that, except as provided in this definition, meets the following criteria: (a) user subject to categorical pretreatment standards; (b) user that discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); (c) user that contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of downstream sewage treatment plant; or (d) user that is designated as such by Town on the basis that it has a reasonable potential to adversely affect the sewage works operation or to violate any pretreatment standard or requirement. Upon finding that a user meeting any of the foregoing criteria has no reasonable potential to adversely affect sewage works operation and/or violate any pretreatment standard or requirement, Town may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR Section 403.8(f)(6), determine that such user should not be considered a significant industrial user.

“Slug” means any discharge of water, sewage, and/or industrial waste which in concentration of any given constituent and/or quantity flow exceeds for any period of duration longer than fifteen (15) minutes more than five times the average twenty-four (24) hour concentration or flows during normal operation.

“Storm sewer” or “storm drain” means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

“Suspended solid(s)” or “TSS” means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

“System development charge(s)” means a reimbursement fee, improvement fee, or combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit, or connection to the capital improvement. “System development charge(s)” includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse Town for its average cost of inspecting and installing connections with water and sewer facilities.

“System development charge ordinance” means Town’s system development charge ordinance, Ordinance No. 1130, as amended.

“Water use regulations ordinance” means Town’s water use regulations ordinance, Ordinance No. 761, as amended.

“Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

All capitalized terms and phrases contained in this Ordinance that are not defined herein have the meanings assigned to such terms in applicable federal, state, and/or local, law, rule, regulations, and/or ordinance.

4. Use of Public Sewers Required.

4.1 Except as provided in Section 5 of this Ordinance, it is unlawful to construct and/or maintain any privy, privy vault, septic tank, cesspool, and/or other facility intended or used for the disposal and treatment of sewage. Existing private sewage disposal systems may be used and maintained if connection to the system is not available or if continued use is authorized under Section 5.

4.2 Unless otherwise permitted by this Section 4, all properties used for human occupancy, employment, recreation, and/or other purposes will connect to the system if the sewer system is within three hundred (300) feet of the property line. The owner may apply to the director for a temporary, conditional waiver of this connection requirement, and the director may grant a temporary, conditional waiver under certain limited circumstances. Without otherwise limiting the director’s temporary, conditional waiver authority provided under the immediately preceding sentence, the director may grant a temporary, conditional waiver if the owner requests such waiver in writing and the subject property is (a) served via septic system and such septic system is in good working order, condition, and repair, or (b) served via a failing and/or failed septic system and the director determines that a waiver is necessary and/or appropriate under the particular circumstances. In determining whether to grant, grant with conditions, or deny a temporary waiver request under this Section 4.2, the director may consider all conditions and circumstances the director determines appropriate and applicable, including, without limitation, the following: (w) location of the subject property and septic system taking into account geographic and/or physical conditions and/or barriers; (x) costs and expenses of extending sewer to the subject property; (y) whether the costs and expenses of connecting the subject property to the sewer system exceed the costs and expenses of repairing the septic system; and/or (z) all other conditions, circumstances, and/or information the director deems applicable, including, without limitation, hazards to the public health, welfare, and/or safety. The director may impose conditions on any temporary waiver, including, without limitation, time limits and/or any other condition necessary or appropriate to protect Town’s water system and/or sewer system. The director will not grant a temporary and/or conditional waiver if the director determines that the sewer system is adjacent to the property line.

4.3 Each owner of a property used for human occupancy, employment, recreation, and/or other purposes connected to the system is required, at the owner’s expense, to install suitable toilet facilities, building sewer, and sewer connections and to keep such facilities in proper repair at all

times; each owner is responsible to maintain and repair the sewer connection from the subject property to Town's sewer main.

4.4 It is unlawful for any person to place, deposit, and/or permit to be deposited in any unsanitary manner on public or private property within Town, or in any area under the jurisdiction of Town, any human or animal excrement, garbage, and/or other objectionable waste.

4.5 It is unlawful to discharge to any natural outlet within Town, or in any area under the jurisdiction of Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

5. Private Sewage Disposal.

5.1 Where a public sanitary sewer is not available under the provisions of Section 4, the building sewer will be connected to a private sewage disposal system complying with this Section 5 and all applicable federal, state, and local laws, regulations, and ordinances, including, without limitation, those imposed by Town.

5.2 All applicable federal, state, and local permits and approvals must be obtained before commencement of construction of a private sewage disposal system (including, without limitation, those required by Town).

5.3 A private sewage disposal system will not be used until installation is approved by responsible state and local departments (which includes Town's approval).

5.4 The type, capacities, location, and layout of a private sewage disposal system will comply with all state regulations. No private sewage disposal system may discharge into any natural outlet.

5.5 When a property with a private sewage disposal system is connected to the sewer system, the private sewage disposal facilities must be abandoned in accordance with applicable federal, state, and local laws, regulations, and ordinances. Town will not be liable if the private sewage disposal system fails to meet applicable federal, state, and local laws, regulations, and ordinances, including those imposed by Town.

