

AFFIDAVIT OF POSTING ORDINANCE NO. 20

STATE OF OREGON            )  
                                  )  
Counties of Clackamas    )  
and Washington            ) ss.  
                                  )  
City of Wilsonville        )

I, the undersigned, City Recorder of the City of Wilsonville, Oregon, being first duly sworn on oath depose and say:

On Tuesday, the 4th day of May, 1971, I caused to be posted copies of the attached Ordinance No. 20 in the following three (3) public and conspicuous places of the City, to-wit:

1. Kopper Kitchen Restaurant
2. Lowrie's Food Market
3. Wilsonville Post Office

The Notices remained posted for more than five (5) consecutive days prior to the time for final reading and passage of the Ordinance on the 10th day of May, 1971.

Dated at Wilsonville, Oregon this 24th day of May, 1971.

*Lu Ruslock*  
City Recorder

Subscribed and sworn to before me this 24th day of May, 1971.

*Doris Webster*  
Notary Public for Oregon

My Commission expires: 6-5-73

APPLICATION FOR PERMIT TO EXTEND A PUBLIC  
UTILITY LINE TO SERVE PRIVATE PROPERTY

THE UNDERSIGNED agrees to pay to the City of Wilsonville the costs of extending a \_\_\_\_\_ utility line to serve the following property:

Address:

Legal Description:

The proposed utility line will be adjacent to other property, and their descriptions and a map outlining the improvement area is attached hereto and made a part of this Application.

It is understood and agreed that this project is to be undertaken in accordance with the provisions of City Ordinance No. \_\_\_\_\_, and that the plans and specifications therefor must either be prepared or approved by the City's Engineer or an engineer employed by the City, and the construction project is to be supervised by the City's engineer.

I further understand and agree to pay to the City in full upon its approval of the plans and specifications the estimated costs of the project, including legal expenses and engineering costs and inspection fees; and the balance, if any, of the total construction costs, legal expenses, engineering costs and inspection fees shall be paid in full upon completion of the project and prior to connecting my property to the City's utility service.

I understand and agree that any reimbursement for my costs shall be determined by the City Council and will be paid by the owners of the other property which will be adjacent to the line when extended, providing they connect to the line within ten (10) years after the date of installation.

I further understand and agree that the line when constructed shall be and remain the property of the City, and it shall not be responsible for any defects in the design or construction of the project, nor shall it be responsible for any payments to me for the prorata share of the construction costs which it determines are to be paid to me by others who are permitted to connect to the line for the utility service.

Dated this \_\_\_\_ day of \_\_\_\_\_, 197\_\_.

\_\_\_\_\_  
Applicant

Address: \_\_\_\_\_  
\_\_\_\_\_

ORDINANCE NO. 20

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; AND DECLARING AN EMERGENCY.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: Definitions.

A. "Sewage Works" shall mean all City-owned facilities for collecting, pumping, treating and disposing of sewage.

B. "Superintendent" shall mean the employee or representative of the City authorized to perform the duties designated in this Ordinance.

C. "Person" shall mean any individual, firm, company, association, society, corporation or group.

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

E. "Industrial Wastes" shall mean the liquid wastes from industrial processes as distinct from sewage from other sources.

F. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

G. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such degree that all particles will be carried freely under the flow and conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

H. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

I. "Sewer" shall mean a pipe or conduit for carrying sewage.

J. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

K. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

L. "Storm Sewer" or "Storm Drain" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

M. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

N. "Service Connection" shall mean a public sewer which has been constructed to the property line or right-of-way from a public sewer lateral or main for the sole purpose of providing a connection for the building sewer.

O. "Building Sewer" shall mean the extension from the building drain to the property line or right-of-way line for connection with the public sewer service connection.

P. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

Q. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

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

S. "BOD" (Denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under a standard laboratory procedure in 5 days at 20 degrees C. expressed in milligrams per liter.

