

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON OCT 4 - 1984

ORDINANCE NO. 12-84

)
)
)
)

IN THE MATTER OF AMENDING CHAPTER 9
OF LANE CODE TO ADD PROVISIONS
FOR MANDATORY SANITARY SEWER
CONNECTIONS

County Clerk
For Lane County, Oregon
Patricia A. [Signature]

The Board of County Commissioners of Lane County orders as follows:

Chapter 9 of Lane Code is hereby amended by adding the following pages:

REMOVE THESE PAGES

INSERT THESE PAGES

9.410 - 9.425(2) to
9.445 - 9.450,
i.e. 9-17a to 9-17c
(a total of three new pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of this amendment is to add provisions for mandatory sanitary sewer connections.

Enacted this 26 day of September, 1984.

[Signature]

Chair, Lane County Board of
Commissioners

[Signature]

Recording Secretary for this
Meeting of the Board

APPROVED AS TO FORM
DATE 9/12/84 lane county
[Signature]
OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AMENDING CHAPTER 9 OF LANE CODE TO ADD PROVISIONS
FOR MANDATORY SANITARY SEWER CONNECTIONS

9.410

Lane Code

9.425(2)

SEWER CONNECTION

9.410 Purpose. LC 9.415 to 9.450 below are adopted for the purpose of protecting the public health, promoting the orderly provision of public facilities consistent with the applicable land use plan and meeting the groundwater pollution standards of the Department of Environmental Quality and the Environmental Protection Agency.

9.415 Definitions.

Affected Property. Any parcel of improved real property located outside the corporate limits of a city, but inside the Urban Growth Boundary, which presently has access to a city sanitary sewerage system and for which the local government actions as set forth in LC 9.420 below have been taken.

Impracticable. Not possible, through lack of legal ability to make the connection or physically impossible. Impracticable does not mean unusually expensive, when, for example, reversing the plumbing or installing a pump is required in a particular connection.

Inadequate Sewage Disposal System. A sewage disposal system that is deficient in capacity or design to serve the intended use as specified in ORS 454.605 to 459.745 and OAR Chapter 340 of the Administrative Rules of the Department of Environmental Quality adopted pursuant thereto and in effect on May 29, 1984.

Sewer availability. A sanitary sewer is deemed available when an affected property has structures thereon that discharge domestic sewage or industrial or trade wastes and the point of discharge from the structure lies within 160 feet of a city sanitary sewer line, or of a public right-of-way containing such a sewer. A sanitary sewer is not available until the local government actions specified in LC 9.420 below have both been taken.

9.420 Local Government Actions. Before a property is determined to be an affected property, the City Council controlling the sanitary sewerage system must have levied against the property a special benefit assessment for a sanitary sewer and the Lane County Hearings Official must have determined that the property is serviced by an inadequate sewerage disposal system.

9.425 Connection. Upon a Notice of Sewer Availability:

(1) The sanitary sewer connection to a city sanitary sewerage system must occur in the manner prescribed by the city.

(2) The sanitary sewer connection must occur within 18 months after service on the owner of the affected property of the notice of sewer availability.

(3) Upon connection, all sanitary sewage from the structure shall be discharged into such sewer and thereafter no person shall sever or disconnect the sewer connection without the prior authorization of the city and the Director of the Land Management Division, Department of Public Works, in the event the structure is outside the corporate limits of the city.

9.430

Lane Code

9.440

9.430 Exception. If it is impracticable to make the required sanitary sewer connection and the affected property obtains a decision from the Director of the Land Management Division, Department of Public Works, making that finding, connection to the city sanitary sewerage system is not required. Review of the Director's decision shall be as specified in Lane Code Chapter 14, except the notice specified therein need not be fulfilled.

9.435 Notice. Notice of sanitary sewer availability shall be addressed to the owner of the affected property, and it shall include the following information:

- (1) The identity of the property and structure affected;
- (2) The date of the cities' assessment;
- (2) The date of the Hearings Official determination;
- (4) The requirement of this section and any other laws, rules and regulations regulating connection to the city sewerage system;
- (5) The public officer who may be contacted for assistance in complying with this notice; and
- (6) A statement of the owner's right to apply for an exception.

This notice must be personally served upon the owner if a resident of the County, or, if not a resident, then upon the owner's agent or the person in possession of or in charge of the affected property. In addition, a true copy of the notice shall be mailed to the owner if a current owner is known or can be reasonably ascertained, or if not then mailed addressed "General Delivery" to the nearest post office and finally, publication of the notice for four successive weeks in the newspaper of general circulation within the County shall also be provided.

9.440 Administration. The administration and enforcement of this subchapter shall be the sole responsibility of the city operating the sanitary sewerage system that serves the affected property. This responsibility includes but is not limited to the preparation of all reports, findings and filings to initiate and prosecute to final determination any administrative or judicial action specified in this subchapter or any appeals therefrom. The city shall bring any enforcement action under this subchapter in its name.

9.445

Lane Code

9.450

9.445 Nuisance. The failure to connect an affected property to a sanitary sewer in conformity with LC 9.425 above when required by this subchapter shall constitute a public nuisance.

9.450 Enforcement. Violations of LC 9.425 above shall be a Class A infraction as specified in Lane Code Chapter 5, section 5.035. Each 30-day period of noncompliance shall constitute a separate violation. Enforcement of the sewer connection required in LC 9.425 above may also occur by civil action in Circuit Court, to either abate the nuisance or compel connection.