5.6 The owner will operate and maintain the private sewage disposal facilities in a sanitary manner at no expense to Town.

6. Building Sewer Connections and Responsibilities.

6.1 No unauthorized person will uncover, connect with, use, alter, and/or disturb the sewer system without first obtaining a written permit from Town.

6.2 Town will initially have the following two classes of building sewer permits: (a) residential and commercial service; and (b) service to SIUs. In either case, the owner will make application for a sewer connection on Town's then-applicable permit application form. The permit

application must be accompanied by plans, specifications, and all other information requested by Town and a properly executed easement approved by Town, which easement permits Town access to the owner's property to install, construct, maintain, and/or inspect sewage works, including the building sewer. Permit and inspection fees will be paid to Town at the time the application is filed. Town may modify its building sewer permit classifications and/or establish additional building sewer permit classifications from time to time by council ordinance or resolution.

6.3 The owner is responsible for all costs and expenses relating to the installation and connection of the building sewer, service connection, and septic tank, if any. The owner will indemnify and hold Town harmless for, from, and against all losses and/or damages that may result or arise from installation of the building sewer.

6.4 A separate and independent building sewer will be provided for each lot or parcel.

6.5 Existing building sewers may be used in connection with new buildings only if Town determines that they meet all requirements of this Ordinance and the applicable plumbing code.

6.6 The size, slope, alignment, materials of construction of a building sewer, and methods used in excavating, placing of the pipe, jointing, testing, and backfilling the trench will all conform to the requirements of the building and plumbing code, and Town standards and specifications. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and/or the Water Environment Federation (WEF), Manual of Practice No. FD-5, as amended, will apply.

6.7 Whenever possible, the building sewer will 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 will be lifted by an approved means and discharged to the building sewer.

6.8 No person will make connection of roof downspouts, exterior foundation drains, areaway drains, and/or other sources of surface runoff or ground water to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

6.9 The connection of the building sewer into the public sewer will conform to the requirements of the building and plumbing code and Town standards and specifications. In the absence of code provisions or in amplification thereof, the procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. FD-5, as amended, will apply. All such connections will be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the director before installation.

6.10 The applicant will notify the director when the building sewer, service connection, and/or septic tank is ready for inspection and connection to the public sewer. The connection will be made under supervision of the director. Back-filling of trenches prior to Town approval is prohibited.

6.11 To the extent reasonably possible, all excavations for building sewer installation will be adequately guarded with barricades and lights to prevent hazards. The owner must obtain Town's written consent prior to operating in the right-of-way. Streets, sidewalks, and other public property disturbed will be restored to a condition satisfactory to Town.

6.12 The owner of property served by a building sewer will be liable for all aspects of the building sewer from the property to the point where the building sewer is connected to Town's sewer main. This responsibility includes, without limitation, the building's sewer maintenance and repair and all damages and/or injuries resulting from or arising out of the building sewer to person or property. In addition, the owner will be liable for all damages to the system caused by acts or omissions of the owner and/or its occupants, agents, employees, contractors, licensees, and/or permittees. If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause immediate repairs to be made by a licensed contractor to minimize any sewer spillage.

7. Use of Public Sewers.

7.1 No person will discharge, or cause to be discharged, any of the following described waters, objects, substances, products, and/or wastes in or to any public sewers:

7.1.1 Any storm water, surface water, ground water, roof runoff, subsurface drainage, unreasonably large amounts of uncontaminated cooling water, and/or unpolluted process waters to any sanitary sewer;

7.1.2 Any pollutant or wastewater, including, without limitation, oxygen-demanding pollutants, released at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the sewage works or pass through;

7.1.3 Any gasoline, kerosene, benzene, toluene, xylene, ethers, alcohols, ketones, naphtha, fuel oil, and/or other pollutants that create a fire or explosive hazard, including, without limitation, waste streams with a closed-cup flashpoint of less than one hundred forty degrees (140°) Fahrenheit (sixty degrees (60°) Celsius) using the test methods specified in 40 CFR 261.21;

7.1.4 Any aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and/or sulfides;

7.1.5 Pollutants which result in the presence of toxic gases, vapors, and/or fumes in the sewage works in a quantity that may cause acute worker health and safety problems;

7.1.6 Any waters or wastes containing noxious or malodorous solids, liquids, and/or gases in sufficient quantity, either singly or by interaction with other wastes, to cause injury or interference, constitute a hazard to human or animal life, create a public nuisance, and/or create any hazard in the effluent disposal system of the sewage works, including, without limitation, cyanides in excess of 0.5 mg/l as CN in the wastes as discharged to the public sewer;

7.1.7 Any water or wastes having a pH lower than 6.0 or greater than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the sewage works;

7.1.8 Solid or viscous substances in quantities or of such size capable of causing obstruction of the flow in sewers, or other interference, including, without limitation, grease, spent lime, grass clippings, spent grains, spent hops, asphalt residues, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, and milk containers, either whole or ground by garbage grinders;

7.1.9 Ceramic, stone, and/or marble dusts, particles, or other abrasive substances;

7.1.10 Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by state or federal regulations; and/or

7.1.11 Trucked or hauled waste and/or pollutants, except at discharge points designated by the director in accordance with Section 7.16 of this Ordinance.