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

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

## Section 2: Use of Public Sewer Required.

A. It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the City of Wilsonville, or in any area under the jurisdiction of said City, any human excrement, garbage or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the City of Wilsonville, or in any area under the

jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

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

D. The owner of any dwelling used for human occupancy, employment, recreation or other purposes situated on property within the City of Wilsonville and abutting on any street, alley or right-of-way in which there is now located or in the future is located a public sanitary sewer of the City, is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer, either by gravity or with approved pumping facilities, in accordance with the provisions of this Ordinance, within ninety (90) days after the date of official notice to do so, provided that said public sewer is available to or on the property and/or at a property line of said property and the structures or buildings are within 300 feet of the public sewer. In the event that, during the said period of 90 days, the said owner files his written objections with the City against so being required to install said facilities, the provisions of this subsection shall not be enforced upon said owner until the City Council shall have, at a meeting thereof, heard the said objections of said owner, and rendered its decision thereon. The said meeting shall be held not less than 10 days or more than 45 days after the date of the filing of said objections. Not less than 7 days prior to the date set for said meeting, the City Council shall give due notice of the date set therefor to said owner. The decision of the City Council shall be final and no appeal shall be taken therefrom by said owner except as is provided by law.

E. Any single family residential dwelling existing and occupied prior to January 1, 1972 has the option of connecting or not connecting to an available public sewer.

### Section 3: Private Sewage Disposal.

A. Where a public sanitary or combined sewer is not available under the provisions of Section 2, Paragraph D, the building sewer shall be connected to a private sewage disposal system.

B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. The appropriate

permit and plan check fee shall be paid to the City of Wilsonville at the time the application is filed.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.

D. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Oregon State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 2, Paragraph D, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities not utilized in an approved pumping facility shall be abandoned. Septic tanks shall be pumped free of sewage. Septic tanks not constructed of concrete shall be removed or opened and filled with soil or gravel. Cesspools and similar private disposal facilities shall be filled with soil or gravel.

F. Where existing buildings are too low to be served by gravity by an available sewer, the existing septic tank facilities shall be maintained in use and, when so ordered by the City of Wilsonville under Section 2, Paragraph D, approved pumping facilities shall be installed to pump the septic tank effluent into the available sanitary sewer system.

G. The owner shall operate and maintain private sewage disposal or pumping facilities in a sanitary manner at all times, at no expense to the City of Wilsonville.

H. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by County or State health officials.

Section 4: Building Sewers and Connections

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

B. There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City of Wilsonville. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. The appropriate permit and plan check fee shall be paid to the City at the time the application is filed.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation.

D. Old building sewers may be used in connection with new buildings, or new building sewers only when they are found to meet all requirements of this Ordinance.

E. The building sewer shall consist of and conform to the following:

<u>Material</u>	<u>ASTM Reference Pipe &amp; Fittings</u>	<u>Joints</u>
Cast Iron	A377 & A126	Push on or Mechanical
Cast Iron Soil Pipe	A74	C564 or leaded
Hubless Cast Iron	A126	C564
Asbestos-Cement	C428	D1869
Clay	C200	C425
Concrete	C14*	C443

Minimum diameter of all pipe shall be 4-inch.

\* Except minimum wall thickness shall be one (1) inch.

The installation of the building sewer shall conform to all city, county and state building codes and with the manufacturer's recommended practices.

F. Connections between dissimilar pipe materials shall be by adapters approved by the Superintendent.

G. The first fitting at the connection of the building sewer to the public sewer service connection shall be a tee, furnished by the owner. Immediately after installation of the tee, an expandable watertight plug shall be installed in the tee branch connected to the public sewer. Said plug shall remain in place during construction and testing of the building sewer. After plug has been removed, the tee riser shall be extended vertically to within 1 foot of finished ground surface and shall be sealed with an approved cap or plug. This riser shall be used as an auxiliary cleanout.