7.2 No person will discharge, or cause to be discharged, any of the following described substances, materials, waters, and/or wastes if Town believes that such wastes may harm either the sewers, sewage treatment process, and/or equipment, have an adverse effect on the effluent disposal system, and/or may otherwise endanger life, limb, public property, and/or constitute a nuisance. In review of the acceptability of these wastes, Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. Without otherwise limiting the preceding, the substances prohibited include, without limitation, the following:

7.2.1 Any liquid or vapor having a temperature higher than one hundred four degrees (104°) Fahrenheit (forty degrees (40°) Celsius) or which will inhibit biological activity in the downstream sewage treatment plant;

7.2.2 Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, and/or product of mineral oil origin;

7.2.3 Wastewater from industrial plants containing floatable oil, fat, and/or grease;

7.2.4 Any garbage that has not been properly shredded. Garbage grinders are discouraged;

7.2.5 Any waters or wastes containing iron, chromium, copper, zinc, lead, and/or similar objectionable or toxic substances, or wastes exerting an unusual BOD, and/or chemical

oxygen demand, and/or excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds established Town limits;

7.2.6 Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by Town as necessary, after treatment of the composite sewage, to meet the requirements of the state or federal government;

7.2.7 Quantities of flow, concentrations, or both which constitute slug;
and/or

7.2.8 Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, and/or create a condition deleterious to structures or treatment processes.

7.3 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 7.2, and which in the judgment of Town may have a deleterious effect upon the sewage works, process, equipment, and/or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, Town may take any one or more of the following actions: (a) eject 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 added costs of abating, handling, and/or treating the waste not covered by sewer charges. Such costs may be collected in the manner provided under ORS 454.225 by certification and presentation to the Lake County Tax Assessor for assessment on the general tax roll and/or any other manner permitted under this Ordinance and/or applicable law. If Town permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment will be subject to the review and approval of Town and subject to the requirements of applicable federal, state, and local laws, regulations, and ordinances.

7.4 Users subject to categorical pretreatment standards are required to comply with applicable standards set forth in 40 CFR Chapter I, Subchapter N, Parts 405-471 and incorporated herein by reference.

7.4.1 Upon promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, will immediately supersede the limitations imposed under this Ordinance. The director will notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

7.4.2 The director is authorized to recognize revised categorical Pretreatment Standards that have been obtained by a user from the EPA as a variance under 40 CFR 403.13.

7.5 Where Town's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, Town may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. The term "consistent removal" means reduction in the amount of a pollutant or alteration of the nature of the pollutant by the

wastewater treatment systems to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. Town may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the Approval Authority is obtained.

7.6 Users will comply with State Pretreatment Standards and other State requirements and limitations on discharges in any case where they are more stringent than federal requirements and limitations, or those in this Ordinance.

7.7 Town is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). No SIU will discharge restricted substances into the sewage works in excess of local limits specified in its wastewater discharge permit or adopted by Town ordinance. Town may develop BMPs in lieu of numerical limits, in individual wastewater discharge permits or by ordinance to implement Local Limits. Town reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to sewage works consistent with the purpose of this Ordinance.

7.8 No user will increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The director may impose mass limitations on users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

7.9 Users will provide wastewater treatment as necessary to comply with this Ordinance and will achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 7.1 of this Ordinance within the time limitations specified under federal, state, and local laws, regulations, and ordinances, whichever is more stringent. Any facilities necessary for compliance will be maintained continuously in satisfactory and effective operation by the user and at the user's expense. Detailed plans describing such facilities and operating procedures will be submitted to the director for review and will be acceptable to the director before such facilities are constructed. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to Town under the provisions of this Ordinance.

7.10 Grease, oil, and sand interceptors will be provided when, in the opinion of Town, they are necessary for proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, and/or other harmful ingredients; except that such interceptors will not be required for private living quarters or dwelling units. Grease interceptors will be required for all restaurants. All interceptors will be of a type and capacity approved by Town and will be located as to be readily and easily accessible for cleaning and inspection. Interceptors will be inspected, cleaned, and repaired regularly, as needed and in accordance with applicable law, by the user at the user's expense. All records for inspections, cleaning, and repair must be maintained and readily available for Town's review. Inspection, cleaning, and hauling will be performed by certified and licensed septic haulers or

recyclers. The director may require any person discharging into the sewage works to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization. If an owner fails to properly remove and dispose of captured material by appropriate means, as determined by Town, Town will send notice of failure and demand proper removal and disposal within thirty (30) days after the date of notice. If the captured material has not been properly removed and disposed of within the thirty-day period, Town may perform any and/or all such necessary removal and disposal and the property owner will be responsible for all costs incurred by Town. Town may collect any incurred charges or costs under ORS 454.225 by certification and presentation to the Lake County Tax Assessor for assessment on the general tax roll and/or any other manner permitted under this Ordinance and/or applicable law.

7.11 When required by Town, the owner of any property served by a building sewer carrying industrial wastes will install an industrial wastewater monitoring station together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such stations, when required, will be accessible and safely located, and will be constructed in accordance with plans approved by Town. The station will be installed by the owner at the owner's expense, and will be maintained by the owner so as to be safe and accessible at all times to Town and/or authorized representative.

7.12 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Section 7 or which are specified in a wastewater discharge permit will 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. Sampling methods, location, times, durations, and frequencies will be determined on an individual basis, subject to approval by Town.

7.13 The director will evaluate whether each SIU needs a slug discharge control plan or other action to control slug discharges. The director may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the director may develop such a plan for any user. An accidental discharge/slug discharge control plan will address, at a minimum, the following: (a) a description of any nonroutine and/or batch discharge practices; (b) a description of stored chemicals; (c) procedures for immediately notifying the director of any slug discharge; and (d) procedures to prevent adverse impact from any slug discharge. Such procedures include, without limitation, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

7.14 No statement contained in this Section 7 will be construed as preventing any special agreement or arrangement between Town and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by Town for treatment, subject to payment therefore by the industrial concern. Town's acceptance of wastes identified in Section 7.2, with any conditions attached pursuant to Sections 7.3 through 7.13, will be memorialized in a signed agreement with terms acceptable to Town. No unauthorized person will break, damage, destroy, uncover, deface,

and/or tamper with any structure, appurtenance, and/or equipment which is a part of Town's sewage works.

7.15 Septic tank waste may be introduced into the sewage works only at locations designated by the director, and at such times as are established by the director. Such waste must not violate this Section 7 or any other requirements established by Town. Town may require septic tank waste haulers to obtain individual wastewater discharge permits. The director may require haulers of industrial waste and/or generators of hauled industrial waste to obtain individual wastewater discharge permits. The director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.

7.16 Industrial waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the director. The director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge. The director may collect samples of any hauled load to verify compliance with applicable standards. Industrial waste haulers must provide a waste-tracking form for every load. This form will include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form will identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

8. Wastewater Discharge Permits (Significant Industrial Users).

8.1 This Ordinance enables Town to comply with applicable federal and state laws and regulations and to establish a program to comply with General Pretreatment Regulations (Title 40 of the Code of Federal Regulations Part 403). The objectives of the program are as follows: (a) to prevent the introduction of pollutants into the sewage works that will interfere with its operation; (b) to prevent the introduction of pollutants into the sewage works that will pass through the sewage works, inadequately treated to meet WPCF permit conditions, or otherwise be incompatible with the sewage works; (c) to protect both Town personnel who may be affected by wastewater and sludge in the course of their employment and the general public; (d) to promote reuse and recycling of industrial wastewater and support continued reuse and recycling of effluent and sludge from the sewage works; (e) to provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and (f) to enable Town to comply with its WPCF permit conditions, sludge use and disposal requirements, and any other federal and state laws and regulations to which sewage works are subject.

8.2 This Ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

8.3 Individual Wastewater Discharge Permit Requirement.

8.3.1 All SIUs, proposing to connect to or to contribute to the sewage works, will obtain a wastewater discharge permit before connecting to or contributing to the sewage works,

except that a SIU that has filed a timely application pursuant to this Ordinance may continue to discharge for the time period specified therein. The director may require other users to obtain individual wastewater discharge permits as necessary to carry out the objectives of this Ordinance.

8.3.2 Any user required to obtain an individual wastewater discharge permit who was discharging wastewater into the sewage works prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, will apply to the director for an individual wastewater discharge permit in accordance with Section 8.4 of this Ordinance, and will not cause or allow discharges to the sewage works to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with an individual wastewater discharge permit issued by Town.

8.3.3 Any violation of the terms and conditions of an individual wastewater discharge permit will be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Section 19 of this Ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state Pretreatment Standards or Requirements or with any other requirements of federal, state, and local laws, regulations, and ordinances.