H. The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than 4 inches. The slope of said 4-inch pipe shall not be less than one-quarter ( $1/4$ ) inch per foot, unless approved by the Superintendent. In no case shall the slope of 4-inch pipe be less than one-eighth ( $1/8$ ) inch per foot.

I. The building sewer shall be laid at uniform grade and in straight alignment insofar as is possible. Changes in direction shall be made only with curved pipe no greater than "45-degree bends." All pipe shall be laid on a 4-inch granular base of a 3/4-minus rock, pea gravel, sand or combination thereof.

J. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

K. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

L. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. No backfilling of the trench shall be done until receipt of written approval from the Superintendent.

M. All joints and connections shall be made gastight and watertight.

N. The applicant for building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. After final approval and



testing of the building sewer by the Superintendent, the owner shall make the final connection to the building drain, unless otherwise authorized by the Superintendent. A 30-minute internal hydrostatic test will be required on all building sewers before connection is made to the building drain. All water, plugs and other facilities for making the test shall be furnished by the applicant. Minimum head over the top of the pipe shall be two feet and maximum allowable leakage shall be 4 gallons per hour per 100 feet.

O. No plumbing contractors shall be allowed to make connections of private sewers to the sewage works of the City of Wilsonville on behalf of any owners of property therein without first posting with the City a bond in the sum of \$1,000.00, indemnifying the City and the inhabitants thereof against any loss or damage which the City or the inhabitants thereof might suffer by reason of the actions of said contractors in making said connections.

Section 5: Use of the Public Sewers.

A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process water may be discharged, upon approval of the Superintendent, to a storm sewer or natural outlet.

C. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described water or wastes to any public sewer:

(1) Any liquid or vapor having a temperature higher than 150 degrees C.

(2) Any gasoline, grease, oils, paint, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

(3) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, wax, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage works.

(4) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

(5) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any corrosive property capable of causing damage to structures, equipment and personnel of the sewage works.

(6) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such material at the sewage treatment plant.

(7) Any noxious or malodorous gas or substance capable of creating a public nuisance, including the contents of septic tanks and cesspools, without written consent of the Superintendent.

D. Grease, oil and sand interceptors shall be provided, when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amount, or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection, and shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

E. The admission into the public sewers of any waters or wastes having (a) a 5-day biochemical oxygen demand greater than 300 milligrams per liter or (b) containing more than 350 milligrams per liter of suspended solids, or (c) having an average daily flow greater than 2 percent of the average daily sewage flow of the City shall be subject to the review and approval of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary. Plans, specifications and any other pertinent information relating to the proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the Oregon State Department of Environmental Quality, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

F. When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control structure in the building sewer to facilitate observation, sampling and measurement of the wastes. Said structure shall be accessibly and safely locked, and shall be constructed in accordance with plans approved by

the Superintendent. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

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

H. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made above shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage," published by the American Public Health Association, and shall be determined at the control structure. In the event that no special manhole has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

I. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City of Wilsonville and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment subject to payment therefor by the industrial concern.

#### Section 6: Public Sewer Construction.

A. No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing bonds as required herein. The provisions of this Section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the City.

B. The application for a permit for public sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the City prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by an authorized representative of the City who shall within ten (10) days approve them as filed or require them to be modified as he may deem necessary.

C. All sewer work plans, specifications and construction procedure shall conform to City standards and regulations. These standards will be as contained in the Contract Documents for the construction of the Interceptor Sewer System for the City of Wilsonville, dated July 1970 or any standard and regulation that the City shall subsequently adopt.

D. Prior to issuance of a permit for public sewer construction, the applicant shall furnish to the City a performance bond, or cash deposit in the amount of the total estimated cost of the work. Such performance bond, or cash deposit, shall be conditioned upon the performance of the terms and conditions of the permit and, shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one year from and after the date of acceptance of the work by the City.