8.3.4 Users required to obtain a wastewater discharge permit will complete and file with Town an application (in the form prescribed by Town) and accompanied by a fee established from time to time by council resolution. Existing users will apply for a wastewater discharge permit within thirty (30) days after the effective date of this Ordinance, and proposed new users will apply at least ninety (90) days prior to connecting to or contributing to the sewage works. In support of the application, the user will submit, in units and terms appropriate for evaluation, the following information:

8.3.4.1 Name, address, and location of the user (if different than address);

8.3.4.2 SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended, and a list of any environmental control permits held by or for the facility;

8.3.4.3 Wastewater constituents and characteristics, including, without limitation, those mentioned in this Ordinance. Sampling and analysis will be performed in accordance with procedures established by the EPA pursuant to the Act and 40 CFR Part 403, as amended;

8.3.4.4 Time and duration of discharge;

8.3.4.5 Average daily, and thirty (30) minute peak wastewater flow rates, including daily, monthly, and seasonal variations if any; site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

8.3.4.6 Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged;

8.3.4.7 Where known, the nature and concentration of any pollutants in the discharge which are limited by any federal, state, and/or local pretreatment standards and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

8.3.4.8 If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule will be no later than the compliance date established for the applicable pretreatment standard;

8.3.4.9 The following conditions will apply to this schedule:

8.3.4.9.1 The schedule will contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operations of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.).

8.3.4.9.2 No increment referred to in Section 8.3.4.9.1 will exceed nine months.

8.3.4.9.3 No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user will submit a progress report to the superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event will more than nine months elapse between such progress reports to the superintendent.

8.3.4.9.4 Each product produced by type, amount, process, or processes and rate of production;

8.3.4.9.5 Type and amount of raw materials processed (average and maximum per day);

8.3.4.9.6 Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

8.3.4.9.7 Any other information as may be deemed by Town to be necessary to evaluate the permit application. Town will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished,

Town may issue a wastewater discharge permit subject to the terms and conditions provided herein or Town may deny any application for a wastewater discharge permit.

8.3.5 Within nine months after the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of those users subject to such standards will be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required under Section 8.3.4, the user will apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater discharge permit will submit to the director, within one hundred eighty (180) days after the promulgation of an applicable Federal Categorical Pretreatment Standard, the information required by Sections 8.3.4.7 through 8.3.4.9 of this Ordinance.

8.4 Wastewater Discharge Permits will be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges, and fees, established by Town. Permits may contain the following information: (a) the unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer; (b) limits on the average and maximum wastewater discharge constituents and characteristics, including best management practices; (c) limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization; (d) requirements for installation and maintenance of inspection, sampling, and flow measurement facilities and equipment; (e) specifications for monitoring programs which may include, without limitation, sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule; (f) compliance schedules; (g) requirements for submission of technical reports or discharge reports; (h) requirements for maintaining and retaining plant records relating to wastewater discharge as specified by Town and affording access thereto; (i) requirements for notification of Town of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system; (j) requirements for slug discharge control plan and/or notification of slug discharges; and (k) other conditions as deemed appropriate by Town to ensure compliance with this Ordinance.

8.5 Permits will be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user will apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by Town during the term of the permit as limitations or requirements are modified or other just cause exists. The user will be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit will include a reasonable time schedule for compliance.

8.6 Wastewater Discharge Permits are issued to a specific user for a specific operation. A wastewater discharge permit will not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation without the approval of Town. Any succeeding owner or user will also comply with the terms and conditions of the existing permit.

8.7 Within ninety (90) days following the date for final compliance with applicable pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the sewage works, any user subject to pretreatment standards and requirements will submit, to the director, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited pretreatment standards and requirements, and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards and requirements. The report will state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement will be signed by an authorized representative of the industrial user, and certified to by a qualified professional.

8.8 Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the sewage works, will submit to the director during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. The report will include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget, cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.

8.9 The director may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report will indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports will contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring will be prescribed in the applicable pretreatment standard. All analysis will be performed in accordance with procedures established by the superintendent pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the superintendent. Sampling will be performed in accordance with the technique approved by the director.

9. Powers and Authority of Inspectors. Town has the right to enter all private properties through which Town holds a utility easement for purposes of inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within the utility easement. All entry and subsequent work, if any, will be done in accordance with the terms of the easement pertaining to the private property involved. This Section 9 does not limit or impair the access provided Town under Section 12.

10. Appeals Procedure.

10.1 Any person aggrieved by a ruling or interpretation of Sections 1 through 9 of this Ordinance may appeal the ruling or interpretation by filing a notice of appeal with the Town administrator. The notice of appeal must be filed within ten (10) days after the date notice of the ruling

or interpretation is delivered to the person. The notice of appeal must contain (a) the name, address, and telephone number of the appellant, (b) a copy of the ruling or interpretation being appealed, and (c) the basis for the appeal, describing with reasonable specificity why the ruling or interpretation was issued in error.

10.2 The Town administrator will conduct an informal hearing on the matter and after consideration of the material presented by the appellant as well as material from Town, the Town administrator will decide whether to approve or deny the appeal. The Town administrator will prepare a written decision based upon the Town administrator's findings. The Town administrator will send his or her written decision to the appellant and the council.

10.3 If the appellant determines that his or her appeal has not been handled to his or her satisfaction by the Town administrator, he or she may, within thirty (30) days after receipt of the Town administrator's decision, request that the council complete an independent review of the appeal. The Town administrator will forward to the council his or her entire file on the case for review of the council. The council will, within thirty (30) days after receipt of the request for an independent review, prepare a written decision on the matter and send the decision to the appellant and the Town administrator. The council's decision is final, conclusive, and binding.

11. Application for Service.

11.1 Each applicant for sewer service will complete and sign an application form provided by Town, which will include the date of application, location of premises, whether the applicant has been served before, the date on which service is to begin, the purpose for which service is to be used, the address for mailing or delivery of bills, the applicant's address, and such other information as Town may require. In signing the application, an applicant agrees to abide by Town's rules and regulations for use of the sewer system. An application constitutes a written request for service and does not bind Town to provide sewer services.

11.2 The owner of a non-owner occupied premises is jointly and severally liable for all sewer service related fees, charges, expenses, losses, damages, and/or fines incurred by all occupant(s)/applicant(s) of the owner's non-owner occupied premises, including, without limitation, late and/or penalty fees. The council may establish by resolution at any time and from time to time a process for collecting outstanding sewer charges, expenses, losses, damages, and/or fines from the responsible parties.

11.3 If the applicant's intended use of the public sewer triggers the requirement for a sewer use agreement as described in Section 7.14, the applicant will provide additional detail regarding the substances to be discharged and propose pre-treatment, flow-equalizing facilities, and other measures as necessary to mitigate the impacts of the applicant's use on the system. The Town will then develop a sewer use agreement setting out the terms and conditions of service. Such agreement must be signed by the applicant and returned to Town or the application will be deemed incomplete.

11.4 Each non-owner applicant must deposit with Town at the time of application and/or re-application for sewer service an amount equal to two months' sewer service charges. The deposit is intended to ensure that Town's costs associated with the provision of sewer service to the

applicant will be covered. No interest will be earned on the deposit. Deposits (or any remaining sum thereof) will be refunded to the customer when service has been discontinued if the account is then in good standing. Town may off-set against the deposit all negative balances on the account at the time of disconnect.

11.5 An application may be denied for any of the following reasons:

11.5.1 The application is incomplete, not signed by the customer, or is in eligible;

11.5.2 The application requests service to a property location which would be difficult or impossible to provide without obtaining right-of-way or extending sewer lines;

11.5.3 The applicant, owner, and/or occupant has previously failed to pay duly imposed charges for Town sewer and/or other services. Town may refuse sewer service to the subject premises until such time as Town is provided adequate financial security (in a form approved by the Town administrator) by the applicant, owner, and/or occupant that the delinquencies will be paid;

11.5.4 The sewer system is unable to supply the demand created by the proposed use without capital improvements to the existing system;

11.5.5 The applicant has been found in violation of any water and/or sewer ordinances, rules, and/or regulations, including, without limitation, the cross connection ordinance and/or the water use regulations ordinance, two or more times;

11.5.6 The plumbing on the premises where services will be provided does not meet the standards required by any applicable federal, state, and/or local laws, regulations, and/or ordinances; and/or

11.5.7 If applicable, the applicant has not agreed to the terms and conditions of a sewer use agreement as described in Section 11.3. Applicants whose applications are denied will be notified in writing. The notice will state the reasons for denial, and explain the applicant's right of appeal. Such appeal rights and processes will be the same as that described in Section 14. Applicants whose application has been denied under Section 11.5.2 or 11.5.4 may be informed of the procedure for creating a reimbursement district to extend existing sewer lines, if applicable. Notice of denial will be mailed to the applicant's address as shown on the application. Notice will be effective as of the date of mailing.

12. Access to Premises. Notwithstanding anything contained in this Ordinance to the contrary, by requesting and receiving sewer service from Town, every customer grants Town and its agents and employees the right to enter onto the customer's premises to determine compliance with Town's rules, regulations, and restrictions concerning the repair, maintenance, delivery, and/or receipt of the sewer system and/or sewer service.

13. Rates and Payments for Services.

13.1 The council may establish and/or modify from time to time such sewer rates, fees, charges, fines, and penalties (which may or may not be contained in the fee schedule) related to the sewer system as the council deems necessary or appropriate by council resolution, including, without limitation, late fees and penalties.

13.1.1 Residential users may be considered one class of user and an equitable service charge may be determined for each such user based upon the demand equal to 1 EDU during the winter average. Town may classify any use such as industrial, commercial, and other non-residential establishments as a residential user provided that the wastes from such establishments are equivalent to the wastes from the average residential user.

13.1.2 If Town elects, Town may classify certain users not satisfying or meeting the residential classifications as special users. Special users will be placed in an open class and charged according to the user's wastewater discharge, as determined by the Town engineer, and the fees established from time to time by resolution of the council. SIUs may fall under this classification.

13.1.3 The sewer charge for new development will commence immediately upon connection to the sewer system. No sewer charge credit will be given for any vacancy thereafter unless Town has granted an application for temporary suspension of service in accordance with Section 13.7. For purposes of this Section 13.1.3, the term "development" means any unit, home, residence, building, and/or structure designed, constructed, and/or intended for residential, commercial, and/or industrial use and/or occupancy.