E. Except as provided, the extension of the public sewerage facilities to serve any parcel or tract of land shall be done by and at the expense of the owner. The size of all sewer mains and other sewerage facilities shall be as required by the City. An installer of a sewer line who is required by the City to lay sewer pipe larger than that required for his own purposes, to accommodate other users will be reimbursed by the City for the difference in cost between the size of line installed and that which would be required for his own use.

F. Where special conditions exist in the opinion of the City relating to any reimbursement agreement pursuant to the provisions of this article, the City may, either in addition to or in lieu of any of the provisions of this article, authorize a special reimbursement contract between the City and the person or persons constructing public sewerage facilities. Said special reimbursement agreement shall be made and entered into prior to the issuance of a permit for the work by the City.

Section 7: Protection from Damage.

A. No person, or persons, shall unlawfully, maliciously, willfully or, as the result of gross negligence on his or their part, break, damage, destroy, uncover, deface or tamper with any structure, facility, appurtenance or equipment which is a part of the sewage works. This Section does not apply, however, to any employee of the City during the time he is engaged in his official employment, nor to any person or persons authorized to work in any manner thereon.

Section 8: Powers and Authority of Inspectors.

A. The Superintendent and other duly authorized employees and representatives of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Ordinance at such times and during such hours that the City Council shall approve. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

B. While performing the necessary work on private properties referred to in Section 8, Paragraph A above, the Superintendent or duly authorized employees or representatives of the City shall observe all safety rules applicable.

C. The Superintendent and other duly authorized employees or representatives of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 9: Penalties.

A. Any person or persons violating any of the provisions of Section 6 of this Ordinance shall be guilty of disorderly conduct and, upon conviction thereof, shall be punished by a fine not to exceed \$300 or by imprisonment in the County Jail for not more than 100 days, or both.

B. Any person or persons violating any of the provisions of this Ordinance, except Section 6, shall upon conviction thereof be punished by a fine of not to exceed \$100, or imprisonment in the County Jail of not to exceed ten days, or both.

Section 10: Recovery of Damages.

A. Any person or persons who, as the result of violating any of the provisions of this Ordinance, cause any expenses, loss or damage to the City of Wilsonville shall immediately become liable to the City for the full sum of such expense, loss or damage. The City may, at its discretion, instruct the City Attorney to proceed against any such person or persons, in any Court of competent jurisdiction, in a civil action to be brought in the name of the City of Wilsonville, for the recovery of the full sum of any such expense, loss or damage sustained by the City.

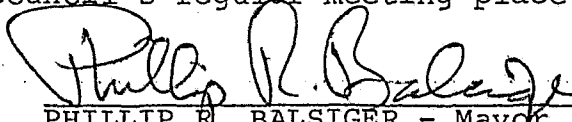
Section 11: Validity.

A. The invalidity of any Section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Section 12: Emergency Clause.

It is hereby adjudged and decreed that existing conditions are such that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the City of Wilsonville and the inhabitants thereof, and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect from and after its passage.

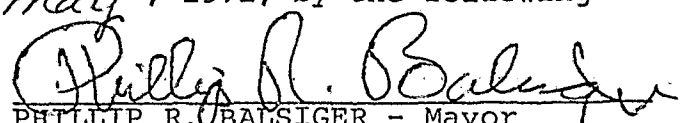
Passed on first reading at a regular meeting of the Wilsonville City Council held on the 26 day of April, 1971; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter, and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof to be held on the 10 day of \_\_\_\_\_, 1971, at the hour of 7:30 o'clock p.m., at the Council's regular meeting place in the Wilsonville IOOF Hall.

  
PHILLIP R. BALSIGER - Mayor

ATTEST:

  
LEE RESLOCK - City Recorder

Passed on final reading at a regular meeting of the Wilsonville City Council this 10th day of May, 1971, by the following vote: Yeas 4. Nays 0.

  
PHILLIP R. BALSIGER - Mayor

ATTEST:

  
LEE RESLOCK - City Recorder