13.2 All payments will be made to Town at the place designated on the most recent utility bill.

13.3 All bills will be due and payable on the date set forth in the applicable bill. Accounts which have not been paid in full within thirty (30) days after the applicable due date will incur the then-applicable late fees and penalties. A late notice will be sent out on or about the thirty-first (31st) day following the applicable due date stating the past due amount and applicable late fees and penalties, the date a "door hanger notice" will be posted, and the date that water service will be terminated if the account is not paid in full. Accounts which have not been paid in full within forty (40) days after the applicable due date will be assigned a place on the "door hanger" list created by Town. Delinquent accounts assigned to the "door hanger list" will be assessed additional fees and penalties established by Town from time to time. A termination notice will be placed upon the customer's premises if an account has not been paid in full within forty (40) days after the applicable due date advising the customer that water service will be terminated within seven days from posting the termination notice unless the entire past due balance due and owing, including interest, fees, and penalties, is paid in full within the seven-day period. If the past due balance is not paid in full on or before the service termination date, water service will be terminated in accordance with this Ordinance. All bills for other fees and charges are due and payable at the time such fees or charges are assessed. Notwithstanding anything contained in this Ordinance to the contrary, if the customer is not receiving water service from Town, Town reserves the right to terminate (disconnect) the customer's sewer service (and Town will so notify the customer of its intention to terminate (disconnect) sewer service in accordance with this Section 13.3).

13.4 After the termination notice is provided as described in Section 13.3, subject to the affected person's appeal rights under Sections 10.1 through 10.3, Town may terminate water and/or sewer service to the premises being served for which payment is delinquent. If service is terminated, the past due balance must be paid in full, including, without limitation, a service reconnection fee, before service will be resumed to the premises.

13.5 An owner of any non-owner occupied premises will immediately notify Town if the non-owner occupied premises (or any unit thereof) becomes vacant. Until the owner provides the vacancy notice required under the immediately preceding sentence, the owner will pay for all sewer service made available and/or provided to the vacant non-owner occupied premises (or unit thereof). Town will transfer any claim against the occupant(s)/applicant(s) of the non-owner occupied premises to the owner in accordance with this Section 13.5. Prior to transferring a claim, Town will provide the owner thirty (30) days' prior written notice concerning (a) the amount past due (which may include all applicable fees, charges, expenses, losses, damages, and fines), (b) Town's intent to transfer the claim to the owner if the amount past due is not paid in full within the thirty-day period, and (c) the owner's appeal rights under Section 10.1. If the amount past due is not timely paid in full, Town will transfer the claim for the past due amount and the transferred claim will become a lien against the subject premises from the date the thirty-day delinquency notice is mailed to the owner. The thirty-day delinquency notice will be mailed by first class mail to the address of the owner or owner's agent then on file with Town. Notwithstanding anything contained in this Ordinance to the contrary, Town reserves the right to transfer any claim against the occupant/applicant in accordance with ORS 91.255.

13.6 System development charges will be levied upon each new building, structure, or fixture unit attached to the sewer system at the time of initial attachment, or upon resizing of a connection to accommodate a larger meter than previously installed. Fees will be established subject to and in accordance with the system development charge ordinance.

13.7 A customer may request a temporary suspension of sewer service for up to six months in any one fiscal year provided Town receives sufficient evidence and documentation that water service will not be used (and is not used) during the applicable suspension period (e.g., the water meter box will be locked). If Town determines that the premises was occupied at any time during the suspension period and/or water meter history demonstrates use, Town will bill (and the customer will be responsible for payment of) the applicable monthly water and sewer service fees and charges. Town reserves the right to compare historical water meter data to determine water use during the applicable suspension period. An application for a temporary suspension of service must be submitted no less than ten (10) days in advance of the effective date of the requested suspension.

14. Notice and Right to Challenge Application Denial/Service Termination.

14.1 Notice for termination of water service and/or sewer service as a result of a violation of this Ordinance will be as described in Section 13.3 of this Ordinance and Section 7 of the water use regulations ordinance.

14.2 The process and procedures for denial of an application and termination of service will be as described in Section 4 of the water use regulations ordinance.

14.3 Town is not liable or responsible for any actual, consequential, and/or other damages to person or property resulting from its decision or the decision(s) of its employees or agents to terminate water service and/or sewer service to any person(s) or premises that is done consistent with or pursuant to this Ordinance, the water use regulations ordinance, and/or applicable law, including, without limitation, any termination occurring after the Town administrator's determination under Section 9.4.2 of the water use regulations ordinance.

15. Declaration of Sewer Emergency-Water Restrictions. The Town administrator may, upon receiving reliable information that system function and/or capacity is about to be impaired or has been impaired, declare a sewer emergency. Upon declaration of a sewer emergency, the Town administrator may impose such restrictions upon the use of the sewer system as is deemed necessary or appropriate to protect the health, safety, and welfare of the citizens of the affected area. The Town administrator will use reasonable means to notify the public of the restrictions imposed. At the next council meeting following imposition of the restrictions, the Town administrator will present a report describing the nature of the emergency, the expected duration of the emergency, and the steps taken to alleviate the emergency. The council may, at any meeting subsequent to the emergency, confirm, alter, amend, and/or terminate the restrictions imposed by the Town administrator by resolution. No person will violate the terms of any restriction or condition placed upon the use of water by the Town administrator or the council pursuant to this Section 15. It will be no defense to a charge of violation that the person cited had no knowledge of the terms of the restriction.

16. Authority of Town Administrator. Unless otherwise stated herein, the Town administrator will have the exclusive authority to make any discretionary determination allowed by this Ordinance, including, without limitation, determinations as to approvals, authorizations, judgments, adjustments, requirements, options, and/or impacts upon the sewer system and/or customers thereof.

17. Sewer Charge Liens. Sewer service charges will be a lien against the premises served from and after the date of billing and entry on the ledger or other records of Town pertaining to the sewer system, and such ledger or other records will remain accessible for inspection by anyone interested to ascertain the amount of such charges against the premises. Whenever a bill for sewer service remains unpaid ninety (90) days after it has been rendered, the lien thereby created will be collectible using one or more of the following procedures at Town's option: (a) in any manner provided under ORS Chapter 223, including, without limitation, pursuant to ORS 223.610; (b) in the manner provided under ORS 454.225, as amended, by certification and presentation to the Lake County Tax Assessor for assessment on the general tax roll; and/or (c) any other manner or action provided for by law or Town ordinance.

18. Prohibited Acts. Unless authorized by Town, it is unlawful for any person to do, commit, and/or assist in committing any of the following things or acts in Town: (a) to make any connection to the system without the prior approval of Town; (b) to interfere with, destroy, deface, impair, injure, and/or force open any structure, appurtenance, or equipment appertaining to the sewer system; (c) to excavate within any area subject to a recorded easement granting Town access and installation rights for wastewater facilities without first obtaining Town's approval; (d) to construct any structure over or within ten (10) feet of any wastewater facility without first obtaining Town's approval; (e) to resort to any fraudulent device or arrangement for the purpose of procuring sewer service for a customer or others from private connections on premises contrary to Town regulations or ordinances; (f) to violate

any provision contained in the water use regulations ordinance and/or the cross connection ordinance; and/or (g) to violate any emergency sewer restriction issued by the Town administrator or council.

19. Town Enforcement, Violation - Civil Penalty; Other Relief. Town will enforce the provisions of this Ordinance by administrative, civil, and/or criminal action as necessary to obtain compliance with this Ordinance. Any person violating any provision of Section 18, or any other provision of this Ordinance, will be subject to a civil penalty not to exceed \$2,500.00 for each violation. Each violation of a provision of this Ordinance, and every day that such Ordinance violation exists, will be considered a separate violation. In addition to the foregoing civil penalties, Town may seek, in a court of competent jurisdiction, such other and additional relief (including all legal and equitable relief and remedies) available under applicable law as well as recovery of its costs and attorney fees. Town will be entitled to collect from any person violating or otherwise failing to comply with this Ordinance Town's attorney fees and other fees, costs, and expenses incurred by Town to enforce this Ordinance. The remedies provided in this Section 19 are not exclusive and will not prevent Town from exercising any other rights and/or remedies available under law. Compliance with this Ordinance will in no way be a substitute for or eliminate the necessity of compliance with all applicable federal, state, and local laws, ordinances, rules, and regulations relating to the public health as now in force or hereafter amended.

20. Amend, Replace, and Supersede. This Ordinance amends, replaces, and/or supersedes the Sewer Ordinance and all ordinances, resolutions, and/or policies in conflict with this Ordinance; provided, however, (a) this Ordinance does not relieve any person of any obligations that may have accrued under the Sewer Ordinance prior to the effective date of this Ordinance, (b) this Ordinance does not relieve any person of any obligations arising out of or under any agreement between the person and Town, (c) Town may continue the enforcement, prosecution, conviction, and/or punishment of any person who has or will violate the Sewer Ordinance prior to the effective date of this Ordinance, (d) all sewer rates, fees, deposits, and/or other charges now in effect will continue in full force and effect until amended, repealed, and/or superseded by council resolution.

21. Interpretation; Severability; Errors. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, rule, regulation, code, or ordinance includes the law, rule, regulation, code, or ordinance as now in force and which may hereafter be amended. The provisions of this Ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the council to cure editorial and/or clerical errors.

APPROVED AND ADOPTED by the Town Council of the Town of Lakeview and signed by the Mayor this _____ day of _____, 2021.

Ayes: _____

Nays: _____
Abstentions: _____
Absent: _____
Vacancies: _____

By: Raymond Turner, Mayor

ATTEST:

Dawn Lepori, Town Recorder

DRAFT